# HUMAN RIGHTS LEARNING
# A PEOPLES' REPORT

PDHRE

PEOPLES' MOVEMENT FOR HUMAN RIGHTS LEARNING

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# HUMAN RIGHTS LEARNING
## A PEOPLE'S REPORT

The case for Human Rights Education and Learning
at the community level as a strategy for human,
social and economic development, and towards
economic and social transformation for
people of all ages, all over the world.

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Stephen Marks and Kathleen Modrowski
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Edited by Upendra Baxi and Kenny Mann

**When asked what should be done about human rights,
the French philosopher Voltaire answered:**
***"Let the people know them!"***

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People's Movement for Human Rights Learning
2006

HRE/EDUC/1

**The People's Report is published by:**
PDHRE, People's Movement for Human Rights Learning
526 W. 111th Street, Suite 4E, New York, NY 10025, USA

***PDHRE was originally known as: PDHRE, People's Decade for Human Rights Education. The organization has recently changed its name to: PDHRE, People's Movement for Human Rights Learning.***

**This book was made possible by generous contributions from:**
*The Foreign Ministries of the Governments of Norway and Denmark*
*OXFAM-NOVIB; Daniel Solomon*

*Design of cover Page: Yehonatan Koenig*
*Layout and pictures- Shulamith Koenig*

*ISBN* **13: 978-1-4243-1479-9**

# THE UNITED NATIONS HUMAN RIGHTS PRIZE

# 2003

On the 10th of December, 2003 - Human Rights Day - Shulamith Koenig, founder and Executive Director of PDHRE, the People's Movement for Human Rights Education (now known as the People's Movement for Human Rights Learning) was among five recipients of the prestigious United Nations Human Rights Prize. Awarded by the President of the UN General Assembly to only five individuals every five years, Koenig now joins the ranks of luminaries such as Eleanor Roosevelt, Martin Luther King, Nelson Mandela, Jimmy Carter, James Grant, Rene Cassein and many others who have been recipients of the award since it was initiated in 1968, and who have advanced the cause of human rights around the world.[1] With the goal of creating a global human rights culture, Koenig has worked tirelessly and successfully to have the UN declare the Decade for Human Rights Education (1995 - 2004) and to support the ensuing training programs, consultations and workshops on human rights education at all levels with human rights advocates and community leaders in more than 60 countries. She has advocated global action at the community level for societal change through human rights education for social and economic transformation with a gender perspective as relevant to people's daily lives. Koenig also initiated the "Human Rights Cities" project, which is supported by the United Nations Development Program as a three-year global initiative to develop 30 human rights cities and train 500 young community leaders as human rights educators. This project aims to strengthen the holistic vision of human rights as a way of life, to involve civil society in promoting human rights and to strengthen democracy as a delivery system for human rights.

http://www.pdhre.org

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1 The full list can be found on the UN website: http://www.un.org/events/humanrights/awards.html

*The Pledge*

*We are the human rights generation*
*We will accept nothing less than human rights.*
*We will know them and claim them,*
*For all women, men, youth and children,*
*From those who speak human rights,*
*But deny them to their own people.*
*We will move power to human rights.*

# Global Appeal
# For Human Rights Learning

The Universal Declaration of Human Rights remains a beacon to the world, a powerful instrument that expressed the aspiration of human beings to live in dignity and with one another. Yet the Declaration's hope and promise of "freedom from fear and freedom from want" remains an unrealized vision for too many. Human beings are consumed by barbarous acts that continue to outrage the conscience of humankind.

All people must know their human rights in order to live together in justice and dignity; to become agents of transformation and establish human rights as a way of life. Humanity—standing on the brink of devastation, with millions of people mired in poverty, environmental destruction, violence and oppression—aspires to live in a world of human dignity, freedom, and social and economic justice. Learning human rights bridges the chasm of despair. It liberates us from the prison of ignorance, and empowers us all to know, claim and make real our universal and inalienable human rights.

As we review the 1995-2004 United Nations Decade for Human Rights Education, we note significant achievements and much that remains to be done to realize the values it enshrines. In defining the values for the Millennium Declaration, the world's leaders affirmed, "Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice." Human rights are the articulation of these universal human values.

The United Nations was founded with a vision of a world order built on the recognition of the inherent dignity and of the equal and inalienable human rights of all. To secure this vision, all people must learn and act according to our universal human rights, which define a shared moral and legal framework for living in dignity within our varied communities.

Learning together also means unlearning the inhumanity, violence and injustice that plague the human condition. Learning from the experiences of people is as valuable as traditional teaching to embed the qualities of humility, empathy and mutual respect that underlie human rights. The voices of people deprived of human rights—and thus of their human dignity—are indispensable guides to learning our shared duties to the community, and to constructing a world where every individual and all organs of society secure universal respect for human rights for all. Through dialogue, interaction and learning we move from information to knowledge to realization of the imperatives of social and economic justice within a human rights framework. Learning human rights harnesses the energies of all people to develop a shared global culture of human rights.

We call for actions that enable all people to understand human rights, in the words of the Universal Declaration, as a "common standard of achievement for all peoples and all nations" and as "the highest aspiration of the common people." We must make human rights learning a dynamic and powerful force to fulfill this promise of the Universal Declaration of Human Rights.

*Human Rights Day, 10 December 2004 –*
*Initiated by* ***PDHRE, People's Movement for Human Rights Learning*** *www.pdhre.org*

***To add your signature to this Appeal, please send your endorsement to: pdhre@igc.org***

## Signatories

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# PREFACE

This work in your hands celebrates the promise that was made, the promise that is not kept, the promise that must be fulfilled for humanity to draw from its richness and get involved in making this a better world for all - the promise of human rights that was made by "We the People" in the United Nations Charter and the Universal Declaration of Human Rights.

This extraordinary pledge of hope has been corrupted and denatured by rapidly changing articulation and political expediencies. It can be recaptured by women and men who instinctively know the meaning of human rights in their hope and quest for dignity, equality, and non- discrimination, anchored in their desires for economic and social justice as prophesized by their sages, seers, and the communities of resistance. We human rights educators argue with fervor that the age-old visions of justice in society be fully restored even as we install the new ones, through the integration of holistic learning and dialogue about human rights at the community level that empowers people to become actors of change, enabling them to use the knowledge and understanding about human rights as a way of life and as a powerful tool for action that can change their lives.

We imagine and re-imagine a world whose six billion inhabitants know, claim and fulfill their human rights; a world where women, men, youth and children learn, reflect and act to achieve civil, cultural, economic, political and social human rights for all, women and men alike; assuming responsibility to accord women full equality in the decision making process; joining with integrity to move hierarchical, oppressive patriarchal systems to horizontal, viable human rights systems; working to eradicate poverty, violence and marginalization; and most important, drawing from historic memories of learners and doers. We emphasize learning and re-learning, re-searching and re-developing methodologies and pedagogies that can shape meaningful change - a new reality where people actively claim the realization of human rights, moving from the particularity of pain to the universality of hope. We translate the World Social Forum motto: 'other worlds are possible' in terms of the people's human rights education initiatives that extol the re-making of the world of power and resistance in which all people belong in community in dignity with one another, free of humiliation, participating in the decisions that determine their lives in creative and productive ways, a world where prevention of violation is guided by the human rights framework, built on the consciousness of all people, in trust and unconditional love; a world where everyone is a mentor and monitor of human rights. Such a world is possible through ongoing learning about human rights in all sectors and levels of society undertaken by multinational as well as by labor unions, health professionals, development workers and communities and law enforcement agencies, to mention a few.

Agonizingly, as we labor in realities where people exchange their equality for survival, only the human rights communities may have the courage to imagine alternate worlds free of the mass politics of cruelty. Yet, we human rights educators know that transformation remains incremental rather than revolutionary. We realize that the struggle is in the first place, if not forever, directed to the removal of the veils and shrouds of politically imposed and fostered ignorance concerning human rights values, norms and standards.

We address the intrepid courage of human rights educators to the tasks of fashioning solidarity in struggle to overcome a system where injustice parades itself, and even becomes justice. This is more readily said than done. In my perspective, a human rights educator is a person capable of evoking critical thinking and systemic analysis with a gender perspective about political, civil, economic cultural and social concerns within a human rights framework that leads to action.

When participatory democracy becomes a delivery system of human rights, we may see the beginning of the end of the politics of cruelty and brutality. This can come about through dialogue, outreach, and the internalizing of the fact that we were all born equal in dignity. I have seen with my own eyes how miracles happen when people realize that they are owners of human rights. I saw them dancing in a village in Tamil Nadu when they learned that food education, housing, health and work at livable wages are not charity but their human rights estates. A South Korean educator told me about an amazing local ritual called the 'mask dance' that takes place between the rich and powerful and ordinary poor people, where the people are allowed to complain in any way they choose: tell truth to power. I envision a world where no one has to cover their face when speaking human rights to those who violate them. It is time to take off the masks, to speak the truth of the power of human rights.

In Rosario, Argentina, a community in the process of developing a human rights city - where human rights learning takes place in the neighborhoods and with the authorities - i met the head of the regional police academy where in-depth seminars about human rights were held. He said to me with much conviction: "There is no other option but human rights!" He was speaking of a world void of humiliation and pain so grossly experienced in his country. He too discovered human rights as the police cadets were being trained in human rights by my friend and colleague Susana Chiarotti. We spoke of the urgency to bring human rights to the people, to own them and claim them, to avoid the tragedies of the past. It became so clear, beyond any doubt, that learning about human rights at the community level is an imperative, a strategy towards achieving economic and social justice by, for and with the people, to overcome all forms of humiliation. It was clear yet unsaid in those words that life is a movement away from humiliation and towards human dignity.

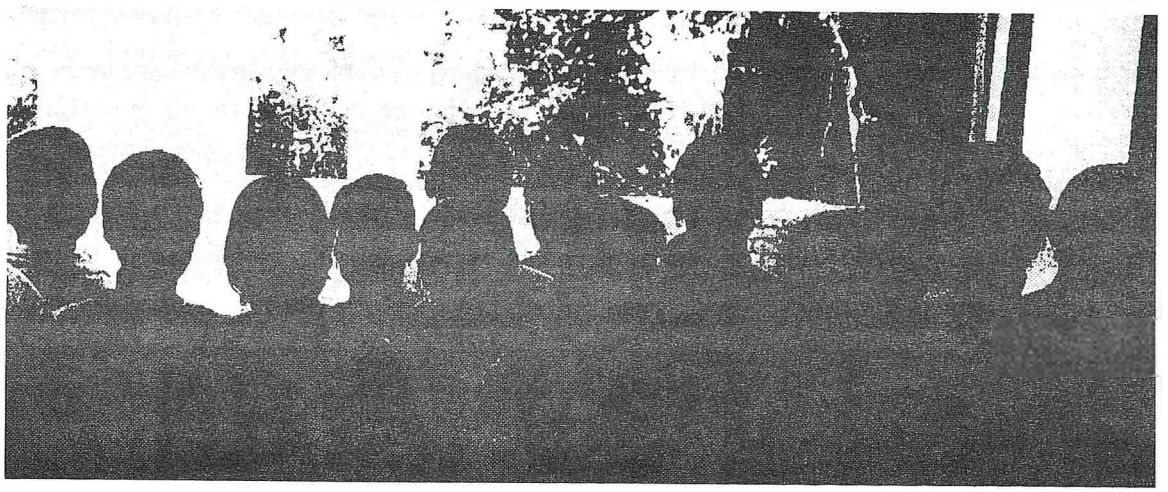
In this exhilarating voyage I was joined by other dreamers, some of whom have contributed to this report, together making the commitment to introduce in force human rights education for social transformation at the community level, to encourage the development – per nelson mandela- *of a new political culture based on human rights.* I embarked on this journey 15 years ago, guided by Isaiah, Mica, Alfred Adler, Martin Buber, Eleanor Roosevelt and my mentors, Upendra Baxi, Steve Marks, Betty Reardon and Ivanka Corti, thanking their being. But it does not diminish my appreciation of their contribution for me to say that the highest form of human rights learning comes from 'ordinary' people in villages and towns on every continent. You couldn't but feel and deeply understand that the movement of every individual and community is a movement away from humiliation, all knowing in their hearts the indispensable tenets of justice with hope for a life led in dignity.

We have worked together to examine various settings of formal, informal and non-formal education and learning. We evoked dialogue to highlight moral and ethical values which are part of various cultures and are articulated in various human rights documents. We facilitated the development of culturally meaningful methodologies and pedagogies and joined hands with educators and community activists from around the world. We moved forward the integration of learning about the holistic vision of human rights as a way of living and being in community in dignity and equality. And most important we learned form the people how it will be best for them to use the human rights language to achieve economic and social justice. We have learned from them how to focus on our commonality as human beings and learn from the richness of our differences and how to avoid human rights colonialism, i.e. Outsiders advocating and/or "dripping" human rights onto the people from above, often in a charitable mode.

Human rights are the banks of the river in which life can flow freely - and when the "floods" come, the learning about the holistic vision of human rights provides the tools with which to fortify these banks, protective of a decent way of life. To keep the river of life flowing. We need to be joined by many groups and individuals; we need to train thousands of young people to become human rights educators at the community level, giving them a new vocation and facilitating learning about human rights across all our communities, and imagining a world where we live free from fear and free from want.

I am reminded of a song I heard in the market place in Lagos: human rights are my property, no one can take them away from me. This "property" must be returned to the rightful owners for all to join in their communities and develop strategies relevant to local concerns, for all people to know, understand, and consciously claim human rights as the '"property" on which they will build their lives. If we really care we have no better option! In a different Zodiac, Voltaire when asked: what should we do about human rights?' is supposed to have replied: *"Let the people know them!"*

**Shulamith Koenig**
20 June 2006.



# EDITORIAL NOTES

The publication of this Report marks the culmination of a long and anxious period in the evolution of the PDHRE and the world of human rights education itself.

As concerns the United Nations, its Decade for Human Rights Education is drawing to a close; whatever its other achievements, it is now possible to speak more meaningfully of a human right to human rights education. I urge every reader of this volume, however, to keep a vigilant eye on the final report and program of action, if any, of the HRE Decade and the eventual sound and fury that will accompany its plus-5 and plus-10 review meetings! Bureaucratization of human rights education is inevitable. Yet we may recall that it is not the worst fate it may encounter! Perhaps, the future potential of the human right to human rights education reveals itself more sharply in the ongoing work to develop the human right of peoples and states to development.

The PDHRE has itself moved further in many new directions. It has anxiously rethought its conceptions of education and as a result it now focuses on a movement for community learning rather than on a plan of education. This paradigm shift marks the importance of humility in doing human rights education; social solidarities arising from the experience of learning together have energized the PDHRE to pursue the project of Human Rights Cities and to pursue many other solidarity initiatives. The award of the United Nations Human Rights Prize, 2003, to Ms. Shulamith Koenig collectively honors the multifaceted work of the PDHRE as well as celebrating her inaugural authorship of the very idea of HRE itself being a human right.

The world of HRE, outside the United Nations system, and even outside the PDHRE framework, has also moved on. Human rights education events mark most important global activist dialogues, the latest being the occasion of the second World Social Forum at Mumbai. Innumerable dialogical events concerning HRE have contributed to a new global culture of human rights. HRE has ventured crucially as far severely divided societies, and it also has begun to relate to address movements against corporate globalization. Crucially, HRE has ventured to address intransigent issues that bedevil ethically divided societies amidst bloody social strife, as well as the so-called transitional societies, thus posing an awesomely difficult HRE enterprise indeed. PDHRE has also necessarily begun to address movements against corporate globalization.

Overall, the ideas and ideals of HRE have a more secure place than before in the formal and non-formal educational sectors, academic research, organized NGO public advocacy, and popular movements and struggles.

The Report was assembled and written amidst these many changes, which it partly reflects. But it also brings to the reader a sense of the past, a past that did not even prefigure the idea of human rights education and yet achieved some enduring results for human dignity, freedom, and welfare. The Report thus addresses the past and the present of some initiatives at HRE.

While thus contrasting the past with the present, the Report does not seek to provide a complete historical narrative of human rights education. Nor, despite the valuable association of some eminent academicians, is the Report a scholarly treatise systematically reflecting on the histories of human rights and education for human rights. Likewise, while the Report brings activist experiences and voices from all over the world, it does not constitute a kind of handbook for HRE. We consider both these relative lacks as sources of strength of this Report because it speaks, across the genres, to people engaged with human rights learning in different modes and settings. The materials here assembled testify to the diversity of the realms of human rights education, not yet apt for any historical summation.

Overall, this volume is directed to reflect on the meaning and value, nature and limits, and the future of human rights education. We hope that the Report will be somewhat helpful to all concerned activists, academics, and policy actors.

We have learned and unlearned a great deal in the task of preparing this report. We welcome your critique and suggestions for any future revision. Above all, we hope that this work stimulates many more imaginative future People's Reports, if only because human rights education must remain a "never-ending story."

**Upendra Baxi**
September 1st. 2005

*"Having chosen the fight and the battlefield, I had to choose the spear. And the spear I needed was decided by the fact that the struggle had to begin at the stage of selling the dream...Journalism offered itself as the spear of the moment, the voice of my dream.*

*Now I had a spear, but no shield. Was I to fight or wait until I had a shield? I knew going to war with a spear alone was risky, but the greater danger was to wait. Writing was my spear; human rights, the shield I needed - and lacked."*

Koigi Wa Wamwere, Kenya
*I Refuse To Die*[1]

I grew up in Kenya, where I accompanied my father on many of his missions to the most remote regions, where he worked with nomadic tribes to help them integrate their methods of animal husbandry with the new cash economy. Somehow, he had absorbed the fundamental rules of all human rights work: one cannot impose from above but must encourage and inspire from within; and one must be as willing to learn as one is to teach. This lesson is evident throughout the work of the human rights educators whom I have personally encountered as partners in this project, and whose work I have been privileged to read and edit.

I hope that THE PEOPLE'S REPORT has succeeded in providing insight, if not answers, to many of the issues addressed, and in raising others that will fuel the further development of human rights education (HRE). Many lessons from the field have been outlined here, including the need for human rights educators to master the languages of the people with whom they work and to fully comprehend the social, political and cultural parameters of their lives. Indeed, the REPORT should function as a valuable guide and handbook for both novices and experienced practitioners world-wide, as well as for government officials, funding agencies, universities and other institutions seeking to support HRE in their own and other countries.

Most of all, I hope that THE PEOPLE'S REPORT will convince the United Nations and other powerful entities all over the world that it no longer suffices to declare a decade or any other finite term for global human rights. Human rights must be a priority, a standard to which all peoples and their governments aspire on a permanent basis, and for which adequate funding ought to be made available.

The format of THE PEOPLE'S REPORT has been designed for easy reading and reference. In cases where English is clearly not the "speaker's" first language, I have attempted to maintain a sense of the author's voice, even when the English is not perfect. In all cases, American spelling has been used.

(Ms.) Kenny Mann
Sag Harbor, New York
September 1st. 2005

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1 Seven Stories Press, New York: 2002

## ACKNOWLEDGMENT

It is a pleasure to acknowledge the many people who have contributed to conceptualizing both the purpose and the content of the report. It all started in 1996, when Walther Lichem proposed to the Board of PDHRE to undertake the preparation of a report on human rights education, similar to the Bruntland Report on Sustainable Development. He argued that such a report would evoke dialogue, discussion and action about human rights education at the political and community level. The idea was embraced and a Special Commission on Human Rights Education was created to oversee this project. Members of the Commission included: Ambassador Danilo Turk, Ivanka Corti, Prof. Steve Marks, Ambassador Huaraka, Clarence Dias, Susana Charotti, Prof. Richard Claude, Walther Lichem, Shulamith Koenig, Mado Speigler, Miloon Kothari, Betty Reardon, Prof. Upendra Baxi, Elsa Stamatopoulou, Jerome Koenig and Prof. Peter Leuprecht. Professor Upendra Baxi was invited to edit the report.

The assemblage of material for this report occurs during a period when official, individual and even NGO-initiated field reports on the subject of human rights and human rights education have become fiercely protected copyright products. Thus the text of the Report still runs some risk of infringement of trade-related intellectual property rights! This has been a source of grave editorial anxiety. We have tried to acknowledge every activist archive and source of information. We beseech forgiveness from the communities of human rights and social activists for any inadvertent omissions and proceed on an assumption that we hope is widely shared: all policy and activist work in the area of human rights education constitutes a precious aspect of the "common heritage of humankind." Those who were with us on this journey and who do not find their names here should also forgive this omission, knowing that their efforts find recognition in the publication of this text.

Our deepest gratitude is owed to Upendra Baxi, who engaged his wisdom, critical mind and keen observation of the world as he joined us in our vision. Upendra guided us as we were searching for the materials and has written the monographic article that binds this report together. In this process Steve Marks, Clarence Dias and Walther Lichem gave us both guidance and moral support. Before thanking the many contributors we would like to give special thanks to Kathleen Modrowski who stubbornly and creatively with Shulamith Koenig kept this project alive and re-directed it from being a mere informational report to becoming an analytical argument on the imperatives of human rights education for social transformation

We also owe our thanks to the Danish and Norwegian governments from whom we received funds to initiate the process, and to carry the work to its completion. Our special gratitude to Professor Richard Claude, who, in his well known diligent way, prepared the first entry for the report with an article on Methodology.

Our thanks also to the following contributors: Loretta Ross, Ajamu Baraka, Molly Melching, Garry Mackie, Fatma Alloo Steve Marks, Peter Leuprecht, Kathleen Modrowski, Seth Mydans, Nigel Crawhall, Mado Spiegler, Tavivat Puntarigvat, Dr. A.T. Ariytaratne, Prof. Muki Tzur, Frank Elbers, Felisa Tibbitts, Walther Lichem and the many, many others whose work we found in print, on the Internet and in NGO publications. We thank Mado Spiegler for her careful research and documentation of sources, and Lauren Horowitz, our volunteer assistant. Our salutations to Kenny Mann who has taken all that we have gathered for so many years and, with Upendra Baxi, deciphered notes, edited contributions and sifted through an ever-increasing volume of materials to create what we hope is a meaningful People's Report - one that calls for political will and commitment to human rights education and learning at all levels of society.

Last but not least, we thank the many known and unknown human rights educators who are committed to sharing with the public their knowledge about human rights. It is our intention that the "voices" in this report lead all women, men, youth and children to know their human rights as their birth right, and as a powerful tool for action. Human rights education is not a subject one learns, but a universal strategy for human, economic and social development.

The Board of Directors

June 2006

# PART I: INTRODUCTION

## a) A BRIEF HISTORY OF PDHRE

### THE BIRTH OF PDHRE AND THE PEOPLE'S REPORT

*"It all began in Israel in agonizing conversations with my dearest friend, the late Achi Yotam, an Adlerian psychologist. Achi, my husband and friend Jerry, and I often discussed the questions of* ***how and why the oppressed turn into oppressors.*** *One night, we talked until the morning light appeared over the far mountains. We shared our deep distress over recent developments in our community, including abuses of the human rights of Palestinians. With idealism, and perhaps some naiveté, we sought to find Archimedes' Fulcrum, the distinct leverage point which, when discovered, can effect genuine and lasting change. In human terms, we agreed, that point is dignity."*

*"If we take human dignity seriously, we must join forces to reject, remove and fully eliminate the gap of dignity between people in all societies across the globe, beginning with our own community. As a result of this clarifying analysis, I resolved to work with Palestinians for a two-state solution. At the time, while the Intifada pitched stones against bullets, I saw clearly that human rights education may be a way to learn to look at our lives from the perspective of compassion and social justice and with the humility needed to break through the vicious cycle of humiliation in which we all participate".*

*"Humiliation is the enemy of human dignity. Humiliation is a powerful experience, the impasse of being human. In defending our dignity, we refuse to be humiliated. We must recognize this in others. Unless we learn to live a life in which we do not degrade, disgrace, demean, or violate the dignity of the other on any level, personal or communal, the cycle of violence, oppression and abuse will go on and on ad infinitum."*

Shulamith Koenig[1]

With these words, PDHRE's founder threw down the gauntlet to human rights educators worldwide: human rights education requires engagement in the fullest sense.

To communicate this wider message of human rights education, PDHRE requested Upendra Baxi, in the very first year of the United Nations Decade for Human Rights Education (1995-2004) to prepare a 'manifesto,' not in its un-redemptive usage of party politics, but rather as a statement of a radical path in human affairs to guide attempts at social transformation through human rights education. What we reproduce below is Steven Marks's distillation of the principles of the manifesto into ten points, in the light of comments received worldwide, slightly modified for an audience of the middle of the first decade of the twenty-first century.

## *Ten Guiding Principles for Human Rights Education*

1. The Universal Declaration of Human Rights has inspired both a new consciousness and a body of law defining and protecting the conditions of being fully human. This new consciousness includes awareness that all of our human rights are imperiled if a single human being is unable to express the highest potential of what it means to be human

2. The right of individuals, groups, associations, and nations to education in human rights is an individual and collective human right. Human rights education is a collective endeavor of individuals and agencies that is both participatory and exemplary of the virtues it seeks to apply to others.

3. Human rights now constitute the common heritage of humankind; accordingly, human rights education is a means of accessing that heritage through the universal commitment to the dignity and worth of each human person.

4. The evils of injustice, exploitation, patriarchy, impoverishment, tyranny, civil strife, genocide, abuses of power, and catastrophic state failures have plagued humankind from time immemorial and produced humiliation and despair. They also spur action for social and economic transformation, which human rights education helps to define and put into practice.

5. Human rights education reinforces the human rights to peace and to development, that is, the rights of human beings and nations to be free from aggression or other unlawful use of armed force and from mass impoverishment. These rights also include the right of human beings to benefit from the peaceful applications of science and technology and to have the capabilities of exercising choices and participating in decision-making that affect their lives.

In this sense, human rights education can define the framework of a peaceful world and provide a strategy for human development.

6. Genocidal practices and other massive human rights violations are a particular challenge for human rights education. Every human being should be empowered through human rights education to expose and undermine the very possibility of such practices before they emerge and to join with others in ending such practices and holding the perpetrators accountable for their deeds and those who could help accountable for their silence and inaction.

7. Women's rights are now recognized as human rights. Human rights education must empower struggle against all forms of patriarchy everywhere and accelerate the full accomplishment of a world based on respect for the dignity of all women. Such empowerment is not to be achieved by way of preemptive wars for regime change, but rather by acknowledging and supporting women's struggles everywhere against the particular forms of oppression of which they are victims.

8. Dignity of labor is fundamental to human interdependence, social cooperation, and just development. Human rights education promotes conditions which foster respect for the inherent dignity of human labor and the rights of workers and their organizations.

9. The mission and the mandate of human rights education extends to the creation and development of cultures of rights wherein the basic material and non-material needs of all human beings are met and all victims of historic discrimination, including indigenous peoples, excluded peoples, and ethnic minorities stand redressed.

10. Human rights education builds on solidarities and social networking among participants in the global movement for human rights education, which should benefit from the support of national governments and international institutions, especially the United Nations. The dedication of nation-states and of the United Nations system to human rights education is a first step and the modest efforts pursued during the first United Nations Decade for Human Rights Education (1995-2004) must be redoubled to build stronger solidarities through the message of the dignity and equal worth of every human person.

### *The UN Decade For Human Rights Education*

Some of the new organization's board members had been involved with the UN Decade for Women and had experienced first hand the potential of the decade concept in creating focused concern and activity around an issue. So it was that, in 1990, PDHRE proclaimed its own People's Decade for Human Rights Education, (1991-2001) and soon thereafter proceeded to lobby for the adoption of the Decade by the United Nations.

In March 1992, learning about PDHRE's and its initiatives, Sonia Picado, then director of the Inter-American Human Rights Institute in Costa Rica and later the Ambassador of Costa Rica to the United States, convincingly suggested the creation of a UN-sponsored Decade for Human Rights Education to the Costa Rican Ambassador at the UN Commission on Human Rights in Geneva. The UN Commission on Human Rights later adopted a detailed Resolution (1993/56) on the importance of human rights education and a recommendation was made to the UN General Assembly to declare this decade.

At the urgent request of the director and staff of the Geneva Center on Human Rights, PDHRE's draft for a Plan of Action for the Decade was sent to delegates at the fourth preparatory committee for the Vienna Conference. Following the Conference, PDHRE prepared a resolution for the UN Third Committee on the declaration of a Decade for Human Rights Education and called for meetings of governments to promote the resolution. On December 10, 1994, after PDHRE has lobbied with more then 60 countries, the General Assembly proclaimed 1995-2004 the United Nations Decade for Human Rights Education.

## INSCRIBING THE LAW IN DAILY LIVES

### *Focusing on the Grassroots*

To the extent that the Decade was becoming a UN-sponsored process, it seemed essential that its center of gravity remain in grassroots organizations rather than in the intergovernmental human rights establishment. There is an increasing tendency to allow grassroots organizations as the beneficiaries of these programs, as they are a valuable and largely untapped resource for the design and execution of conceptualized HRE programs, evolving out of, and serving, the communities that have most to gain from such learning. But the real meaning and power of human rights are revealed in the context of human lives at the grassroots level. This is where economic and social rights are most visibly relevant. This is where food, housing, access to farmland, environmental integrity, health, employment, and education are unmistakably intertwined with the human rights to political and cultural participation, and with the protection of civil rights.

In the PDHRE imagination, human rights education intends to systematically break down insularities and counterproductive compartmentalization among NGOs and grassroots groups at all levels, though it found it useful initially to address this task at the various UN Summits in order to facilitate collaboration across a broad spectrum of issues. It is for this reason that PDHRE, supported by the government of Costa Rica, the Philippines, Namibia, Norway, and Slovenia, was instrumental in preparing a resolution for the Decade emphasizing the role of NGOs in human rights education and learning and drawing on the importance of their inclusion in the Vienna Declaration statement on HRE.

At the 1995 Social Summit in Copenhagen, PDHRE ran four major workshops for more than 120 NGOs (not specifically human rights related) and young lawyers. There, it was informally but unanimously proclaimed that HRE is part and parcel of social and human development. This was the first example of what has become a central strategy in PDHRE's approach: holding human rights caucuses and lobbying NGOs and international agencies to convince them of the gains to be derived from adopting a clear human rights framework.

PDHRE provides a direct link to an expanding network of grassroots communities and groups whose work may be unknown to, or unrecognized by, most formal institutions, be they governments, international aid agencies or private foundations. Often, these grassroots groups identify their struggles with human rights, but lack the confidence and resources, financial and otherwise, to pursue HRE programs. It is essential to nurture these "startup" organizations of future human rights trainers by sharing with them educational materials and HRE expertise. In many cases, PDHRE has raised funds on behalf of particular groups' projects or assisted groups with their own fund raising. PDHRE works on leadership and staff development in the HRE field, sponsoring future trainers to attend international networking events and conferences, and then assists these individuals with program development in their own countries.

The end goal is that groups who have received HRE should become confident as human rights trainers and independent financially, so that they may continue to assist other groups in their region.

These groups have now become the developers of Human Rights Cities and the four Regional Learning Institutions for Human Rights Education where young community leaders join a new vocation: Human Rights education for social and economic transformation.

### *Focusing on Economic, Social and Cultural Human Rights*

Even with the amount of public attention and media fanfare devoted to economic globalization and liberalization, economic, social and cultural human rights remain neglected, and education about ***economic human rights*** is rare. Economics is often considered a 'technical' subject, beyond the scope of HRE, which is considered to be political or moral education.

Arguably, there is also the legacy of earlier decades, when economic and social issues were the turf of labor unions and now weakened Socialist parties. In the absence of strong intervention by these actors, a kind of taboo has fallen on these issues.
For a long time, the international spotlight in matters of human rights was trained on abuses of civil and political rights. Global trends towards liberal democracy since the 1980's,(the fall of socialism in Europe, the return to electoral democracy in Africa and South America) further emphasized this tendency since it now appeared essential to train the citizens of formerly autocratic countries in the skills, habits, and modes of political participation which they had not previously cultivated. Also in line with these developments, HRE for children in formal school settings received attention in funding, with no clear distinction being made between ordinary civics and HRE.

Using the momentum of the UN Decade, PDHRE has been spearheading the movement to equalize the promotion, protection, and realization of the human rights contained within the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). This involves the training and support of NGOs that hold training workshops for economic and social justice community groups as well as meetings and training with labor organizations, and participation in meetings at all levels on health, housing, food, nutrition, education, development, and child labor. It also offers training at meetings of the United Nations, including Rio+5, Committees on Sustainable Development, Social Development, Habitat II, UN Youth Meeting, DPI public meetings, WTO Ministerial meetings, and many other useful forums. (It is important to note that a very effective international effort is being undertaken by the Economic and Social Rights network to bring up to par action on ESC human rights.

## THE PDHRE IMAGE OF THE WORLD

What is needed, therefore, is to create the conditions, circumstances, and milieux for *ongoing*, large scale HRE that is also attentive to the details and lived contexts of individual local situations. *Practical* ways must be found to make everyone human rights literate. This means that HRE should be both holistic in terms of learning about central common values and visions reflected in the Universal Decade of Human Rights (UDHR) as reflecting the aspiration of humanity (human rights as belonging to all women, men, youth and children,) and a vehicle for all people to know about the existing body of human rights law - norms and standards - and their governments' commitments made and obligations undertaken. Only then may HRE become in their hands a powerful tool for action. Such education and learning about human rights as relevant to people's daily lives and concerns should:

*• enable people to identify how, in the detail of their daily lives, their human rights are affected by the actions of others and also how their own actions adversely affect the human rights of others.*

*• provide communities at the grassroots a stake in the spread and implementation of human rights legislation, by having them see, in detail, how human rights apply to their circumstances.*

*• provide grassroots organizations with tools to assist others through an ongoing dialogue and exchange of information.*

*• evoke critical thinking and systemic analysis with a gender perspective about political, civil, economic, social and cultural concerns within a human rights framework that leads to action*

*• produce, through that uninterrupted conversation, the blend of ethical thinking, public policies, group actions and individual behavior from which a human rights culture can grow.*

## b) DEVELOPMENT OF THE PEOPLE'S REPORT

### Context and History

By Upendra Baxi

The People's Report was initially conceived in the early nineties. In its multiple moments of origin, we developed several approaches to compiling a report on HRE. The first approach was to develop a multi-volume work entitled *The Legends of Human Rights*. Shulamith Koenig and I conceived this together during the Permanent People's Tribunal on Hazardous Industries and Human Rights (held at Yale Law School in 1992.) We thought that the retrieval of folklore, legends, and related cultural materials from all human societies would provide a treasure trove of human rights values, experiences, aspirations and sensibilities. We also felt that such an assemblage would facilitate endeavors at HRE by grounding contemporary human rights norms and standards in lived experience and memory. Our aspiration was outweighed by our capabilities to achieve this. Yet we continue to believe that this project is worthy of serious pursuit.

The second approach emerged at the Vienna Conference on Human Rights in 1993, when Koenig discussed with some of us (notably Richard Pierre Claude, Stephen P. Marks, Clarence Dias, and myself) the notion of a HRE handbook, which eventually appeared as a full volume (see Andreopoulos and Claude) in 1997. It matured further with a large number of pedagogic materials developed by the PDHRE, which, through its worldwide affiliates, thus placed itself on a continual learning curve.

**First:** *experts began to think of HRE as a way of taking human rights seriously. Their enterprise summoned them to tasks of HRE beyond classrooms, courtrooms, and academic symposia. They began to realize that speaking to people requires communicative competence not readily available in their repertoire.*

**Second:** *activist practitioners learned that they could not perform tasks of HRE without a fuller grasp of the intricacies of international law and diplomacy concerning human rights. HRE poses unusual challenges, even inviting the restructuring of the very idea of "education." We learn that HRE entails partnership between many learned professions (beyond the merely legal) and activist entrepreneurs.*

While these efforts continue, it was the third approach that persisted. It defined itself in the image of doing a World Report on Human Rights Education. Initially, the idea was mooted by Ambassador Lichem, and discussed with him by Shulamith Koenig and myself.

This report was to be modeled on the Brutland Report, *Our Common Future*, which introduced the concept of sustainable development and made it a common currency of contemporary law, policy, and social movements. Our Report would be endorsed by eminent people and would be prepared in association with the international world of NGO's. Accompanied by the same amount of fanfare, institutionalization, and resources, our Report would make the term HUMAN RIGHTS EDUCATION a household phrase, establishing HRE itself as a human right.

As we began to discuss this project among the Board members of PDHRE and other friends, our objective shifted from doing a World Report to doing a People's Report. Since then, an endless chain of events has affected its conception, design, and detail, often in creatively unhappy ways. The vision for this Report occurs in the immediate aftermath of the Cold War. While this was a moment to celebrate progress in the field of human rights, it also marked new terrains of human rights tragedies. These were epitomized by "ethnic cleansing", whether in Kosovo, Rwanda, Chechnya, Palestine or Afghanistan; by new patterns of United Nations- based legitimated military intervention; by novel formations of superpower hegemony in international relations; and by the wildfire spread of the ideologies and instruments of contemporary globalization. Each of these illustrates once again the fragility of global human rights cultures.

The Report is now being presented in a post-September 11 world, which poses all over again and perhaps in more enduring form, new challenges for HRE, already partially described by Katrina Tomasevski, the United Nations Special Rapporteur on Education (2002.) September 11 and its aftermath also usher in new constructs of international law and order that further complicate the future of human rights (see, Chomsky, 2002; Fitzpatrick, 2002; Baxi, 2002[a]).

We do not know what further human tragedies await us. Already, the first year- and-half of the Twenty First Century C.E. leads us to dread the anomie and violence to come. The tasks of human rights educators have never been more imperative or so intensely difficult as now. We can only hope that what gets said here may assist understanding and provide a horizon of hope.

## *Fear and Trembling*

We were (and still remain) tormented by doubts and uncertainties.

- *To whom might we speak?*
- *Of what might we speak?*
- *How might we say what we ought to be saying?*
- *In a world rapidly being transformed by processes of economic and cultural globalization, how were we to construct visions of human rights education?*
- *How might these speak to the new forces of production B digitalization and biotechnology?*
- *How might human rights education address its principal agencies - transnational corporations, international financial institutions, and the emerging global middle class?*
- *What messages might human rights education carry for the politics and ideology of identity and difference?*
- *How might human rights education relate to new social movements, or to education systems still conferring formal credentials as a means of evaluating and self-perpetuating their own product?*
- *What kinds of links might human rights education establish between non-formal, adult, and continuing education programs?*
- *How might human rights education be re-tooled and re- crafted to speak to situations of radical evil, which Hannah Arendt described as those ensembles of political performances which we may neither wholly forgive nor can fully punish?*

Such questions also challenged our wellness and constantly re-composed it. People involved in the ongoing work of the PDHRE (and their numbers kept growing) came from diverse backgrounds. These included high-profile academicians, ambassadors, and members of the United Nations Human Rights Treaty Bodies. They were grassroots and Astroturf activists, and assorted public citizens from many cultures and countries. Our backgrounds brought baffling diversity and occasional bloodletting, to our concept of progress towards the formulation of this Report. All too often we agreed only to disagree! Our tasks continued to redefine themselves and our agenda became almost unmanageable.

What has *not* changed is the ***vision of a just world in which all human beings know and own human rights.*** Shulamith Koenig remained steadfast in that vision; and those of us who floundered from time to time were saved by her rock-like faith and ceaseless evangelism.

No one who has had the privilege to know her remains untransformed. She transmits a radical energy, an incandescent consciousness, and the resilient courage of conviction. She embodies and exemplifies the mission of human rights education. In every sense of the word, she is the real author of this Report. At the same time, it is dedicated to her, as our way of celebrating her luminous presence among us.

## WHY A PEOPLE□S REPORT?

The work in your hands is named a People□s Report because, in the main, it narrates how people□s human rights consciousness has altered their politically, socially, and culturally imposed fate. It represents a new genre of reportage, different from those written by experts in which a few eminent human beings remain entrusted with the task of deciphering the human situation and of envisioning our common future." Rather, it is a narrative of organic, experiential knowledge, generated by communities in resistance and suffering people in solidarity with one another. We believe that the erudite academicians who develop the theory and practice of human rights can learn much from ordinary people□s wisdom, generated by communities in resistance and people suffering in solidarity.

We name this a People□s Report because it is produced under no official, national, international, or United Nations auspices. Indeed, the lack of such auspices provides us critical space for fresh starts in thinking through the social meanings of human rights.

This is a People□s Report because it resists the bureaucratization of human rights cultures and highlights the fact that peoples are, through their myriad struggles against power in state and civil society, the first authors of human rights norms and standards. Legislators at national, regional, and global levels appropriate their historic work. This appropriation creates consensus around binding obligations of governance and social transformation, which then reinforce people□s struggles against human rights violations. At the same time, it is destructive because it alienates people from a radical awareness of their own acts of authorship.

We remain aware that a small group of human rights educators may not arrogate unto itself the name of peoples of the whole world.

That is not, and cannot be, a sin of pride for us. We speak of what we know. And what we know is this: ***not a single human being in this world enjoys being deprived of human dignity and the resultant humiliation arising from human rights violations***. Everyone, we believe, cherishes the right to be, and to remain, human. This includes those who for a while enjoy the might of state, social, and economic power.

These perpetrators of human rights violations do not want to suffer loss of respect, dignity, and self-worth entailed in the experience of humiliation. We take this as a given about the human condition.

For us, "peoples" is not an ***abstract***, bloodless, trans human category. It is a shorthand description of multitudes of individuals and groups who co-exist within societies, cultures, religions, and civilizations that give them a sense of identity, belonging, history, and future. By birth, domicile, or migration, people belong also to politically organized societies, the imagined communities of nation-states. As citizens, claims of loyalty and patriotism and the duties of civic pride often define their identity in relation to other peoples. But as John Rawls reminds us in his *The Law of Peoples* , a government as the political organization of its peoples is not, as it were, the author of all its own powers." Human rights norms and standards furnish a corpus of normative restraints on state power The principal task of HRE is to devise methodologies that translate normal restraints into living law.

Peoples are formed by several histories. We name them when we speak of slavery, apartheid, colonialism, racism, impoverishment and patriarchy. Contemporary human rights norms and standards speak to these histories in naming specific human rights constituencies to which are owed specific human rights obligations. Male domination and rape cultures, for example, endanger the promise of human rights everywhere. All societies remain "undeveloped," and not even "developing" when it comes to combating gender-based discrimination, violence, and aggression. We assert that the future of human rights depends on the prowess of its theory and practice to unfold and usher in a post-patriarchal, global society, and we remain aware of the need to translate the Beijing truism that women hold half the sky" into languages that authorize their holding the whole of the Earth. In our endeavours to promote human rights education, we remain guided by the need to go beyond gender-based culture wars, the need to empower men and women to work together to accelerate the advent of post-patriarchal, just and humane politics worldwide.

We also realize that the ethical languages of yesteryear (whether these be of redistribution or of equity) are being steadily supplanted. Human rights languages and logics are ***all we have*** to empower stigmatised and marginalized minorities, whose range entails diversely situated peoples. To lump them into one descriptive category, we stress, constitutes in itself a human rights violation. This having been said, we describe these communities of the violated in the terms of extant regimes of human rights norms and standards.

Thus we name among them various vulnerable communities: indigenous and First Nations peoples, migrant labour, labouring children (including child soldiers), lesbian, gay, and transgender communities, religious minorities, immigrant communities, environmental and political exiles, peoples living under conditions of civil war and strife, and violated women in all contexts. This Report remains informed also by the unnameable, socially vulnerable peoples caught in the web of globalisation. For understandable reasons, it does not quite fully reflect all our human rights concerns.

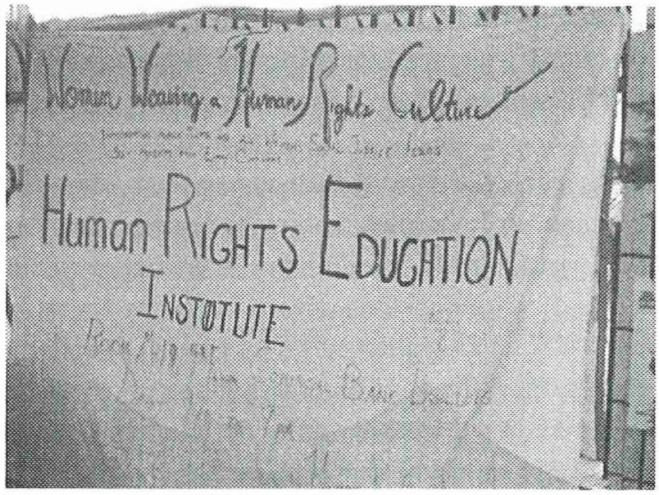
We believe that all peoples are citizens of the world. Some thinkers find this expression worrisome or vacuous. Vacuous because citizens are defined only in relation to governments and none exist at the global level; worrisome because they find the notion of a world government, even in its embryonic forms, undesirable. We acknowledge these anxieties. We also recognize that there are very few authentic ***citizens of the world*** who will sacrifice their national identity, civic pride, material well- being, or cultural comfort for the sake of providing a secure human rights future for the dispossessed, disadvantaged, and deprived billions of other human beings.

We refer to the ever-growing worldwide consciousness against human rights violations. Human rights languages are constantly helping to create transnational bonds of solidarity, even amidst an abundance of constraints. We do know from our experience at spreading our message that there exists a culture of empathy, a treasure trove for human rights education. Solidarity is nascent; human rights cultures remain fragile; citizenship in the world of human rights is always imperilled. HRE makes historic sense in this context only to the extent that it fosters ties of human solidarity and a global culture of empathy. In this sense, our Report signals our commitment to the belief that human rights languages constitute the only symbolic capital (to evoke Pierre Bourdieu's fecund phrase) that we now share. These are the only languages that still remain possessed of the incremental power to make power accountable, governance just, and state ethical.

We know that human rights norms and standards remain fashioned by contingencies of power. We acknowledge that the power of social activism remains equally contingent, in ways that deeply affect the imagery and future of human rights. Thus, if the world is today a better place because of Amnesty International's indefatigable efforts to promote civil and political rights, it is also a poorer place because there arose no counterpart to it (with the exception of the recent Ford Foundation supported ECSR- net) for the protection and promotion of social, economic, and cultural rights. We also know that the charisma of human rights languages has a finite future and that each generation needs but will not necessarily be blessed with a Mahatma Gandhi, a Nelson Mandela or a Martin Luther King Jr. We accept what Martha Nussbaum has termed "the fragility of goodness."

Thus, the tasks of human rights and justice are never done; they need to be always and everywhere pursued, as Julius Stone reminds us in *Social Dimensions of Law Justice,* "with the courage to realize the vision of Isaiah - that on the day of human redemption, Justice shall dwell even in the wilderness."

This Report marks merely the first step in a journey of a million miles. We hope that it will generate many more People's Reports that both build upon and transcend our first stepping stone.



## c) FOSTERING HUMAN RIGHTS CULTURES

By Upendra Baxi

*How may we develop the means and methods of human rights education to foster human rights-oriented social and political cultures? The very naming of the problem situates human rights education and activism across multiple minefields.*

Human rights education remains inseparable from and integral to the formation and sustenance of human rights cultures. By "culture" we mean here the values, beliefs, symbols and sentiments increasingly shared by all human beings, which represent ***ways of living and being in this world***. But, as Lila Abu Lughod reminds us in her precious work *Writing Women's Worlds: Bedouin Stories*, one must also learn to "*write against culture*." For narrative tasks, this means framing representations of the subaltern voices for the struggle for human rights within the constructs of culture developed and imposed by the dominant majority. It also entails the task of "*writing against the law,*" that is, the subversive form of story-telling in opposition to narratives developed by a dominant power.

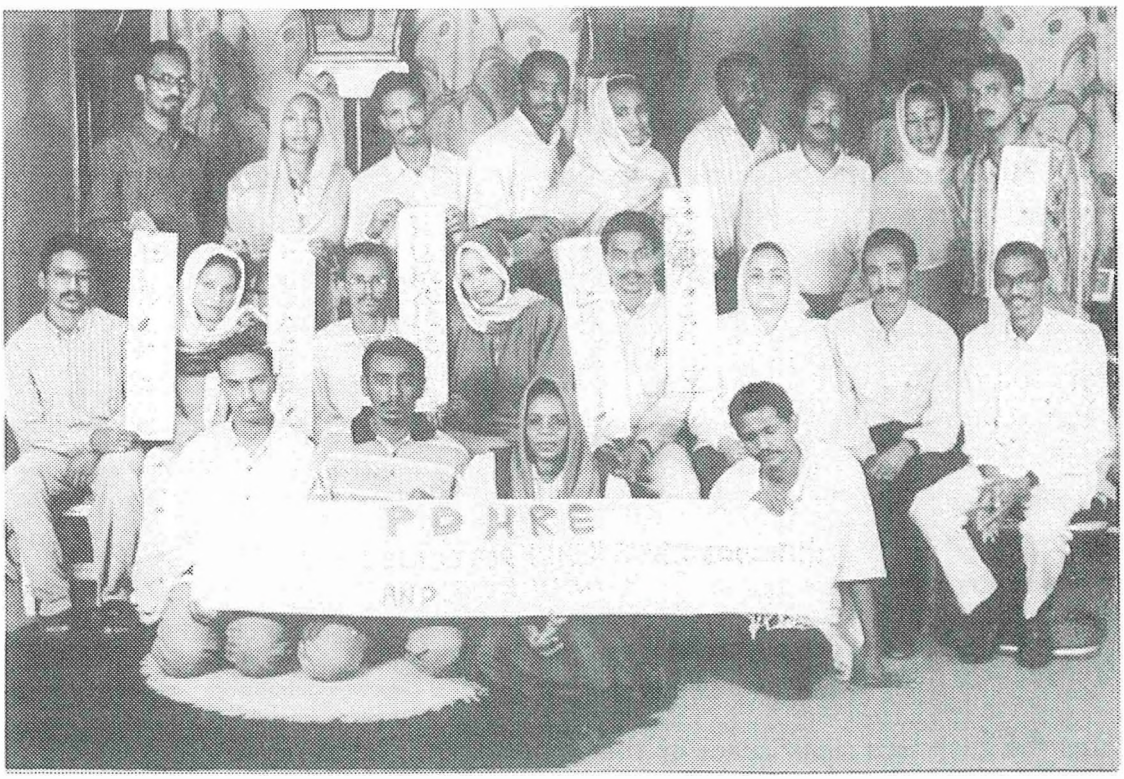
Shulamith Koenig has always reminded us of the Judaic notion of the Law, whose injunctions are transformed into a way of life. Of course, that Law can never be unethical or exploitative. Put another way, she insists that human rights consciousness can only be said to exist when it permeates everyday consciousness and behavior and that for us, in this Report, marks the understanding of human rights cultures.

Mature human rights cultures are rooted in a permanent ability to engage with violations of human rights and the consequent suffering. HRE is more than trading in symbols: it entails here-and now ways of network formation, institution-building, resource redirection and mobilization that significantly address the life-projects of the violated and create capacities to overturn obstacles to the exercise and enjoyment of human rights. ***It is, in a true sense, a continual collective search for the plenitude of life, for meaning that confirms individual and collective dignity, and for the resources for human coexistence***. In this sense, HRE symbolizes a secular, or multi- religious equivalent of liberation theology.

HRE celebrates the enormous significance of the universality of human rights that insists that all human beings have a right to be acknowledged as such and to remain fully human. Nevertheless, HRE still needs to ponder the ways in which contemporary digitalization and biotechnology redefine what it may mean to be human.

It has to transform all human beings into ***human rights beings***, that is, persons who do not just claim these rights for their individual existence but who also affirm, and practice, humanity as a vibrant ***community of human rights.***

In our belief, the mission of human rights, and of HRE, goes beyond the production, distribution, exchange, and consumption of human rights norms and standards by individuals and associations, crafted by the politics of intergovernmental desire. In any case, consumers of human rights norms and standards exclude, overall, people living under conditions of extreme impoverishment. To reverse this unfortunate circumstance, we subject the notion of human rights to constant improvisation. The *dramatis personae* come into being because there is a text or a score, but every actor in a drama, and every conductor of an orchestra or opera, uniquely lends agency and voice to its production. Human rights education, then, reinvents the very meaning of ***being human and having human rights.***



# PART 2: CONCEPTIONS OF HUMAN RIGHTS AND HUMAN RIGHTS EDUCATION

## a) CONCEPTS OF HUMAN RIGHTS

### *The Three Worlds of Human Rights*

By Upendra Baxi

"Human rights" is one phrase, but it encompasses diverse realities and these invite many conflicted narratives. HRE must fully acknowledge and understand the many worlds of meaning in the practice of human rights. What is more, it has to present a holistic vision of human rights. This is more easily said than done. Since the United Nations Declaration on Human Rights (1995-2004), human rights norms and standards have been articulated through various global, regional, and national legal instruments.

*The **first world** of human rights is constituted by the language that articulates international human rights norms and standards, and by the individuals and groups worldwide who craft the framework of human rights legislation, often in immensely complicated ways. This world is populated by various actors who may be justly termed human rights bureaucrats - people who devote their lives and careers to the recognition, articulation and administration of intended human rights. These epistemic communities produce the texts and contexts of human rights, which activists then struggle to implement and improve. In that sense, they define the first labor of human rights education.*

*The **second world** of human rights is defined by the work of translating international norms and standards for national application, and also transgressing them. Fidelity to these standards entails their incorporation into national law and the careful administration thereof. Transgression occurs when internationally accepted human rights norms and standards are adjusted by local/national authorities to comply with their own perceived needs. For example, sovereign states, as treaty parties, enjoy and regularly exercise the right of reservation to international enunciations. Each and every act of reservation is at the same time an act of transgression against human rights obligations.*

*The **third world** of human rights arises from the experience of human rights violations, a world bearing the unconscionable weight of human suffering. It is also a world struggling to articulate more authentic visions of human rights. We recognize communities in resistance and peoples involved in such struggles as the first, and real, authors of the human rights agenda. Even so, it remains the case that not all human suffering is necessarily captured by the language of human rights norms and standards. HRE confronts a historic task when it seeks to provide a voice and language for this third world of human rights.*

## *A Holistic Vision*

We articulate here a holistic vision of human rights that ought to constitute the core of human rights education. It is true that human rights declarations come to us in fragments, however massive. It is also true that these declarations prescribe goals without regard to available resources. Further, the goals and values, even when adequately formulated, conflict *inter se*. Much more could be said in this narrative to illustrate the diversity, complexity, and contradiction entailed in the development of human rights standards. Nevertheless, it remains possible, and we believe desirable, to achieve a holistic vision of human rights.

The *whole* of human rights is not just a *sum* of its many parts; rather it is the organic totality of its interconnectedness. Thus, for example, we read the human right to life not just in terms of the prohibition of capital punishment, but also as the right to the dignified fulfillment of material and non-material needs. This is the "whole" of the human right to life. Our attempt to read human rights holistically also *makes* them whole because it summates the totality of human rights as ***freedom from humiliation***. It thus affirms dignity, integrity, and people's capability to live life as fully human.

For us, then, the production and realization of human rights norms and standards remain integrally linked, because the struggle for their attainment in real life is also so linked. This, in our view, can best happen when we relate the recognition of human rights to the task of demystifying the sources of human suffering. In sum, we maintain that ***taking human rights seriously requires taking human suffering seriously.***

## *Varieties of Skepticism*

In its profound sense, we understand human rights to signify every human being's ***right to be, and to remain, human.*** It is curious but true that while "ordinary" people living under conditions of material and political deprivation understand this with overwhelming clarity, the "experts" constantly worry about the real meaning of the words and phrases we invoke. Thus, a simple notion such as *human dignity*, for example, poses a problem of definition. Experts and moral philosophers tell us, in many wise ways, that the term means different things to different people such that it provides no "common standard of achievement" of being or counting as human. Far from being an absolute standard, maintaining personal and cultural dignity is not the only worthwhile moral concern people have. The "inalienability" of human rights, the experts say, is a splendid idea in itself, but the reality of life under conditions of mass impoverishment compels cruel choices. Under different conditions of existence, people have constantly to make trade-offs between their survival and their dignity and ***an undignified life for them may be better than no life at all.***

## SURVIVAL OFTEN PRECEDES DIGNITY AS A HUMAN GOAL

These truths do not dismiss altogether the notion of dignity. But we need to appreciate that in itself, the term has no self-evident meaning and the meanings that we choose to confer upon it vary and are often conflicted. Similarly, the notion of the right to be and remain human that we here constantly invoke remains riddled with deep puzzles. It may be said that if there was such a "right," it would remain an empty signifier because (a) it does not tell us what rights must be in place for one to be, and to remain, a human being; (b) reference to our rights may be considered necessary but is not sufficient for being, and remaining, human; and (c) over-privileging of human rights languages obscures the possibility that there are other equally, even more important, ways of being and remaining "human."

### *The Term "Human" as an Empty Signifier*

The long, dark night of Colonialism amply illustrates this first proposition. Because human beings were evaluated in terms of their possession of the faculties of free will and reason, those "lacking" in it were immediately excluded from the equation. This over-rationalized concept excluded the role of emotion and passion in framing universal narratives of being human and of defining a "good" life. As feminist thinkers now remind us, this misogynistic exclusion is the bane of the liberal tradition of discourse concerning human rights, which, despite notable struggles, persists even till today.

Moreover, the contemporary movement toward human rights stands defined by cruel practices of social exclusion. Historically, only Euro American peoples considered themselves fully "human." Therefore they had to carry the unsustainable burden of making others fully "human" by various acts of colonization and imperialism. The dogma of the White Mans Burden still marks the politics of human rights. That dogma signified in the colonial circumstance "a double moral responsibility, as Robert Young in his *Postcolonialism: An Introduction* explains: "first to exploit for the benefit of 'the civilized world' the available raw materials that would otherwise not be used; and then to extend the culture of 'civilization' to the society being exploited." Thus, Western humanity claimed the charmed circle of human rights for itself.

In our own lifetimes, the Cold War achieved the same cruel results, placing the "enemies of the people" and "communists" beyond the pale of human rights. Even today, vast sections of humanity - indigenous peoples, the physically and psychiatrically disabled, child

laborers, people with non-heterosexual orientation, migrant labor, women in sex industries, and any one who may be successfully labeled in the post September 11 world as a "terrorist" - stand excluded from the arc of that which signifies being "human." This despite their theoretical inclusion as deserving recipients of human rights in a framework which affirms the equal worth of all human beings.

Further, we note that contemporary science re-invents the category of "human" in some unanticipated and even unfortunate ways. Experimental use of the human body, traffic in human organs, surrogate motherhood (wombs for hire), organ transplant technologies and the advent of human cloning complicate our understanding of what it means to be "human." For example, some fear that cloned humans would be no more than genetic warehouses or artificially created sub-human slaves, for whom the language of human rights may not apply. Others believe that insistence on human rights may provide a rampart against exploitative human cloning.

### *Human Rights as a Marker of Humanity"*

The common sense animating human rights theory and practice leads us to believe that the most practical way to measure the denial of being, and remaining, human consists in identifying human rights violations and transgressions. Increasingly, expert knowledge, notably in the work of the UNDP, has developed universal indicators for use in the comparison of human rights situations worldwide. This work has led to a common consensus that sees the denial of, or non- availability of the means to satisfy "basic needs," as the denial and diminution of being and remaining human.

Beyond this, we enter stormy waters.

- Though this may come as a rude shock to human rights evangelists, there is no agreement on what constitutes basic needs.
- Concepts of need must be distinguished from all kinds of related phenomena such as wants, "desires' "interests" and claims"We all know from our daily experience that what we need differs a great deal from what we want and desire, and is far removed from our interests and claims'"
- Not all basic needs are material. Some, such as freedom of conscience, expression, religion and opinion, are non-material. Some argue for prioritizing the satisfaction of material needs over non-material ones (the typical 'bread versus freedom argument); others insist that non-material needs are equally, if not more important, than material ones.

- The human rights that satisfy material needs, the range of actors obligated to satisfy these, and the ways in which they can be satisfied (for example, through free market trade or state-regulated capitalism) raise many complex issues concerning which there is scarcely a right, or a final, answer.

- The ways in which human rights norms and standards convert human needs into human rights remain highly problematic. Most expressions of social and economic rights (such as the right to food, shelter, health, literacy, education and work) remain fuzzy concepts. Of course, continued attempts to make these concrete are of great value. But at the end of the day such rights, and all endeavors to perfect their framework, emerge mostly as policy exhortations pressing upon national governance rather than as enforceable individual or group rights. In addition, it is not clear what constitutes failure in meeting these rights and responsibilities and indeed, who may be said to be actually responsible. In particular, it is not clear whether, and to what extent, Euro-American societies have any responsibilities towards the fulfillment of these rights elsewhere in the world, or indeed how such obligations may be viably constructed. Any reference to the possibility of transnational corporations and international financial institutions being bound by such obligations invites a cynical response.

### *The Argument for Diversity*

From the perspective of diversity and multiculturalism, many suggest that the definition of universal human rights reduces human diversity to a common essence. They suggest that universal constructs of being and remaining human might diminish cultural diversity, abate authentic human agency, and create the "End of History," at least in so far as human beings everywhere could become schooled as avid consumers of the processes and products of global capitalism. From this perspective, human rights theorists, practitioners and educators need to translate the right "to be and to remain human" as a human "right to be different." We cannot here visit the various versions of politics *for* human rights that celebrate the politics of identity as a sure path of resistance to the invisible hand of global markets that impose a dull, degrading, and even deadening, definition of the good life on all societies. The current anti global capitalist protest movements, from Seattle to Genoa and beyond, provide one vision of this new form of politics *for* human rights. Nor do we explore here, in the space available, the lesbigay, transgender human rights to sexual orientation, conduct, and identity that resist homophobic conceptions of human intimacy, family, and dignity.

### *Being and Remaining Human Outside Human Rights*

HRE needs to fully understand the contention that values and belief systems other than those crystallized in human rights norms and standards also define, and often more satisfactorily, ways of being, and remaining, human. It is true that often such arguments are advanced wholly in terms of advancing the interests of the powerful, such as those who extol cultures which emphasize human duties over human rights. This attitude simply enables those who have power to extract passive obedience, in the name of duty, from the dominated. Patriarchal domination, in almost all its forms, has thrived on the affirmation of human duties over human rights. The impatient and passionate rejection of such dogma marks the human rights agenda.

At issue is the notion that human rights languages may not exhaust concepts of "good life" and "society." In particular, communitarians of many hues find unsatisfactory and problematic the emphasis on the "sovereign individual" in liberal human rights theory. That emphasis not only finds it difficult to accommodate the idea of collective or group rights but also leads to "social indifference" towards the right-less others. Thus the moral philosopher Annette Baier has acutely said:

> *The liberal morality, if unsupplemented, may unfit people to be anything other than what its justifying theories suppose them to be, ones who have no interests in each others' interests A moral theory cannot regard concern for new and future persons as an optional charity left for those with a taste for it.*
>
> Annette Baier
>
> **'The Need for More than Justice' in *Science, Morality, and Religion***
> **(Calgary; Calgary University Press; Marsha Haen and Kai Nielsen Eds.)**

A constructive way out of this dilemma is to move to a concept of good life that expands "the concept of identity to include the experience of interconnection." From communitarian perspectives, as Chantal Mouffe reminds us, we need to reconstruct the idea of "a non-individualistic conception of the individual," not identity as such but multiplicity of identifications and collective identities that constantly subvert each other. One way to collate these insights is to say that human rights, far from being the instruments of social predation, should emerge as the means of human solidarity. This perspective could bring to us new ways of enriching human rights, and our efforts in human rights education. As of now, frankly, HRE practices fall short of meeting the challenges thus posed. These criticisms must be taken seriously by would- be human rights educators, for HRE that fails to take these into account merely remains a species of collective hypnotism, a postmodern magic that might leave the human condition worse off than ever.

## b) THE GLOBAL AGENDA AND THE NEED FOR HUMAN RIGHTS EDUCATION AND LEARNING

By Walther Lichem

### *The Priorities on our Global Agenda: Peace and Security*

The Millennium Report of the Secretary General of the United Nations and, in adopting the same, the Millennium Declaration of the Millennium Summit clearly identified the key challenges facing the community of nations during the forthcoming decades. Translated thereafter into the Millennium Development Goals for the UN system of organizations, they represented the first broader-based political approach to global governance through management by objectives. As central goals they reiterate again the core values of the United Nations.

**Freedom from Want**
**Freedom from Fear**

**a sustainable perspective for the future under global governance through a strengthened United Nations**

Challenges were conceived as not relating primarily to matters affecting the well-being of states but rather to the security and development opportunities of the individual human being. It also stated clearly that the international public domain must be opened further to the participation of the many actors whose contributions are essential to managing the challenges of global governance. And yet there was no direct linkage established between Human Rights Education and Learning on the one hand and achieving the objectives of the Summit's Declaration.

In spite of significant successes and progress in some regions, the challenges for achieving freedom from fear and freedom from want have not dwindled. On the contrary, disintegrative forces in our societies and between them have even been accentuated. The reasons are manifold. One development is that the challenge of achieving these goals has increasingly moved from focusing on the *state* as key actor to considering the capacities of *citizens and of society*.

## *From a Society of Command and Obedience to a Society of Choice*

The East-West confrontation was sustained by the idea that it is primarily a question of military prowess as to which system of societal organization might prevail on a global scale. When it rather abruptly came to an end it unleashed a process of change and reorientation not only in the societies immediately affected but also in practically all regions of the world. As it now turns out the withering away of Marxist-Leninist verticality is only one dimension of the long-term processes of change that have taken place, in some cases over centuries, in practically all our societies, regardless of national, cultural, geographic or religious contexts. They have had a significant bearing on the cohesion within societies, on their identities and their internal sense of belonging and community.

These societal changes concede a new sense of sovereignty to the individual person. They include a narrowing of vertical command and obedience relationships which have characterized not only patriarchal feudal, clan and tribal relationships, but were also prevalent in the various aberrations to which Western societies fell victim during the 20th century, including fascism and the Marxist-Leninist version of command economies and command societies. This process can be called **de-verticalization.**

> **De-verticalization represents the structural dimension of the liberation of human beings by moving from subject to citizen.**

Societal order, security and peace are no longer sustained by effective command structures enforcing obedience and submission but by the capacities existing within societies to relate to each other, to the public space in general and to the state. The absoluteness of the identities of command societies had to give in to individual choice, to capacities for dialogue, compromise and cooperation, as well as to the fundamental ability to relate to diversity and to the other.

A major portion of the crises we are currently facing in almost all of our societies with regard to economic, social and cultural development as well as with regard to peace and international respectively human security, can be seen as the result of structural deficits in the capacity of societies to cope in coping with the new challenges of de-verticalization.

- Can we leave this transformation to the good luck of history?

- Can this transition from vertical to horizontal societies be the subject of development strategies?

- Is there a need for developing new thinking and new policies at local, national and global levels?

- Does a democratic government and good governance encompass the entire society?

If we perceive the new sovereignty, empowerment and responsibility of the individual as the crucial element of our societal transformation towards de-verticalization, capacity building through human rights education and learning has to provide the basis of our new societal order.

## *Human Rights Education and the Peace and Security Agenda*

Societal command structures in vertically structured societies, with the police state as its ultimate form of organization, enforce public order, peace and security through obedience. They also generally imply a clear demarcation of identity and the sense of belonging through ethnic, tribal, and national boundaries or socio-cultural borderlines, allowing limited scope for relating to the world beyond. The enemy - and threats to security - begins where the "national" vertical order of command and obedience terminates.

Peace and security depend on the international relations of states with their neighbors and the world at large. The primary task of the United Nations has been defined as maintaining peace and security through a system of collective security on an interstate level, while Article 2.7. of the Charter of the United Nations clearly excludes the United Nations from intervening in matters which are essentially within the domestic jurisdiction of any state.

## NEW DEVELOPMENTS

- The historical development of the past decades has blurred the classic distinction between international and domestic.
- The role of the state in international affairs and as the central frame of reference for public goods and services has seen the emergence of new, external actors and actions.
- Internal affairs are increasingly also determined by external developments and influences.
- The citizen is becoming both victim of and perpetrator against a global agenda that increasingly ignores national boundaries and the segregation they once projected.
- Society has become relevant to both the peace and the development agendas and is increasingly invited into the policy discourse as a partner in local, national and global public space.

**Human development has been defined as a process of change towards a broadened spectrum of choice.**

The evolution of the concept of civil and human rights can be understood as the very basic legal framework within which de-verticalization is being most effectively transacted. In fact, one might well understand human development as that societal process towards de-verticalization, towards ever less determination from above and ever more personal autonomy in deciding the multiple dimensions of individual and societal life. The concept of human security complements this new understanding of the focus on the individual instead of the state.

A review of the United Nations Security Council's Agenda of the nineties reveals that the vast majority of crises evolving over the past ten years was the result of internal security issues, of societal collapse, of the "privatization of violence", of civil wars, human rights violations, governmental failures and state disintegration, with the resulting consequences

for the security of citizens and in particular of its weakest elements - women and children. The terrorist attacks of September 11, 2001 placed the societal dimension of peace and security even more blatantly on our agenda. The different capacities in relating to diversity, to otherness, tend to define another important cleavage in our societies prone to serious disruptions, violence, even terrorism.

Our new security agenda is thus closely linked to people's perceptions of society, of justice, of human dignity, of how conflicts are to be resolved. The new challenges thus appear primarily related to human security and not so much to the protection of state sovereignty and the inviolability of borders.

In addressing the human security agenda, governments recognized the direct link with the human rights agenda. In 1999, in Bergen, Norway, the foreign ministers of Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Slovenia, South Africa/as observer, Switzerland and Thailand founded a Human Security Network pledged to cooperate in the promotion of an international human security approach. An International Workshop organized by the Human Security Network at the European Training Center for Human Rights and Democracy (ETC) in Graz, Austria, (July 2000) concluded that:

- *human rights, human development and human security are closely interrelated and mutually reinforcing*

- *there can be no human security without a societal and political culture based on the protection of human rights*

While vertical societies strive to guarantee peace and order through command and obedience the freedom of a democratic society depends on the capacities of its citizens to relate to each other and to the state in a new partnership of governance

Any security agenda that wants to avoid reverting to authoritarian rule and police state practices will have to develop the skills required in democratic societies by each and every citizen through broad-based human rights education and learning.

## *Entering the "Operational Phase" of the Human Rights Agenda: Education and Learning*

In the institutional evolution of international cooperation three key phases can be discerned.

- **The phase of standard- and norm-setting**
  It provides for general principles, a certain degree of predictability in mutual relations yet is sustained by the idea of national sovereignty without external control. In the field of human rights the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights represent that first phase.

- **Adjudication**
  adds the possibility of strengthening the effectiveness of standards by passing judgment on a government's performance in relation to these shared norms and standards, of denouncing gross violations through specific country related resolutions, country related reports, court procedures (see European Convention of Human Rights), the appointment of Special Rapporteurs etc.

- **The operative phase**
  of institutional evolution, finally, provides for the conscious creation of a desired state of affairs. The operational programs for development cooperation, humanitarian assistance or other operational programs of cooperation are examples for concrete activities undertaken with this purpose. In the field of human rights, human rights education and learning represents the respective operational development approach. It has the advantage of combining the universality of values with the cultural, religious and development specificities of each society concerned.

The time has come in the field of human rights to bolster the efforts in making human dignity a universally shared standard and value by entering the operational phase of human rights development through education and learning.

## *Human Rights Education as a Key Tool in the Deverticalization of Society*

The traditional development discourse over the past thirty years has been characterized by a growing recognition of three pillars of sustainability:

**economic**
**social**
**environmental**

There has been no mention of ***societal sustainability*** even though the history of development of the past half century has underlined the essential role that societal skills and capacities have played for attaining any of the three-pronged objectives. Many of the economies which have failed in granting their societies the dynamics of development are those which are unable to free themselves from authoritarian verticalism and to establish democratic societies on the basis of the protection of human rights.

The societies which have difficulties dealing with their ethnic, cultural and religious diversity and plurality are often also severely handicapped in their economic growth, in adopting social development policies and in achieving sustainable development and use of their natural and environmental resources. "Good governance" is not only an objective for building more effective governmental structures, but also depends largely on the society being governed. This is why the affirmation of human dignity and an effective system of human rights is of central importance in market societies.

The application of new technologies also has a major impact on societal structures, identities and cohesion. It is no coincidence that the preparatory process for the World Summit on the Information Society in Geneva (December 2003) has heard the insistent claim for a human rights-based approach to the evolving structures of our trans-national societies with the application of information and communication technologies.

In the economic sector, societal development should provide the capacity building for a horizontally interacting market economy, with regard to social development on the basis of human dignity and the understanding of social interdependence and with regard to the development and use of natural resources thus better understanding the challenges of the societal dimension of sustainability.

*Societal development refers to those processes of change, which affect the value systems, behavioral patterns and relational skills, and capacities of a society, and requires objectives, time frames and the allocation of resources for their achievement. It includes the recognition of the central role of women in both societal cohesion and peace and with regard to the development agenda; societal development focuses on the encouragement of citizens to move into public space as partners of the state thus becoming civil society.*

Managing the transition from vertical command and obedience to horizontal interaction has become a key challenge. While human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and in the Covenants are universal the learning processes of human rights must reflect the specific socio-cultural conditions in each society concerned. It is furthermore very important to recognize that human rights education and learning must not be limited to the formal processes of knowledge acquisition in schools or universities but must engender all processes of socialization and value acquisition. In short, without human rights education and learning there can be no societal development and without societal development there will be no sustainable development in the economic, social and environmental sectors.

## c) THE HOUSE OF MEMORY

By Marcela Chiarotti

The context of this story is Argentina in the 1970s - years that were the gloomy forerunners of the sustained struggle for human rights, which reached its peak after the fall of the military dictatorship. 1969 was the critical year when urban guerrilla activity began to intensify, activated by various groups whose main objective was socialist revolution, incorporating armed fighting as a possible strategy against the violence exercised by the illegitimate regime.

Everything happened in a humble house at Santiago 2815, in the city of Rosario that, with the passing of time, stopped being an ordinary house in the neighborhood to become the one that now, more than ever, is distinguished among the others. It is not because of its walls, covered with plenty of colorful drawings of faces, eyes, mouths, hands, but because of the event that took place in it on September 17th., 1977.

The house was the home of Maria Esther Ravelo, aged 23, and Emilio Etelvino Vega, aged 33. They were both blind. That night, an action was carried out against them by the combined efforts of the Gendarmerie, the Army and the police, in an effort to repress those considered "subversive", a term applied to every person suspected of being a militant revolutionary. There is another name that echoes the first two: it is Ivan, the couple's son and the only survivor of that violent procedure.

> *"A group of twenty armed people entered the domicile... backed up by a machine gun situated on the roof of one of the houses opposite. They entered after lifting up the metallic shutter. .."*

From that moment on, everything is blurred. There are various versions of the story. In some people's memories, Etelvino was killed instantly, whereas Maria Esther (Cuqui) was first arrested and later apparently killed by Agustin Feced, the commander of the operation. What is certain is that one or both of them were detained without a judicial order. In other words, they were abducted.

Abductions were characteristically carried out in the small hours of the night or at dawn, and generally on days near the weekend, allowing a lapse of time before relatives could act.

The next step was to ransack the couple's home. It is common knowledge that all of the blind couple's belongings disappeared: furniture, clothes, a machine to produce sparkling water and a truck Etelvirio used to deliver it were all loaded onto an army truck. They also removed a German shepherd which was the couple's guide dog.

This procedure was common practice during abduction operations, which were repeated over and over again in different parts of our country. The blind couple's house was occupied by the Command of the II Army Corps and became the headquarters of the Center for Retired and Pensioned Subofficials and Gendarmes. The usurpation lasted 17 years.

Dr. Manuel Blando, who was President of the National Committee for Missing People from May to November, 1984, was amazed at the impudence of the operation, which was carried out in public with no attempt at secrecy and was thus different from other similar operations where officials tried to maintain some basic appearance of legality. In this case, the house was still the property of Maria Esther Ravelo - a fact that became highly significant because it gave the victims' relatives some hope that they could eventually reclaim it.

## THE CHAIN OF EVENTS THAT RESTORED JUSTICE

*"Ivan, the son - now 20 years old - and his grandmother entered the house at Santiago 2815 and discovered the results of the ransack. They could not avoid crying. They had no reasons to restrain their tears. Nobody is able to answer who will pay for those tears."*

The struggle against impunity, against arrogance, against crime, publicly began on December 5th., 1992, when the writer Osvaldo Bayer denounced the atrocious event on the back cover of the newspaper *Página 12*. Ignoring the negligence to which the judicial system had accustomed us, the journalist Carlos del Frade, in a series of articles in the newspaper *Rosario 12*, added to the denouncement and to the investigation that discovered that Mrs. Ravelo had a title to the house, the title deed being held at the Land Registry of the City of Rosario.

With such revealing information, the only task to be carried out was to return the "stolen house", as it was called by the neighborhood, to its legitimate owner, Ivan, the blind couple's son. There then followed an appeal to the federal and provincial justices, headed by the lawyer Dr. Norberto Olivares, who stated that this outrage cannot be left unpunished.

Osvaldo Bayer and Maria Esther's mother decided to create a public awareness campaign. Bayer approached Hebe de Bonafini, president of Mothers of Plaza de Mayo, to organize a demonstration on May 24th., 1993, the 17th. anniversary of the 1976 Military Coup D'etat, which took place in front of the house at Santiago 2815, still occupied by the gendarmes. The case had earned a national profile.

- **The first link** *of this chain is made up by Etelvino and Maria Esther's ideals. They belonged to a generation that dared to want to modify the status quo, the character and essence of the exercise of political, economic, cultural and social power in our country that dared to want to change it for a new one. A generation that had courage the enemy never forgave.*

> **fear insecurity distrust**
> *are feelings which leak from every story, and which are caused by the anguished uncertainty of Maria Esther and Etelvino's destiny, the uncertainty of their death, the location of their bodies, and the reasons for such cruelty.*

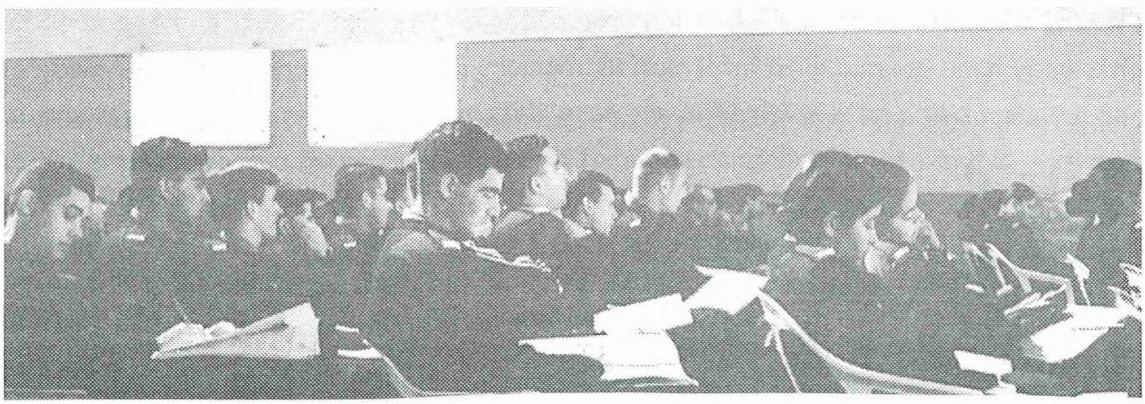
- **The second link** *is Maria Esther's mother and her search from the very first moment. Soaked in desperation and tenderness, she joined another white handkerchief to the many others that constitute that row of white handkerchiefs united by pain and hope. That image of the Mothers of Plaza de Mayo dancing inconsolably but without resignation before the world, is an international, everlasting symbol.*

- **The third link** *was the people who testified at the trial on December 28th, 1994. Laura, one of the couple's neighbors, known as la Gringa, gave her testimony before the Court of Law of Rosario. Another neighbor, Graciela, told the judges that the whole neighborhood, with no prior arrangement but in spontaneous solidarity, preferred not to establish any sort of relationship with the illegal occupants of the house, to the extent of denying them any help they asked for. She allowed her memories to come to her and told us that sometimes, when she was cleaning her house, she would open a window opposite the blind couple's house and play records of protest songs to annoy the gendarmes living there.*

- **The fourth link** *was the never yielding attitude of an intellectual (Bayer) and a journalist (del Frade), true instances of commitment to the popular cause.*

- **The fifth link** *was the public participation in the claims that continued for two years. Thanks to each of those instances, justice was done and the house is now occupied by its rightful owners.*

**Our intention is to make many**
**"houses of memory"**
**against all kinds of injustices that are buried in the history of ARGENTINA**



## HOW THE HOUSE OF MEMORIES WAS BORN

> *Let us make a house of unity, a house for the popular movement, to allow all those who want to keep on fighting, resisting against all this, to gather... all those who fight for what happened in the past but also against the impunity of the present day. The house is not intended to be a museum of the memory, but a symbol of a memory.*

The idea was to make this house

- *an active center...*
- *a place of interest for students*
- *a national memorial*
- *a memorial to the personal, cultural, political and ideological identity of its owners*
- *a distribution center for the ideals that were conceived in the house and that were supported by it*
- *an educational center where concepts of human rights could be discussed and broadened to include new problems of the settlements, the homeless, the unemployed, the illegally repressed youth*

The house is now the headquarters of the League for Human Rights, and of different youth groups. A workshop was created to discuss the constitution of a movement which starts to question the issue of repression seriously, an organization with a system of lawyers, telephones, denouncements, an organization that sheds light over situations..."

In facing a society that has been silent for decades, the fight for the exercise of human rights goes hand in hand with information, memory and an awareness which is made evident when a human being gets involved in any case that may attack his or her rights and integrity. When people gather to repudiate an unfair act, whatever its nature, we can see the degree of awareness a society has acquired and continues acquiring, as well as the level of demand that increases as a result of human rights education.

# PART 3: OBSTACLES FACING HUMAN RIGHTS EDUCATION

## a) THE INSTRUMENTALIST CHARACTER OF HUMAN RIGHTS EDUCATION

By Upendra Baxi

The practices of the PDHRE (as reflected partly in this Report) start with a rather positivistic form of practical reasoning, and involve the exploitation of the semantic and semiotic resources of this Age of Human Rights. At least, we insist, everyone understands human rights to be ***international, regional, and national norms and standards, a series of collective obligations consciously adopted by states as a binding code of duties to their own peoples and to the international community***. This means that every governing body is to be held accountable by its victims for its human rights record among its own people and in the eyes of humankind.

In addition, there exist human rights governance obligations under what is known to specialists as customary *jus cogens*. These are the tenets of peremptory international law that may not be supplanted by contrary international agreements. Thus, for example, states may not agree, through a treaty or other forms of inter-state compliance, that slavery (and associated forms of human subjugation), genocide, or apartheid (and related forms of violent social exclusion) remain permissible, or even legitimate, methods of governance. True, the range and content of human rights norms and standards that aspire to this *jus cogens* status remain contested. However, the expanding consciousness of human rights worldwide now makes it possible to say, as an important example, that certain forms of violation or discrimination towards women are no longer permissible. The struggle that defines HRE has become a struggle to expand the range, and refine the contents, of *jus cogens*.

Human rights educators must convey the messages of internationally framed and accepted codes of state conduct that respect the integrity, dignity, and well being of all human beings. When these norms and standards are clear and compelling, the mission of HRE is to enable people to demand the exercise and enjoyment of their rights. When governments fail to acknowledge, respect, protect and promote human rights, our mission converts itself into a ceaseless struggle to redress such violations.

Where human rights remain subject to interpretation, HRE becomes, and remains, an important site where people work to fashion a vocabulary of content and meaning within human rights norms and standards.

Of course, states are wholly free not to ratify or subscribe to human rights norms and standards. In addition, hesitation, ambiguity, cross-purposes, and special interests notoriously complicate their formulation. Treaty-based human rights agreements are always compromises. They authorize state parties to indulge in a riot of reservations and derogations, and to make statements that often defeat the very object and purpose of human rights obligations.

Thus HRE does not merely impart knowledge of existing human rights, important though this is. It necessarily goes beyond diplomatically completed texts and treaties, becoming instead an ongoing process of engagement in the politics of production and the enforcement of human rights norms and standards, positing from the outset that human rights *ought* to exist and prevail.

### *State Centrism*

While human rights activism pits the scattered strengths of human rights movements against the consolidated might of various state formations, it is liable to invite indictment as being state-centric. State-centrism is a coat of many colours.

One form of state centrism arises when human rights practitioners almost wholly identify the state as the ultimate source of human rights violations. They then seek to perfect state instruments of governance, imbuing them with the "magical" ability to redress ancient social injustices and their resulting forms of human rightlessness. In other words, they assume that state reform is the best possible path of action for the protection and promotion of human rights. Such state centrism is perhaps justified in situations of catastrophic state failure or collapse. Outside such traumatic contexts, however, the accusation of state centrism directs HRE toward a more societally and culturally oriented understanding of its mission.

This indictment of state centrism does not deny the enormous power of the state as a site for human rights violations; nor does it regard the concern for state reform as historically unproductive. But it points to the fact that other power structures --culture, religion, education, the market, for example-- emerge as separate but equally crucial arenas for human rights violations.

These structures often resist the notion that all human beings have equal worth and a claim to a dignified existence. Instead, they provide the historic source and seat of hierarchy, domination, discrimination and prejudice.
The indictment of state centrism invites a grasp of the complex linkages between "state" and these other sites of power.

The state as an apparatus of power and domination at times sustains its legitimacy by recourse to anti-human rights tendencies, yet also confronts these, in a different historic moment, in the name of human rights. At times, the state seems a mirror image of civil society in its production of the condition of human rightlessness; at other times, it symbolizes the terrain of struggles for equality, dignity, and justice, emerging almost as an ethical force. HRE needs to provide an understanding of the changing profiles of state power and to provide bases, or frameworks, for responsible judgement. By the same token, it needs to look at culture, religion, and market in a complex way as providing, at different times in history, structures that may support human rights-denying governance as well as being important catalysts toward more human-rights oriented state behaviour. HRE may neither practice state idolatry nor luxuriate in iconoclasm.

This complexity is currently aggravated by the fantastically growing networks of global capital that can serve to reconstitute a state. Human rights violations and transgressions are often cooperatively produced by local states on the one hand and congeries of international financial institutions, transnational corporations and multilateral/regional/bilateral trade and investment relations on the other. Understanding the histories of state formation and practices remains an unfortunate imperative for human rights educators.

The failure to fully understand concrete and enduring ways of global cooperation in the production of human rightlessness is perhaps the worst form of state centrism, in which human rights movements and HRE programs proceed on an unexamined notion of state. Where do human rights educators turn to acquire a serious understanding of state formative practices and their relations to human rights?

**THE CENTIPEDE SITUATION...**

*When asked how it moves along so felicitously with all its hundred legs at once, the centipede placed one foot upon its head and began to think.*
*As a result, it is said never to have walked again!*

*To avoid this fate, human rights education has to reflect upon its doings without ceasing its movement.*

This question illustrates the need for the education of human rights educators, taking us into somewhat forbidding liberal, Marxian, and postmodern theoretical territories.
All kinds of state theories abound. Each contains elements that remain relevant for the tasks, immediate as well as historic, of human rights education. The wholly understandable activist suspicion of theorizing, however, ill serves the potential of HRE.

## THE STATE

- The state is not a thing or an object of nature, like the Himalayas. The state is a human construct that names the processes of production, exchange, and consumption of power in society. Because it is socially constructed, not naturally given, it is also not sacred - the state is not a gift of the gods to human beings and it is never holy. Rather, it is a terrain of social struggle over the definition, and pursuit, of "good life."

- The existing state formation is a product of history and culture. There is simply no way in which its operations can be neutral in relation to caste, class, gender, and race. Human rights values, norms, and standards, however, require contemporary state formations to escape their history. Since a human right to have miracles performed is impossible, what remains is the struggle to transform the state. No matter how hard we try, the *rate* of change will disappoint. All human rights can seek to achieve are the prescriptions for the *direction* of change, and this is indeed precious for human futures.

- The state is an organ of violence. Modern "state" signifies the constitution of force monopoly in its agents and managers. Most states seek to make this force monopoly legitimate. The more people believe, or are made to believe, that the state is a "good" thing, or a necessary evil to avoid anarchy, the more justified state violence becomes. The Covenant on Civil and Political Rights, and related instruments such as the Torture Convention, define the limits of legitimacy of the state as an organization of violence.

- Human rights language, logic, and paralogics also justify the state practice of organized violence in the name of protecting and promoting human rights. They entail a redistribution of forms of social suffering and can create new forms of suffering. Human rights normativeness thus marshals the power of the state as an organization of violence to its own ends.

- The state is relatively autonomous from civil society and cannot be reduced to or substituted by religion, culture, or economy, even when its agents and managers are recruited from, as well as embedded in, civil society.

- A politically organized society that does not differentiate between its governing institutions is less likely to protect and promote human rights. Legislatures, based on some principle of representation, are necessary to convert human rights policies into legally binding obligations and to periodically carry out the repair and reform of the legal system as a whole. A specialist bureaucracy is required for this task.
  In addition, properly trained and recruited personnel for the enforcement of rights, law, and peace also form a specialized state apparatus. Because law and administration may trespass on human rights, and because of conflicting interpretation in the exercise of human rights, a relatively autonomous judiciary, free from executive control or interference, is also required in human rights oriented governance. Judges and court personnel are trained specialists who can only function with the help of lawyers, thus making necessary an autonomous legal profession. The level of legal education and research thus requires attention from human rights educators. The United Nations system has generated declarations concerning the Independence of the Judiciary and the Legal Profession, Minimum Standards for the Administration of Justice, and a Code of Conduct for Law Enforcement Officials. These do not figure massively on the human rights education agenda but must, in the present opinion, remain an integral part.

- State apparatuses systemically remain captive to special interests that often disregard, or even trample upon, human rights. Very often, the division of power and the separation of functions in governance mask the centralized unity of the state. Thus state differentiation is *a necessary* but *insufficient* condition for the achievement of human rights. Where it does not exist, as in absolutist or dictatorial state forms, the struggle for human rights, and human rights education, stands directed to bring this about. Where it does exist, the struggle remains focussed on rendering various state institutions and processes increasingly amenable to human rights values, norms, and standards. The making of human rights oriented governance is always a work in progress.

- All this generates the *production of politics* and the *politics of production*. This points to the distinction that I draw between the politics *of*, and politics *for* human rights. State theories that fail to draw such distinctions remain rather unhelpful for human rights education. The *ruling* classes define their power, overall, as a way of *future* accomplishment for human rights oriented ways of governance. Human rights activism and education consist in protecting human rights from political predation *here-and-now*. From this perspective, human rights state-centrism is hardly a "bad" tendency.

- HRE and activism stand confronted by the task of simultaneously *empowering* and *disempowering* state action. This complicates the indictment of state-centrism in some important ways. On the one hand, human rights signify a corpus of constraints on the power of the state. Human rights make sense, in classical liberal theory, only when, and because, they provide *state free* spaces that define the conditions and circumstances for human

autonomy, that is, the freedom to choose ways of living unrestrained by comprehensive state definitions of what constitutes a "good life." On the other hand, human rights activism and education strive to empower the state and the law to define the condition and circumstances of what constitutes a "bad" life. In this sense, the state and the law need to be progressively empowered towards a form of protective legal paternalism, which incrementally defines what individuals may not do to themselves and others. Examples range from activist mobilization against smoking in public places to detailed regulation over "hard core" pornography, "hate speech," or pro-life/ choice movements.

To fancy that human rights activism and education may speak with a single voice over such matters is a dangerous delusion. To allow radical pluralism within and across human rights movements may seem to enfeeble their overall strengths. But such a notion of strength, as Professor Cromarty in Henry Cecil's novel *Cross Purposes*, says, "adds less strength to that which has too little!"

One thing is clear: the indictment of state centrism masks the complexities and contradictions within HRE and activism. The possible ways of "demystification," represented by much of "identity" and "radical pluralist" movements, confronts the human rights movement with a continual and formidable challenge.

**We may not merely live with it**
**We need to negotiate ways of adequately coping with this challenge**

***Alienation***

When human rights activism inveighs against violative practices in civil society, especially regarding family, religion and culture, it often invites the charge that its proponents are either alienated people or carriers of a hegemonic global culture. The first charge is fairly easily met by saying that alienation can sometimes be a good thing, a positive force for social change.

Before the rather recent moral language of human rights was born, social reformers everywhere had to meet this challenge. Their success depended on their ability to promote a critical perspective, insisting that social arrangements and customs often authorise the tyranny of the majority. They were thus alienated because they denied certain aspects of culture and civilization; yet their alienation was a progressive force because they were able to discover or invent aspects of and for their traditions that affirmed human worth. In complex ways, for example, Mahatma Gandhi was enabled to define Hinduism in ways that strongly repudiated the ancient institution and practice of untouchability.

To take another example, contemporary Islamic women's movements interpret the Holy Koran to strongly suggest that Allah and His Prophet (peace be upon him) were not, and could never be, proponents of a vicious patriarchal order. Instead of engaging in sterile debates concerning relativism and the universality of human rights, the movement can perform a whole lot better by presenting itself as an integral aspect of social reform, authorizing practices of social emancipation from *within* tradition, and thus combating the notion that its proponents remain alienated from it.

### *Propaganda*

Propaganda, this true Gobbelsian genre, takes various and vicious forms. Consider these statements:

> *...human rights are of "Western" origin and lineage*
> *...human rights are mechanisms and instruments of a new global imperialism in the making*
> *...human rights are of little use in the struggles of the peoples in the Global South, the Fourth World*
> *...human rights languages, being inescapably political, entail a juridical world view in which the worth of being human depends on the contingent feats of judicial personages, both nationally and globally.*

The mission of HRE lies in exposing all this in its true character and essence.

### *Human Rights are of Western Origin*

It is historically true that the French and the American Bourgeois revolutions germinally inaugurated the languages of modern human rights as a corpus of constraints on sovereign power. From this it does not follow that the colonially subordinated cultures and civilizations lacked some analogs and practices of human rights. Mali, for example, anticipated by several centuries some of the Western credo of human rights. The struggles for decolonisation in the South were not based on any known liberal theory of human rights, but evolved when the subordinated peoples invented and practised their right to self- determination. Only in the nineteen sixties does this emerge as the common article one of the two Human Rights Covenants. Similarly, the suffragette movement anticipated the cardinal CEDAW provisions enshrining women's rights to political, social, and cultural participation. The anti- apartheid movement, led first by Mahatma Gandhi and later by Nelson Mandela in South Africa, and Martin Luther King Jr. in the United States, authored many a human rights enunciation that we celebrate today. In particular, Abdullah An-Naim and Talal Asad demonstrated human rights empowering readings of religious traditions.

As this Report elaborates, human rights oriented communities created new systems of human rights solidarity, whether in the Israeli *kibbutz* or the Sarvodaya movement in India and Sri Lanka - movements that now energize the PDHRE in the development of human rights communities and cities worldwide.

HRE has as its basic premise the task of exploring and illuminating the histories of human rights consciousness. The myth says that we owe the origins of human rights to the patrimony of Euro-American political liberalism. In fact, human rights were born everywhere autonomously as well as in the struggle against the Dark Side of European Enlightenment. Far from what the myth suggests, human rights are *not* the gift of the West to the Rest.

Human rights oriented societies should not accept the idea that a mere accident of birth, gender, skin pigmentation, or religious and cultural affiliation justifies practices of *pseudo-speciation*, in which certain politically expedient forms of domination stand invoked to deny humanity and dignity, and to impose humiliation on women, children, and men. As politics *for* human rights, human rights education seeks to expose the inner violence of the politics *of* human rights, so heavily favoured by practitioners of the politics of cruelty.

To dispel the reigning myths is no easy task. Education in human rights inculcates the belief that all cultures and civilizations generate theories and practices about human rights, and that these are not exhausted by the myths pertaining to their origins. Human rights education remains, of necessity, a multi disciplinary *inter-cultural* rather than *trans-cultural* mission.

### *Human Rights Are Tools of Imperialism*

Despite its incoherence, the notion of human rights imperialism is steadily gaining ground.

...**First**: *at a most general level, it says that contemporary human rights, dating from the Universal Declaration of Human Rights, are tools and strategies that dominant, or hegemonic, states deploy in order to subordinate less well endowed or well developed states.*
...**Second**: *it locates the substance of human rights imperialism in cultural aggression. Contemporary economic and cultural globalisation is defined as a new form of imperialism, human rights languages and logics are disproportionately made to serve the multifarious needs and ends of rapidly evolving new phases of global capitalism.*

The principal evidence for these propositions is furnished by the history of the Cold War, which divided the world, even as it was in the process of decolonisation, into two spheres of influence: the free world and the socialist world. In this era marked by ideologies of making the world safe for democracy" and of wars of national liberation, the term "human" acquired a destructive repertoire of meanings. As non-socialists, -ourgeois sympathisers" and capitalist roaders were considered insufficiently "human," and were readily consigned to *gulags* or eliminated by Stalinist leaders. The very words "Stalinization" and "Cultural Revolution" alert us to the provenance of the politics of genocidal cruelty. They also remind us of the diverse killing fields of "wars of national liberation," marking in essence the performance of expanding socialist imperialism.

The "Free World" also created its own *gulag* and killing fields. The much-vaunted liberal Rule of Law prevented communists in Euro-American regions from planned massacres. Outside these regions, these euphemistically termed "purges" were touted as historic necessities for making the world safe for democracy. The United States and its allies (the Soviet Union had only "satellites") thus supported innumerable dictators in the Third World, endorsing *carte blanche* for human rights violations.

The violence of the Cold War subjected most Third World peoples to developmental assistance. In fact, meagre developmental aid was tied to severe Cold War conditionalities which failed to achieve even minimal United Nations norms, enshrining a percentile of a developed nation's GDP to the amelioration of ex-colonial societies. The non aligned movement endeavoured, with indifferent success, to achieve some measure of autonomy from the two Superpowers, which were locked in mortal combat. These funnelled and fuelled insurgencies in ways that mostly benefited the military-industrial complex in the United States and the Soviet Union. They also reinforced pervasive militarization in the Third World to a point where defence outlays dominated national budgets, leaving very few resources in place for education, minimal health care, or provision of the bare means of livelihood - in short, little or nothing of an infrastructure for servicing people's rights to be, and to remain, human. Today there is much talk about "failed states," even "failed decolonisation," but very little concerning the role of superpower hegemony in causing the emiseration of two-thirds of humankind.

As generations pass, the Cold War becomes a distant memory. Its million Third World martyrs remain un-commemorated. Contemporary HRE needs to revisit in some detail the Holocaustian politics of the Cold War, not to celebrate of a world without alternatives to liberalism, but as a reminder of its rotten core.

A full expose of imperial socialism as well as bourgeois capitalism in terms of human rights cannot be deferred in any serious pursuit of HRE.

Imperialism of any variety condemns some human beings as insufficiently human, and therefore subject to terror. Often, it justifies the human costs as necessary for a "better" chance to secure human rights. It is this politics *of* human rights that needs to be fully revisited by HRE simply because these tendencies, far from having exhausted themselves, are resurgent in these early post Cold War days. HRE remains a historic force when it reminds us all that the achievement of universal human rights standards remains constantly vulnerable to reversal. Politics *for* human rights seek to make the future of human rights less reversible.

All this having been fully acknowledged, HRE must contest the reductive nature of these narratives. The amazing feature of the story of human rights is that they become manifest most under conditions of widespread terror.

It is indeed true that terrorist superpower regimes deployed languages of human freedom and rights to perpetrate the worst possible horrors. But it is also true that we owe the most radical and progressive international declarations of human rights to the worst phases of the Cold War. Resistance to radical evil thus becomes the birthplace for contemporary human rights norms and standards. The new Age of Human Rights is enwombed in the cruelties of the Cold War, testifying yet again to Walter Benjamin's immortal aphorism that the documents of civilization also furnish the archives of barbarism.

The confrontation between the two Cold War superpowers charts the pathways of contemporary human rights. Even as it marks the radical division of human rights into civil and political rights on the one hand, and social, economic, and cultural rights on the other, what remains historically pertinent is the fact that the languages of the latter variety found a safe harbour in internationally agreed codes of conduct. It is this very division that now stands contested in some historically fecund modes. What in the inaugural moment of human rights articulation expressed stratagems of Cold War diplomacy and global politics, now furnishes vitality for movements *for* politics of human rights. This is an inestimable dialectical gain, a gain that the languages of human rights imperialism unduly ignore, incurring mighty costs for the future of human rights. The human rights movement refuses to be confined to the prison-house sculpted by the circumstance of origin. HRE must remain dialectical or cease to exist.

The reductive narrative of human rights imperialism scarcely pauses to notice the enormous contribution of the Third World to the making of contemporary human rights norms. It was Malta's Ambassador Padro who first fashioned the notion of the "common heritage of (human)kind," which laid the bases for equitable and efficient management of resources of the seabed and ocean floor. This is the notion that now underlies the movement, since the Rio Declaration, concerning the preservation of biodiversity, the human rights of First Nations Peoples, and the logics and languages of sustainable development.

It was also Third World voices and vision that claim authorship of international laws concerning non-appropriation of the moon and other celestial objects, and placing outer space beyond superpower competition and militaristic exploitation. So does the war against apartheid, xenophobia, and other forms of intolerance. This is manifest in the United Nations General Assembly resolutions and declarations such as: The Declaration on Permanent Sovereignty Over Natural Wealth and Resources, the Declaration on Social Progress, the Declaration on Peaceful Uses of Science and Technology for the Benefit of (Human) kind, the New International Economic Order Declaration and Program of Action, declarations against apartheid, xenophobia, and other forms of intolerance, the Declaration on Peaceful and Friendly Relations Among Nations, the Declaration on the Right to Development, and the (aborted) UNESCO Declaration on World Information Order.

International lawyers may justly quibble over the binding force of such declarations, no matter how frequently reiterated, although some progressives among them believe that frequent repetition of such resolutions is *prima facie* evidence of the actual existence and application of human rights norms and standards. But this normative encoding symbolizes the Third World's notions of *structural global human rights*, enunciations that speak to visions of a just world order, within which the languages, logics, and paralogics of contemporary human rights make historically pertinent sense. Although scarcely acknowledged, contemporary human rights movements and markets remain inconceivable outside this normative heritage. It is pointless to multiply examples that demonstrate the fact that the worldwide impetus for refashioning contemporary human rights norms and standards emerged not so much from anaemic liberalism but from the resilient vitality of post-colonial nations, no matter how interpolated within the matrices of the Cold War. Precisely at a cruel globalizing moment, HRE needs to find ways of resurrecting the "genius" of the peoples that sought to reconfigure human rights. In any event, enough has been said to question the reductionism that marks narratives of human rights imperialism, which are historically inaccurate, if not impertinent.

### *Human Rights Are Elements of Cultural Imperialism*

Human rights are often misrepresented as constituting elements of cultural imperialism. The indictment here is clear: the contemporary theory and practice of human rights does not adequately, even at all, respect cultural and religious diversity, or forms of communitarian existence outside the meagre understanding of the Euro-American repertoire. Human rights languages and logics are often represented as a saga of "Westoxification," constituting a pervasive and profound denial of non-Euro-American concepts of self-worth, dignity, and basic rights. Equally powerful is the communitarian critique of human rights, which suggests that contemporary human rights norms and standards remain invidiously secular.

The tasks of HRE are not easy to narrate on this register. One approach, which concerns Islamic peoples and their visions of human rights, is provided by the valuable work of Abdullahi An-Naim and Talal Asad. An-Naim insists that abundant conceptual resources exist within these traditions that promise human rights oriented renewal via intra-community dialogue. Asad invites us to think of the ways in which Euro-American invasive practices define the very nature and essence of the Islamic concept of self.

The PDHRE endeavours in Mali, for example, suggest that women living under Islam have their own human rights- friendly values concerning the practice of female genital cutting. All these narratives suggest rather powerfully that contemporary human rights norms and standards, far from being "imperialistic," empower communities acting on their own to evaluate the practices within their own cultures that deny human rights, and to suggest non- Euro-American ways of redressing such issues. This Report invites you to ponder available cultural resources for their potential from a human rights perspective.

### *Human Rights Overlook the Real Dangers of Hyper Globalisation*

Future generations remain enfolded in the "promises" of hyper-globalisation in a post Cold War era. Human rights signify to them expanding capabilities that enhance the prospect of individual freedom of choice beyond national boundaries without the burdens of redistributive social change. They welcome globalization with open arms, as it were, as a redemptive promise of human autonomy.

This scenario stands confronted by the variegated discourses of the so-called "millennial losers" and their next of kin, the communities of social and human rights activism. They perceive globalization as the New Cold War in another name, a kind of colonization without colonizers. Some of them perceive the logics and languages of human rights as the

Western Trojan Horse, ever so ready to cancel the gains and promises of the decolonization of the contemporary world. They struggle, under the banner of human rights, to expose the inner logic of human rights imperialism which, on the one hand provides a Marshall Plan paradigm for the reconstruction of post-War Europe and Israel, yet fails, on the other hand, to approach even a modicum of the United Nations stipulated norm of developmental assistance to the Third World. They also expose human rights as mere performances of strategic diplomacy wherein reparations are awarded to Germany and Iraq, but none for the perfidious acts of the sustained colonization of the Cold War.

The evangelical forms of human rights, or romanticized human rights languages that recite the *mantra* that all human rights are universal, indivisible, interdependent, and inalienable, do not quite respond to historically concrete criticism. HRE needs to situate itself rather firmly, and speak with (not just *to*) these critiques. In plain words, it needs to address the facts, and effects, of the politics *of* human rights that serve global domination and effective trade and business abroad. Global structural inequities abound and grow nastily apace, providing the only contemporary context that nourishes critiques of human rights as a handmaiden of human rights imperialism. No matter how detestable, there is simply no way of glossing over this perception.

### *Failed Decolonization and the Tasks of Human Rights Education*

HRE and activism betray their mission when they fail to speak to the circumstance of what Gayatri Chakraborty Spivak now calls "failed decolonization." In sum, failed decolonization names myriad acts of looting, plunder, atrocities and mayhem perpetrated by many post-colonial elites, no matter how variously supported by the agents and managers of the Cold War at various times. Idi Amin, Milton Obote, Papa Doc, and the Pol Pot, among other "illustrious" personages and regimes, variously name these catastrophic practices that scarcely legitimate their genocidal horror through reference to global superpower politics. It also increasingly speaks to the ethnicization of politics that Amy Chua vividly describes in her *World On Fire*. Of necessity, HRE and activism ought to address and critique such attitudes, notwithstanding the facile accusations stemming from assertions of Third World solidarity against the radical evil munificently caused by the First and Second Worlds. While a "What They (the West) Did to Us" style of narrative matters indeed, it remains equally important to trace the itineraries of human rights violations summarized by the phrase, "What we (South postcolonial leaders) allowed them to do to us." There is no sign on the horizon of this type of self-understanding in the available discourse of HRE. This constitutes a wanton lack in dire need of redressal.

In sum, responsible practices of HRE ought to fully grasp ways in which South monsters are produced by hegemonic global politics, at the same time shunning easy minded practices of denunciation of 'Western' imperialism as a fecund and exclusive source of human, and human rights violations. The HRE mission entails a complex understanding of how South leadership develops profiles of neo-colonialism, described poignantly by Kwame Nkrumah as power sans accountability and exploitation sans redress.

This is a daunting task. On the one hand, HRE needs to convey a sense of close linkages between predatory practices of global politics that supports terrible despotisms in the South in the service of its geopolitical and imperialist strategic ends. This directs HRE to the patient task of explanation and analyses of circumstance of globality that produces, promotes, and protects the killing fields of postcolonial societies. On the other hand, the so-called South solidarity reasons do not allow any defense of a Pol Pot, an Idi Amin, Saddam Hussein, or even a senescent Robert Mugabwe. Indeed, South-oriented HRE should provide no quarter to perpetrators of human rights violations because these are created by global imperialism. The HRE mission is to combat these, no matter how they rise to power. That mission also directs attention to, and enhances, important HRE responsibilities of North communities of social and human rights action and education.

Our **People's Report** does not fully confront the challenges thus posed. But our *movement* for human rights education *does*. We fully recognize the Realpolitik of human rights. We feel, however, that while it *names* the problems, it does not *exhaust* our tasks. We believe that human rights "imperialism" needs to be combated by human rights education.

## b) CULTURE AGAINST HUMAN RIGHTS?

By Peter Leuprecht

Extracts from a lecture delivered in Ottawa on the occasion of the 50th anniversary of the Universal Declaration of Human Rights

### *What Are Human Rights?*

**Rights which all human beings possess because they are human**

**Which they carry with them**

**Which cling to their skin**

**They are not rights granted or bestowed on them by some superior authority**

**They are rights which they need to be able to live the life of a human being, a life worthy of a human being, a life in dignity.**

> **The idea of human dignity, of the equal dignity of all human beings, is the foundation of the entire human rights edifice. It implies that these rights are, of necessity, universal, in other words, valid for all human beings; otherwise they would not merit their name.**

Human rights are not only universal, they are also indivisible. They form an indivisible whole, whether they be civil, political, economic, social or cultural rights. Only if the human being is guaranteed all these rights can he or she live in dignity. No society should confront human beings with the dilemma of bread vs. freedom, with an impossible choice between freedom in misery and prosperity in oppression. Both bread and freedom are indispensable for human beings to live a life in dignity. To quote a famous sentence, "necessitous men are not free men". This is not a quotation from Karl Marx, but from President Roosevelt.

Universal and indivisible human rights can be a living reality only in a society which practices solidarity in the respect, defense and promotion of these rights. They must be seen as what they are: not only the rights of each and every one of us, but also, and above all, the rights of others. In this respect, the increasingly important role played by non-governmental organizations (NGOs) is one of the most encouraging phenomena in recent decades. By lending their voice to those whose voices are stifled and their hands to those whose hands are bound, they provide a striking example of solidarity in the defense of human rights.

**universality**
**indivisibility**
**solidarity**

*these are the three pillars that support the edifice of human rights*

If human rights and their underlying principles are taken seriously, they are extremely demanding. Unfortunately, an enormous gap separates reality from human rights "as you can buy them in a little booklet". The conclusion to be drawn from this discrepancy is that we must ***change reality*** to make it comply with the requirements of human rights, which can be powerful instruments of improving the human condition.

***What Is Culture?***

**The Universal Declaration of Human Rights is the starting point of the spectacular process of internationalization of human rights which reflects the aspiration to a universal ethic of humanity.**

I am tempted to say it is not what political regimes and rulers, particularly tyrants and dictators, tell us it is. I have recourse to a cultural authority, namely a group of distinguished women and men of culture who formed the European Task Force on Culture and Development. In a report they prepared for the Council of Europe, they wrote that culture can be understood as ***the whole life of the people and its values*** or, more narrowly, as ***artistic activity of all kinds***. Let me quote another definition of culture which is not bad, particularly if you consider that it is the work of lawyers from different

European countries gathered in the "Groupe de Fribourg" in Switzerland. This is what the group says about culture:

> *Le terme « culture » recouvre les valeurs, les croyances, les langues, les savoirs et les arts, les traditions, institutions et modes de vie par lesquels une personne ou un groupe exprime les significations qu'il donne à son existence et à son développement.* [2]

Culture certainly has an impact on human rights; and human rights have an impact on culture. I would even go as far as saying that they should increasingly be an essential part of humanity's culture. However, before broaching the relationship between culture, art and artists on the one hand and human rights on the other, I would like to make a few remarks concerning the use of culture against human rights.

### *Culture against human rights?*

Different kinds of power have challenged and are challenging human rights and particularly their universality in the name of culture or religion. In today's world, frontal attacks on human rights are the exception rather than the rule, which might be optimistically interpreted as a sign of the growing strength of the idea of human rights. However, it is affirmed that different cultural, social or religious contexts give rise to different conceptions of human rights, which are nonetheless equally valid. Universal human rights are questioned, and it is claimed that human rights are a Western product and an instrument of Western imperialism. These arguments are used by undemocratic regimes and rulers; they do not come from the people or peoples of non-Western regions. Kofi Annan, the Secretary General of the United Nations, has rightly observed:

> *It was never the people who complained of the universality of human rights, nor did the people consider human rights as a Western or Northern imposition. It was often their leaders who did so.*

A distinguished Asian, the Dalai Lama, said that cultural traditions must come closer to the practice of human rights, not vice-versa:

> *Recently some Asian governments have contended that the standards of human rights laid down in the Universal Declaration of Human Rights are those advocated by the West and cannot be applied to Asia and other parts of the world because of differences in social and economic development. I do not share this view and I am convinced that the majority of Asian people do not support this view either, for it is the inherent nature of all human beings to yearn for freedom, equality and dignity.*

*The rich diversity of cultures and religions should help to strengthen fundamental human rights in all communities because underlying this diversity are fundamental principles that bind us all as members of the same human family. Diversity and traditions can never justify the violations of human rights.*

I entirely share the opinion expressed by the Dalai Lama and I am convinced that it is widely shared across Asia. One visible proof of this is the number and strength of very active and courageous Asian human rights NGOs. I consider them as more representative of the profound aspirations of peoples than most of the regimes in that part of the world. They speak indeed a different language, that of universal human rights. It is also significant that the regimes and rulers who challenge human rights in the name of what they call "Asian values" never take the trouble to spell out what those "Asian values" are and where and how they conflict with human rights.

Some are trying to justify practices that are an insult to human rights and human dignity, such as certain forms of punishment or genital mutilation, by arguing that they are part of a specific culture or religion. To my mind, this argument is not convincing. Cultures and even religions are not immutable and human rights may offer a means of helping them to evolve. Let us take the example of the Catholic Church. Pope Pius VI described the French Declaration of the Rights of Man and the Citizen as "contrary to religion and society"; in particular, he condemned religious freedom as a "monstrous right" - a condemnation reiterated by Pope Pius IX in 1864. These vigorous condemnations of human rights, together with the Inquisition, the pseudo theological justifications of slavery and Syllabus, are facts in the history of the Roman Catholic Church. Who would claim today that they form part of the spiritual heritage or culture of this church which in the last few decades has rallied the cause of human rights, including freedom of religion?

A few years ago, Ayatollah Khomeini rejected human rights in almost exactly the same terms as Pope Pius VI two hundred years earlier. Like many Muslims, I believe that the regime of the Ayatollahs is by no means representative of Islam, but on the contrary its revolting caricature. Like other religions, Islam is often used and abused by political power. Islam is not monolithical, but a complex reality with many facets and capable of development. By throwing the whole Islamic world into the same basket and brand marking it as the natural foe of human rights and, in general, as the new great enemy, we are not helping, but obstructing its development

***Culture - Power - Human Rights***

Let me now turn to the relationship between culture and human rights. Its nature will largely depend on the relationship between culture and power. This is indeed a very old issue. Since the ancient Egyptians, and maybe even before, culture and art have been used to reinforce the power of political rulers, regimes and states. Probably the least happy episode in this long and difficult relationship occurred in the 20th century, in Europe under the fascist, Nazi and communist dictators. In their brave new world, culture and arts were conscripted as tools of the totalitarian ideology and its propaganda; they were forced to contribute to the construction of the myths on which the regime was based.

**In a revolutionary society,**
**culture has to be engaged with the party**

*Lenin*

In Nazi Germany, culture and art had to be *völkisch*, which I believe is best translated by "ethnic"; and, of course, the rulers decided what art was *völkisch* and what art was *degenerate*. In 1937, Munich hosted the famous or rather infamous exhibition of *Entartete Kunst* (degenerate art). Both Stalin and Hitler, the failed painter and would-be architect of the Thousand Year Reich, were determined to impose what they perceived as cultural purity.

**Credere, obbedire, combattere**
**believe, obey, combat**

*Italian Fascist Party slogan*

In that context, culture and art - literature, music, architecture, cinema, painting and sculpture - became instruments of oppressive regimes which systematically and massively violated human rights and human dignity. Most artists delivered the goods which were expected from them - some reluctantly, others with remarkable zeal. Those who would not submit to the demands of totalitarian politics were suppressed or forced into exile.

There is another aspect which should be mentioned, namely, the fact that prominent men and women from the world of art, culture and science actively prepared the ground on which totalitarian ideologies and regimes were to flourish. Many, not only in Germany, but also in France, Britain and other European countries, fervently promoted racist theories, sometimes in a scientific disguise. What strikes me is that many of these were, even before the totalitarian regimes came to power, regarded as "politically correct." Some were even awarded the Nobel Prize.

I am thinking in particular of Richet and Carrel. Between the two World Wars, they championed a medicine of elimination of "inferior" human beings. Carrel advocated gas chambers well before they were to become a hideous reality.

Another striking feature of the inter-war period, particularly in Germany, was the strong anti-rational bias of many writers and people who were supposed to be thinkers. They systematically denigrated the spirit, reason and tolerance and celebrated ***the rupture of nationalism, the national myth which thrives on blood*** and ***the power of life*** which, in fact, was soon to prove to be the power of death.

I believe that we must do everything in our power to prevent a recurrence of the dreadful episodes of the history of the 20th century. Remember the warning contained in the end of Kafka's "Penal Colony" and of Camus' "La peste." Let me quote the latter:

> *Rieux savait que le bacille de la peste ne meurt ni ne disparaît jamais, qu'il peut rester pendant des années endormi...et que, peut-être, le jour viendrait où, pour le malheur et l'enseignement des hommes, la peste réveillerait ses rats et les enverrait mourir dans une cité heureuse.*[1]

We must therefore be vigilant. Indeed, some of the specters which haunted the dark years to which I have referred seem to be coming back:

- ✓ *Racism*
- ✓ *Entocentric nationalism*
- ✓ *Intolerance*
- ✓ *Strong antirational trends*
- ✓ *A tendency to denigrate the heritage of the Enlightenment and what some fashionable writers contemptuously call "human rights talk" or "human rights rhetoric."*
- ✓ *A fascination with instinct and nature, particularly the alleged animal nature of the human being*

As far as the last point is concerned, I am thinking, for example, of Konrad Lorenz, Irenäus Eibl-Eibesfeldt and some of the sociobiologists and ethologists in Europe and North America for whom the ideas of human rights, equality and human dignity are a mistake, a disturbing aberration from "nature" and the "natural laws" of selection. Is the plague sending out its rats once again? Will ideas of this kind once again be the political programs and monstrous reality of tomorrow?

**The freedom of culture and art should be valued not only for itself but also as an indicator and guarantor of other freedoms - of freedom and human rights in general.**

**Do not culture and art loose their power when they become instruments of power?**

**Should not culture , art and artists, if they are to be promoters of human dignity and human rights, keep a critical distance from power ?**

*Harmony through respect*

A few days ago, I reflected upon what I was going to tell you tonight, in a setting conducive to meditation, in Fiesole, with Florence at my feet. What struck me once again in this enchanting place was the harmony of the city and the surrounding hills, the harmony of the built environment due to the respect that generation after generation had shown for nature and for what previous generations had created. This idea of harmony through respect made me think of what the Dalai Lama had told me in the course of one of our conversations. For him as a Buddhist, he said, respect for human dignity and human rights is an essential condition for the harmony we must strive for and which we must achieve not only by respect among humans, but also by the respect of humans for nature. This idea of harmony is indeed fundamental in Asian thought and in particular ancient Chinese philosophy. This is a real Asian value. Let's not forget that the principal palace of the Forbidden City is called the Palace of Supreme Harmony.

Harmony through respect seems a fitting motto with which to conclude these reflections. I might also refer to music and say that human rights are an eternally unfinished symphony that deserves to be played. Every human being, all peoples, all religions and all cultures on this earth are called upon not only to listen to it, but to participate in its execution. This way we can avoid the clash of civilizations for which, according to some, the world is programmed, and unite humanity in harmony through respect for the equal dignity of every human being.

## c) AFRICAN AMERICANS AND HUMAN RIGHTS EDUCATION

By Loretta J. Ross

Most elites in power in governments believe that educating people about their human rights is a threat to national security at worst, and their own security at best. Even in countries in which democracy is the nominal political system, human rights education (HRE) is resisted or co-opted, but never fully implemented to achieve its fullest potential. If the powerful believe they have nothing to fear in the way human rights are taught, then they are less resistant. However, if oppressive power hierarchies believe that those who learn about their human rights will challenge them, then they will fiercely resist anyone learning about their human rights.

This has forever been the situation of African Americans in the United States as we have attempted to learn about our human rights and use the Universal Declaration of Human Rights (UDHR) to protest the racial hierarchies of the United States, a country founded on the principles of white supremacy. At every turn, the U.S. government and right wing conservatives have sought to thwart the achievement of full human rights for African Americans.

This resistance to protecting the human rights of African Americans has a long history based on support for racism and segregation and is constantly reinforced by the racial hierarchies still operant in the United States. The African American struggle for human rights dates back, of course, to the resistance against slavery. The earliest written mention of the term human rights by an African American was in 1858, when ***Frederick Douglass*** protested the hanging of a black man in New York City.

For more than a century, African Americans have used international meetings and mechanisms to bring world attention to the failure of the United States to live up to the promise of its ideals and to be held accountable for its treatment of Native Americans, non-white immigrants, and African Americans. The first Pan-African Congress was organized in London in July 1900 by Trinidadian ***barrister Henry Sylvester-Williams.***

Noted statesman and writer ***W.E.B. DuBois*** chaired the Committee on Address to the Nations of the World and prophetically declared:

> ***"The problem of the twentieth century is the problem of the color line...will hereafter be made the basis of denying over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization."***

Throughout the struggles to establish the United Nations and write the Universal Declaration of Human Rights, African Americans sought every opportunity to insist that the world community join them in criticizing not only the racial hierarchies of the United States, but the colonial control that Europe and the U.S. exerted over people of color around the world. In 1946, the National Negro Congress submitted a petition to the fledgling United Nations, followed by another petition in 1947 by the National Association for the Advancement of Colored People (NAACP), and another 1951 petition charging genocide submitted by the Civil Rights Congress led by ***William Patterson*** and ***Paul Robeson.***

## HUMAN RIGHTS VIOLATIONS INCLUDED

- *Jim Crow segregation,*
- *The World War II internment of the Japanese*
- *The continuing genocide against Native Americans*
- *Racist immigration laws particularly targeting Mexican Americans*

DEFENDERS OF THE STATUS QUO WERE DEEPLY ALARMED THAT OPEN AND HONEST DISCUSSIONS ABOUT THE PROMISE OF HUMAN RIGHTS WOULD DISRUPT THIS SYSTEM OF WHITE SUPREMACY AND FORCE THE UNITED STATES TO REVEAL THE FATAL FLAWS IN ITS DEMOCRATIC EXPERIMENT

All of these efforts were unsuccessful because of U.S. exceptionalism - the insistence that U.S. domestic affairs are off limits to international mechanisms. Conservatives fought for the insertion of language that would allow states that were in a federal system, such as the Southern pro-segregation states of America, to disregard the Universal

Declaration of Human Rights as part of the benefits of a federal/state clause that would allow a state to ignore the international obligations at will. This reinforcement of the states' rights doctrine at the expense of African Americans is consistent with the historical way in which the African American struggle for human rights has been constantly betrayed by the entrenched power of Southern states determined to maintain white supremacy.

Cold War politics in general and the red-baiting of human rights in particular compromised the ability of African American leadership to fully embrace the human rights framework. Although notable leaders such as ***Malcolm X, Fannie Lou Hamer*** and ***Dr. Martin Luther King*** advocated for human rights, in a sense they were marginalized by the more conservative wing of the Civil Rights Movement which was fiercely anti-communist and pro-integrationist. During the McCarthy era of the 1950s, human rights and the United Nations were portrayed as the Soviet Union's attempt to attack capitalism and undermine the United States. Southern Democrats and anti-New Deal Republicans joined together to denounce human rights. Throughout the Cold War, civil rights groups were accused of being communist fronts.

President Eisenhower and his Secretary of State John Foster Dulles decided in 1953 to abandon the U.S. obligations under the UDHR and to reject all human rights treaties, claiming they were a threat to the liberties protected by the U.S. Constitution.

When, in reaction to the McCarthy era, the African American leaders strategically decided to jettison the human rights framework in order to disassociate themselves from communists, the African American struggle to achieve human rights was set back at least four decades. In particular, this retreat was tactically manifested by the NAACP, which intentionally removed mentions of human rights from its agenda by the end of the 1950s, despite the protests of W.E.B. DuBois. The comprehensive claims of human rights were ignored for 40 years and no effort to educate African Americans about human rights was resumed until the mid-1990s.

**THE U.S. CONSTITUTION HAS BEEN ONE OF THE PRIMARY BASTIONS FOR THE CONTINUANCE OF WHITE SUPREMACY BECAUSE LEGAL DOCTRINES AND THE COURTS HAVE ALWAYS PROVIDED JUSTIFICATION AND LEGALITY FOR WHATEVER STRUCTURAL FORM THE SYSTEM OF RACIAL STRATIFICATION HAS TAKEN**

Racism is not just a problem of misunderstanding, bigotry and ignorance but a hierarchical system of white supremacy designed and maintained to enforce institutionalized

inequalities in American society. White supremacy is a society organized around specific ideas and social relationships and these social relationships are reinforced by the false perception that the United States is a leader in human rights around the world.

Nothing could be further from the truth. Not only has the United States behaved like a rogue state in failing to ratify and implement the vast majority of human rights treaties, but it has consistently undermined the global struggle for human rights at every turn. We are a self-absorbed country of people in denial about our culpability in fostering hostility around the world. Based on an economic, legal and cultural system of white supremacy, the United States wrestles uneasily with the ideals of egalitarianism coupled with ignorant arrogance about world affairs. . Our elites insist on portraying this country as playing an essentially defensive and self-less role in world affairs when the reality is one of unprecedented greed and corruption.

If we wish to affect this relationship and help move the United States towards a greater appreciation and application of human rights in our domestic and foreign policies, then we cannot condone or excuse terrorism, and we cannot be insensitive to the real pain and confusion in American society. We have to resist those who say the search for understanding is the condoning of terrorism. But we also have to resist the tendency to demonize a society that is deliberately kept ignorant. We have to avoid naive stereotypes: this is not simply a struggle of the brainwashed, media-drugged masses against oil-greedy imperialists, people helplessly caught between the neo-conservatives and the neo-liberals. Such a primitive over-simplification blinds us to the necessary creation of a ***realpolitik*** based on multilateralism and international cooperation in accordance with universally recognized human rights norms, rather than unilateralism and the bully politics of this dominant economic, military and cultural superpower called the United States. We have to convince people that human rights is not only the right way to go, but it is also the ***smartest*** and the ***safest*** way to go to address our fear and confusion. This ***realpolitik*** is based on the facts of the world, its inter-dependence and mutuality.

## *THE UNITED STATES* IS ARROGANTLY RESISTANT TO *INTERNATIONAL PRESSURE*

Domestic human rights activism must deconstruct this complexity and make George Bush's worst nightmare come true: An educated public that demands their human rights to restructure our society while preserving what is good. We understand that human rights enforcement is not about foreign policy, but primarily about domestic policy. As we build this movement through HRE, we will boldly tell people what human rights treaties do and

what dramatic changes we want them to bring about in our society. We want to vote for a politician who tells us how many children she will send to college, not how many she will put in jail. We will not meekly accept anymore stealth ratifications that gut the human rights treaties just to "get something passed."

> *To build this human rights movement, we must boldly confront the right wing in American society that has been fiercely opposed to human rights for the past 50 years. This must be done by mobilizing and uniting a powerful and resounding voice for human rights at the grassroots level. In addition, we have to confront the skeptics and nay sayers on the left who also doubt the power of HRE to transform the United States.*

Established in 1996 as the first HRE center that focuses exclusively on the United States, the National Center for HRE seeks to build a domestic human rights movement by training activists, students, educators and community leaders in how to hold our society accountable to universally acknowledged human rights norms. Through our eight years of work in providing community-based HRE, we have painfully learned that those who doubt the power of the human rights framework are most often people of privilege whose human rights are least likely to be violated. Those who feel most passionately about human rights are those who experience violations routinely as they suffer from the racial, sexual, homophobic, xenophobic and economic oppression in the United States. The backlash against human rights in the U.S. has always been fueled by the ideology of white supremacy, organized by the forces of the conservative right, and reinforced by the more covert and unacknowledged racism of the American left.

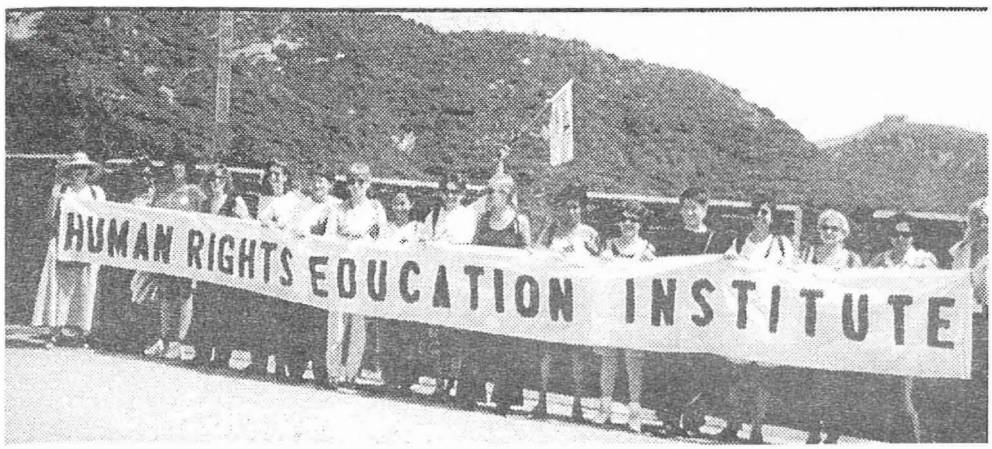
We must aggressively infuse HRE into community organizing, public policy advocacy, and political action. HRE allows people to reflect on their own reality and provides people with a common ground and common vocabulary for understanding the post-9/11 realities of American society: that immigrant communities are on the frontline of the debate on national security, with the concomitant rise in hate crimes, militarization of our borders, and the growth of the prison industry. We need to protect people from anti-terrorist measures that violate our civil liberties, particularly immigrant, migrant, and refugee communities. We must use HRE to challenge the spread of religious and ethnic nationalism in the U.S. and elsewhere. We must use HRE to point out the alliance between religious fundamentalists around the world, including those in the U.S., and build moral barriers against hatred and demonization.

We need to hold up the doctrine of one standard for all – that the United States should not exempt itself from the rules it expects the rest of the world to abide by. Nor should it hold itself above world opinion in terms of human rights standards. We have to articulate a national identity for the United States in a positive way that incorporates pluralism, respect for human rights and civil liberties that protects dissent that works towards peace rather than war.

This is the mission of HRE – to help the United States finally build a society in which the human rights of everyone are respected and protected. The elites in power do not want this powerful vision of hope to ever be achieved. Thus, they fear HRE the same way white plantation owners feared slaves learning to read.

## WE WILL REMAIN UNDAUNTED

African American leaders such as ***Rev. C.T. Vivian***, ***James Farmer*** and ***Bayard Rustin*** were in the front lines, demanding human rights a decade before ***Rev. Martin Luther King*** called for the building of a human rights movement in the U.S. in 1963, a promise that has not been fulfilled. We can make the 21st century the Century of Human Rights through HRE that challenges the forces of oppression that insist on thwarting America's promise.



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# PART 4: A BRIEF HISTORY OF HUMAN RIGHTS CONSCIOUSNESS

## a) PAULO FREIRE AND POPULAR EDUCATION IN THE 20TH CENTURY

By Kathleen Modrowski

### *Background*

For a number of reasons, the contribution of the Brazilian educator Paulo Freire has come to stand at the center of a worldwide movement in education, which is identified as critical pedagogy. Human rights educators frequently refer to Freire's as a methodological framework and as a source of philosophical inspiration. For some, he is the inventor of an exceptionally successful literacy technique. Others see him as a developmental theoretician in the field of adult education as a whole. Others yet have focused on the political dimensions of his educational philosophy and process. One way and another, the vocabulary and methods he created, sometimes in much diluted form, have come to constitute a *lingua franca* of literacy and development work all over the world.

### *Freire's Pedagogy of the Oppressed*

*Since Freire's book was first published In English in 1970, it has been Translated into scores of languages and has sold over 500,000 copies worldwide. He proposed that freedom is the concrete realization of one's humanity. Through use of personal narrative and dialogue, people become conscious of the world and their place in it.*

*Freire's experience in adult literacy programs led him to develop an educational philosophy and methodology based on the conviction that all human beings are able to Live in dignity Understand Their Social reality And Transform the World through a Critical Encounter with it.*

**CRITICAL CONSCIOUSNESS MAKES TAKING ACTION AGAINST THE OPPRESSIVE ELEMENTS POSSIBLE**

# THEORY AND APPLICATION

In his work Paulo Freire used the Portuguese word

## conscientizaçao

### LEARNING TO PERCEIVE SOCIAL, POLITICAL, AND ECONOMIC CONTRADICTIONS, AND TO TAKE ACTION AGAINST THE OPPRESSIVE ELEMENTS OF REALITY

This is likewise the case in human rights education where the change must first occur in the consciousness of people whose rights are chronically violated. Only in this way may they become actors in their own destiny. If human rights education is to result in meaningful social transformation, it is essential to recognize that education must, in itself, be an act of freedom. Freire's insistence that "***educational change must be accompanied by significant changes in the social and political structure in which education takes place***" alienates defenders of mainstream educational programs: It is not in their interest to question power relations maintained within the dominant culture. Their response has been to reject Freire's approach altogether, or reduce it to methodological gimmicks.

The revolutionary message in Freire's educational philosophy must infuse projects in human rights education. As long as human rights educators are content to disseminate knowledge of human rights instruments without creating the space for transformative action within a society, then human rights education will remain merely informative. Freire adamantly states that all education is political. True human rights education must recognize the political dynamics inherent in education and be acutely aware of the fact that there is no such thing as neutrality in education: ***what is learned and how it is learned can serve either the oppressed or the oppressor***.

In the same way that Freire developed a pedagogy of critical literacy that enhanced consciousness, so must human rights educators enhance human rights literacy. Freire's educational project allowed the oppressed to engage in the analysis of their social location and construct strategies for escaping from the seemingly endless cycle of social reproduction that made of them *the project of the dominant class*. Using the powerful vocabulary and analytical tools Freire developed allows participants in popular programs of human rights education to analyze their social condition and the power relations that dominate their existence. Rather than, as Freire would say, "dream the dreams of the oppressor", those on the margins of culture must recognize their exclusion from the human

rights guaranteed by the Universal Declaration of Human Rights (UDHR) and Conventions. They must use the authority of these instruments to become subjects of their own history. While Freire's life was firmly anchored in the material and social culture of the middle class, it is useful to study the way in which he took narratives from his own experience to developed and illustrate the theoretical dimensions of a critical pedagogy.

### *Freire's Life as Critical Reflection*

Paulo Freire reflected upon his own personal narratives as a means of understanding the world and arriving at conscious ways of being and acting in the world.

> *Human existence cannot be silent, nor can it be nourished by false words, but only by true words, with which men and women transform the world. To exist humanly is to name the world, to change it.*

Submitting to his own theory, Freire employs personal narrative in his theoretical writing as a vehicle for his ideas. Although Freire's writing is often criticized as being inaccessible to those he hoped would be liberated by critical pedagogy, he still set himself apart from other theoreticians because his educational philosophy is born of his own experiences. Through this example Freirian educators learn to value their own stories as well as those of others.

> *One of the advantages I have had over intellectuals who are intellectualists is that certain ideas were never poured into me as if they came from nowhere. On the contrary, my knowledge came from my practice and my critical reflection, as well as from my analysis of the practice of others.*

The notion of freedom is fundamental to Freire. Recalling ghost stories he heard as a child in Jaboatao, Freire reminds us that the punishments bestowed by storytellers upon the wandering, tortured souls of the cruel foreman or the brutal landowner were the mechanisms of consolation used by the poor. However, he does not treat the stories from a distance as ethnography or folklore, but says instead:

> *These tales may have operated through me, without my knowing it, in shaping my comprehension of struggles in history.*

He foresees that the transformation of the oppressed will lead to the creation of a new history and culture. In a movement towards freedom the oppressed will adopt another ideal and no longer abide by the oppressors' myths.

*The ideal is in overcoming our weakness and impotence by no longer concerning ourselves with punishing the souls of the unjust, by making them wander with cries of remorse. Precisely because it is the live, conscious body of the cruel person that needs to weep, we must punish them in society, which reinvents itself to humanize itself.*

The relationship of action to reflection is one in which thinking does not separate itself from action. To reflect without action is verbalism; to act without reflection is activism. Praxis, in his sense, is the union of action and reflection.

Throughout Freire's work runs the major theme of the central role of dialogue and the spoken word as a means of understanding one□┗ own reality. All his major decisions and formulation of new ideas are born from personal experiences and developed through speaking about them. His personal experience of dialogue as a vital day-to-day problem-solving technique matured while working on rural literacy campaigns, and led him to the idea of education as a process of problem-posing that begins with the vital concerns of the student. Student and teacher engage in dialogue, defined as a mutual process of learning whose goal is the liberation and transformation of both sides.

### *Development of Critical Pedagogy*

In 1947, Freire was asked to become a part of the Industrial Social Service (SESI), Regional Department of Pernambuco, which had been set up to provide social services to workers. This returned Freire to direct contact with peasants and workers to a degree and intensity that he had not known since his youth in Jaboatao. The work required that Freire travel throughout Brazil, but especially in northeastern Brazil where he worked with the peasants to launch literacy programs. He has described these ten years as ***"the most important political-pedagogical practice of my life.***

**His teaching was the reflection of his own experience and not theirs.**

Initially Freire met and spoke with people from the position of his university education, thus playing one of the ***traditional*** roles in Brazilian culture, that of the ***expert.***

**He expected the people to adapt to his reading of the world and not theirs.**

Freire describes the long learning process he undertook in order to arrive at a position in which the learners could name their world so that he could understand them, rather than insisting

that the learners understand him, which is the usual relationship between teacher and student and what Freire later termed the banking ***concept of education*** "*....in which the students are the depositories and the teacher is the depositor.*"

During his time the SESI, Freire observed that the goal of the programs - to ease class conflict rather than alter the power structure - was at the heart of government-sponsored education. The educational programs were supposed to maintain a separation of the political from the purely instructional. In fact, in order that the working class reproduce itself, political preparation needs be entirely absent from education. In progressive education, on the contrary, education and politics cannot be separated.

Once Freire comprehended that all education is by nature political, he sought to reverse the power structure in the classroom. To arrive at that point, students and teachers needed to be co-learners. The co-intentionality of student and teacher begins when the teacher introduces problem-posing methods into teaching. The problem must be introduced from the students experience and in that way, the students see their own ideas and their own learning process as the essential part of the instruction. The teacher must make a choice with regard to his or her political position and this position must extend to the relationship with students.

> *...The teacher works in favor of something and against something. Because of that she or he will have another great question: How to be consistent in my teaching practice with my political choice? I cannot proclaim my liberating ream and in the next day be authoritarian in my relationships with the students.*

**A FRAMEWORK FOR THE LITERACY PROGRAM**

1. *Literacy education is an act of knowing, an act of creating, and not the act of mechanically memorizing letters and syllables.*

2. *Literacy education must challenge learners to take on the role of subjects in learning both reading and writing.*

3. *Literacy education must originate from research about the vocabulary universe of the learners, which also gives us their thematic universe ... Learners need to understand culture as a human creation, an extension of the world by men and women through their work, helps to overcome the politically tragic experience of immobility caused by fatalism...*

4. *Literacy education must be characterized by dialogue as a path to*

*knowledge, which does not invalidate informative discourse, without which there is no knowledge.*

5. *Literacy education must codify and read generative words, allowing for the creation of a number of sentences with the words.*

6. *Literacy education must not dichotomize reading and writing. One learns both at the same time which, in turn, aids oral expression.*

7. *Literacy education must be premised on remembering what it means to be a thirty or forty-year-old adult [who is more accustomed to the weight of heavy labor rather than pushing a pencil.*

8. *Literacy education must also be premised on remembering the insecurity of illiterate adults, who will become upset if they feel they are being treated like children. There is no more effective way to respect them than to accept their experiential knowledge for the purpose of going beyond it...*

Whereas the eight points refer specifically to adult literacy programs, the dignity, respect and shared sense of equality that characterizes the teacher/co-learner experience applies to all instances of human rights learning.

### *Towards a Human Rights Literacy*

Freire's critics are many and their thoughtful work merits close attention. However, Freire's pedagogical approach has more to offer human rights education than any other methodology. It is in the spirit of 'reinventing' the pedagogy of the oppressed that human rights educators must work.

Literacy per se has never been the principal objective of Freire's critical pedagogy, but rather, a vehicle for common practice through which the oppressed arrive at a critical consciousness. Through the literacy project, those engaged in learning, in the teacher-student/student-teacher dialogical process, are able to confront and analyze the social, political and economic structures that prevent them from writing their own history. They gain knowledge of their position in the world and derive the generative themes to be studied from the narratives of their own experience.

Literacy education allows people to become fully human and to understand the structures and functions in society that limit them in their movement towards liberation. Any human

rights literacy program needs to be examined from the perspective of those whose interests are being served by it.

### *The Place of Narratives in Human Rights Education*

To many people, the term human rights is only associated with a system of legal bureaucracy that is located within the state machinery and therefore irrelevant or inaccessible to ordinary people. Human rights must be approached through people's understanding of their own experiences, needs and projected desire for a life of dignity.

By beginning with their own experience, learners will see that history and culture are rooted within themselves and therefore subject to action that can lead to transformation. The transformation of relations of power is one of the major goals of human rights education. The human rights instruments must be perceived by the learner as tools that will validate their claims in the struggles for cultural meaning and oblige the dominant class to treat seriously the demands of the oppressed for a redistribution of resources. Through narrative and dialogue, learners will make the connections between their own struggle and the events that affect their condition. In the dialogue centered around their own narrative, the learners develop generative themes that become the basis for action. In other words, the Freirian idea of ***praxis, reflection and action*** upon the world in order to transform it is supported by a human rights framework.

The use in human rights education of codified instruments such as The Universal Declaration of Human Rights and the Conventions, along with the system of human rights fact-finding and monitoring through national and international committees and the network of Non-governmental Organizations (NGOs), allow for the pragmatic movement from reflection to action. Insistence on Article 30 of the UDHR that ***no single interpretation of the rights may be used to deny the other rights and freedoms set forth in the Declaration*** is supported by the Freirian premise that the oppressed must not use the internalized system imposed by the oppressor. Freedom must be part of the collective experience. By naming one's experience and analyzing these narratives, the learner arrives at an understanding of history. By reflecting on the present and the weight of history and culture on that present the learner gains knowledge to create a narrative for the future that will not reproduce the oppression of the past and present as would be the case if one simply exchanges the roles of domination. The process whereby this occurs and the role of critical consciousness are necessary if the guarantee of freedoms assured in Article 30 are to be more than a utopian scheme.

### *The Importance of Dialogue in HRE*

> In order that education be transformative the traditional teacher/learner relationship needs to be radically changed from Freire's ***banking system*** in which the teacher presumably owns all knowledge and students are told what they are required to know. It is a system in which the teacher, rather than the students, is the subject of the learning. No matter how pertinent the subject matter, nor how well-meaning the teacher, imposition of a repressive, hierarchical structure will only serve to underline the contradiction between the theory expressed in the lesson and the mode of its delivery.

For HRE to be transformative, the teaching method and the learning process need to be thoroughly democratic. Freire says that:

> *Dialogue is the encounter between men [and women], mediated by the world, in order to name the world.*

Unless both teacher and student are willing to engage in this naming of the world, dialogue cannot occur. The teacher needs to recognize that teacher and student are both actors, co-learners in a process of dialogical learning.

> *Freire emphasizes that: "**Here, no one teaches another, nor is anyone self-taught.**" The teacher presents her naming of the world, her knowledge, on the same plane as the learners present theirs. In the dialogical classroom, discussion is neither controlled nor mediated by the teacher. And when the authority of the teacher is invoked, then those instances cannot be masked in the rhetoric of authoritative learning that is superior to that of another, but rather, recognized as a replication of another and more repressive system. The history of HRE is unfortunately filled with stories of experts giving knowledge to the unknowing and the privileged providing for those in want. It is extremely difficult to escape the dichotomy of learning as a transaction between those who have something directing that something - whether it be knowledge or aid - towards those in need.*

Authentic help means that all who are involved help each other mutually, growing together in the common effort to understand the reality they seek to transform. The act of domination is an all too frequent occurrence: the teacher, expert or founder is considered to be ***giving the people their human rights***. This concept is just as erroneous as that of ***giving a people their freedom***. The goal of HRE is to facilitate the process by which people know their human rights and claim them. To understand the full extent to which the dialogical relationship must permeate the place of learning necessitates going beyond Freire and recognizing that his language and notion of freedom are derived from a patriarchal context. Likewise, HRE needs to allow the fullness of the mind, body and spirit into the dialogue among co-learners. The gendered body, the colonized language, the impassioned spirit, all need to be recognized and given voice in the classroom. Only through stating the unsaid and recognizing

the invisible will the emergence of human rights that are named and part of the cognitive existence of the learners become the basis of authentic human rights education.

> Allowing this learning to take place is risky business. Moving from critical reflection to critical action can destabilize the social order. How many governments, communities or even families are ready to take on a human rights agenda that would go beyond the carefully choreographed entry of human rights into practice and law? Given the role of culture to conserve and preserve, it would be difficult to find a group that would easily accept the shifts in power engendered by changes towards human rights behaviors, which is the meaning of true transformative education.

By the same token, HRE programs which do not go beyond the transfer of information cannot be considered programs of learning. They do not engage the learner in the process of education. In order for such learning to occur it, may be necessary for HR educators who use a Freirian model to work outside the arena of public education (as is certainly the case in the United States and other nations which subscribe to the hegemonic vision of development). From within the margins of society they can offer alternative ways of learning which will provide the spaces in which the nuclei of authentic human rights communities can develop.

***Recognition of the Spirit the Authentic Virtues of Revolution***

While many thinkers have found it inappropriate to speak of deep emotions in the context of theory, Freire has, on the contrary, emphasized the need for love, as well as humility, faith and hope, in the realization of any revolutionary project which he sees as an act of creation. Freire sees domination as the opposite of love. He fiercely defends the idea that love is essential for all who are committed to working for social change because,

*No matter where the oppressed are found, the act of love is an act of courage, not of fear, love is commitment to others. I am more and more convinced that true revolutionaries must perceive the revolution, because of its creative and liberating nature, as an act of love.*

Humility is also essential in order to enter into the dialogue that is, according to Freire's meaning, revolutionary. He does not see how the dialogue that is co-learning and co-creation, can occur without acknowledging that one does not possess all knowledge, without the openness that is implicit in creation of new ways of being, without recognition of the others naming of the world.

Along with love and humility, faith in humankind needs to be the foundation of dialogue. It is faith that something authentic can come out of the learning process, and faith in the creative possibilities of women and men that counters sentiments of cynicism and paternalism that can permeate a situation in which one is obliged to recognize the destructive power of oppression. In equating hopelessness with silence, Freire underscores the need for hope so that inaction may not be the result of empty dialogue.

*If the dialoguers expect nothing to come of their efforts, their encounter will be empty and sterile, bureaucratic and tedious.*

**LOVE HUMILITY FAITH HOPE**

are all related to the political in that, if each were to remain a solitary virtue, disconnected from the rest of humankind, then the power they provide to men and women who animate the dialogue which is action and reflection would be lost.

Alongside these virtues, Freire places critical thinking. Critical thinking is the element that allows the learner to conceive of transformation, as opposed to naive thinking, which regards maintaining the status quo as the object of the learning process.

Doesn't authentic human rights education likewise involve all these elements – love, humility, faith, hope and critical thinking? Because these terms have too often been manipulated and used as terms of oppression, there is often a hesitation to refer to these qualities of the human spirit because in so doing one would detract from the logic of an argument or the seriousness of a position. Yet, reclaiming the real meaning of these qualities and placing them squarely at the center of the humanizing and emancipatory project that is human rights education would strengthen the bonds of the history of struggle to be nourished not only by the intellect but also by the spirit.

### *Conclusion*

The poor and illiterate, without influence, wealth or institutional backing, have only the shared power of organization to support their struggle to gain control over their world. When literacy is conceived as a communicative tool for empowering groups, rather than individuals, and for mobilizing collective action, then astounding results occur. The decisive factor in mobilizing a campaign for literacy is not pedagogical or even educational; it is political. Literacy is not an end in itself. Its value is not self-contained, but rather derived from social relations which literacy makes possible. For southern Blacks, the value of literacy was the value of self-determination and the collective right to vote. For peasants in Nicaragua, the value of literacy was the value of participation in land reform and the organization of cooperatives. In each instance, the development of literacy skills was linked, indeed was identified, with organization for social change.

By the same token, developing the context for human rights literacy is not an educational task. It is the principal political task of any society committed to equal participation and democracy.



## References


Crotty, Michael. *The Foundations of Social Research.* Thousand Oaks: California. Sage, 1998

Freire, Paulo. *Pedagogy in Process: The Letters to Guinea-Bissau.* New York: Seabury Press, 1978

Freire, P. (tr. Donaldo Macedo). *The Politics of Education.* New York: Bergen & Garvey, 1985

Freire, P. *Pedagogy of the City.* New York: Continuum, 1993

Freire, P.. *Pedagogy of Hope.* New York: Continuum, 1994

Freire, P.. *Letters to Cristina* . New York: Routledge, 1996

Freire, P.*Pedagogy of the Oppressed.* New York: Continuum, 1997

Freire, Paulo and Macedo, Donaldo. *Literacy, Reading the Word and the World.* Amherst: Mass., Bergin and Garvey, 1987

Glen, John M.. *Highlander* . Knoxville. University of Tennessee Press. 1996

Hooks, bell. *Teaching to Transgress.* New York: Routledge, 1994

Horton, M. and Paulo Freire (ed. Brenda Bell, John Gaventa and John Peters). *We Make the Road By Walking.* Philadelphia: Temple University Press, 1990

McLaren, Peter and Peter Leonard (eds.) *Paulo Freire.* New York: Routledge, 1993

McLaren, Peter. "A Pedagogy of Possibility: Reflecting Upon Paulo Freire's Politics of Education" *Educational Researcher.* March 1999. pp.49-56.

Shor, Ira and Paulo Freire. *A Pedagogy for Liberation,* Westport, Ct., Bergin & Garvey, 1987

Torres, Carlos Alberto. *Paulo Freire: Educación y Concientización.* Salamanca: Sigüeme, 1980

Weiler, Kathleen. "Freire and a feminist pedagogy of difference," in P. McLaren and C. Lankshear (eds.), *Conscientization and Resistance,* London and New York: Routledge

## b) HUMAN RIGHTS EDUCATION IN UN PEACE-BUILDING: FROM THEORY TO PRACTICE

By Stephen P. Marks

### *Introduction*

United Nations peace-building operations offer new and promising opportunities to develop and apply a general approach to human rights education. An example of this potential is the education, information and training program of the Human Rights Component of the United National Transitional Authority in Cambodia (UNTAC). The peace plan, under which the UN went to Cambodia in 1992-1993, provided a broad mandate that called for a concentrated and intense effort to carry out human rights education at all levels and of all types.

> *This is a new dimension of UN peacekeeping since human rights was absent from peacekeeping as traditionally practiced before the late 1980s. Peacekeeping operations did not include either monitoring human rights or informing populations about these rights.*

There are three recent examples where education about human rights was given an explicit place in the mandates of UN operations, namely those in

**EL SALVADOR CAMBODIA HAITI**

The framework for UN peace operations is set out in *An Agenda for Peace*, produced in response to the historic summit of heads of state and government on January 31, 1992. The report defines and reviews the traditional areas of:

**preventive diplomacy**
**peacemaking**
**peace-keeping**
**post-conflict peace-building**

> *Peace-building includes disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation. This function also can entail support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions, in short, the construction of a new environment.*
>
> *UN Secretary-General Kofi Anan*

UNTAC was an experiment in implementing a broad mandate to reach all levels of society during a brief period. The official duration of the transitional period was just under two years, but the effective period for implementing this mandate was approximately one year.

It was an impossibly short period in which to transform a society; yet, a degree of democratic empowerment occurred and is continuing to affect the political process in Cambodia.

### *UNTAC's Human Rights Education Mandate and Strategy*

The mandate of UNTAC's human rights education program is set out in the Paris Peace Agreement of October 1991 and the Report of the Secretary-General of February 1992, which states that ***the development and dissemination of a human rights education program is foreseen as the cornerstone of UNTAC's activities in fostering respect for human rights***. This statement is based on UNTAC's responsibility as set out in Article 16 of the Paris Agreement for ***fostering an environment in which human rights shall be ensured*** and Section E of Annex I, which says that UNTAC shall make provision for ***the development and implementation of a program of human rights education to promote respect for and understanding of human rights***.

**EDUCATION IMPLIES**
**TEACHING TRAINING INFORMATION**

> UNTAC will work closely with existing educational structures in Cambodia to ensure that human rights education is appropriately included in the curriculum at all levels, including children, adults and special groups. Cambodians must fully understand both the content and the significance of human rights and freedoms in order to be in a position to know when and how to protect them properly. This is especially important in an environment in which the framing of a new Cambodian Constitution containing human rights guarantees will be on the national agenda. ... Such a civic education program would be developed in a manner that is culturally sensitive and accessible to Cambodians. Its dissemination would relay upon all channels of communication available in the country, included printed materials, cultural events and presentations, radio and television media, video cassette distribution, mobile teaching unites, and other methods.
>
> ***UN Secretary-General's Report***

**TRAINING = IMPARTING SKILLS NECESSARY FOR THE PERFORMANCE OF SPECIALIZED TASKS.**

**...complementary training to civic education**
**...some training in the application of guidelines and materials targeted to civil servants**
**...supplementary training for law enforcement officials and the judiciary, especially in the areas of fundamental criminal procedure**
**...training of UNTAC personnel in the areas of law enforcement and judicial functions.**

*STEP ONE*

To identify target groups to whom educational activities would be directed, on the basis of studies of Cambodian society made by Specialized Agencies and programs (such as UNESCO, UNICEF and UNDP), consultations with international NGOs with experience in Cambodia, and Cambodian staff members and indigenous NGOs. The fifteen groups thus targeted included two from UNTAC (UNTAC Civil Police and electoral staff), seven from the Existing Administrative Structures (police, teachers, university students, ministerial officials, other civil servants, political party representatives, judges and prosecutors), and six from the civil society (defenders, human rights associations, women's associations, journalists, monks, and health professionals).

Notably absent from the target groups were **trade unions**, which were neither independent nor sufficiently organized to provided a context for learning activities. The **military**, both UN forces and those of the existing administrative structures, were initially included, but the failure to implement the demobilization and cantonment phase of the peace plan excluded this possibility. Nevertheless, in cooperation with the dissemination unit of the local delegation of the International Committee of the Red Cross, several provincial human rights officers set up ad hoc training for the military.

*STEP TWO*

To determine the specific expectations with respect to each group and in light of the Secretary-General's report. In most cases, the main goal was a basic understanding of the concepts of human rights, the content of the international standards, their applicability in Cambodia and their relation to lives and work of the learners.

*STEP THREE*

To assemble the necessary human and financial resources beyond the initial staff of four in the Education, Training and Information Unit in Phnom Penh. A major staffing addition, not foreseen in the Secretary-General's report, was the appointment, in late 1992, of 21 Provincial Human Rights Officers, whose responsibilities included education, training and information, and 21 Training Assistants Khmer-speaking educators, trained by the Component and assigned to each Provincial Human Rights Officer, working full-time on training at the provincial level.

To supplement the financial resources, UNTAC launched an appeal to governments in October 1992, which resulted in a Trust Fund for a Human Rights Education Program in Cambodia, with about $1.8 million eventually expended to contract services among local and international NGOs having specialized staff and experience to target groups that Component staff were unable to train directly.

***STEP FOUR, STEP FIVE***

Setting a timetable for each of the projects and implementing them. There was a sense of urgency to proceed with the implementation because of bureaucratic delays, the extremely short time available to the mission, and the conviction that such resources and political will were not likely to be found again.

***STEP SIX***

Project evaluation, which varied from one project to the next and often took the minimal form of questionnaires completed by participants or a self-evaluation session. Evaluation was more systematic with the police training, law school, health professionals, teacher training colleges, and women's groups. Statistics were maintained of the various training activities although this should be done more systematically in future operations and outside evaluators should be employed.

***Formal education***

When UNTAC arrived, education in Cambodia was at a virtual standstill, 75% of the teachers, about 67% of primary and secondary level students and almost 80% of higher education students having been eliminated or fled the country. Formal education facilities had all been closed down or put to other use.

Even where formal education is grossly deficient, the development of HRE requires working through existing structures. Thus UNTAC obtained from the Ministry of Education a decree making human rights part of the official curriculum of civic education in the primary and lower secondary schools and in instruction to the provincial education directors to cooperate with provincial human rights officers in setting up programs in the schools. UNTAC printed teaching materials, conducted briefings and courses for teachers in the schools and in the Teacher Training Colleges, sent mobile teams to the various provinces to give courses of one-to-two weeks to various groups and supported several projects directed at primary and secondary education through the Trust Fund.

The university audience, focused primarily on law and medical students, was highly receptive to human rights teaching. At the country's only law school, UNTAC prepared and taught a four-hour-a-week course for a three month period for some 242 students, culminating in an examination.

**-Student motivation and learning curve were both remarkably high, in spite of their low level of preparation.**

**-Students were particularly receptive to teaching methods that employed critical thinking (not typical in the university) that they could apply to other subjects in the law school. To succeed, this method has to place the academic value of free inquiry ahead of the diplomatic propensity to avoid controversial political issues and must link human rights concepts to real life situations.**

**-By taking on an issue on which passions run high in Cambodia (such as the presence of ethnic Vietnamese), students were trained in a four-step mode of analysis:**

a) establish the facts impartially and thoroughly
b) identify the human rights issues involved
c) analyze each human rights issue in light of the fact situation
d) make appropriate policy recommendations

The most difficult step was the first, since Cambodian students have very little experience with critically assessing sources of information, in part because impartial and reliable information is scarce and in part because "facts" are often created to fit pre-conceived conclusions.

### *Informal education*

Part of the training, especially in the first months of the mission, was directed at UNTAC itself, through briefings for civil police and district electoral supervisors. However, the Component's main HRE effort was directed toward the Cambodian population. In particular, efforts were made to reach the key categories of the emerging civil society and public officials and through the media to reach all segments of the population.

The ***Buddhist clergy*** constitute a particularly effective vehicle for reaching the public at large, especially in remote areas. During the Khmer Rouge period, the population of monks was reduced from about 60,000 to less than one thousand. The Vietnamese-installed government in Phnom Penh tolerated the monks, although the National Front for Construction and Defense,

During his lifetime, the Buddha lobbied for peace and human rights. We can learn much from a lobbyist like him. Human rights begin when each man becomes a brother and each woman becomes a sister, when we honestly care for each other. Then Cambodians will help Jews, and Jews will help Africans, and Africans will help others. We will all become servants for each other's rights. ... Any real peace will not favor East, West, North, or South. A peaceful Cambodia will be friendly to all. Peace is nonviolent, and so we Cambodians will remain nonviolent toward all as we rebuild our country. Peace is based on justice and freedom, and so a peaceful Cambodia will be just and free.

***Venerable Maha Ghosananda, the Supreme Patriarch and co-founder of the Inter-Religious Mission for Peace in Cambodia***

*Religion is a vehicle for reaching widely and deeply into society.*

an organ of the party, supervised them closely. After the arrival of the UN, Buddhism flourished and several monks who returned from exile became leaders in the human rights movement. They found full compatibility between the teachings of the Buddha and international human rights. Through marches, teaching, lobbying with governmental and parliamentary leaders and spiritual guidance to the population, which is 90-95% Buddhist, the clergy has popularized constitutionalism and human

rights, even in remote areas. During the first year of UNTAC, the Phnom Penh authorities resisted the Component□s attempts to set up systematic training for this category. The active participation of monks in the human rights associations, including regularly providing meeting and office space in the Wats (pagodas), nonetheless allowed the Component to work with them in HRE. In early 1993 it became possible to implement a more systematic strategy through a Trust Fund project that has trained master trainers who in turn prepared hundred of monks to teach human rights to their congregations. With the exception of societies where organized religion is subservient to repressive government, the main religions provide both a source of understanding of prevailing values and a cultural context which must be integrated into teaching.

Journalists were already receiving HRE training through a UNESCO program, funded by the Danish government, as well as through the University at Phnom Penh under an arrangement with the French government. The most common theme of their sessions was human rights, including issues of freedom of expression and human right aspects of current events in Cambodia. Some 20 newspapers are published in Khmer, English French and Chinese, some of which criticize the government and its leaders freely. Subsequent developments, relating to a new pres slaw, the closing of a newspaper and the murder of a journalist, have placed these accomplishments in jeopardy. Nevertheless, the international and domestic preoccupation with such incidents is a sign that serious debate over freedom of the press is taking place.

*It is essential that HRE activities focus attention on the distinction between PROTECTED and PROHIBITED speech, and on the RIGHTS and RESPONSIBILITIES of journalists. In this field, the accusation of imposing Western values should be a matter of open discussion rather than an inhibiting factor. Examples abound to illustrate how, in non-Western societies, a free press can be the rampart of civil society against authoritarian rule and a critical element of democratic empowerment.*

*Cambodian journalists have much to learn about how to report a human rights story. Their persistent lack of professional ethics and skills demonstrates the need to sustain this effort well beyond the short duration of the peace mission. A comprehensive HRE program should not tell journalists to preach human rights but should rather equip them TO IDENTIFY the rights and remedies relevant to a story.*

THESE ISSUES ARE LITERALLY
MATTERS OF LIFE AND DEATH
IN MOST COUNTRIES
WHERE PEACE-BUILDING TAKES PLACE

Five human rights groups were functioning in Cambodia during the transitional period, with combined membership claimed to be in the hundreds of thousands. The key organizations were allocated substantial grants from the U.N. Trust Fund to organize their own education and training programs and to send delegations to the UN Commission on Human Rights and the Bangkok preparatory conference for the World Conference on Human Rights.

A major objective of this support was to mobilize international and regional NGOs to work with their Cambodian counterparts. One of the Trust Fund projects, the Human Rights Task Force for the Cambodian Elections, was under the responsibility of one US-based and six Asian-based human rights groups. The Task Force prepared human rights activists from each of the main indigenous human rights associations to monitor human rights during the election. As a result, these associations provided by far the largest numbers of election observers registered by the Electoral Component. The Task Force facilitated planning and coordination of activities of these groups and was so successful at this effort that it was continued after the elections as the **Cambodian Human Rights Task Force**, with additional funding from the Trust Fund.

**Women** constitute over sixty per cent of the Cambodian population, as a result of mass murder and civil war. The lack of equal educational and employment opportunities had deep cultural roots, which required special efforts in HRE. Courses were run by the Component in Phnom Penh and in the provinces providing both basic education (introduction to concepts) and in-depth training-of-trainers for these associations. They were also provided with Trust Fund grants to conduct their own HRE activities or to work with international NGOs.

Since UNTAC's departure, seven more human rights NGOs have emerged. UNTAC had supported the creation of a coalition of 14 human rights, women's and development NGOs, called *Ponleu Khmer*, which was particularly active during the drafting of the Constitution and which continued to educate the population about participatory democracy and to push for a sense of accountability on the part of elected officials and civil servants. In June 1994, nine human rights NGOs founded the **Cambodian Human Rights Coordination Committee** in order to strengthen links and improve exchanges of information. In 1994, the Cambodian Institute of Human Rights finalized and obtained official approval of the new human rights curriculum for grades 1 to 11 and organized four month-long constitutional workshops for professors at the law school, government leaders, members of the Assembly, persons trained in law and judges in an effort to help them better understand and take more seriously the Constitution.

**The first objective**: to make officials aware of the obligations the parties had accepted in the peace process and their specific responsibilities as public servants.

**The second objective**: to prepare them for a more responsible and accountable public service under the government to be created following the adoption of the Constitution.

***Judges*** and ***prosecutors*** were trained by Component staff that took part as instructors and developed a special series of judicial training activities. In July 1993, a three-week, all-day program on the judicial functions and independence of the judiciary was organized by the Center for the Independence of Judges and Lawyers of the International Commission of Jurists, supported by the Trust Fund. The learners were judges who had been or were likely to be appointed to the Court of Appeals and the Supreme Court.

Complementing the training of judges was the preparation of ***persons to represent the accused*** in court. The near total elimination of all lawyers during the 1975-1978 period and 13 years of one-party rule from 1979-1992 left Cambodia without anything resembling a bar association. No private attorneys or public defenders had practiced in the country in any capacity since 1975. The Transitional Provisions guaranteed the right to legal assistance for any persons accused of a crime or a misdemeanor and stipulated that anyone with a secondary school diploma, or a family member of the accused, regardless of level of education, may represent the accused in court. In order to provide a minimal level of competency for these potential "defenders," the Defenders Training Program was created, which has continued as a project of the International Human Rights Law Group

***Civil servants*** participated in the two-week courses run by the mobile teams. Many were employed by the local administration without being party members and, in fact, were sympathetic to indigenous human rights NGOs, although they did not reveal this fact to their employers. Separate and specialized courses were developed for the ***police***, who were surprisingly receptive to the training. Interactive and student-centered teaching methods worked well with this group.

1. Local authorities are likely to accept training of their officials only if it is handled by international officials. Trainers should be UN staff, even if on temporary status.

2. Civil servants relate human rights to their professional work when there is an official code of professional conduct. Of course, the *UN Code of Conduct for Law Enforcement Officials* is the appropriate reference for police training. Other codes should be used for other categories of public officials, such as *The Basic Principles on the Independence of the Judiciary* and similar texts for prosecutors and the legal profession.

3. In societies that have undergone years of civil war and political repression, HRE education during the presence of a UN mission can only be the first step in a much longer process of systematic training. Therefore, HRE should seek support for the planning and financing of training institutes, in particular a Judicial Training Institute and a Civilian Police Academy.

A common feature of human rights training in both the civil society and among public officials, was a hunger for knowledge about human rights. Past experience with violent conflict and a genuine conviction that the peace-building will bring about a more just society undoubtedly contributed to this enthusiasm.

Moreover, a clear mandate and a minimal amount of deference contributed to the ready acceptance of local officials to major HRE initiatives. These conditions, which are likely to exist in other peace-building operations, suggest that those in charge of implementing HRE should act rapidly and develop ambitious projects that take full advantage of the opening provided by the existing administrative structures.

The Component's task was also to develop a culturally relevant human rights information campaign using all possible ***media***. Cultural relevancy meant that the message to be disseminated would be consonant with concepts and principles of Cambodian society today. These concepts and principles were found in the Buddhist religion, which provides a spiritual basis for human rights action.

### *Print media*

Khmer artists were used to develop a logo representing a Cambodian landscape with the sunlight of human rights illuminating all aspects of Cambodian life in peace. It was used on T-shirts, posters, and book covers, such at the cover of a special Khmer edition of the Universal Declaration of Human Rights.

Several items were used for teaching, such as the 400,000 training leaflets. The compilation of Khmer translations of official UN texts, a 400-page book of which 100,000 copies were distributed, served as legal reference for NGOs, defenders and public officials. Most of the materials were aimed at creating a positive image of the expression "human rights" in Khmer and relating it to the peace process, including 500,000 basic leaflets, 200,000 stickers, 100,000 copies of the Universal Declaration, 100,000 balloons, and 82,000 posters. Specifically, the message of these materials was that peace in Cambodia must be built on respect for human rights.

### *Broadcast media*

The strategy covered both television and radio, which are particularly important in light of the low level of education and literacy in Cambodia. The human rights "message" was simplified as much as possible and made attractive by using symbols, stories, and popular actors. The dissemination of audiovisual materials was done through all existing channels. Video and audiocassettes were offered to all Cambodian broadcast authorities as well as those outside Cambodia with Khmer programs directed at Cambodia. In addition, 500 cassettes with a Human Rights video were distributed through district electoral supervisors, provincial human rights officers and indigenous human rights groups. Feedback from these circles indicates that frequent showings were organized even in the remotest areas. UNTAC's radio and television production units ran into numerous delays but eventually had considerable reach. Radio UNTAC, for example, began in October 1992 producing only one 30-minute program of "news" (i.e., excerpts from the UN spokesman's daily briefing) but by election time in May 1993 managed to broadcast 15 hours a day for seven days a week. Remote areas were reached by twice daily transmission from Voice of America from Bangkok and by distribution by the Electoral Component in the provinces of 100 copies of each Radio UNTAC program.

The presence of a peace-building mission generates high expectations among the ***general population***, virtually guaranteeing enthusiastic participation in special events organized for them. International Human Rights Day offers an ideal opportunity for massive public participation, as was the case on December 10, 1992, when the Component organized celebrations throughout Cambodia, with songs, drama productions, speeches by human rights

organizations, and distribution of Khmer-language banners, stickers, posters, leaflets and the brochure containing the Universal Declaration. A poster contest was organized for children under 15 on **What Human Rights Means To Me**, resulting in ten thousand posters, the best of which were published, along with selected texts in English and Khmer on children's rights, in a book called *A Dream of Peace*. The role of culture is essential to transmission of knowledge and understanding and traditional means of cultural expression should be a part of a human rights education strategy. UNTAC, with UNESCO, produced a series of traditional musical performances, a comic book and a series of posters.

### *Evaluation*

The impact of informal training activities and of the mass distribution of printed materials and of television, video and radio productions has not been tested scientifically. UNTAC estimated that approximately 120,000 people directly benefited from education and training and that the figure for mass communication, considering the population of over 9 million, the wide availability of radios, the area covered by transmission and the dissemination of cassettes of the programs, is probably several million. There are many signs that the basic message that people in Cambodia have certain rights that must be respected by all has penetrated. One year after UNTAC's departure, observers in Cambodia note that the concept and the primacy of human rights have become part of the public discourse in Cambodia to a degree previously unknown.

### *Lessons Learned*

These lessons concern primarily

(a) *the definition of target groups*
(b) *the relationship between human rights as taught and practical realities of daily life*
(c) *relations with the existing administrative structures*
(d) *methods of teaching*
(e) *administration of extra-budgetary funds for educational projects*
(f) *long-term impact of education and training.*

The strategy described proved to be successful insofar as the principal elements of Cambodian society were identified and constituted the major transmitters of knowledge and understanding. What is important to consider in developing strategies for other contexts is to persevere whenever a key target group has been identified but program actions have been difficult to implement. For example, it was not until fairly late in the mandate of UNTAC that the Component found appropriate implementing agencies to bring HRE to health professionals and the Buddhist clergy on a significant scale. Had this not been done, there would have been major gaps in the program.

Teaching, especially at the beginning of UNTAC's human rights program, tended to describe the relevance of Buddhist principles and then explain the content of the Universal Declaration and the International Covenants.

*-Students' questions led the instructors to realize that effective education must be linked to the lives of the learners.*
*-The brevity of the courses meant that this newly acquired knowledge had little chance of being consolidated and transformed into appropriate actions to protect and exercise those rights.*
*-Real case studies of violations, for example, have a greater impact than abstract examples. The Women's Training Project, in which training was based on women using drawings and drama to bring out aspects of their daily lives, was the prototype of this approach. In the defenders' course, students were exposed to real courtroom situations.*

The local authorities manifested a general willingness not to interfere with practically any educational plans the Component. The Component was perhaps not fully prepared for such openness and similar operations should be prepared to move massively into intensive educational activity. In practice, the opportunities were limited by the availability of staff and funds. Had these two matters been resolved earlier, greater advantage could have been taken of this openness.

There is no doubt that this Component's program and other similar ones conducted by the Cambodian human rights associations were successful in that they introduced large numbers of people for the first time to basic human rights concepts. Support for these groups and retraining of their trainers are essential to the long-term effectiveness of their efforts. The use of mobile teams is an effective mechanism for mass education at a basic level, but they did not have a systematic in-built mechanism for ensuring that the critical follow-up work with course participants took place. Video should be used more frequently, especially in villages, where literacy is low. The most important lesson is that interactive methods work best. This requires more preparation by the teachers but the results are worth it.

The availability of resources through the Trust Fund was a vital element in the effectiveness of the program. It would have been considerably more effective if funds had been available sooner and if the administrative procedures were not as heavy as they were. The availability of such a fund at the beginning would have made a considerable difference.

Finally, HRE, like all other aspects of peace building, is primarily a means of laying long-term foundations for humane governance. The concept of democratic empowerment is helpful as a criterion for conceiving and implementing human rights education projects. This concept is based on a concern for the degree to which the beneficiaries of the project acquire knowledge and skills they can use to participate effectively in decisions affecting their lives.

Democratic empowerment of indigenous human rights associations requires the constant improvement of their educational programs and protection from harassment and abuse by the authorities. Democratic empowerment of the new government requires assistance in the preparation of key legislation and development and strengthening of national institutions. This has been the direction of the successor to the Component, the Phnom Penh Office of the UN Center for Human Rights.

## c) FROM KURU KAN FUGAN TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

### *Empowerment through Human Rights Education in Mali*

By Kathleen Modrowski

The Republic of Mali is at a critical and very promising point in its history. Under the leadership of President Alpha Konare, who came to power after the Malian people threw off a long and oppressive military dictatorship, the government has established programs intended to further strengthen and enhance the role of civil society in participative democracy. Decentralization is moving into gear. It is generally acknowledged that Mali's civil society became a major actor, on quite a unique scale, in a process of reconciliation and peace throughout the country to end a protracted and draining war in the Northern territories, having previously played a key role in ending military rule.

While there are regional variations in the intensity of the phenomenon, it is generally true that Malians as a group have a strong sense of belonging and long histories of consensus building in the search for solutions to problems, whether related to their social or to their natural environment. Adherence to local NGOs, associations, unions, cultural associations, etc. has long been a means for people to make their voice heard in democratic society. According to the UNDP Human Development Report 2004, Mali ranks among the poorest nations at 172 out of 175 countries. It has one of the lowest literacy rates with adult male literacy at 26.7 per cent and adult female literacy at 11.9 per cent.

Programs using the Freirian approach were established as far back as the early 1970's, piggy-backing on what was a very active movement of Freire-inspired rural animation, neighborhood organizations and women's cooperatives during the first years of independence. With a government intent on social transformation, decentralization and ambitious education programs, the Freirian approach has much to recommend it. Considerable creative energy was released when civil society mobilized to remove the Traore government. The challenge of the democratic successor has been ***how to maintain and nourish this formidable power within the people while maintaining the equilibrium of the majority party's vulnerable position.*** As Freire emphasized, the leaders of a social movement have a commitment to those who began the process of transformation, in this case civil society as the leaders of the movement for change, to continue to be actors in the process.

Both government and civil society are aware that each must act within the space that acknowledges the imperfect ability of either entity to carry out the promise of social transformation without the dilution of some element of power. The human rights framework provides the space in which this dialogue can occur. Dialogue and collaboration between civil society and government were an important element of Mali□s Third Republic, and both claim a keen interest in using the Human Rights framework as a means of guiding rights and duties of

all people as members of society. HRE, they feel, is an absolute necessity if all people at all levels of Malian society are to become actors in their country. There is a particular emphasis on an equitable interchange between Malian culture and the programs and vice versa.

The Ministry of Basic Education (MBE) and two local NGOs, the recently founded PDHRE-MALI and the well-established Institut Pour L'Education Populaire (IEP), proclaim similar goals. Whether or not the projects can be complementary and attain the desired outcome will depend on their ability to collaborate and adopt an effective methodology for HRE.

PDHRE-MALI is the offshoot of the international NGO PDHRE and has, over the past three years, been associated with both the MBE and IEP. PDHRE originally helped initiate the national program for HRE through the Ministry of Basic Education. PDHRE has also participated in training workshops with IEP. Both organizations closely identify with the methods of Paolo Freire. A study of the experience of PDHRE- Mali and the organization's need to work with both government and grassroots organizations reveals the strengths and weaknesses of an either/or (government or grassroots) approach to carrying out HRE learning and whether or not real collaboration between the two types of organization can be achieved without loss of either autonomy on the part of the NGO or effective loss of control on the part of the government.

### *Background*

In 1992, Alpha Oumar Konare was elected president of the Third Republic of Mali. His election followed the twenty-year dictatorship of Moussa Traore. The political space for democracy opened with a call for a national conference and the adoption of a new constitution. Within a year democratic elections were held resulting in Konare's winning the vote. Political repression, two cycles of droughts in the 1970's and 1980's, the brutal reforms imposed by the IMF structural adjustment policies (SAPs), a large youth population with a sense of entitlement to political participation derived from its front-line role and bloody sacrifices in the democratic uprising, and a fragile peace accord with the Peuhl, Songhay and Tuareg in the North were part of the legacy left to the new government.

*Since independence in 1956, Mali has ratified all the major human rights instruments and conventions. This lays a foundation for the implementation of a human rights framework to guide policies and regulate practices. On December 11, 1998, Ibrahim Boubacar Keita, Prime Minister of the Republic of Mali, signed a decree that established a steering committee for a National Program of Education for the Culture of Peace and Human Rights. The program was called,* ***From Kuru Kan Fugan to the Universal Declaration of Human Rights: Mali - a Human Rights Nation****. A year later, President Alpha Konare officially decreed the participation of all Ministries in the program. In the summer of 2000, Mali saw the birth of the independent African Institute for the Learning of Human Rights Education with workshops slated to begin in the Fall of 2000.*

### *The Heritage of Kuru Kan Fukan*

Over the last few years, as part of the return to peace and democracy, *Kurukanfugan*, due to the efforts of the association by that name, has become a unifying theme with very positive potential. The name designates an area on the outskirts of Bamako traditionally used as a site for negotiation. According to tradition, this is the historic cradle of Mali, where Sundiata Keita promulgated the Manden Political Charter, providing the glue between all the ethnic groups present on Malian territory, as well as prefiguring modern democracy and the decentralizing model currently underway in Mali.

***The Charter is said to have defined the goals of the new political unit as universal (Mande) peace and mutual respect, in a society defining value by physical labor (agricultural or craft work) rather than by military force or money.***

### *Mission to Mali*

PDHRE was invited to work with the Ministry of Basic Education (MBE) to help launch a national program for HRE. PDHRE applied to and was granted funding from Norwegian Church Aid (NCA) to realize the first phase of the project. Representatives Shulamith Koenig and Kathleen Modrowski, the author, began the PDHRE program in Mali in November, 1997 and continued to work closely with the MBE through December, 1998. Initially PDHRE saw its goal as bringing together a wide representation of organizations and individuals from civil society and from the nine official administrative regions of the country. With a team of technicians from the MBE, the group was expanded to include members of local NGOs, unions, professional associations, students, women, religious leaders, media and *griots* (traditional story holders). From this group a Steering Committee emerged that has functioned since then for the purpose of carrying out the National Program. A series of six open meetings aimed at involving various constituencies were held over a period of two years. The purpose of the meetings was threefold:

to allow people to broadly define human rights according to their own perception and in relation to their daily lives

to learn where they felt there was a need for human rights education

to introduce the major international human rights instruments and conventions and discuss effective ways to use a human rights framework to promote social change

Mali still enjoys a strong oral tradition. Any open forum is an opportunity for lively debate and an often eloquent synthesis of ideas.

### *Narratives as knowledge*

In a society of oral tradition, narratives are accepted as a legitimate source of knowledge. Sessions with women, young people and those whose identity was still in the life of the community (as opposed to government officials, educational and other professionals) relied on a discourse of personal narrative. The legitimate use of these narratives permitted all participants, regardless of their level of education and social status to exercise their authority. This was particularly meaningful when it came to making human rights relevant to daily life and identifying areas urgently in need of HR protection.

> *In order that human rights become a sustainable factor in the moral and political life of a community, those who have not suffered the injustice must be as indignant as those who have been the victims of it.*

Koenig and Modrowski were warned by many people from the MBE team not to bring up the subject of female excision (female genital cutting (FGC) when meeting with women. It is estimated that approximately 90% of Malian women are excised and in a number of areas, this takes the form of pharaonic excision, the most radical form. The practice has a negative effect on a woman's health, including retention of urine and menstrual blood, heightened infant and maternal mortality rates and sometimes, lethal infections. Mali has ratified the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW). Nonetheless, many members of the ministries and the government believe that the topic is too volatile and should not be aired in public debate. However, because excision is a real issue in women's lives, it emerged immediately when the women's forum entered into open discussion.

> *Kadiatou A'oudou Sidibe, a schoolteacher from the northern region of Timbuktu, opened Pandora's box when she told of watching helplessly as one of her young lycee students died as the result of infibulation. The incident determined the course of Sidibe's life. She founded a local association through which she works tirelessly for the elimination of excision. Many women were moved to tears as they listened to the tragic story. Others added their own experiences. Despite the consensus that something needed to be done about the effects of excision on women's health (and thus a violation to the right to health), the open forum format could only air the issue for discussion. In order to raise the issue beyond the level of a narrative that identified the problem, it needs to be taken through the process of analysis before possible solutions can be envisaged.*

### *Limits to Action*

The case of excision is a dramatic illustration of the short-circuiting that took place in the discussions and in the subsequent work of the Steering Committee.

- *The open forums awakened the enthusiasm of the participants.*
- *They were allowed to identify their problems.*

- *Through shared narratives they learned that they were not alone with these problems and realized that most of these issues were, in fact, acknowledged in the major international human rights instruments and conventions that Mali had ratified and was therefore committed to their realization.*

The participants' expectation that they - along with the government - would be mobilized to examine solutions remained unmet because the problem-solving phase of the program was never carried out. PDHRE and the MBE team had written into the original project plans for a national consultation. This plan called for a two-week inter-active workshop that would focus *on **analysis of urgent problems, creation of field projects** and **production of educational materials*** based on local languages and cultures. HRE was to be fully integrated into all the workshop activities.

While the forums were taking place, a meeting was held with the MBE, PDHRE, the United Nations Development Program (UNDP) and UNESCO in order to harmonies programs in HRE and peace education (PE) being carried out by each organization as separate projects. As a result of these discussions, a formal workshop was held in March 1998, following which the Steering Committee was asked to coordinate an action plan that would include all the HRE and PE programs.

The initial plan called for a core group consisting of one project director from the MBE and three members of local NGOs to lead the Committee that included 25 members. In this way civil society would be a major participant. After the first meeting the NGO coordinators complained that the MBE committee member insisted on maintaining control of the portfolio and thus stalling the time frame for implementation. The committee's functions were further undermined by outside events in the larger political situation. These included nearly three years of student and teacher strikes, municipal elections that mobilized many government administrators and the need to avoid launching the national consultation at a time when other political events, such as municipal elections, took place.

In addition, because the HRE program was under government sponsorship, all funders required that requests for funding came directly from the government rather than from the NGOs associated with the Steering Committee. Outside funds were needed for the National Consultation and there was no way of speeding up the government's action in this area. Another shortcoming was that in resisting shared administration of the program, the MBE failed to utilize the capabilities of local NGO representatives in the core group to raise funds, mobilize their constituencies and move towards problem-solving. These concerns were rebuffed by the MBE representative when raised by the local NGOs. The Steering Committee was successful in certain areas. When the Committee presented its report in February 2000 they had accomplished the following:

*Translation of the UDHR into the eleven national languages
* Revision of the action plan for Education in Human Rights and the Culture of Peace
* Realization of a study on Malian perception of human rights and the culture of peace
* Revision of the Military Code of Conduct including references to human rights.

Three years after launching From Kuru Kan Fugan to the Universal Declaration of Human Rights - Mali a Human Rights Nation, systematic use of the human rights framework to strengthen participatory democracy had not penetrated Malian culture in depth. PDHRE determined that in order to take advantage of the historic moment to realize a national human rights movement in Mali, action needed to be taken beyond the Plan of the Steering Committee. PDHRE registered the organization in Mali so that in March 2000, PDHRE-Mali began operating in Bamako, the capital, with a local Malian team.

## *Transformation Education at the Grassroots: The Institute for Popular Education*

### *(L% Institute Pour L%Education Populaire - IEP)*

In addition to collaborating with the MBE, Modrowski and Koenig also developed ties with IEP. A stable institution with a solid track record in Freirian education, the Institute was an appropriate partner, having recently incorporated HRE into their community development field projects and experimental school. Maria Diara Keita, Cheikh Oumar Coulibally and Deborah Fredo are the active founders of IEP, which has its headquarters in the town of Kati, fifteen miles from the capital, Bamako. IEP applies a holistic vision of community development. Its activities
include:

* The Ciwara (chee-wahr-ra) Community School, an alternative pre- school and elementary school that is taught by community educators with a curriculum in Bambara, one of the national languages.

* The Kanaga Program of Education for Empowerment, a training program for youth, adults, educators, facilitators and activists.

* University Without Walls, a program for educators and activists in non-formal learning and literacy programs to reflect on and improve their efforts in educational reform.

* Movement Building, dialogues with "co-visionaries" for the purpose of building a reform movement in education throughout West Africa.

Each program is linked with the other community programs and, in Freirian terms, grew out of generative themes.

## AN ALTERNATIVE IN COMMUNITY EDUCATION
## THE CIWARA COMMUNITY SCHOOL

In 1994, IEP began facilitating adult literacy courses. As a proactive program it aimed at reaching community women and creating awareness of critical issues that would lead to action in the community. The community women identified six critical areas:

**EDUCATION GENDER DEVELOPMENT HUMAN RIGHTS ECONOMICS REPRODUCTIVE HEALTH**

The first cohort class consisted of about 150 women between the ages of 9 and 25. Because their experience in the literacy program had changed their lives, many of the women wanted to offer the same kind of program to their own children. They asked IEP for help in opening up a kindergarten that they called SIGIDOLO. After two years, 70 children were regularly attending the kindergarten, which was held in the courtyard of one of the women's homes. The women themselves became the educators. When the Sigidolo children were old enough to attend the regular school the mothers were concerned. They did not want their children to revert to the meaningless, rote education in the French-speaking national program. They saw how their youngsters were thriving in Sidigolo where Bambara was the language of instruction and communication and they asked IEP to help them create a primary school. In the fall they opened the Ciwara School for the first graders. Today, six years later, Sigidolo and Ciwara are an important part of the community. They are among the few schools in Mali that use the national language for instruction, with French taught as a second language. A major objective of the program is "to bring the school into the community and the community into the school". The curriculum is organized around the main themes of:

**CULTURAL IDENTITY ACTIVISM JUSTICE**
**PHYSICAL, ACADEMIC AND TECHNOLOGICAL COMPETENCY**

Parents and visitors are always welcome as participants and observers. Sensitive subjects that run deeply in the life of the community are explored in the school.

Boys as well as girls cook meals and bring their laundry to school. It is uncommon for men and boys to engage in domestic work at home, so this action provokes shock (among the parents) and thus discussion on issues including gender equality, the role of men in the community, girls education, the right to work, the right to choose a partner in marriage, and the right to health. Since several students had friends or relatives stricken with the AIDS virus, this also became a topic of discussion. Eventually, the children went to stores around the market place, distributed information and answered questions. Rather than object (teachers in regular schools thought children incapable of becoming actors in community life because they lacked knowledge and because of their youth) the shopkeepers of Kati were pleased to have the information.

### *Impact on the Community*

The founders of IEP believe that the Ciwara and Sigidolo schools and their adult literacy programs have an immediate and a long-lasting impact on the community.

- The programs are part of Malian culture.
- The language of instruction is the national language.
- Facilitators are from the community. Trainers come as resource people, for example, to provide input into problem-solving around health concerns, agriculture, financing, etc., rather than as experts who have come to tell the people what they must do and how to do it.
- Methods used by IEP affirm the intelligence of the people they work with. Simple innovations can create greater equity in the neighborhoods or villages.

Similar changes can be seen in the seven villages surrounding Kati where IEP is carrying out community development programs based on a human rights framework. For all the discussion among sociologists and government spokespeople that change needs to come slowly and that the rural community is very conservative, it has been IEP's experience that people in the villages understand very quickly the relevance or the irrelevance of a program to their lives and concerns.

### *Assessing the Outcomes*

IEP's actions are solidly based within the community. Its school program, unlike the official educational system inherited from the French colonizers, is part of local culture. The official system runs parallel to the local culture and is viewed as an entity quite apart. There the language of instruction is French, which few students and even their teachers, let alone the parents, use for communication, already forming a significant barrier. However, government and parent organizations have proven themselves resistant to the idea of relinquishing the favored position of French as the language of knowledge.

The Ciwara model responds to the educational reform recommended by the new government program PRODEC, launched in 2000. The question remains whether the Ministry of Education will be able to apply the model and example of Ciwara schools to the national system.

IEP programs are effective in the communities as long as there is continued support through training and information. This does not mean material support since IEP has no funds to disburse directly into communities. However, funds are needed to run training programs and produce educational materials. Lack of funding and the related problem of maintaining sufficient staff hinder IEP in their effort to sustain a countrywide network of trainers. This limits the extent to which IEP can carry out its programs effectively.

***Working Within the Culture***

In a number of ways, IEP and The Ministry of Education (ME), would be excellent partners. Each organization has a mission that will be difficult to realize in the present context. IEP cannot act alone if it hopes to reach a wide segment of the population. Given Mali's inadequate system of communication and general level of poverty, only the national government can coordinate an extensive program in HRE and obtain sufficient funds to run such a program. Equally important is the need for the government to sanction the use of human rights as a general guide for enacting policies and laws.

The ministry of education is hindered by continued reliance on the present educational system inherited from the French and on projects conceived largely by "experts" from agencies outside the country. The result will mirror the profile of the present education system, i.e., a program that runs parallel to Malian culture but has very little to do with it.

Mistrust of local languages has other far-reaching implications. While inclusive democracy is the expressed desire of the government, in practical application there is a lack of confidence that people are capable of deciding and acting upon their own knowledge to direct their lives. The national program for de-centralization also paves the way for great autonomy at the local level. Clearly it is very difficult to undo an administrative model and social hierarchy that is sustained by that model. Yet the recent legislation on educational reform and decentralization has created the window of opportunity within which steps can be taken towards ensuring that decisions can be taken at a local level. However, it also signals the fact that programs will be planned by individuals from the educated elite who are no longer immersed in Malian culture or who oppose human rights programs on the same grounds as the cultural relativists.

IEP's success in navigating sensitive subjects within Malian society such as excision, gender equity and children's rights can provide the ME with a model created in local practice.

- IEP and the Ministries of Education have acted together on a number of occasions. In discussions with the PDHRE representatives, both sides have expressed respect for each other but are ambivalent about the possibility of extended collaboration. Many well-meaning government administrators still suffer the trauma of French culture. The comment of one high level official seems to echo the opinion of many when he said, "It's fine to use the national languages for very young children, but how will our children have access to higher education if they do not learn to think in French!"

When debates arise the intentions of the IEP facilitators are not questioned because they are already trusted members of the community. . The facilitators take their cues from the local population with whom they live and work, as to when a subject is introduced - the progression is organic and holistic. In this way, facilitators are able to plunge into sensitive areas and keep an issue going through the full process of analysis. Strategies for resolving conflict that may arise are imbedded in Malian tradition.

Facilitators and participants come to the aid of each other in applying these strategies. Local knowledge and local customs are an important part of problem solving. Once the participants are assured that the IEP program belongs to them, they do not hesitate to implicate their whole cultural being in the process. In Mali records show that the government is willing to work with civil society through the NGO communities. Neither the government nor the NGOs can afford to waste this opportunity. Reinforcing the connection between these two actors is a necessary task that needs to be undertaken immediately.

### *Convincing the NGOs to Remain Partners in the National Program*

PDHRE-Mali enjoys a privileged position because of its partnership with the Ministry of Basic Education in launching the National Program of Human Rights Education and as a standing member on the Steering Committee. The organization is now poised to serve as an effective bridge between the government and NGOs such as IEP. The challenge facing PDHRE is to convince the NGOs not to abandon the National Program. Because they have access to outside funding from international agencies, albeit limited, it is tempting for local NGOs to ignore the government and carry on their own programs. The danger in this policy is that it isolates the NGOs and creates a patchwork of projects that often replicate services and never allow the various organizations to benefit from critical discussion among various constituencies and the government. In this case PDHRE can play an important role in federating the NGOs and supporting their position on the Steering Committee.

Recent history illustrates that Mali has consistently refused to fall into the category of failed illusions that the dominant powers are all too willing to ascribe to developing countries. The work of visionaries must take precedence over the habits of bureaucracies if the historic moment for making human rights the political philosophy in Mali is not to be lost. At this time Mali is fortunate to have visionaries in government and in civil society but one cannot predict how long this will last.

**THE REPUBLIC OF MALI HAS A CHANCE TO ASSUME A CRITICAL ROLE IN THE HISTORY OF AFRICA**

### *Epilogue*

*Considerable progress has been made in many areas since this article was written. Members of the original initiative to make Mali a human rights nation have shifted their efforts from creating a movement within the government to working with the community at large and including various ministries, such as education, justice and culture, as stakeholders in meetings and major activities. PDHRE-Mali is firmly established in the country and in the West Africa. Members of IEP and other organizations serve on the governing board and are actively involved with the organization as full members rather than representatives of a particular constituency.*

*Mali has become a leader in the Human Rights Cities Movement. In 2000 Kati became the third Human Rights City in the world. In addition to Kati, two other cities in Mali, Timbuktu and Kayes, have become Human Rights Cities. In 2001 the African Learning Institute for Human Rights Education(ALIHRE) was established in Bamako . This regional institute for human rights learning trains and develops human rights educators using Freirian methods and a holistic approach to human rights education. One of the principle tasks of ALIHRE is to strengthen the Human Rights Cities by fostering human rights learning in the region through intensive seminars and follow-up. People from more than sixteen African countries have participated in these training seminars. Human rights learning in Mali is further supported by its close links with other Human Rights Cities throughout the world. Dynamic leadership within PDHRE-Mali and a conscious effort to collaborate with grassroots and government has led to the notable success of popular human rights education in Mali.*

## References


De Benoist, Joseph, R. *Le Mali.* Paris: Ed. L'Harmattan, 1989

Drisdelle, Rheal. *Mali, A Prospect of Peace.* Oxford: U.K., Oxfam, 1997

Freire, Paulo. *Pedagogy of the Oppressed.* New York: Continuum, 1997.

Freire, Paulo. *Pedagogy of Hope.* New York: Continuum, 1996

Mali Country Report. The Economist Intelligence Unit . Paterson Dartford. Dartford, Kent: UK., May, 2004

Modrowski, Kathleen. *Strategies for Human Rights Education in Mali.* Paper presented at the AERA international conference in Montreal. 1999

Obermeyer, Carla Makhlouf. "Female Genital Surgeries: The Known, the Unknown, and the Unknowable," *Medical Anthropological Quarterly* 13(1): 79-106. Washington,D.C. The American Anthropological Association. 1999.

Traoré, Aminata. *L'Etau.* Arles: France. Actes Sud.

Scheub, Harold. *Story.* Madison: University off Wisconsin Press, 1998.

United Nations Development Program. *Human Development Report 2004.* New York: Oxford

## d) RACE, RIGHTS AND RESISTANCE: AFRICAN-AMERICANS AND INTERNATIONAL HUMAN RIGHTS

By Ajamu Baraka

***Introduction***

One of the greatest ironies of world history is that Europe's rapacious trade in black-skinned bodies spawned not only an international capitalist economic system, but also the first 'African' whose palpable resistance has continuously undermined that oppressive order. Torn away from their diverse cultural and geographic moorings, their ethnicities reduced to a wretched identity as others, the far-flung Africans of the new worlds gradually recognized the commonness of their bonds. Increasingly, this incipient consciousness animated the varied forms of rebellion which erupted throughout the African Diaspora. Across the America's and the Caribbean, Africans formed alliances with indigenous communities to combat slavery, they fought as lieutenants in independence wars and they were at the forefront of peasant and workers' movements fighting for justice and equality. From Birmingham, Alabama in the United States, to Salvador, Bahia in Brazil, African-Americans of all nationalities engaged in a horrific struggle for freedom, which because of its rights-based and international character was a precursor for the modern human rights movement.

However, until recently, the history and impact on human rights discourse that resulted from African-American activism ***was a key element that was missing from the human rights narrative***. Mainstream and even radical scholars generally ignored or marginalized the reality of African-American agency in the international arena.

**EDUCATION AND ORGANIZATION**
are the twin approaches that characterize
the African-American approach to
**Human Rights**

Throughout the early twentieth century, the mass-based and internationalist character of the Garvey movement, the series of Pan African conferences, the United States invasion and occupation of Haiti in 1915, the League of Nations failure to act in response to Mussolini's attack on Ethiopia in 1935 and intensification of racial strife within the United States contributed to the development of internationalized racial consciousness among African-American activists.

During World War II, Europeans and Americans were shocked by the millions of lives lost and repulsed by the atrocities of the Nazis and other fascist regimes. The scope and ferocity of the war created a heightened popular consciousness of human rights among people of the world. This period marked a high point of African-American radicalism. Therefore, with the proposed development of the United Nations organization, Africans and African-Americans concluded that the principles, structures and processes of the new postwar international organization would be an arena of struggle in which African-Americans had to be prepared to enter in order to assert their perspective and interests.

*A number of African-American intellectuals and activists had concluded that the battle against white supremacy in the United States could not be won without a larger international struggle against Western dominance in all its various forms.*

*STEP ONE*

In his State of the Union address to Congress in 1941 - well before the United States entered the war - Franklin Roosevelt spelled out his **Four Freedoms**, a concept of the fundamental rights that should be guaranteed to all human beings:

**Freedom of Speech and Expression**
**Freedom of Worship**
**Freedom from Want**
**Freedom from Fear**

*STEP TWO*

In August 1941, the rhetorical force of this new human rights concern subsequently found expression in the **Atlantic Charter** agreed to by Roosevelt and Winston Churchill, which stated, among other tenets:

**ALL PEOPLE HAVE THE RIGHT TO CHOOSE**
**THE FORM OF GOVERNMENT UNDER WHICH THEY WILL LIVE**

For those people who had been denied this fundamental right, Roosevelt and Churchill declared that they wished ***to see sovereign rights and self-government restored to those who have been forcefully deprived of them.***

*STEP THREE*

The Atlantic Charter served as the basis for the **DECLARATION OF THE UNITED NATIONS**, signed in January 1942 by twenty-six nations then at war and subsequently by twenty-one other nations. The Declaration endorsed the Atlantic Charter and expressed the conviction ***that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands.***

African-Americans were well aware of the irony of allied propaganda that condemned the racial doctrines of Nazism while African-Americans were still subjected to some of the most brutal forms of racial oppression outside of South Africa and the German occupied territories. Racial oppression in the form of slavery, peonage, lynching, police brutality, the denial of civil and political rights and racial discrimination in the use of public and private facilities not only structured the objective conditions of African-Americans, but also African-American consciousness.

Roosevelt, the champion of American liberalism throughout his tenure as president, failed to back anti-lynching legislation, and segregation continued unabated in the United States Armed Forces.

*Churchill made it clear that the principles in the Atlantic Charter did not apply to British colonial territories but only to those nations in Europe under the "Nazi yoke".*

### *United Nations and Human Rights:*

### *The Impact of African-American Internationalism*

At a mass rally held in Harlem in February, 1945, the National Association for the Advancement of Colored People (NAACP) was joined by the Council on African Affairs, the West Indian National Council and the Ethiopian World Federation. All the speakers emphasized that the international community ***could not be assured of world peace and security as long as racism and colonial oppression were allowed to exist*** and that ***the question of race and color was one of the most serious problems of the twentieth century***. The unity of interest between the colonized and African-Americans in the destruction of white supremacy was emphasized. Just two months earlier, W. E. B. Dubois, the grandfather of the Pan African and modern African-American human rights movement, helped to organize a conference at the Schomburg Library in New York on the colonial issue. A veritable all-star lineup of anti-colonial advocates participated, including speakers from Puerto Rico, Jamaica, India, Burma and Ghana. This was followed by a major conference on the issue held in San Francisco.

### *The African-American Presence at the San Francisco Conference*

The State Department determined that representatives from forty-two nongovernmental organizations would act as consultants to the United States delegation and the NAACP moved aggressively to ensure that it be included. Other African-American organizations emphasized the necessity for African-American representation at the San Francisco meeting. The NAACP believed that it would be representing ***the whole body of American Africans*** and wired 151 African-American and interracial groups for whatever ideas and resolutions they wanted to communicate to the United States delegation.

***THE PROBLEM OF DEPENDENT NATIONS AND MINORITY GROUPS IS A WORLD PROBLEM AND MUST BE TREATED AS ONE***

The Delta Sigma Theta Sorority

***THE PRINCIPLES OF THE ATLANTIC CHARTER MUST BE EXTENDED TO ALL PEOPLES IN ALL COUNTRIES, IRRESPECTIVE OF RACE, CREED OR COLOR***

The African Orthodox Church

The NAACP delegation made two major demands in San Francisco.
**Firstly**: it called for an end to the colonial system
**Secondly**: it requested a world Bill of Rights that affirmed the equality of all peoples and races.

### *The United Nations Charter: The Language of Rights and US Concerns*

There were clear voices within the Truman administration and the public that insisted that the US take a leadership role in codifying within the Charter a commitment to upholding and protecting human rights. Yet other voices in the administration were not so adamant. While the United States wanted an international organization, it had not imagined one with the power to commit the country to policies and programs which it considered counter to its interests, or to interfere with the American government's handling of its internal affairs.

US policy makers resolved this dilemma by limiting the Charter's references to human rights to vague generalities and postponing questions relating to colonies for "some time in the future." The position of African-Americans, however - who had held meetings with a number of delegations from France, Haiti, Liberia, the Philippines and various nations from Latin America - was unequivocal. They wanted clear and specific language that would place the United Nations on the side of anti-colonialism and anti-racism. Dubois proposed that the United States support language that would declare that no nation or group of people be denied an effective voice in their government. Delegations from India, Panama, Uruguay, Brazil, Mexico, the Dominican Republic and Cuba, among others, wanted clear statements inserted in the Charter's statement of purpose that would reflect the United Nations commitment to human rights. The NAACP delegation concluded that both internal and external pressure had to be applied on the US delegation.

✔ *Internal pressure took the form of intensive work to persuade the other members of the consultative delegation to take unambiguous positions on the issues of human rights and the question of colonies.*

✔ *External pressure was generated by providing briefs to the press, in particular, the Black press, which attended in large numbers. Additionally, the NAACP urged individuals and organizations to telegraph Secretary of State Stettinius encouraging adoption of a strong racial equality plank in the Charter and the abolition of the colonial system. The NAACP also distributed DuBois's recently published book, Color and Democracy, to each American delegation.*

A highly vocal public opinion began to make itself felt. The American delegation began to edge warily toward a stronger and more definitive position on human rights, proposals for trusteeships to replace the mandates and protectorates of the Versailles Treaty and the League of Nations, and other procedures needed to make the flowery phrases in praise of freedom more nearly a reality.

The gradual shift in the position of the US delegation was also influenced by the shrinking credibility that US spokespersons suffered in San Francisco as a result of the work done by African-Americans to expose US hypocrisy.

> **US policy makers understood that the manner in which they addressed the concerns of these delegates, many of whom represented nations that had been colonized by European powers, would have an impact on their continued political and moral leadership in the post-war order.**
>
> **African-Americans understood that the United States delegation intended to oppose any direct references to racial oppression within the Charter.**

At last, Edward R. Stettinius, Jr. announced that the American delegation would support amendments to the proposals that guaranteed freedom from discrimination on account of ***race, language, religion, or sex***. The inclusion of this language in Article 55 of the Charter was a significant victory for African-Americans and other colonized peoples in the world. However, it was tempered by the knowledge that the Charter would include a domestic jurisdiction clause and that the US and the colonial powers intended to continue with a trusteeship system that would maintain the status of the 750 million people still attached to the yoke of European colonialism.

The full impact of African-American intervention at the United Nations would occur in the debates and controversies that emerged within the newly formed Human Rights Committee. This committee was tasked with the responsibility of developing the documents that would form the foundation for the UN's human rights program for the next few decades. It was to this committee that African-Americans turned their attention.

## *AN APPEAL TO THE WORLD*

As anti-communist rhetoric increased and the contours of the Cold War developed, a number of African and African-American activists clearly recognized the material and ideological links that connected United States interests with those of the Western European powers. In 1946, Dubois proposed that the NAACP submit a petition that sought to bring attention to the situation facing the African-American population in the United States. Entitled **An Appeal to the World**, the subject matter ranged from a description of the legal rights of American Africans to an analysis of the human rights obligations that the United Nations Charter presented for the rights of minorities.

This plan created tremendous excitement and won endorsement from most of the leading African-American organizations of the time. International support included several organizations from the colonial world, in particular the Trades Union Congress of Jamaica and Jomo Kenyatta of the Kikuyu Central Association of Kenya, the Caribbean Labor Congress, the National Council of Nigeria and Cameroon and Kwame Nkrumah and the West African National Secretariat that he headed.

### *Impact of the Petition on US Policy*

Reporters from all over the world requested advance copies of the NAACP petition. When it was formally delivered to the UN on 23 October 1947, the impact was immediate and dramatic. Domestically, there was a firestorm of protest over the petition. On the international level, it created a public relations disaster for the US administration. It could not be dismissed as some leftist triad against the US government. Even the United States Western European allies found it difficult to explain or defend US racial practices. The Soviets intensified their ideological onslaught and some non-European nations openly questioned the United States commitment to democracy. The submission of the petition coincided with the United Nations Human Rights Commission s debate on the contents of an International Bill of Rights. Not only was there significant political and philosophical disagreement concerning the scope of rights to be included, but the legal details had not been settled.

### *African-Americans and Human Rights in the Global Post-Cold War Era*

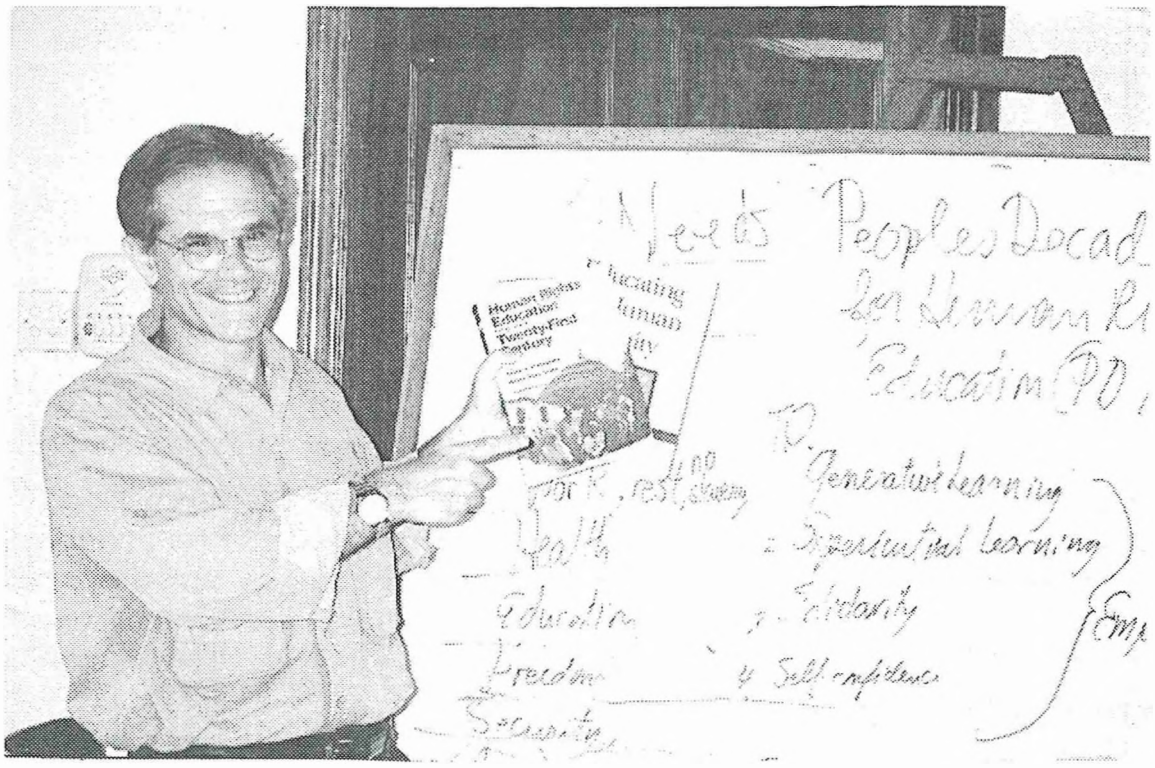
The ideological component of the Cold War provided African-Americans with an essential space to raise the contradictions inherent in US human rights policies. A central component of the domestic ideological realignment that took place during the early stages of the Cold War posited ***freedom***, represented by the United States, versus the ***forces of darkness***, represented by the Soviets and its allies. This became the framework for the formulation and evaluation of both domestic and foreign policy and the US was presented with serious problems as the struggle over the very nature of human rights emerged as an issue for the United Nations Human Rights Commission. While white supremacist ideology always possessed a material component that both connected white workers to their ruling class and differentiated the white West from the rest of humanity, the racist excesses of the Nazi regime called into question the entire racist project and its ideological underpinnings. Thus the denial of democratic and human rights for African-Americans undermined the moral authority of the United States and complicated the nation s ability to effectively engage the Soviets in the battle over ideas.

### *The Impact of these Interventions on US Policymakers*

US policymakers recognized that the political implications and ideological ramifications of this struggle were being played out in an international environment that was becoming increasingly volatile. In the years immediately following the war, the strategic focus for both the United States and the Soviet Union centered upon Europe. The United States had its Grand Area and the Soviets were concerned with consolidating their influence in Eastern Europe. Neither power was prepared to risk a direct confrontation with the other, but both readily discerned that influence in Europe was connected to access to, and control of, the regions that became identified as the so-called **THIRD WORLD**, putting the US at a disadvantage because of its ***continued racial policies.***

The efforts of African-Americans to access and raise issues of importance that concerned them demonstrated the potential power that organized movements could exert in the international arena. The lexicon of human rights became a permanent feature of African-American political discourse. Even though ***civil rights*** and ***equal rights*** in the US emerged as the preferred language for US authorities and some elements of the African-American movement for social justice in the 1950□s, the ***human rights*** language and framework never lost its currency. W. E. B. Dubois, Paul Robertson, Malcolm X and Ella Baker were just some of the activists who continued to define the struggle for democracy in the United States as an integral part of the worldwide struggle for human rights. Even Dr Martin Luther King□s Southern Christian Leadership Conference (SCLC) began to embrace the language of human rights.

African-American activism today is taking place within a context that recognizes the magnitude of world problems and the continued need to link the struggles of the African-American human rights movement to its international partners. The proliferation of NGOs and social movements that have embraced, transformed and utilized the discourse and framework of international human rights is truly impressive. Yet it is clear that without the courage and commitment on the part of African-American activists in the 1940□s, the role of human rights in the United States and, perhaps, the world would have been very different.



# PART 5: USING THE PRINCIPLES OF HUMAN RIGHTS TO IMPLEMENT DEEP-SEATED CULTURAL CHANGE

## ENDING FOOT BINDING IN CHINA AND FEMALE GENITAL CUTTING IN SENEGAL

The two cases presented here are of particular interest insofar as they involve what was considered by many a cruel practice, yet one so old that its origin in the legendary mists of time made any attempt at modification or elimination inappropriate almost by definition. Futhermore, it was so fundamental a practice that its abolition seemed sure to condemn to ruin the culture as a whole and the individual lives of its members, since it would ruin all marriage prospects.

The task was made daunting by the following social parameters, all of which conspired toward a peculiarly intractable dilemma for reformers:

- *the relationship between older and younger generations in societies which considered age a central structuring factor in social life*
- *the fact that the practice served the interests, real or imagined, of men while confirming the status of matriarchs in societies where older women held positions of great personal (if not political) power by virtue of their fortitude and their willingness to face physical pain*
- *the ritual function of the practice in readying the person for adult life*
- *the near impossibility of finding a marriage partner for a woman who had not undergone the ritual*
- *the practice had become an earmark of the local culture in the eyes of conquering outsiders and a last ditch holdout in the eyes of the locals, making reformers suspect by association.*

The fashion of foot binding in China (for aristocratic erotic fashion is what it was originally) can reliably be traced to the 10th century. As for female circumcision, its existence has been confirmed in Ancient Egypt and Ethiopia. It is often, for that reason, considered part and parcel of African cultures. In reality, it was widespread in some areas, with the highest concentration in Sudan, Ethiopia, and Somalia, decreasing in vaguely concentric circles from there, but by no means a universal feature of African cultures.

As for the widespread belief that it is an 'Islamic' practice, female circumcision has indeed been practiced widely across the geographic zone that was Islamized the earliest, but it is practiced by people of all religions, and in fact, Islamic orthodoxy considers sacrilegious any form of ritual mutilation, and the prevalence of the practice must thus be considered a toleration of a native practice.

In both cases, the story is one of repeated attempts to suppress the practices, only to have them go underground, and eventually resurge, despite heavy fines and prison sentences. The case of female genital cutting is particularly striking in this respect. Like foot binding, it aroused horrified, if occasionally titillated, repulsion among missionaries and colonial agents, especially in the British colonies. French colonial administrators were on the whole tolerant, in a 'don't ask, don't tell' fashion. Like foot binding, it became a symbol of the pre-colonial culture, and punishments were therefore surrounded with the aura of national martyrdom. Support and suppression of the practice fluctuated and clearly reflected the tides of perceived powerlessness in the face of western cultural influence. The young men and women's drifting away from initiation were a bitter reminder of the elders' loss of power in the modern world; a disempowerment made all the more bitter for older women by the erosion of traditional areas of female economic power in the globalizing economy.

An important aspect of many human rights violations is their conventional nature. Whatever the rationales given in support of a particular practice, it is part of a system of practices connected with conventional rewards and punishments whose operative value resides in the fact that 'everyone else does it.' The fear of seeming eccentric, of 'not belonging', or that one's offspring may not be acceptable to their contemporaries, the fear of falling out of the 'favor economy' which is at the core of all social systems, is a more powerful motivator than theoretical arguments for or against the practice.

## *a) The Movement To End Footbinding In China*

By Garry Mackie

### *Background*

For about a thousand years, the vast majority of Chinese families bound the feet of their daughters. This was not a minor cosmetic enhancement. Beginning at about age six to eight, the female child's four smaller toes were bent and broken under the foot, the sole was forced to the heel, and the foot was then wrapped day and night in a tight bandage in order to mold a bowed and pointed four-inch-long appendage. Foot binding was extremely painful in the first six to ten years of formative treatment. Complications followed, included ulceration, paralysis, gangrene, and mortification of the lower limbs. Perhaps up to ten percent of girls did not survive the treatment. By the mid-nineteenth century, all Chinese families in the empire practiced foot binding, except for those too poor to avoid the dishonor of natural feet. The more prestigious the family, the smaller the foot, and the more crippled and housebound were the women.

> ***"The custom of foot binding is unknown throughout the vast universe, with the exception of China. Now there is nothing that parents will not do through love of their children, with the lone exception of this cruel and senseless custom in which they indulge. When a child is four or five, or seven or eight, parents speak harshly to it, and frighten it with their looks, and oppress it in every conceivable manner so that the bones of its feet may be broken and its flesh may putrefy. They are then happy in their parental hearts, feeling that later when she gets married, they will be very proud of her. But if the foot is round and six inches long (natural in shape), relatives and neighbors all feel that this is shameful.***
>
> ***A person is unfortunate to be born a Chinese woman. As a young girl she suffers from having her feet virtually dismembered and her skin despoiled. If she is lucky enough to remain alive, all day she requires the support of others. How can she get water from the well or pound the pestle? If there occur calamities such as flood, fire, or bandits, she has to sit and await death, unable to do more than hobble about. The injuring of her physical wellbeing is looked upon as beautiful. This is the height of lewdness."***
>
> Cheng Kuan-Ying

### *The Opposition*

From its onset in the tenth century C.E. and throughout its duration, liberal Chinese thinkers questioned foot binding. Shortly after it had first become commonplace, Ch'e Jo-shui wrote: "I don't know when foot binding began.

Children not yet four or five years old, innocent and without crime, are caused to suffer limitless pain. What is the use of it?" In the 17th century, the Manchu dynasty (non-Chinese who had conquered the empire) tried twice to abolish foot binding by means of imperial decree and the threat of harsh penalties. An offender was to be flogged 40 times and dismissed from office if an official, and exiled if a commoner. Such opinion gathered force in the later nineteenth century, especially among some intellectuals as they learned that the rest of the world did not bind women's feet. Cheng Kuan Ying, a leading force for change, spoke the language of reformers worldwide. He described a normal, everyday practice in a new way, calling the loving unloving, the beautiful ugly, and the chaste lewd, so as to reveal foot binding as both damaging and useless. Chang Chih-tung, another opponent, opposed foot binding because he believed that it weakened the nation by weakening its women. K'ang Yu-wei advocated abolition in 1882, without immediate result, as did later his younger brother K'ang Kuang-jen. One of his principal arguments was international public opinion. He said that:

**THERE IS NOTHING WHICH MAKES US OBJECTS OF RIDICULE SO MUCH AS FOOTBINDING**

During the nineteenth century, opposition to foot binding intensified, both among the many Christian missionaries and among Chinese intellectuals. However, the problem was that to abandon foot binding made one's daughter unmarriageable. A way had to be found to make unbound feet culturally and socially acceptable.

The end of foot binding came about both because of international condemnation of it, and because the Chinese themselves decided to end the practice. Some sensitive issues were involved. Outsiders believed that the practice was wrong, and some were outraged by the damage to health. For insiders, it was associated with a girl's marriageability, with her decency and self-respect, with her family's honor, and with the parents' love for their children. Insiders knew that they were morally motivated, and some of them were outraged when ignorant outsiders
wrongly accused them of malice towards their children. Morality clashed with morality and condemnations were hurled, causing confusion and pain.

### *The Solution*

Mrs. Archibald Little, the wife of an English merchant, was the historically unrecognized genius who figured out how to trigger the avalanche of public opinion against foot binding. Many in the foreign community in China allowed their imperialist and racist attitudes to shape their views on foot binding, some arguing that the Chinese should be left on their own to inflict suffering upon one another, and others angrily denouncing them as barbaric. But Mrs. Little's only goal was to find practical ways to help bring an end to Chinese women's suffering.

### *STEP ONE*

Mrs. Little first toured the country and interviewed anyone she could find with authority on the subject. She came to understand the connection between foot binding, honor, and marriageability. She interviewed the missionary who devised the first successful pledge society in 1874 and she talked to Confucian intellectuals who had developed arguments against foot binding in Chinese cultural terms. In 1895, she organized the influential Natural Foot Society.

At first, the society was headed by a committee of foreign women, who also provided its resources and labor. The Natural Foot Society lobbied the imperial court, identified influential local critics of foot binding, held public meetings, circulated petitions, submitted newspaper articles, held essay competitions, distributed literature, including poems, on a massive scale, and conducted speaking tours. This was the first modern publicity campaign in China.

### *STEP TWO*

The Society did not present its arguments in foreign or Christian terms, but rather in Chinese and Confucian terms, and sought to influence the non-Christian intelligentsia and elite. Mrs. Little found that what worked were practical arguments about the consequences of foot binding, rather than larger ideological arguments, and the positive results of allowing feet to grow naturally. The society sent out over a million tracts, leaflets, and placards like the examples below

**Ten Sighs About Foot Binding**

1. *Why was my natural foot ruined?*
2. *The goddess Kuanyin is barefooted; why do I have to have bound feet*
3. *You can't get anything done with bound feet, and yet it takes great effort*
4. *It is easy to get sick, because one's blood circulation gets stopped up.*
5. *I cannot be filial towards my in-laws because I cannot perform manual labor for them.*
6. *I get angry to the point of illness because of the pain, but my own moth won't let me loosen the binding*
7. *The tiny-footed are easily deceived by evil men.*
8. *Poor women bind their feet. There is no food in the house, but they can't go out to get firewood and the necessities of life.*
9. *People feel that poorly-bound feet are ugly and not clean enough.*
10. *Don't make the younger generation suffer. Let out the feet in order to let the family prosper.*

**Ten Delights of Natural Feet**

1. *I can work easily.*
2. *I have freedom, and my parents don't worry about my foot size.*
3. *Convenience, because the goddess Kuanyin is also large-footed.*
4. *I can visit my parents whenever I want, even though they live far away.*
5. *When my husband is away, I can take care of anything that occurs at home.*
6. *A large-footed woman is not easily deceived, and she has no problem in keeping her feet clean.*
7. *To eradicate the evil age of foot binding is to restore the intent of our ancient sages, who elevated natural-footedness to a position of honor*
8. *The natural-footed is stronger, more patriotic, and can achieve heroic deeds*
9. *The nation benefits from her vigorous spirit and devotion to study*
10. *She is unhampered by bad roads and can travel freely anywhere.*

**The Three Important Aspects of the Reformers Work**

...**First:** they carried out a modern education campaign, explaining that the rest of the world did not bind women's feet. The discovery of an alternative is necessary but not sufficient for change.

...**Second:** they explained the advantages of natural feet and the disadvantages of bound feet in Chinese cultural terms. New information about bad consequences is necessary but not sufficient for change.

...**Third:** they formed natural-foot societies, whose members publicly pledged neither to bind their daughters feet nor to let their sons marry women with bound feet. Information and persuasion, combined with relevant action, can bring about change.

The imperialist occupation of China by the British was not as positive as their propaganda pretended (consider, for example, the Opium War, fought to protect the British opium-peddling trade in China). It was unpleasant as well for the proud Chinese to endure ignorant commentaries about Chinese culture from foreigners who, for example, denied their own women the right to vote and forced them to wear deforming bustles that damaged their internal organs. In the end, however, Chinese reformers were more helped

by international condemnation of foot binding than they were hindered by the obtuse xenophobia of some of its western opponents.

### *STEP THREE*

In 1897, a group of reform leaders founded the Unbound Foot Association, headquartered in Shanghai. The indigenous association was patterned after Mrs. Little's Natural Foot Society and argued in Chinese cultural terms, persuading members to pledge not to bind their daughters feet nor let their sons marry bound women. Within a few years the organization had 300,000 members in the major cities alone. Members pledged not to bind feet, they recruited new members, held mass meetings, published tracts, sang songs, and petitioned the authorities.

Progress was first dramatic and then miraculous. K'ang Yu-wei was a major figure in the political events of 1898 known as the Hundred Day's Reform, and his memorandum to the court on the topic was an important landmark. In 1902 the Empress Dowager herself took a public stand against foot binding, which transformed it from a radical crusade to a respectable cause and also made it safe for traditional Chinese to make public their support of the reform. A proposal by Minister Chou in 1904 to prohibit foot binding outright was opposed by enlightened opinion. Reformers argued that it would be better for the highest classes to themselves first renounce foot binding, as the masses would follow their example, and that education rather than punishment was the most effective strategy. The student revolutionaries who later became the nationalist movement that carried out the revolution of 1911 also turned against foot binding, demanding its abolition after the author Ch'iu Chin - who was executed for insurrection - published an unfinished novel that condemned foot binding because of its harm to women.

The Natural Foot Society declared that "the custom has been abandoned by practically all people of the official classes, and though it is still widely practiced among the lower ranks, especially in the North, its extinction can hardly be far distant." By 1908 the majority of political and intellectual leaders opposed foot binding.

New shoe stores opened with names like

***GROWN LARGE***
***TREADING THE NEW***
***AS HEAVEN MADE IT***

**Natural feet had become fashionable at last**

### *The Aftermath*

Mrs. Little was wise enough to step aside when the time came, and to recognize that sometimes the best way to achieve your goal is to stop pursuing it. She returned to England and the leadership of the Society was transferred to a committee of Chinese women. Anti-foot binding efforts were gradually perceived as a Chinese phenomenon in a nationalistic context, and a majority of Chinese, especially those residing in urban areas where they were influenced by education and the media, began to adapt their old ways. Victory could only be achieved once the foreign and Christian roots of the campaign had been renounced. The decree succeeded not because of coercion but rather because it was an expression of changed public opinion and practice. The most sought after partners in marriage now rejected foot binding. Indeed the astonishing success of the anti-foot binding movement, ending a custom practiced for a thousand years in less than a generation, and involving the first modern public education campaign in China, made a large impression on the members of the early student movement that matured into the nationalist and communist revolutions in China. This was a legacy demonstrating that sudden massive change for the better is possible in specialized aspects of social life, and suggesting further that revolutionary change might be possible in every aspect of social life.

## b) *Abandoning Female Genital Cutting In Senegal*

By Molly Melching

On January 13th, 1999, Senegal passed a law prohibiting the traditional ancestral practice of Female Genital Cutting (FGC). Although many factors, including a worldwide UNICEF campaign, played a part in bringing about this law, some of the most important contributions came from **Tostan**, a grassroots NGO providing non-formal education in national languages in West Africa. The history of this NGO, specifically the beginning of its education program, provides a fascinating insight into the methods that empower communities to bring about positive social transformation.

### *The Foundation for Progress*

I founded Tostan in 1991. Through my long work experience in Senegal, I recognized an enormous potential for social change at the village level, but also saw the need for more effective development programs to bring about such change. Though there were many development programs in Senegal, both national and international, examples of positive and sustainable results were few and far between.

Learning from its own experiences and those of other development agencies, Tostan began in 1991 to implement a program completely different from the traditional model. Rather than focusing on literacy or specific developmental issues, Tostan uses a holistic approach in its education program, covering a wide range of topics:

... **democracy**
... **human rights and responsibilities**
... **problem-solving**
... **hygiene and health**
... **literacy**
... **management skills**

The African oral traditions of ***theater, dialogue, poetry, and storytelling*** contribute to making classes dynamic and engaging. Tostan also runs classes only in the national languages of the participants, making the messages clear and easy to share with other members of the community.

### *A Village with Vision*

*The program, which at all times encourages active village participation, hinges on the idea that students must have a fundamental base of knowledge and that the educational process must respect the traditions of the village environment. It also centers mainly on women, with the theory that this group, normally excluded from or marginalized by many educational models, is the key to motivating villages and ensuring lasting change.*

In 1995, representatives from a village named Malicounda Bambara heard of the Tostan program and invited the NGO to create an education center in their community. Tostan found funding from UNICEF and AJWS and began immediately. During the sessions on women's health, participants learned of the many dangerous health consequences of the practice of Female Genital Cutting. They discussed infections, complications during childbirth, sexual pain, and other negative consequences. The women decided they would work on ending FGC in their village.

The geography and cultural make-up of this village were quite significant. The Wolof ethnic group - which does not normally practice FGC - had become increasingly dominant in Senegal, and villages like Malicounda Bamabara, of the minority Bambara ethnic group, were practicing FGC not only as a traditional practice that prepares a young girl for marriage, but also as a symbol of cultural pride. In this environment, even families who did not wish to circumcise their daughters could do little to stop the practice, as extended family members or even the girls themselves would force the operation to avoid social ostracization. With such intense community pressure, Senegalese Bambara villages on average circumcised 92% of their girls. Malicounda Bambara, a proud village of over 3000 inhabitants, was no exception.

With their newfound knowledge, Tostan class participants educated their fellow village members on the dangers of FGC, encouraging discussion and debate on this once-taboo issue. As discussions grew, village leaders began to adopt the views of the class members, and soon the village had decided they would support the class in their desire to abandon this practice. Thus hopes were high as the village held what was called

## "The Pledge of Malicounda Bambara"

UNICEF and Tostan assisted the village by inviting the Senegalese media to interview the villagers on their decision, and to see the plays and songs the villagers had prepared to express their message. The day was a huge success.

### *The Challenge of Change*

The Pledge of Malicounda Bambara had indeed spread the message: two more villages, Keur Simbara and Ngerigne Bambara, also expressed an interest in abandoning this practice after participating in the Tostan program. But it also brought sharp criticism from other surrounding villages. As Tostan and the villagers listened to the objections of neighboring communities, it did not take long to understand the problem: ***the inter-marrying relationship between villages meant that it was almost impossible for one village to give up FGC.*** Villages that had not decided to abandon FGC would not accept uncircumcised girls for marriage, forcing the abandoning village back into the practice and making sustained abandonment for any one group unrealistic without consent from the entire group.

To overcome this problem Tostan facilitator Cheikh Traoré and participant Demba Diawara, a 66-year-old Muslim Imam from Keur Simbara, set out on foot to visit neighboring villages and explain the changes taking place and the reasons behind the Malicounda Bambara Pledge. Meeting with village chiefs, religious leaders, and relatives in 10 villages in the Thiès region, they outlined their decision to abandon FGC in terms of the human rights, hygiene and health concepts learned in the Tostan program. They also informed the communities that the Muslim religion does not require FGC, and that the Koran actually protects women's rights to health and human dignity. With each village they visited, support grew as more and more women came forward for the first time with stories of the tragic consequences of FGC, some even telling of hemorrhage and death as a result of this practice.

The message spread by these two men
allowed changes to begin happening on a larger scale

**Villagers had become so knowledgeable and passionate about this issue during the build-up to the declaration that when the Senegalese National Assembly passed a law against FGC in 1999, a group of villagers addressed members of the National Assembly and told them that the law was not enough; that education and social mobilization activities are the key to ending this practice. This was a true testament to the self-motivation of the villagers' messages and beliefs.**

Representatives from 13 villages decided to meet and discuss the issue of FGC in terms of larger cultural values, with those representatives then returning to their villages to further discuss the

issue fully in each community. On February 14, 1998, 13 villages met to make a more formal declaration in the village of Diabougou. This event – ***the Diabougou Declaration*** – was recognized nationally and internationally as an important hallmark of change in the historic movement for the abandonment of FGC in Africa.

### *Expansion and Evolution*

Because of the success of their human rights-based program, Tostan began to seek new collaborations to test their ideas further. In one such collaboration, Tostan, the People's Decade for Human Rights Education, UNICEF, and the Senegalese Ministry of Women and the Family undertook a program on human rights education in 10 pilot villages in the Thiès region. In doing so, they tested the program's ability to present human rights on a larger scale, and brought much-needed human rights education to the important region of Thiès.

With the help of partners large and small, the Tostan program has continued to educate and support hundreds of villages. Many have decided to abandon their harmful traditional practices through 17 public declarations involving over 1,350 village communities - or 28% of the population that practiced FGC in Senegal in 1997. The growing movement at the grassroots level indicates that the total abandonment of FGC in Senegal will be possible by 2010.

The Tostan program itself, however, remains focused on education, problem solving, human rights, and its other key components, though the modules, trainings and approach have continued evolving since the Diabougou Declaration.

# PART 6: HUMAN RIGHTS AND HUMAN RIGHTS EDUCATION: ARRIVING AT THE TRUTH

By Upendra Baxi

## a) TRUTH AND TRANSGRESSION

The ways in which the truths of human rights norms and standards are produced *determines* the ways in which we speak about transgression. I use this term because we may not always be able to speak of the "violation" of human rights. Only those human rights norms and standards which impose crystal clear obligations of implementation or enforcement authorize the language of "violation.

Almost all binding human rights treaties craft languages of human rights in ways that render inchoate their actual content, even when we exclude those regimes that authorize state parties to lodge reservations, declarations, or other statements which severely restrict the given range of treaty obligations. Further, the progressive implementation of hierarchies of human rights, based on social, cultural and economic rights that require immediate fidelity, but are difficult to implement immediately, makes it difficult to deploy any languages of "violation.

*HRE cannot remain content with the important but still rather technical languages of violation, although these need to be learned by all human rights activists. HRE needs to develop adequate human rights languages to name the violations we abhor. We believe that the language of "transgression serves HRE better than that of "violation" because it enables us to refer to human rights values. The languages of violation designate the legal content and scope of binding human rights norms and standards that often fail to fully serve the values they seek to concretize.*

"Transgression" is an experiential category in the sense that people denied their equal worth as human beings feel violated and humiliated, regardless of whether and how obligations arising from human rights norms and standards respond to or redress their experience.

Transgression stimulates political and social action, for it is the full awareness of transgression that first leads to a search for new regimes of human rights norms and standards. A major example was the awareness of multifarious patriarchal transgressions that gave rise to women's claims to their right to be, and to remain "human," encapsulated in the slogan "Women's Rights are Human Rights."

It is necessary for violators, aggressors and trespassers of human rights to deploy power politics in ways that minimize the potential for proactive mobilization by those whose rights have been transgressed. One such way is to inculcate, and reinforce, beliefs in the "justice" of existing political and social arrangements, such that those deprived of their human rights are made to believe that their values are alien impositions, inherently antagonistic and even destructive of the most precious aspects of "culture" and "civilization." The dogma that human rights of "Western" origin are always tainted by an imperialist design, or that most non-Western cultures are beatifically communitarian in the sense that they value duties over rights, or that women have distinct roles that require their submission to transgression, provide examples. The more people buy into the *status quo*, the less likely they are to feel the weight of human rights transgressions and to demand change in social relations and power structures.

Another way of cultivating the "virtue" of submission to transgression consists in developing and maintaining the so-called "progressive" state. This is represented as intensely concerned with transgressions of human rights because it articulates, through constitutions, law, and economic plans for development, blueprints for a better future for all. All political regimes thrive on an expanding rhetoric of concern for the impoverished, the destitute, disadvantaged, and dispossessed. They urge affected people to remain loyal to the State, which cannot reverse millennial injustices overnight because even when it has the will, it does not have the resources to achieve this. It is itself besieged internally with the revolution of rising expectations and externally by patterns of global politics and the many imperatives of the world economy. Its human managers and agents have at best of times limited competence and foresight. The upshot of all this is the insistence that citizens ought to trust the progressive State, which can only bring about amelioration in time, across many generations.

Subjects may criticize a political regime or program but they may not withhold trust, or legitimacy, from their rulers. Still less may they revert to militancy or violence to achieve their aims for that weakens the very instrument of their deliverance. For historically, outside the progressive State as a force for improving human lives, nothing much remains. In all this talk, the state as an entity, itself an ongoing process, actively fostering the interests of the powerful, vanishes from the public view. Politics then emerges as a kind of secular fate: those denied their right to be, and to remain human, may only achieve

incremental progress through a culture that promotes the experience of transgression as *misfortune* rather than *injustice*.

Human rights activism has its tasks defined in the confrontation with State-ordained "truth." In other words, HRE must ensure that the insurgent truths of people's politics prevail over those of power politics.

### *Fighting Cultures of Impunity*

The nationalization of political "truth," recurrent in state sponsored and insurgent violence, often legitimates human rights violations and lawless governance. Cultures of impunity then grow apace in the commission of what Jean François describes as the "perfect crime" in his .....

## THE PERFECT CRIME

> **"It is in the nature of the victim not to be able to prove that one has been done a wrong. A plaintiff is someone who has incurred damages and who has lost the means to prove it. The perfect crime does not consist in killing the victim or the witnesses... but rather in obtaining the silence of the witnesses, the deafness of the judges, and the inconsistency (insanity) of testimony. You neutralize the addressor, the addressee, the sense of testimony. Then everything is as if there were no referent, no damages."**
>
> J.F. Lyotard
> *The Differend: Phrases in Dispute*

HRE remains an exercise in the politics for human rights, a politics of memory that subverts nationalization of insurgent truths about human rights violations. It seeks to empower victims to at least become plaintiffs, bearing witness to their own violation. In our sense of that word, owning human rights languages and logics is a way of contesting the patriarchal truths of the state and the power holders in civil society.

The politics of human rights aggravates the global reproduction of rightless peoples. In contrast, politics for human rights seeks to expand the community of human rights. HRE as politics for human rights combats the reproduction of rightlessness represented as a 'natural' human condition.

**DIALOGUE REQUIRES FREEDOM OF SPEECH, ASSEMBLY, AND ASSOCIATION**

**HUMAN RIGHTS COMPREHENSIVELY CONTEST NARRATIVE MONOPOLIES IN THE CONSTRUCTION OF TRUTH**

**WITHOUT RESPECT FOR THE DIGNITY OF THE OTHER DIALOGUE IS IMPOSSIBLE**

**DIALOGUE REQUIRES RESPECT FOR ALL AS EQUAL PARTNERS**

**ALL TRUTHS ABOUT THE WORLD, INCLUDING POLITICAL TRUTHS, ARISE DIALOGICALLY**

### *Human Rights Truths*

We believe, and affirm, that the truths proclaimed by the instruments and movements of human rights everywhere are precious, but not because they are above contention and thus sovereign truths pitted against truths manufactured by the practices of sovereign power. They are precious because they provide the symbolic as well as the material bases for discourse over concepts of what constitutes a "good" life and just political orderings. HRE is always a *process* of learning and unlearning ways of producing truths about the human condition and a future where each and every human being marshals a power of *voice*. HRE is thus irredeemably pluralist, multicultural, and even multi-civilizational.

To be sure, the power of that voice may be deployed in ways that are destructive to human rights cultures. Given the asymmetries in power relations, some power structures are better equipped to enjoy the fruits of human rights, claiming *their* exercise and enjoyment of human rights as setting the boundaries of access to human rights for others.

For example, the freedom of speech, assembly, and association may be used in ways that put to grave risk all that is precious about the achievement of human rights. As serious-minded feminists endeavoring to feminize free speech know well, pornography is often

protected by the First Amendment. As those who protest against communal "hate speech" know well, state censorship carries at times an unconscionable extension of state power.

In sum, the big issue for human rights educators is framed in terms of how *not* to further empower the New Leviathan and yet protect the self-worth and dignity of peoples at times cruelly affected by human rights monopolies. HRE must confront the eternal question of the balance between the empowerment and disempowerment of the State.

Another version of the same problem lies in the protection of "group," "collective," and "minority" rights. In a way that matters, being human is defined in terms of "belonging" to one's community of birth, culture, and religion. But these parameters often entail costs in terms of human rights. Women living under Islamic laws, for example, wish to remain both Muslim and women. The Amish, to take another example, repudiate state sponsored education as destructive of communitarian identity; so do Seventh Day Adventists who, for their own reasons, repudiate modern medicine's pain management and related forms of life-sustaining treatment. Issues like free choice and voluntary euthanasia pose another set of formidable problems within the range of contemporary human rights norms and standards.

At issue is human agency and autonomy, within the matrices provided by the preferred modes of human affiliation and belonging. In sum, the gravest challenge to HRE arises when people conscientiously "choose" ways of being and living that violate the core of human rights. Equally crucial is the fact that corporate culture, in its current incarnation as overweening global capitalism, may thus promote trade related, market-friendly paradigms of human rights, canceling in the process many achievements of the Universal Declaration of Human Rights, and its vast progeny. Many such kindred risks and dangers accompany and ambush human rights. We reiterate that conflicts of and within the languages and logics of human rights present a serious difficulty, that the much-vaunted *mantric* virtues of universality, indivisibility, and inalienability insufficiently address.

We believe precisely for these reasons in the value of ***participative dialogue*** in institutions of civil society and state. The more *inclusive* the dialogue the more *hope* there is to examine and eventually liquidate exploitative uses of human rights languages. HRE is a *politics of hope* that assails the "surplus of evil" in national, regional, and global governance and in civil society. When you remove or restrict dialogue, all that remains is *Realpolitik*, a series of violent power games in which human beings everywhere lose any sense of self worth and social esteem, thus legitimatizing docile bodies, colonized minds, and alienated souls.

## b) THE SEVEN SISTERS

Human rights education refuses to take political practices at face value and rightly questions the authenticity of public decisions, processes, outcomes, and actors in terms of complex issues concerning

### THE SEVEN SISTERS
### OF HUMANE GOVERNANCE AND POLITICS

- ⇨ **representation**
- ⇨ **mandate**
- ⇨ **accountability**
- ⇨ **responsibility**
- ⇨ **participation**
- ⇨ **transparency**
- ⇨ **legitimacy**.

### *Representation*

Political representation by those who possess the power to make law and public policy should be based on periodic free and fair elections. All individuals of a prescribed minimum age should have the right to contest and vote. Any act of disenfranchisement ought to be capable of effective redress. Systemic tendencies, such as the role of big money, the capture of elections by special interests, force and fraud, corruption and related forms of coercion, that detract from the dignity and worth of individual votes and voters, ought to be constantly reviewed and subject to periodic reform. Human rights oriented principles of structuring representation may require special measures to ameliorate age-old injustices through affirmative action programs that reserve legislative seats for the historically excluded classes and categories such as First Nations peoples, women or "untouchables". Voter education is thus integral to HRE.

## THE PHILOSOPHICAL QUESTIONS

*Is political representation a coherent idea?*
*Is its actualization ever possible?*
*Is it desirable?*
*How does it relate to justice?*
*What notions of "fairness" and "freedom" ought to inform doctrines of "fair" and "free" elections?*

## THE SOCIOLOGICAL QUESTIONS

*What method of election secures effective representation of all social groups and interests?*
*Are programs of electoral affirmative action justified?*
*How may these generate ethnic feudalism rather than social equality?*
*How much and what kind of learning occurs through instituting political representation?*
*How are debates covering electoral reform to be framed?*

WHILE ELECTORAL DEMOCRATIC PARTICIPATION MAY BE A NECESSARY CONDITION FOR THE ACHIEVEMENT OF HUMAN RIGHTS VALUES,
IT DOES NOT CONSTITUTE BY ANY MEANS
A SUFFICIENT CONDITION

### *Mandate*

- How is the notion of "mandate" to be understood as ethically viable?
- How does it relate to notions of popular sovereignty?
- Are grants of power in the people to recall the elected representatives embodied in the very notion of a "mandate?"

Parties and individuals seeking power through periodic free and fair elections may not present agenda or manifestos that transgress and violate internationally declared human rights norms and standards. If every human being has a right to representation in organized political society, then limitations upon this right constitute both a transgression and a violation. The same is true if freedom of speech and expression, association,

> *HRE becomes meaningful at this level only when it engages in audits of party manifestoes such that the socially responsible exercise of voter preferences is facilitated.*

conscience and religion are to be regarded as components of the collective human right to political representation. These factors may cause situations in which political classes, groups, or individuals may fashion their mandates in ways that violate human rights profoundly.

When parties get elected on human rights oriented manifestoes, HRE also entails constant between-elections monitoring of how the "mandate" is actually implemented. It becomes historically empowering when such audits influence the conduct of power politics, at least in the sense that political parties become progressively more constrained to observe human rights values, norms, and standards in their daily conduct and operations.

## *Accountability and Responsibility*

These twin notions need extensive clarification, if only because practices of politics that seem accountable may not be responsible in terms of human rights. Human rights accountability, for example, is accomplished when human rights declarations are subscribed to, treaties and conventions ratified, and corresponding laws duly enacted.

However, accountability does not always result in responsible political action since the duly elected governing elites may not feel burdened by any serious sense of obligation to transform daily practices of power. HRE must remain fully engaged in the creation and sustenance of active human rights affirming political cultures.

## *Participation*

Electoral participation, immensely precious in itself, marks only the beginning of the voyage of participation in the stormy seas of power politics. From a human rights perspective, participation ought to involve the constant and dynamic construction of both trust and distrust. For example, when we seek to innovate political practices to reflect human rights, such as the labors entailed in the reform of law, policy, and administration, we renew our trust in forms of power politics that respond to human rights norms in responsible ways. At the same time, we need to create distrust in the very agencies mandated to protect and promote these norms.

*We need to constantly question not just legislative but judicial performance, and to evaluate, even denounce, executive decisions that menace human rights and require the strictest scrutiny on behalf of, and at the behest of, grievously affected peoples, such as:*

- *Cross-border threats or use of force*
- *Discriminatory immigration and asylum policies*
- *Anti-welfare state polices*
- *"Developmental" decisions, such as large irrigation projects, urban planning, agrarian reforms, and eco-planning*
- *Globalizing decisions such as deregulation and denationalization*

Understandably, incumbent regimes experience human rights and HRE as

> ***Securing human rights accountability through HRE processes and programs that insist that government accepts human rights values, norms, and standards remains an important task.***

subversive.....

Little do they realize that human rights, by their very nature, are processes of countervailing power, or what Roberto Unger would describe as "destabilizing" and "context-smashing" practices. To borrow a phrase from V.S. Naipaul, from the perspective of rightless peoples, having human rights signifies the capability to enact

a million mutinies.....

One apt way to describe human rights, and human rights education, movements is to say that these constitute a diverse and unceasing search for attaining innovative forms of social cooperation.

Participation extends beyond the state to all other forms of civic life such as the family, religion, culture, and the economy. When confined only to the spheres of politics and governance, it tends to lose its emancipative potency. Thus it is possible, for example, to summate so many programs of worker□s participation in business and industry with the motto: ***"You participate, I participate, but he profits!"*** Much the same may be said of consumer "sovereignty" in an era of global free markets whose producers decide within which context consumers may choose from a range of products, goods, and services.

In the deepest sense, all forms of denial of human agency and autonomy violate the many-sided value of "participation," especially when we see it as a form of resistance to imposed values. It is on this site that the struggle for HRE remains the most difficult.

## *Transparency*

At the political level, transparency is the opposite of the Secret State - a form of governance that ought to be defined as the gravest threat there is to human rights values, standards, and norms. There is no international human rights declaration affirming the people□s right to know. Human rights activism needs to struggle to install this. That struggle needs to begin at the global level. But if the recent WTO Ministerial Meeting at Doha is any guide, the very Northern States that so munificently dole out, and even impose, transparency norms as an aspect of good governance" have no difficulty in jettisoning these norms when

*Governance decisions are taken in the public arena, attended by both publicity and accessibility.*

*Disclosure is favored over secrecy.*

*People are given the right to know.*

it suits their interest. The following excerpt from a UNDP Background Paper (2001:99-100) is worth an extensive quote:

> Although developing countries prepared themselves well and played an active role in making their views known to at the WTO meetings and consultations in Geneva and subsequently at Doha, their views were not reflected properly (and in some areas not at all) in the several drafts of the Ministerial Declaration that were produced in Geneva and subsequently at Doha. Although the contents of the last Geneva draft were heavily contested by many developing countries, it was nevertheless transmitted without change and in a form that did not incorporate the various diverging views and opinions, thus placing developing countries at a great disadvantage.
>
> In Doha, six "friends of the Chair" were appointed to conduct consultations on controversial issues. How they were appointed, what their specific powers were, and why they all came from a similar camp were not explained nor subjected to approval by the members. When a special meeting was convened on the last, the selection of participating countries, what representative authority they had, what was discussed, who convened the meeting, and who prepared the texts and the drafts (including the final Declaration text) were not made known to members or public, let alone decided upon by consensus.

No doubt, HRE has achieved some spectacular results on the political plane where corruption and chicanery, force and fraud, manipulation and mayhem, stand increasingly exposed by the politics for human rights. Equally impressive, in a post-Bhopal, post-Ogoniland, and post-Enron world are calls for transparency in transnational political and corporate practices.

Beyond this, how may we translate the virtue of transparency in social relations governed by family, religion, culture, and mass media? HRE needs to address the notion of reformulating this question as well as fashioning society, rather than merely fashioning state-centric practical responses to these issues.

## *Legitimacy*

The politics of human rights seems to provide a major building block for the legitimization of power. It is a fact of considerable importance that those who seek to govern, and those who oppose them, do employ the languages and rhetoric of human rights, despite different cultures and traditions of power that complicate understanding. Of course, "legitimacy" is a composite production in that it presupposes full adherence to the six other values as well.

### *Authenticity of NGOs*

Many ruling formations have deployed the might of the Seven Sisters with a view, undoubtedly, of augmenting their powers of surveillance and regulatory control over human rights activism. However, socially responsible and responsive forms of HRE must justify their critical morality in more exemplary ways, and to present themselves as more contextually and historically consistent with the Seven Sisters. Already, some operative consensus seems to exist in the diverse NGO worlds. This may be derived from the internal standards that NGOs employ to judge their own worth and that of the others.

...**First:** "Good" or "authentic" NGOs are considered to be those that do not seek to derive material profit from their public activities. HRE differs from power politics by demonstrating non-self-oriented practices of resistance. Even when they marshal material resources from available networks, "good" NGOs must continually combat corruption in their attempt to eradicate the evils named by human rights. At stake, then, is the relative "purity" of moral altruism that activism may command.

...**Second:** the "good" NGOS differ from the "bad" ones by their stance on party politics. The good ones do not "belong" to any political party and do their very best to avoid being co-opted by the programs and processes of party politics. However, NGOs may not be able to avoid engagement with the raw world of power politics; they simply cannot escape ideological affinity or affiliation in the strategic pursuit of HRE. In what ways may these, as it were, sup with the Devil and yet retain their authenticity?

Increasingly, some radical human rights NGOs, having fully ingested the "end of the nation state" dogma, have begun to believe and act according to the maxim that any "real" movement for the future of human rights lies in working from within the Belly of the Beast. The "Beast" is defined variously as the politics of international finance and transnational corporations or efforts to "mainstream" human rights by way of a Global Compact based on ethical trading practices and forms of corporate governance that promote sustainable development.

...**Third:** the global grant and aid economy that now sustains HRE complicates the issues of authenticity. Sources of funding, the ways in which they shape human rights and the HRE agenda, the problem of "staying power" in philanthropic markets and networks, and the development of independent critical pursuits cause pressing problems.

...**Fourth:** HRE activist communities ought not to practice, or engage in, social exclusion and discrimination. Politics for human rights furnishes standards which extend to judging the authenticity of NGOs. Thus, for example, women's NGOs have begun to critique tendencies or practices of sexual harassment within the activist world; homophobic tendencies and practices similarly become a matter of activist public concern; radical eco-activists critique the unsustainable life style of their eco-feeble-minded cousins.

...**Fifth:** the operative consensus names certain forms of "bad faith" NGOs by their agenda:

- GRSNGOS (government/regime sponsored NGOs)
- BNGOS (business and industry sponsored NGOs)
- BENGOS (business and industry sponsored corporate environmental NGOs)
- PATNGOS (patriarchy promoting, misogynist NGOS)_
- RNGOS (racist NGOs)
- ECNGOS (NGOS that extol ethnic cleansing)
- ACRNGOS (anti-child rights NGOS that advocate exploitation of children.)

By definition, good NGOs emerge as:

- SAGS (social action groups)
- ORPS (organizations of the rural poor)
- POPRPS (participatory organizations of the rural impoverished)
- WRHRG (groups that insist that women's rights are human rights)
- CRNGOS (child rights advocacy groups)
- FN/ IPR NGOS (First Nations/Indigenous People/ Populations Rights NGOs)
- CDRNGOS (assemblages of civil and democratic rights NGOs)
- SDNGOS ('sustainable development NGOs)
- BIOENGOS (bioethics NGOs)
- AGANGOS (anti-globalization NGOs)
- ANNGOS (NGOs that deal with issues such as nuclear safety/waste/decommissioning of civilian nuclear energy plants and the post Cold War arsenal of floating nukes)
- LSTGNGOS (lesbigay/transgender people's rights NGOs)

*The philosophical and ethical diversity of human rights groups and human rights education offer us the moral and spiritual biographies of authentic and inauthentic HRE practices. This is an area that requires a great deal more thought and reflection than is currently available in the world of human rights.*

### *NGO Politics*

**HUMAN RIGHTS NGO'S ARE NOT DEMOCRATICALLY ORGANISED**

The politics of NGOs, even the "good" ones, remains a taboo topic. But even "good" NGOs come into being by, and through, cooperative conflict. The conflict does not necessarily take the form of value-based politics; after all, all "good" human rights NGOs are united by the pursuit of a common goal. Within this form, however, divergences exist. Some NGOs dedicate themselves to the promotion and protection of human rights that have already been declared; others work towards human rights still struggling for birth - which are as diverse as the human right to peace; to immunity from corrupt governance; to sexual orientation and conduct.

***Value-based politics*** also entails the struggle to prioritize human rights values. It is on this terrain that the politics for human rights develops intense forms of cooperative conflict, whose histories have yet to be written - in itself an important task for HRE. Of equal or perhaps greater importance are ***interest-based politics***, which are unavoidable even in the field of human rights, and are marked by a complex struggle over "representation," which often disguises the conflicting aspects of inter- and intra-NGO relationships. Very few are mass subscription organizations, where human rights stakeholders have a voice in the activist governance. Most recipients have no historic choice but to defer to a "superior" voice that articulates human suffering and human rights transgressions and violations. The competition for being more "authentically" representative generates forms of interest-based politics.

## THE POLITICS OF POWER

- TERRITORIALITY
  *the struggle over occupation of the human rights "turf"*
- COMPETITION
  *the struggle for available resources*
- IMPERIALISM
  *new constructs of narrative monopolies*

  - Men may not authentically speak for women's rights
  - Dead White Males may not be trusted to speak to the cause of the emancipation of women
  - Euro-American progressive critics of colonialism and imperialism must be put to the litmus test that may expose residues of "regressive" Eurocentrism
  - Non-indigenous individuals must be subjected to strict scrutiny when they presume to promote and protect the human rights of indigenous peoples
  - Globalizing middle classes may never be trusted when they seek to give voice to human suffering

*How can "good" NGOs craft their own mandates in terms superior to their "rivals?" How can they fashion "superior" approaches of autonomy and accountability to their funding agencies? What may be said to mark the distinction, in free, market-driven social philanthropy, between grassroots and Astroturf NGOs?*

These questions complicate relations as well as the bases of judgment. Further, in a heavily globalized world, it is difficult to draw lines between human rights movements and human rights markets, since both are driven by the imperative to commodify human suffering, and both reproduce the very politics of power that they resist.

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# PART 7: HUMAN RIGHTS EDUCATIONATION IN ACTION AROUND THE WORLD

The articles collected in this chapter illustrate the diverse ways in which human rights education has been implemented in various regions of the globe, for different reasons, with different areas of focus, and with various degrees of success. In almost all the examples, the need and desire for HRE has stemmed from the indigenous people themselves, who, with help from various human rights NGO's, have developed their own programs, or followed examples from elsewhere.

## LAW

In many different contexts, organizations are working at bringing the law closer to those who most need it. Providing legal counsel in emergencies to both individuals and communities is unquestionably an important function, and one that is relevant to human rights. More important, however, and of more lasting value, are those situations in which the legal counsel is itself a bridge to a deeper understanding of the legal principles involved in the system with which the individuals or the communities are dealing.

### *a) Lawyers to Lawyers: Witnesses to Interference With Due Legal Process*

Lawyers all over the world are not only bearing witness to human rights violations in the legal field, but are also victims of violence, especially as many of their colleagues world-wide are threatened or even killed by their own governments or politically-oriented opponents. They are appealing for international action in the form of letter-writing by legal professionals to all concerned authorities.

**United Nations Basic Principles**

**#16**

*governments shall ensure that lawyers are able to perform all their professional duties without intimidation, hindrance, harassment or improper interference*

**#17**

*where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities*

*The Basic Principles are an important source of authority, intended by the United Nations to provide specific substance to the due process guarantees recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).*

## The case of Meas Minear and Kim Sen — CAMBODIA

January 1999

Two activists from the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) - Meas Minear and Kim Sen - have been jailed by Cambodian authorities in what appears to be an attempt to punish the two men and LICADHO for their legitimate human rights monitoring activities. Pourng Tong, a volunteer activist with the Cambodian Human Rights and Development Association (ADHOC), was murdered on December 19, 1998, allegedly by a private militia. These events are indicative of the Cambodian government's failure to ensure the safe exercise of the fundamental rights and freedoms guaranteed by the International Covenant on Civil and Political Rights (ICCPR), and are of particular concern in light of the recently adopted United Nations Declaration on Human Rights Defenders, which seeks to strengthen the role of human rights organizations in the international community.

Meas Minear and Kim Sen were detained on charges that appear to be politically motivated. On December 18, 1998, 45 people went to the LICADHO offices in Sihanoukville to express their concern about the dumping of 3,000 tons of toxic waste close to the city. In response to their request for assistance, LICADHO's staff documented the complaints and sent them to the provincial governor. On December 19, a petition with 727 signatures was sent to the governor and approximately 350-500 people staged a demonstration demanding the removal of the industrial waste. In accordance with the mandate of LICADHO, Meas Minear, LICADHO's investigator in Sihanoukville, and Kim Sen, LICADHO's coordinator, monitored the demonstration and reported back to the LICADHO office in Phnom Penh. The following day the demonstrations degenerated into riots. Several buildings, including a hotel, were destroyed, vehicles were set on fire, the house of First Deputy Governor Kim Bo was ransacked and looted, and a number of persons were injured. Several of the participants were arrested. Meas Minear and Kim Sen once again monitored the event. On December 21, Kim Sen and Meas Minear were arrested. Neither man was presented with an arrest warrant. After international pressure by, among others, the United Nations Secretary General's Representative for Human Rights in Cambodia, Thomas Hammarberg, on January 20 the Cambodian Court of Appeals ruled that the ***detention was illegal and unnecessary*** and granted the two men bail.

## *b) Alternative Law in Cameroon*

By Rose Ngo Innack[4]

### *Juristes-solidarités*

The term "Alternative law" designates all behaviors and practices whose goal is to make people actors, or even producers of laws and rights. These practices are rooted in people's actual lives and encompass: information, demystification of the law, of its machinery and of its professionals. They lead to the effective use of law when it is beneficial, and its neutralization when it is harmful.

**Juristes-Solidarités** was founded in 1989 as international network of juridical and legal information supporting groups that utilize alternative legal practices. All the groups with which Juristes Solidarités is involved have a very wide perception of human rights, including all rights essential to the full humanity of people. They inform and train their local base populations about their rights in all areas of life.

### The four major categories of alternative legal practices

1. Those that allow the poor and powerless access to the Law, taking the process beyond mere information or legal aid. They aim to develop a basic understanding of the Law, and how to apply it.

2. Those that create in the "consumers" of Law an awareness that Law is a common good, accessible to all. This process begins with the development of critical thinking about Law, and learning to sort between its various layers.

3. Those that encourage participation. When faced with ill-adapted laws, dysfunctional legal practices, or a complete legal vacuum, groups create their own mechanisms to resolve conflicts and resolve problems, for, with and by the community.

4. Those which demand and encourage new interpretations of the Law so as to take into account new realities not covered by existing texts. Alternative law tries to utilize to the fullest extent possible existing law, where there is a gap between conventional reading of this law and reality. An important part of J-S work is to inventory existing practices and to enable creative connections between them.

**The goals of alternative law:**

- **to undress the law**
- **to uncover its potential as an agent for social transformation**
- **to reveal that law and rights are not identical but that they both deal with living content, in which movement and constant recreation is the rule**

## Legal Clinics for Women in Cameroon

Theoretically, post-independence Cameroon is ruled by the colonial legal system. In practice, the system is for the most part misunderstood by large numbers of the population, partly because the neo-colonial system is perceived as a forbidding accumulation of incomprehensible dispositions; partly because it often seems more practical to use one of a number of other "customary" avenues for conflict resolution. This is symptomatic of a gap between the state and society, one aspect of which is the breakdown of family structures and social processes, deteriorating relationships between men and women, and the disintegration of necessary support systems.

Partly in the wake of changing economic conditions, and partly as an effect of the colonial administration□s patriarchal prejudice when it came to interpret and organize family relationships, women's role in the 20th century has been steadily marginalized, and traditional sources of their power have vanished. Customary structures or processes, while still familiar and appealing, may no longer be entirely functional, given the shifting values of Cameroon society as a whole, the existence side by side, sometimes within the same generation of one family, of different marital practices, different religions, different types of education, and different levels of insertion in the global economy.

**polygamy ..... monogamy**
**arranged marriages .....love marriages**
**dowry.....no dowry**
**parents.....children**
**family responsibility.....individualism**
**free love.....traditional marriage**
**??????????????????????????????**

A 1981 Ordinance tried to consolidate the rights of legitimate vs. illegitimate children, and to affirm the role of the husband as head of the household, simultaneously giving him priority over brother or maternal uncle, and affirming him as "head of household" with the unprecedented right to "give his wife permission" to take a job. At that same time profound economic changes were causing men to become migrant workers, thus increasing the numbers of unmarried mothers and women-run single parent house-holds, leading to an array of potentially conflicting new rules and practices. While traditional life no longer provides sufficient scope for women's abilities, alluring global consumer society both empowers and disempowers women.

Starting in the 1990s, in Cameroon as elsewhere in Africa, the return of democracy was marked by the flourishing of women's voluntary organizations such as mutual help societies and credit unions, with the encouragement and support of the state. Preparations for the 1995 Beijing Conference of Women accelerated the pace and made women's "empowerment" a major axis of social action.

Among the organizations born of that time, the Association Camerounaise des Femmes Juristes (ACAFEJ - the Cameroon Association of Women in the Legal Professions) founded in 1989 and consisting of judges, lawyers, notaries, and bailiffs, made its top priority the promotion and implementation of new legislation concerning women, and the implementation by the Cameroon Government of the Conventions relative to women's and children's rights.

*Through discussion, information, litigation and paralegal training, ACAFEJ aims at providing women with the necessary tools for a quickly mutating society, while also preserving every possible element of "traditional" support systems, which in the recent past, might have been prematurely discarded when thoughtful adaptations would have been more constructive.*

From 1992 onward, ACAFEJ complemented the original offerings of lectures and formal talks with radio and television programs, and created popular education classes on law and its alternatives. Several Legal Aid Clinics were created, some *permanently located* in major population centers, some *mobile*, in outlying areas. In each case, the work consists of a combination of straight legal advice, legal literacy and the creation of solidarities between legal professionals and grassroots women and their families around a central social function: the regulation of family and social interactions.

As it turned out in a study conducted between 1992 and 1995, the fixed and mobile clinics correspond to different types of approaches.

- **The permanent, urban clinics refer to "modern" thinking**

- **The mobile, back-country clinics correspond to "traditional" thinking.**

In many ways these two approaches are complementary. Rather than the rural clinics representing examples of "delayed" development, or "folkloric" throwbacks to obsolete ideas, they seem to represent a functional rethinking of law, an attempt to give a dynamic and sustainable place to so-called "traditional African values" within a post-modern model of law. In fact, the very "modernity" of the urban legal clinic is making it less useful, and to that extent less well-frequented,
despite the numbers of situations where the help it provides would be sorely needed.

***Permanent Clinics***

The permanent clinic is open to both men and women, and aims to familiarize its clients with the legal dispositions concerning women and children, advise them regarding specific situations and if necessary provide support in litigation. While the intention is to provide orientation rather than to impose a point of view, the framework is unambiguously that of written laws concerning family law, property law, labor law, inheritance law, etc., handed down by an expert. The clinics are open during business hours two or three days a week and each is staffed by two or more persons, of whom at least one has to be a practicing magistrate or lawyer.

Upon first visiting the clinic, the client(s) receives a file and may choose to remain anonymous and be known only by a file number. Confidentiality is the rule, although elements of the conversations remain on record in the files for later purposes.

Clients in the centers of Yaounde and Duala belong to a range of socio-economic categories. Their questions primarily concerned property matters within marriages, inheritance, and land-litigations. Many of the people consulting the Douala clinic, more than 90% of whom come from low income brackets, had problems with the management of family finances.

In serious marital conflicts, women for the most part expressed concerns about losing their children. Some consultations concerned polygamous marriages, a small proportion rape, and a few relations between grandparents and grandchildren. Some men came for consultations, but they were a small minority

### *Mobile Clinics*

A mobile legal clinic might involve six to eight legal professionals supported by the local paralegal(s), who make preliminary contacts and take care of translations into local languages. Prior to the legal clinic, priorities are established with feedback from local administrators, community political and religious leaders, and members of local associations. Radio programs, ads and pamphlets inform the population of the clinic. Meetings take place in a village hall, at the market place, or outdoors, and the audience devotes much of the time to questions and answers. Follow-up meetings are organized by the local paralegal(s) on a more relaxed basis.

The local paralegals are neither highly educated professionals, nor true legal technicians. However they live in the local village, are respected in the community (which contributed to their being offered training in the first place), and are familiar with local practices and the sociological realities of the community. They can act as mediators, and once called into a situation they can stay with it until a viable solution is found. In other words, ***the local paralegal is the stable anchor of the intense experience provided by the traveling legal clinic.***

From 1994 to 1996, the performance of mobile clinics in the coastal area around Douala was monitored. Attendance ranged from 20 to 150 people, at least half of which were men. Questions ranged across the landscape of traditional and modern marriage practices, dowry, divorce, free unions, cohabitations, widowhood, single mothers vs. married women, the overlapping realities of modern law and traditional laws, and the conflicts between religious law and state law. In many cases, the women complained bitterly about the unfairness of modern legislation, the fact that having escaped polygamy, a woman might be stuck with a "monogamous" but adulterous husband whose children had the same rights as the wife's; the fact that a single mother could be given by law, as head of household, more powers than a married woman could aspire to. The discussions were passionate and while the urban clinics helped resolve personal situations, the rural clinics had more transforming effects upon the communities involved, and represented high points of sociability for the participants. They appreciated the sharing of perspectives among women of different social status. The men too were favorably impressed and actively involved.

## *Different Lessons*

- *In the permanent urban legal aid center, a person arrives as an individual and is subjected to a certain social order to which one is supposed to conform, as a passive learner of written rules which were made to be obeyed, and which the person has a responsibility to learn, without necessarily being involved in the process of their development. These legal truths, or laws, are handed over to a professional for safekeeping and transmission.*

- *In rural legal clinics, participants are involved in a tissue of social relationship, a complex interplay of personal and social realities. Whereas in the urban clinic the image is that of an office, a concrete building with fixed equipment and permanent files, in the rural clinic it is the community in process, the interactions themselves that are perceived as the permanent factor. Each person within the group is assigned the responsibility of keeping the flow in an ongoing search for negotiated solutions. The paralegals bridge two intellectual modes, two worlds. Even though they have written materials such as handouts and newspapers, their primary mode of communication is the spoken word. This is a realistic response to illiterate or semi-literate populations, but it is also a highly valued form of communication in Cameroon society, and therefore a precious asset.*

### THE PROBLEM OF LEGAL PLURALISM

In some cases, the existence of parallel tracks had clearly paralyzed problem solving. Especially in the case of urban clinics, clients often came only after having unsuccessfully attempted to use a traditional venue, e.g. the family council, and found it inadequate, partly because it was no longer a familiar enough venue. Having lived away from the extended family for long periods of time, having attended school or worked as migrant laborers, some members of the family had forgotten or had never properly learnt how to play by the rule of the family council. In some cases, the professional's role was then to help the person learn ways to use that tool.

**It has become clear that the complementarity between these models cannot erase the real problem caused by the simultaneous presence of two or more legal models.**

*

Sometimes, moving between two legal systems allows offenders to avoid responsibility altogether. The role of the professional then may become to help impose a choice, arbitrary maybe but preferable to a wrongdoing remaining unpunished.

While in theory, each person in Cameroon may choose which legal system he/she wants applied, in practice, things are not that clear. The State's legal system tolerates customary law with the proviso that it may be used provided it does not run against the laws of the state or public morality as defined by the state!

Nevertheless, the challenging effect of the parallel legal clinics in Cameroon, as is true in all cases of legal pluralism (e.g. in Palestine, Canada), is to reveal the actual process of legal creation. From the conscious meeting of different viewpoints, law is seen as a process that develops over time. The value of ACAFEJ's legal clinics is that they take into account the multiple points of view, the continuities and breaks, the growth nodes, the places where new capillaries are being built to transport new social energies.

## c) *Rebuilding Cambodias Shattered Legal System*

By Seth Mydans[5]

**Nom Saroeun, 19, in a Cambodian prison for selling a girl into prostitution, is due to be released, officials said, because of her beauty.**

When he was a police officer here in Kandal Province, criminal investigations were straightforward. "We beat the suspects," Ouk Vandath said. "If we wanted to get water from that glass over there," he added by way of illustration, pointing to a nearby table, "we beat it until it gave us water." Without equipment, without training, without an education in legal procedures or human rights, the police force is the first point of contact in a primitive judicial process - from arrests to trials to prisons - that has operated for years with few rules or resources.

Like so much in this broken and struggling country, the justice system is only beginning to recover from the mass killings of lawyers, doctors, teachers, monks and other educated people and the destruction of government institutions, including the courts, carried out by the radical Communist Khmer Rouge from 1975 to 1979.

The lawyers were among at least hundreds of thousands and possibly as many as two million people who died during the Khmer Rouge years.

***When the United Nations helped to set up a democratic government here in 1993, there were only about five lawyers left in this country of seven million people.***

With the help of several international organizations, Cambodia is now beginning to develop a small corps of lawyers and judges, to train its police officers in proper procedures and to revive the rudiments of a working legal system. "They had to start a legal system literally from scratch," said Francis James, an American lawyer who helped to found a local nonprofit group called Legal Aid of Cambodia. "No more beating, no more cigarette burns, no more hitting with a rifle butt. You could clear out the prisons today if you reviewed the cases on the basis of procedural error. When I came here in 1994, the courthouses were in ruins," he said, adding: "In the prisons there were people who had been completely forgotten. Nobody knew why they were there or whether they had already completed their sentences." A year ago, Mr. Ouk Vandath, who had become increasingly uneasy about the beatings by his fellow officers, began a new career as one of

a small corps of barefoot public defenders working in the innovative Kandal Provincial Court, where prisoners are now assured of receiving a basic defense.

He has enrolled in Cambodia's newly revived law school, which will graduate its first class of 170 students later this year. Mr. Ouk Vandath was given training for his public defender's role by Karen Tse, 32, a lawyer from Los Angeles. She works as one of five expatriate "judicial mentors" in several provinces in a program run by the UN Center for Human Rights that trains lawyers, judges, prosecutors and police officers. "We look for areas where there are gaps," Ms. Tse said, "and we tailor our training to fit the needs." For example, there are some defenses that are basic in law:

**SELF-DEFENSE DURESS NECESSITY**

**Progress Has Been Measured in Small Steps**

- a bulletin board where court dates are posted for the public
- file cabinets for keeping court records
- permission for public defenders to attend the questioning of defendants
- occasionally, the guilty looks that Ms. Tse observes from police officers when they deliver a defendant bearing the signs of a beating

***Hanging on to hope.***

In one significant step, Ms. Tse persuaded the chief prosecutor, Chheng Phath, to send arresting officers out of his office when he conducted his initial interviews with defendants. "The police would give the defendant the evil eye and intimidate him to give me certain answers," Mr. Chheng Phath said. "In the past the police arrested, the police detained, the police convicted. Some of them are angry about the changes. But I tell them we have to change." The crowning achievements in Kandal are the recent opening of a room where defendants can speak with a public defender and the inauguration, scheduled for next week, of the country's first arraignment court, where a defendant can hear the charges against him, be advised of his rights and enter his plea. Along with the other courthouse improvements, these were financed by the UN Development Program.

None of Cambodia's 70 judges have sophisticated legal training. Threats and bribery are still part of their working conditions.

## ONLY THE POOR RECEIVE A SEMBLANCE OF JUSTICE
## THE RICH ROUTINELY BUY THEIR FREEDOM

Officials said one of two female inmates at Kandal Prison, Nom Saroeun, 19, who was convicted of selling a girl into prostitution, was due to be released soon, not on legal grounds but on the basis of her ethereal beauty. But people like Ms. Tse hope to plant the seeds of a working justice system. "We started off talking about the standard police interview," she said. "Nothing out of the ordinary. Just three basic steps: introduce everybody in the room by name and rank, tell the prisoner why he is there, read him his rights." This may seem overly simple, she said, but it may be having some effect. "It□s a lot harder to beat people," she said, "once you□ve told them they have the right not to be tortured."

### A Brief History of Legal Aid of Cambodia - LAC

### Goals and Strategies

to inform prisoners of their rights

to offer high quality legal services in criminal and civil cases to indigent individuals at no financial charge.

to make legal services available throughout Cambodia with a focus on rural communities where over 70% of the population reside

to promote and facilitate the establishment of a legal system which guarantees equal access to legal representation for all persons regardless of their economic or social condition.

to increase public understanding of and respect for the law, the legal process, and the role of the legal profession.

to work constructively with judges, prosecutors, the Ministry of Justice, the Cambodian Bar Association, police and prison officials.

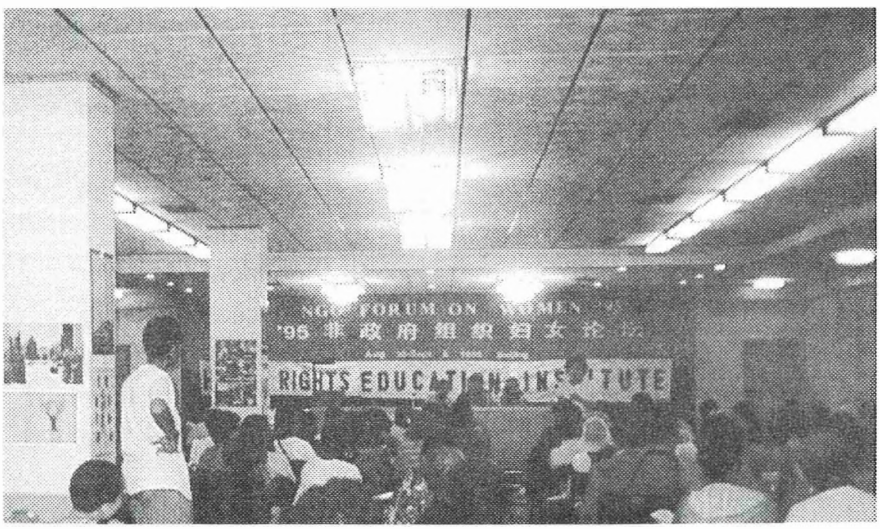
# LACS LEGAL BEGINNINGS

*In 1994, international non-governmental organizations began to train legal defenders to represent the poor and imprisoned. These trained defenders provided the first public defenders service in over two decades.*

*In December 1995, LAC opened its offices to provide professional legal services for the poor -- in both civil and criminal matters through its main office in the capital Phnom Penh, and eight permanent provincial offices.*

*In 1996, over 690 criminal and civil cases were handled by LAC staff. LAC also maintains a mobile unit that travel to and service outlying provincial courts when necessary. In 1987 over 1177 cases were successfully handled. In 1998, well over 1500 cases were handled by LAC lawyers and staff.*

*In January 1997, with a grant from the United Nations Development Program, LAC established the country's first Juvenile Unit focusing on juvenile issues and children in conflict with the law. LAC has also identified women, labor, and land issues as a top priority.*



## POLICY

### a) *Winning Comprehensive Human Rights through Long-Term Policy Making: Kerala, India*

By Mado Spiegler[6]

#### *The Kerala Exception*

> ***"WHY SHOULD ANY STATE EMBARK UPON SUCH A MISSION?"***
>
> ***That answer lies in a profound reconfiguration of the relationship of social movements in Kerala to political parties and the state marked by a dramatic shift from traditional state-oriented distributive struggles to a mode of movement politics deeply embedded in civil society. This shift is inflected with both an important rupture as well as key continuities that link these two political moments in Kerala's developmental trajectory. The rupture emerges from the fact that the redistributive project was predicated on building a centralized, commandist and top-heavy state apparatus, linked to a highly disciplined political party and its mass organizations through quasi-corporatist structures. These structures more or less bypassed civil society, and equated lower class power with party control of the state. In contrast, the decentralization project seeks not only to devolve bureaucratic and political power, but also to re-embed the state in civil society by promoting participatory democracy.***
>
> Reinventing Public Power in the Age of Globalization:
> Decentralization and the Transformation of Movement Politics in Kerala
> Patrick Heller

During the late 1970's and 1980's the Indian State of Kerala became widely seen as a model state by both policy-makers interested in social development and population control, and by Western left-wingers interested in alternatives to the capitalist models of growth-based development and market-driven democracy. Even skeptics acknowledge the success of Kerala's century-long process for redistribution of wealth and the expansion of public services that would benefit most people rather than a small elite and its high performance on the most important indicators of social development: adult literacy, infant mortality, birth rate and life expectancy, as well as female literacy/education, health and general well-being, distributed relatively equally across the spectrum of urban-rural, male-female, and high caste-low caste.

Labor laws and social security protections were widely implemented, covering pensions, gratuities, provident and other retirement funds, medical, educational and housing assistance, a reflection on high levels of labor organization, including among agricultural and headload workers as well as former untouchables.

Whereas in the 1940's Kerala had still suffered from widespread food shortages, a very efficient public food distribution system now provided basic nutritional support through a system of food ration cards generous enough to make a substantial difference, for instance, in the acceptance of an older or disabled person in a household. In the 1970's, more than 50,000 low cost houses were built for rural workers, and extensive land reforms had included the distribution of small house- and home garden plots.

Literacy rates in 1985 hovered around 83% as a whole, ultimately to rise to 91% in 1998. These rates were achieved by a system guaranteeing a public school in every village and a network of private and semi-private schools supported by local communities and caste organizations. By contrast with most Indian states, Kerala's public strategy of mass education prioritized primary over secondary education, presumably contributing to the very high rates of newspaper and magazine readership, high rates of electoral participation and a large number of non-governmental organizations, self-help and -improvement societies, all contributing to active civil engagement.

**Observers were unfailingly impressed by the dignity, the sense of self-worth and entitlement and the general well-being to be found in the population as a whole**

### *The origins of the Kerala model*

Authors generally agree about the origins of this remarkable success, which include long-term historical constellations, as well as more recent political decision-making, following the electoral victory in 1957 of a Communist government. Past historical factors would include ;

- the region's role as a central node of many ancient trade routes, making Kerala an integral and thriving part of the global economy by the end of the 18th century.

- Kerala also benefited from the effects of matrilineal inheritance systems and relative female empowerment among several of the castes, most notably (but not exclusively) the Nayar, upper-middle level cast whose duties in the caste hierarchy had included supervisory functions which naturally led them to occupy lower and middle levels of the modern administrative class.

Although analysts disagree about the precise weighting of this factor, Kerala's achievements were undoubtedly influenced by this pre-existing pattern of female empowerment, accounting for high male-female ratio and life expectancy, equal access to immunization and medical treatment, higher average age at marriage and at the birth of the first child, relatively high levels of female education and in the 20th century, higher levels of employment in the organized sector.

## From caste-based social activism to class organizations

Kerala experienced a rupture of traditional ties of kinship, caste, and locality more intense than anywhere else in India, and coinciding with one of the most radicalizing periods of world history: the Russian and Chinese revolutions, the class struggles in Europe, and the independence movement in India and other Western colonies. Many factors during this period helped to create areas of social mobility and pried open the oppressive caste structure, encouraging public action by caste-based organizations.

People of the second rank and lower castes emerged as pioneers of the anti-caste reform. Thus, when coconut fiber became a main export, it raised the fortunes of the Izhava caste whose members traditionally worked the coconut groves and were considered untouchable. They became part of India's socio-religious history of the early 20th century as the authors and beneficiaries of the *Vaikom satyagraha* or Temple Entry movement in which Gandhi played an important if controversial role. Thus was started a dynamics of activism that made the Izhava early catalysts of a democratization of society through which many hitherto silenced groups in the population could articulate their demands and legitimize their needs.

### *Agrarian movements*

Throughout this period, Kerala was also the site of intense, and occasionally violent, agrarian movements confronting a most archaic and reactionary system of agrarian relations, marked by an endless and burdensome layering of absent owners, tenants, sub-tenants, sub-sub-tenants and landless laborers . Simmering tensions exploded in 1921 in a series of events known as the Mappila Rebellion, one of the most intense uprisings in Indian colonial history. The revolt was simultaneously a **communal** revolt of Muslim tenants against their Hindu overlords; a **class** revolt by unusually exploited tenants fighting a wave of evictions by landlords, whose traditional power was being reinforced by colonial modernization of property rights; and a **political revolt** against severe repression by a colonial state. Rural misery was exacerbated in the 1930s by the great Depression, magnified by Kerala□s extensive integration into international markets.

### *Literacy as the catalyst*

> *"It is the combination in one person of the office bearer of the Village Congress Committee, the leader of the Teachers' Union, and the organizer of the Kisan Sangham. [peasant association] that made the anti-imperialist movement strike deep roots in the countryside."*
>
> **Communist Party elder**
> **E.M.S. Namboodiripad**

None of Kerala's achievements would have been possible without the early development of mass literacy among men and women. School teachers and students were important as local leaders and activists. The great peasant leader, A.K. Gopalan, for example, began his professional life as a village teacher. While 19th century schools were caste-based and thus socially exclusive, they constituted an extensive and remarkably resilient network, maintained and supported by the local communities themselves, providing an opening for economically rising castes and communities. The use of Malayalam and Tamil was never questioned, a factor that is partly responsible for high levels of literacy. When the 15-year-old Rani of Travancore proclaimed free universal education an objective of her public policy, she made it the pivot of a program of social, educational and economic reform. Schools were opened by the government with instruction in Malayalam. The first public library was opened. The state sponsored a program of translations. Even though the monarchy and upper-caste elites remained an autocratic ruling group, these princely initiatives created an environment supportive of universal primary education.

## *THE PRINCIPLE WAS ESTABLISHED THAT UNIVERSAL LITERACY WAS DESIRABLE*

However, true mass literacy could not be achieved until obstacles of caste, gender and class were overcome, and the goal became ineradicably linked to the social reform movements traversing the society. These were originally and remained caste-based and it took the London Missionary Society schools and the Scottish Protestant schools to assert the right of the untouchables to education, the first organized groups to do so. The 1920's and 30's saw a major expansion in enrollment, educational investments and affirmative action in the form of scholarships, fee concessions and unrestricted access to primary school.

The growth of the Communist Party was a further contribution, as popular education in all its aspects was considered a central tool of Communist political education, and included:

*a vibrant theater movement*
*a live press*
*writers cooperatives*
*schoolteachers as social activists and organizers*
*the launching of the popular science movement*

**It is impossible to talk of education without mentioning the importance of the Gandhian experience, to the extent that Gandhi's very concept of *satyagraha* hinges around a foundation of political and personal education.**

## *The 1990's: the need for renewal*

With all its achievements, by the 1990s the Kerala Model was in trouble.

- Stagnation in agricultural production until the late 1980's coincided with a decline in the area planted in rice. This led to increasing vulnerability to outside sources for a major food crop already substantially dependent on outside markets.

- Traditional industries such as coir, cashew, and handbook are threatened by the escalation of prices for raw materials and competition from cheaper labor sources in other areas.

- Industrial growth since the mid-1970's has been sluggish in general and even negative in some years.

- Unemployment - already high enough to be the major blight on the Kerala Model - has remained at about three times the Indian average

As a result, and compounded by international pressures against a socialistic state, Kerala has experienced a series of fiscal crises, such as the increased cost of rice, environmental degradation caused by the loss of forest cover, slow or negligible industrial development, and an economy dependent on oil markets, that threaten to undermine the very social redistribution programs that underpin the Kerala Model: education, school lunches, subsidized food prices for the poor, access to medical care, agricultural labor pensions.

THERE IS INCREASING DISCONTENT WITH MEGA-TECHNOLOGICAL CHOICES THAT HAD ONCE BEEN CONSIDERED THE EPITOMY OF PROGRESS

## *Education to the rescue*

Kerala Sastra Sahithya Parishat (KSSP), the peoples□science movement, intervened. Founded in the late 1950's by a group of left-wing activists and science writers, the KSSP was originally a specialized organization with a focus on the popularization of science in Malayalam. In 1987, the All India People's Science Network was born and People□s Science Movements, inspired by KSSP, sprung up all over India. (see page...Continuous Education: *Literacy and People's Science for National Integration, Self-reliance and Regeneratio)*

## *The drive for Total Literacy*

Despite Kerala's success, there still were close to 20% illiterates, and those heavily concentrated in tribal areas and migrant Tamil Nadu farm laborers□ camps. There now came a new push to tackle the problem, helped by the fact that India's new left wing Government was providing moral support as well as funding.

The campaign was to last one year, and would be conducted by a Literacy Society composed of members of administrations, different mass organizations, NGOs and concerned citizens. The target group were illiterates 6-60 years old; the goal, to eliminate illiteracy through a single sustained campaign and to do so by using unpaid volunteers as instructors. 50,000 volunteers were trained for a literacy survey of all households in every district, making careful efforts to identify every single illiterate person, as well as groups where illiteracy was particularly high. The actual teaching was done by 18,000 volunteers deputized from their regular jobs for the duration of the campaign. They were to hold small classes on the students□home ground, teaching day or night, at the convenience of their students. The goal was to enable a person to read easily about 30 words per minute of a text within the person's experience. Primer lessons were designed, dealing with food, work, the dignity of labor, disease prevention, drinking water, oral rehydration therapy, India's freedom struggle and other relevant topics.

> The goal was for a campaign to bring out the hidden capacities among the downtrodden; to allow them to make full use of the formal and informal rights that are supposedly theirs; to empower backwards communities and forgotten illiterates, but also to awaken in the more favored groups a spirit of sharing and solidarity; and in the process, to help renew the democratic project itself.

On 19 April 1991, the campaign completed, Aysha Chelaithodan, a 55 year old neo-literate Muslim woman from Malappuram district, lit a lamp at a public ceremony at Kozhikode to mark the successful end of the first phase of TLC in Kerala.

*"I pray that the lamp that has been lit will carry the light of literacy to all corners of the world. May it drive away the darkness of evil and ignorance."*

### *The next stage: resource mapping and land literacy*

The plan was to apply the energies from the literacy campaign to a major overhaul of the country's political process. The medium was to be a statewide inventory of natural and human resources in preparation for participatory, decentralized development planning, the assumption being that the newly literate would think of the environment as *their life*, and feel empowered by their recently acquired skill to use their most fundamental civil and democratic rights in help plan their own future.

The plan hinged around the concept of land literacy - a systematization of all information about land, water, forests, resources, with scientists serving as project leaders, and volunteers from various wards carrying out the inventories in close contact with the farmers themselves. Each panchayat would find volunteer team leaders among retired persons, teachers, unemployed students etc. These committed persons would then become the foundation for locally based and integrated state planning as against centralized and compartmentalized practices.

### *The People's Campaign for the Ninth Plan.*

Literacy did not, of itself, give rise to the anticipated further processes of democratization. The ideas of participatory development, of accountable, "transparent" government, are simmering in Kerala's civil society as part of larger structural changes taking place all over India. Communities are taking a variety of creative approaches to development.

- *Community financed and/or built housing for the poor*
- *"love funds" to finance medical care and other emergency needs of the poorest residents*
- *public works planned and constructed with large volunteer inputs*
- *anti corruption magazines in which all project expenditures will be explained to citizens*

- *worker-owned software companies*
- *worker-owned bidi factories planning their reconversion in the face of changing markets*
- *plans to install computer and television-capable monitor in every panchayat to make possible local database management and local satellite reception of education programs in science, math, and English*
- *e-mail capabilities for village offices to communicate with central state offices*
- *CD-ROMs to help village teachers prepare discussion questions around state-based educational programs*

In the fall of 1996, three million people, 10% of the state's population, took part in *grama sabhas*, or local assemblies, to air complaints and identify the major problems in their villages and urban neighborhoods. In a festive atmosphere, thousands of people met for weeks to hammer out local plans for which a portion of federal and state funds would be allocated. Trained retired people, such as doctors, lawyers, teachers, retired bank officers, accountants and engineers in their communities formed associations of experts to help formulate the country's Ninth Plan, for nothing more than bus fare and lunch. Later, working meetings held in a wide variety of public places produced a consensus on the lists of problems and project ideas to be distilled by various task forces and shaped into specific proposals. In 1997, elected *panchayat* boards selected the projects to be implemented, again through a consensus process. Out of more than 100,000 local proposals, about half were finalized and integrated into wider plans, eventually leading to a nationwide planning congress with delegates from each *panchayat*.

## THE DEBATE CONTINUES

### Will the Kerala model survive? Can it adapt itself to the current economic and financial environment?

There remain questions about Kerala□s experience and its future prospects in the global economy. Some of them are very tough: the disturbing increase of dowry burnings, the bothersome reality of relative discrimination of Dalits and tribal groups, the problem of a country whose young men are increasingly sucked away by migrant work in other parts of the world. Yet the commitment to participatory democracy remains, and ultimately, it would seem that the potential role of Human Rights Education in Kerala would be to break through these fracture lines.

## *b) Language Policy in South Africa: Language as a Human Right*

By Nigel Crawhall[7]

Governments make decisions about language policy based on the paradigm or framework they are using. Underlying any paradigm is the final outcome that the governments expect. The norm around the world could be described in one short phrase: **Languages are a problem.**

In this presentation we will be looking at the history of language policy in South Africa, and the impact this has had on the situation in which we now find ourselves.

### *Language and racism*

Since the arrival of European settlers, the South African state has constantly been involved in creating hierarchies of languages and identities. During the colonial period, missionaries had a strong influence on promoting particular varieties of languages into the standard forms that remain dominant today. Those groups whose varieties were not standardized or promoted by the missionaries became marginalized as literacy and schooling became more important.

The apartheid ideology was strongly rooted in European, and particularly the German Nazi ideology about language, culture and identity. The theory of apartheid said that every person was part of a nation (*nasie* or *volk*) with its own language (*taal*) and its own territory (*tuisland*). This theory was applied in order to separate the 'races' and create the homeland system. However, this system was not applied with integrity or accuracy.

**First**: Afrikaans was not originally the language of the Dutch settlers, but rather of the Khoekhoe and Malay slaves at the Cape who learned Dutch and made a new creole called 'kitchen' or Khoe Dutch.

**Second**: Any homeland for Europeans was obviously in Europe not in Africa. Despite all these contradictions the apartheid government went ahead to create Bantustans, each of which had its own language base. Where people did not fit into the system they were not accommodated and they were suppressed. So all groups who did not speak the dominant language or variety were under pressure to assimilate into a particular 'nation.' Reality was made to fit the theory.

This was particularly the case with Khoe and San people. For example, the Khoe people did not have an obvious homeland but rather an expanded territory in which they moved around with their livestock. The apartheid state did not want to classify indigenous peoples and, importantly, the government wanted large tracts of land in Namaqualand, Bushmanland and Gordonia for diamond mining and settlers. The apartheid government also wanted to promote a colored middle class to create a buffer between the black majority and the white minority.

**Their real intention was to strip black people of their resources and to claim them for the whites**

So to kill two birds with one stone, all Khoe and San people were reclassified under apartheid, mostly as colored (though some became Xhosa, Swazi or Tswana). They were forced to learn Afrikaans and their own identity was suppressed. This was not in keeping with apartheid's official policy of distinct and separate nations, which means there was another purpose, a hidden agenda, to the apartheid governmentÕs actions.

### *The Constitution Recognizes Eleven Official Languages*

When apartheid began to collapse, the different political parties needed to negotiate a new language policy and a constitutional language clause. Initially the African National Congress (ANC) entered negotiations with the idea that English would be the only official language on a national level (with the possibility of the African languages playing a more important role on a regional level). Later they realized this might be unpopular and was in conflict with the Freedom Charter, so they changed their position to say there should be no official languages.

Meanwhile, the Afrikaner nationalists wanted to protect their language rights and privileges. The two parties could not agree and the ANC switched its position to say 'all' South African languages would become official.

**There were no language experts involved in making this decision only politicians**

The eleven official languages chosen were those that were already acknowledged and in use by the homeland governments and the Republic. So the official languages were not an accurate reflection of South Africa's linguistic diversity, but rather a reflection of the apartheid system. The second round of constitutional improvements built on this foundation and introduced language rights for Khoe, San and Deaf (Sign language users) South Africans. This represents a broadening of the vision of language rights from the old regime.

> Amichand Rajbansi of the Minority Front argued that Indian languages, such as Gujarati and Hindi, should be included. Members of the NP then said that European heritage languages, such as Portuguese and German, should be included. So this meant that all the languages mentioned were those already being used in the apartheid school system. Other major languages were ignored, including all African immigrant languages, as well as Phuthi and the Khoe and San languages. This happened despite the fact that there are more people in South Africa who speak Shona or Nyanja than certain Indian or European languages.

Largely as a result of European colonization, most governments in the 20th century held the view that using more than one language was a problem - mulitlingualism was inconvenient and expensive. This paradigm of multilingualism as a problem encourages the state to suppress differences and to give resources only to one language - that spoken by those who are already dominant in the political system. In some cases, this policy is enforced through violence and aggression, as happened in countries like Turkey, Morocco or Guatemala. The end result of this approach is assimilation, which means that people have to give up their identity and do as the government tells them.

## *Languages as a right*

During the 20th. century, a new norm evolved as part of a growing focus on universal human rights: Languages are a right. Research showed clearly that children who were discriminated against on the basis of language would do badly in school. As early as 1953, UNESCO declared that all children should be educated in their mother tongue. Language and cultural movements throughout the western world pushed for language rights, for example the French in Canada, the Flemish in Belgium, the Catalans in Spain, and even the Soviet Union.

South Africa, at present, generally sees languages as a right. There are attempts to pout multilingualism to work. The challenge will be whether non-dominant groups, such as the 5000 Nama-speaking people, will be successfully able to ensure their rights through judicial processes.

**A RIGHT IS ONLY OF VALUE IF THERE ARE ACCESSIBLE LEGAL AVENUES TO ENFORCE IT. THE RIGHTS PARADIGM MAY TEND TO PROTECT THE POWERFUL RATHER THAN THE VULNERABLE IF THERE ARE NO ACTIVE MEASURES TO ENFORCE EQUALITY.**

A new paradigm that is emerging can be described as:

## Languages are a Resource

- What is the value of a particular language?

- What value does it add to the lives of the specific community, and to society as a whole? For example, the Nama language carries much information on the Namaqualand environment, including the different animals and plants, that would help nature conservationists to look after an important part of South Africa's natural heritage. Knowledge in Nama of traditional plant medicines could be used to make medicines that would benefit the health of all South Africans.

## A GOVERNMENT'S PARADIGM HAS SERIOUS CONSEQUENCES

- *If languages are seen as a problem, then the government will put pressure on certain language groups to give up their own languages (and ideas) for the sake of 'national development'. This means that speakers of marginalized languages may become assimilated into larger language groups.*

- *If languages are seen as a right, then the enactment of the rights depends on the goodwill of the government, or its enforceability in the courts. Rights do not necessarily benefit the poor if they themselves do not have the financial means to exercise them. This could still lead to minority groups becoming assimilated into other groups.*

- *If languages are seen as a resource, then the government will value and feel enriched by the contributions of different languages and ideas to national development. This could lead to a society where every language group is respected and encouraged to interact on an equal basis with speakers of other languages.*

## RESOURCES

### *Media as a Mobilizing Force - the Case of Tanzania Media Women's Association (TAMWA)*

By Fatma Alloo

The seeds for the forming of TAMWA as an association occurred in 1979 when some of us had just finished journalism school and were placed in various mass media institutions in Dar es Salaam. During this time, as we worked with some of the veteran journalists, there emerged a growing awareness among us women journalists that we worked in isolation. This was also reflected in the way in which women's issues were covered - or not covered - in the mainstream press.

In Tanzania, radio is the most effective medium, so we formed ourselves into an informal group to produce radio programs. The first issue we picked was ***schoolgirl pregnancies***. We produced and broadcast a total of five programs on that issue with an in-depth analysis of our social context. The programs were very popular both in Kiswahili and English and people wrote in to Radio Tanzania with a lot of enthusiasm, especially schoolgirls offering ideas and solutions. We were encouraged to continue and decided to do a feedback program broadcasting the views of schoolgirls. As a result, we managed to mobilize the National Women's Organization to call a national meeting and the issue eventually was debated in parliament and laws were enacted to protect the schoolgirls.

*This never went on air because most of the mass media heads were men who refused to see this as an issue. Since they had decision-making power, we began to become aware of our limitations.*

This encouraged and inspired us to produce another set of programs on violence against women, beginning with domestic violence. When it was not broadcast, many of us were demoralized and discouraged and the event taught us that we did not have a forum of our own.

Years passed and we went our different ways. But in 1986, after going through our individual trials and tribulations as women, we regrouped and decided to officially launch an association. While waiting for registration, we did a highly successful show on International Women's Day in 1987 to depict our lives using different forms of conventional and popular media. We made an impact in the community and especially with the heads of mass media institutions who, until then, had not understood our purpose. We were registered by November, 1987.

### *Formal Inception*

We had started a newsletter called *TITBITS* which we produced for ourselves and which covered a wide range of issues. It became our forum through which we could express ourselves and respond to an inner need. Eleven issues of *TITBITS* were produced, i.e. monthly, and through this work, various talents were identified that were useful in our later work.

In January 1988, we did a seminar on *The Portrayal of Women in the Media in Tanzania.* We chose this topic because we needed to understand our situation first in the broader context of our community. We also looked into how our language perpetuates the negative portrayal of women. The seminar was attended by about 60 women's groups who passed a recommendation that we needed a forum in the form of our own magazine. TAMWA met this challenge and in March 1988, just one month later, we launched our magazine, *SAUTI YA SITI - Voice of Women* - which was named after Tanzania's first woman communicator, Siti Binti Saad, who was born in Zanzibar in the 19th Century and, in spite of cultural barriers, excelled in her talent and propagated justice in society.

### *Mobilization*

We soon realized that we needed to do more to raise the level of understanding on our situation as women and educating ourselves on our rights. In May, 1988, we organized a DAY OF ACTION on **MATERNAL MORTALITY** and **MORBIDITY**. A story had broken in the news that this issue was the number one claim on women's lives. We asked two questions:

➞Why is it that so many of us continue to die at child birth when we have performed our roles as reproducers from time immemorial?

➞How long will we continue to be denied that right in terms of appropriate medical care facilities and human rights?

The day was highly successful in mobilizing the community over this issue. Participants began to raise these issues at their work places and in their organizations. The process of awareness building had begun. We decided to make this an annual event.

As we grew, it became evident to us that as a mobilizing tool, health issues were very effective and attracted men as well as women. We began to include men in our programs for we felt that they needed education to liberate themselves from patriarchal values.

The 1992 DAY OF ACTION on **youth** was attended by parents, school teachers, AIDS experts, doctors, social workers, representatives of NGOs and hundreds of secondary school boys. The youths suggested that one way of fighting the AIDS epidemic in the country was to strengthen sex education and AIDS information. TAM WA then took on the task of AIDS information outreach work.

### *Violence against Women*

In 1993, a story broke in the news. Levina, a University graduate, had committed suicide after fighting sexual harassment for six months on the campus of the University of Dar es Salaam. The issue shocked the nation and there was a spontaneous demonstration by women at the University. Many men joined. TAMWA decided to launch a campaign on the issue of violence against women. Women who supported this campaign noted that we could not make them aware of various issues but give them nowhere to go where they could be discussed. This led us to start a Crisis Center for women, which is now a fully-fledged institution with various human rights organizations affiliated with it.

As the years passed, a deep-seated awareness set in our society of the situation of women. TAMWA members also began to understand that to impact society it is not only necessary to use the media as a tool, but also that it is absolutely necessary for us to be rooted in our social and development issues in society. Today, TAMWA is part and parcel of Tanzania□s broader women□s movement.

Last year two landmark laws were passed in a male-dominated parliament

## LIFE IMPRISONMENT FOR RAPE

## THE RIGHT OF WOMEN TO OWN LAND

Both required concerted effort and networking with other human rights groups and women□s groups to create a force for change through constitutional reforms.

The only lesson I can draw is that pain - particularly women□s pain - can unleash a force in society which can change the face of a nation. As women, we must realize this and use our experiences in positive ways.

## *THE TIME FOR LAMENTATION IS OVER*

## RELATIONSHIPS

### *From Solidarity and Liberation Theology to Human Rights Education in Argentina and Uruguay* [8]

> *Poor people are seldom passive; on the contrary, they mostly try to act to improve the present situation of their families and the future of their children. To do so they engage in all sorts of activities, some of which are collective.*

Thus Anne-Marie Jeppesen in her examination of organizational practices among the poor and she goes on to quote a peronist organizer from Argentina , Victor de Gennaro:

> *There was no social rebellion during the hyper-inflation in 1989. Many people could not understand this. How was it possible, several people asked, that faced with hyperinflation and such a terrible situation, which made people suffer, there was no widespread social rebellion? Well, what these people did not see was the extensive social network which had already been developed, a network of social solidarity in the slum areas, which allowed people to help each other and to handle the problems during the hyperinflation. In places where the situation is very serious, in those places there was a certain degree of organization, ranging from common kitchen gardens, collective purchasing, to solidarity through church organizations, etc. And you see, not many people from the outside know about this kind of organization, and they don't know either that in these organizations, there is often a majority of peronists (unionists) who see a response in this popular organization to this completely uncivilized capitalistic system.*

As Jeppesen points out, this tells us that survival is assured through organization but also - and this is very important - that the organization is self-made. It is about active subjects who, based on their knowledge of their own situation, create the organizations which - in their opinion - are necessary to solve their problems. Furthermore they do so by means of already existing networks, bonds between various types of organizations and the use of previous organizational experiences from other contexts, i.e. the existence of a continuity in people's lives in spite of economic crisis and poverty.

Among the organizations that sprang out of what is here described as a well-prepared ground, there were many identified with Liberation Theology. Increased activism in the church and the rebuilding of community came together with the formation of thousands of *comunidades eclesiales de base* (Christian base communities). These small groups of neighbors gather to study the scriptures in the light of their own experiences. Their revolutionary potential lies in the fact that the poor themselves interpret and then apply the gospel message.

When read from the viewpoint of the poor, the gospel message that Jesus came "to proclaim good news to the poor, release the captives and give their sight back to the blind, and liberate those who are oppressed (Luke 4:18)" is a rich source of inspiration. In it, they find not only consolation but also a new boldness. "In the *favelas* in Sao Paulo, when the police come to throw the people out, the people have met them with the Bible in their hands. They quote Genesis and say The contract that we signed with God is that the earth is for all of us. You can read it here, and this contract is higher than any human contract.

In 1997, the ninth meeting of Brazilian Catholic base communities brought together upward of 2, 000 delegates from 240 of Brazil's 255 dioceses. Also participating were 65 delegates from other Latin American countries, and 56 of Brazil's 278 active bishops, dozens of representatives of Protestant Churches, and representatives from 33 indigenous peoples. To the extent that Liberation theology is in fact a theological movement, its roots are to be found in the prophetic tradition of evangelists and missionaries from the earliest colonial days in Latin America -- churchmen who questioned the type of presence adopted by the church and the way indigenous peoples, blacks, *mestizos* were treated. The names of Bartolomé de Las Casas, Antonio de Montesinos, Antonio Vieira, Brother Caneca can stand for a host of others.

*Liberation theology proper was born from the cross-fertilization between that current, Latin American populism, and a wider development in the European churches after the Second World War, grappling with the lessons of two centuries of advancing capitalism.*

In Latin America proper, the populist governments of the 1950s and 1960s -- especially those of Perón in Argentina, Vargas in Brazil, and Cárdenas in Mexico -- had inspired nationalistic consciousness and significant industrial development in the shape of import substitution. While this benefited the middle classes and urban proletariat, large sectors of the peasantry were marginalized and increasingly alienated in the impoverished countryside and urban shantytowns. The persistence of strong popular movements seeking profound changes in the socio-economic structure of their countries provoked the rise of military dictatorships, which sought to safeguard law and order through combinations of paternalistic or clienteles handouts, sometimes extreme political repression and police control. In the background was the Cuban revolution as an alternative path to the end of dependency, the chief cause of underdevelopment. Pockets of non-violent resistance, as well as armed uprisings, appeared in many countries, using the rhetoric of socialist revolution. There was a great stirring for change among the popular sections of society, a truly pre revolutionary atmosphere.

A wind of renewal had been blowing through the Catholic Church, inspired by in the social teachings of successive Papal Encyclicals. The social mission of the Church was emphasized.

- *Lay persons committed themselves to charitable work among the poor*
- *Priests and nuns obtained permission to go and live in the shantytowns as witnesses to the poorest of the poor*
- *Charismatic bishops and priests encouraged the calls for progress and national modernization*
- *Church organizations promoted understanding of and improvements in the living conditions of the people: movements such as Young Christian Students, Young Christian Workers, Young Christian Agriculturists, the Movement for Basic Education, set up popular and educational radio stations, and created the first base communities.*

All nations are engaged in a vast process of interdependent but profoundly unequal development, organized in such a way that the benefits flow to the already developed countries of the center while the costs are meted out to the historically backward and underdeveloped countries of the periphery. The poverty of Third World countries was the price to be paid so the First World could enjoy the fruits of overabundance. The relationship of dependence of the periphery on the center had to be replaced by a process of breaking away and liberation.

In theological terms, the mission of the church was described as creating the conditions for active brotherhood and love among human beings. Sin was defined as a social, historical fact, the absence of brotherhood and love. Conversely, those who are oppressed can and do sin by acquiescing to their bondage. To go along passively with oppression rather than resisting and attempting to overthrow it - by violent means if necessary - is sin. Salvation means bringing about a new earthly social order where there will be equality for all.

The material foundations of Liberation Theology were firmed up when popular movements and Christian groups came together in the struggle for deep-seated social and political reform, whose ultimate aim was complete and integral liberation. A "settling in" process was effectively achieved through the deliberate mingling of theologians and other intellectuals with popular circles and activities.

### *Theologians Turned Pastors And Activists*

More and more theologians (theorists) became pastors (practitioners), militant agents of inspiration for the life of the church and of society. It became usual to see theologians taking part in involved epistemological discussions in learned congresses, then leaving to go back to their bases among the people to become involved in matters of catechizes, trade union politics, community organization, food kitchens, and solidarity organizations. Liberation theology spread by virtue of the inner dynamism with which it codified Christian faith as it applied to the pastoral needs of the poor. The support of prophetic' bishops helped give it weight and credibility. The pedagogical work of Paolo Freire, although it had a somewhat independent origin, became an integral and vital part of the methodology of Liberation theology.

In the 1980's elected civilian governments succeeded military dictatorships with some reduction of official violence and increased political debate. But there has been no significant improvement in the lives of the poor majorities. Indeed, the growing burden of the foreign debt and the international financial order have continued to erode the margins within which the countries' economies function.

## NON VIOLENT RESISTANCE AND THE PEDAGOGY OF HUMAN RIGHTS IN URUGUAY

From 1973 to 985, Uruguay endured one of the most repressive dictatorships in Latin America. Numerous organizations mobilized against military rule during the final years of the dictatorship. These included women's groups, families of political prisoners and the "disappeared", housing advocates, unions, cultural organizations and political parties.

Uruguay was once known as the "Switzerland of South America." renowned for having enjoyed a century of great political stability, a flourishing economy and generous social system, a large middle class and influential labor movements. New immigrants who were refugees from political and religious authoritarianism had made Uruguay into a highly secularized society.

In the late 1960's, the collapse of Uruguay's economy that had rested upon the export of beef and wool led to large scale social unrest, economic stagnation and political instability, growing social mobilization, widespread multi-sectorial strikes, and beginning in the 1960's the first urban guerrilla movement in the country's history.

Uruguay's institutions proved incapable of confronting the accumulated crises, and a pattern of military intervention led to complete take-over in 1973. Under the guise of fighting the guerrilla movement, ***the armed forces declared virtual war on the population***, and by the mid-1970s the country had the highest ratio of political prisoners in the world. Military repression in one form or another (arrest, detention, or torture) affected directly one in every fifty Uruguayans. Out of three million people, 200,000 fled into exile. At least 150 people disappeared, including pregnant women and children. Among the most penetrating tools of the regime was its systematic categorization of all citizens. Fear reigned everywhere, thousands were unemployed, newspapers were closed, journalists arrested, tortured and exiled, and any gathering of more than two persons considered a potentially illegal assembly requiring special permission.

In November 1980, despite 7 years of this repression, and despite official threats that voting No would mean supporting terrorists, 53% voted *No* in a plebiscite about a draft constitution designed to maintain military authority into the foreseeable future. The size of the protest was a stunning revelation to many people, but did nothing to hold back the junta's crackdown on all political activity.

In 1981, a small Christian base group formed Service Paz Y Justicias (SERPAJ) - the first Human Rights group in the country. Its founder, a Jesuit priest called Luis Perez Aguirre, was the founder of an orphan community committed to active non-violence through the combination of manual work with technical and intellectual activities, and rejecting an artificial hierarchy in favor of a judicious use of all talents. It was formed as a challenge to the military, and grew from a small group of activists to become a national human rights movement and a powerful symbol of Uruguay's demands for an end to violence and a return to democracy.

Martha Delgado, another of the founders of SERPAJ, describes her experiences as a middle-class young woman, feeling a disquieting desire linked to her Christian faith to opt for a more radical commitment to the Uruguayan majority. With a friend, she began to do volunteer literacy work in one of the poor neighborhoods of Montevideo. It changed her perspective on the world.

> We began to discover other people doing the same...young people, Christians, trying to propose an alternative of participation and commitment to a country paralyzed, where any kind of popular movement was under-mined...they were first talking about the idea of SERPAJ... we began to talk about it with others we could trust asking them what they thought. To our surprise, the general reaction was one of fear: that SERPAJ could never survive, that we would all be thrown into jail. We had thought that there would be many who would want to participate, but no... so the group started with about fifteen laymen and priests, and very few women, three of us.

SERPAJ's strategy relied on a refusal to play by the dictatorship's rules of the game. If the government was trying to hide information, SERPAJ would proclaim the truth, and do so as publicly as possible, through bulletins, religious commemorations, and limited press coverage. The group also took full advantage of ties with international human rights agencies.

## S E R P A J

- *addressed the rights of workers*
- *of the socially marginal*
- *of the illiterate*
- *of political prisoners*
- *helped revitalize the labor unions that had been weakened or destroyed worked with families who had been thrown out of their homes*
- *gathered lawyers, psychologists, and social workers to serve individuals and groups in need of housing and health care*
- *worked with prisoners, preparing packages of food, organizing family visits, organizing silent banners on behalf of prisoners, printing updates about conditions.*

Spontaneous and organized protests, meanwhile, were challenging the junta. A whole repertoire of 'symbolic protest behavior' was developed between ordinary citizens: songs, plays, soup kitchens, hands raised in the peace sign, symbolic hand-clapping, cryptic gestures, puns and unfinished words.

In 1983, for the first time in ten years, the press published allegations of torture and abuse, which had been perpetrated against a group of young people. The public was outraged, but the military government retorted by prohibiting all public political activity or the publication of any political news. A mass protest ended in a wave of arrests. SERPAJ organized a two-week fast, intended to invite Uruguayans to refine their response to a national crisis and followed by a National Day for reflection on the day of the country□s independence.

What have I done for my country?
What can I do now?
What can I do for my fellow citizens?

Uruguay's highly secular society had no precedent for a fast with such religious overtones and it was hard to see how the call would be publicized in the face of universal censorship. But the fast began with Perez Aguirre, another priest, Jorge Osorio, and a Methodist pastor, Ademar Olivera. Within 24 hours, union and political leaders, religious and lay people, students, members of organizations, young and old gathered in front of the SERPAJ offices to show their support. The most important and lasting effect of the fast was an unprecedented coordination of support among all groups. Police arrested supporters by the truck and busload. Others came in to replace them.

The fast ended two weeks later, followed by an evening of meditation, to finish with a thunderous banging of pots and pans. The success was reversing the paralysis, and a massive movement began to end the dictatorship. In response, SERPAJ was declared illegal, its offices ransacked, but behind the scene the small group of SERPAJ had assisted in the formation of a Uruguayan Human Rights Commission, including prominent leaders from the whole political spectrum. Marches and pot-banging took place every month, then 6 months later two general strikes were staged.

Together with the families of human rights victims, SERPAJ had become the symbol of the challenge to military rule. The organization was invited to join an opposition negotiating table . SERPAJ demanded that opposition leaders commit themselves to ***a platform for a democratic transition***. Several months of negotiation ended with the first democratic election in eleven years. The aftermath was full of uncertainty. Foreign debt, unemployment, inflation, deteriorated social services were momentarily forgotten when the leaders who had committed themselves to bring to justice the violators of human rights backed away from the decision, by placing the investigation in the hands of a military prosecutor.

SERPAJ now devotes its efforts to the history of the dictatorship's abuses of human rights. It also has undertaken a major educational campaign grounded in the UNDHR. Its assumption: that all oppressive regimes, all dictatorships (and even liberal democracies with a few skeletons in their closets) bank on forgetfulness. SERPAJ is working to fill the gap by creating teaching materials and workshops. Perez Auguirre and Mosca's work on the subject have served as the foundation for the human rights curriculum developed in Uruguay high schools. SERPAJ now holds Human Rights workshops in hospitals, schools, youth clubs, union headquarters, neighborhood centers, shopping centers, focusing on:

**participation democracy justice peace.**

## ACCOUNTABILITY

### *a) Claiming the Right to Housing in Bhabrekar Nagar, India*

By Minar Pimple[9]

### *A brief history*

The slum community, situated to the north of Mumbai and close to Malwani creek, which later came to be known as Bhabrekar Nagar, saw its earliest settlers in the early 1970s. They came from several regions of India and the number of residents slowly grew. In 1989, residents managed to get basic amenities like piped water, electricity and telephone connections. People claimed to have bought houses to the tune of Rs 80,000. There were even two schools in the community, being run by the municipal corporation and a private trust. It was a bustling community engaged mainly in petty vending, driving auto rickshaws, stitching, masonry and waste recycling. The residents also worked as carpenters, fitters, welders, electricians, domestic helpers and laborers at the industrial estates close by.

#### *Unprecedented Terror*

During the rainy season, between June 13 and June 19, 1997, Bhabrekar Nagar was demolished by local authorities. The demolition was carried out with a swift brutality that is unprecedented even when Mumbai□s long history of encounters between slums and law enforcement agencies is taken into account. A total of 12,842 families who had been living in the community for over twenty years was displaced and over 65,000 people were rendered homeless. Besides resulting in the outright violation of their housing rights, it also meant immense individual, institutional, societal and community loss.

Large areas of the settlement were waterlogged and the sanitation conditions were inhuman. Among those who suffered the most were women and children. Many husbands had deserted their wives, leaving them to fend for themselves. With no shelter, some women gave birth in the open space risking not only their own lives but those of the newborns as well. The struggle for survival was intense.

The children were traumatized by what they saw: their homes violently torn down by bulldozers. Also, being the most vulnerable section of society, many succumbed to illness and disease. The schools they went to had also been razed to the ground and they weren□t sure now whether they would be sent to school at all.

### *Betrayal*

According to the traumatized residents and witnesses, it all happened so fast that they had no time to collect and save their belongings, including important documents like the ration card, which for many served as an identity card. Houses with all their possessions were razed to the ground. The residents were caught completely off guard, lulled into a sense of false security mainly because basic amenities like water and electricity had been obtained with proper approval from the authorities. Who could have imagined that those same authorities would launch the demolitions?

The area affected was approximately 40 hectares, of which 30 hectares belonged to the Collector, Mumbai Sub-Urban District, and 10 hectares belonged to Maharashtra Housing and Area Development Authority (MHADA). In fact it was the ***sharp increase in real estate values*** for commercial purposes that explained the demolition of Bhabrekar Nagar.

### *Setting the stage for interventions*

The Sena BJP government's ambitious Slum Redevelopment Scheme promised housing to all slum residents with proofs of residence before 1.1.1995. Many of the residents had been there for a long time, as indicated by the permanent construction and well-planned nature of the settlement with its own infrastructure.

- *It was easy to see that the ruling government had actually contradicted the basic spirit of its own policy on slum redevelopment.*

- *At the same time it was also clear that, though it was the state government's machinery which carried out the demolition, the entire well-planned and pre-meditated exercise was actually a political act.*

- *At a wider level, the demolition violated India's commitments at Habitat II and the United Nations Resolution on forced Evictions to which it was a signatory.*

### *Youth for Unity and Voluntary Action (YUVA) Gets Involved*

Two community organizers went to survey the damage and, based on these first impressions of the large-scale devastation, YUVA decided to intervene. This was in line with their commitment to working with marginalized sections of society against the overall framework of human rights.

### *STEP ONE: The search for facts begins*

In the immediate aftermath of the demolition there seemed to be no respect for establishing the facts of the case. Rumors and doctored information were being voiced by all the players. If a clear picture of the transgressions committed had to emerge, there was a need to systematically put together the facts of the case.

The media, too, after its initial splashes, had begun to report in a piecemeal fashion. The first task then was to set up information centers or *Mahiti kendras*. Here basic information was provided to residents concerning government laws pertaining to this case. For instance, many residents did not even know that they needed to show proofs of residence. They were told to come back with voting lists, ration cards, school admission forms etc. YUVA worked with existing NGOs who already had a presence in the community. Stree Shakti which ran a *balwadi* there was involved in the empowerment of women in slum communities and The Experimental Theater Foundation was using theater as a medium to discuss social issues.

All these resources were simultaneously deployed to carry out a simple census of all people in the community. This included:

- the number and nature of proofs of residence
- an assessment and mapping of the community, verifying the boundaries of the place as well as the demographic profiles of the inhabitants
- the extent of damage
- the extent of injury and resources for medical energy
- the political leaders and their stand on the issue

Since Section 144 of the IPC had been enforced in the area (barring more than 5 people the right to assembly) YUVA workers were threatened by the police. Working furtively, they managed to extract facts from one person or family at a time. While at the micro level these were collected from the people without any red tape or the usual bureaucratic hurdles, we were sharing and verifying this information with the *tehsildar* as well as with the bureaucracy. All these inputs were streamlined to put together an information base that would be crucial in the ensuing interventions.

### *STEP TWO: Scaling Up*

The next logical question was to address the issue of rehabilitation of those who had been dispossessed. At the same time there was a growing realization that allowing this to be a local case only and expecting local agencies and public support to work towards a possible rehabilitation would not do. A strategic scale up in the intensity of support was required to build more pressure on the state and garner the requisite public support.

Thus, armed with the basic facts pertaining to the case, YUVA approached the Habitat International Coalition to conduct a fact-finding mission in the community and prepare a public report. The panel for the Fact-Finding Mission was chaired by a retired Supreme Court judge and active human rights activist, Justice Krishna Iyer.

Other panelists included architect Kirtee Shah, President Habitat International Coalition, and Doctor Mer Bapat, Senior Planner and Researcher. The composition of this panel was a clear signal of the seriousness with which this task was undertaken. Vital information was shared with the Mission. A public hearing or *Jan Sunvai* followed in a school in the middle of a neighboring community so that people had access it.

**The Habitat International Coalition**

*An alliance of 350 NGOs and community-based organizations, networks and social movements from 80 countries across the world that struggle to promote the human right to housing and to lobby against homelessness and forced evictions.*

**One hundred and ten depositions were made by more than a thousand people who gathered to share their experiences.**

***STEP THREE: The success of the advocacy drive***

The Fact-Finding Mission revealed that a thriving community from different regions and socio-economic backgrounds, living harmoniously in pursuit of their vocations, was uprooted and destroyed with no apparent provocation or reason.

Justice Iyer recommended to the Human Rights Commission that a closer look into the case was required.

- *Two representatives from the National Human Rights Commission (NHRC) visited the site and interacted extensively with the people as well as local level workers and conducted an independent enquiry.*
- *Chief minister Manohar Joshi and the Collector insisted that* rehabilitation of those who were displaced was imperative, especially for those residents who were in line with the state's own requirements (proof of residence dated 1.1.1995)
- *NGOs ought to work with the Collector's office on the issue*

Following these findings of the Fact Finding Mission in August 1997 the Human Rights Commission ruled that the Government must resettle the families found eligible by the existing and preordained norms. The government duly allocated a marshy, unleveled resettlement site measuring 3.5 hectares bordering a creek and without any infrastructural provisions. It was located four kilometers from the original site and was christened New Bhabhrekar Nagar by the community.

***STEP FOUR: Joining hands with like-minded people***

While the initial phase saw impressive gains being made at the advocacy level, the issue was simultaneously being disseminated across the city by mobilizing people□s groups. About 50 volunteers from organizations like the Footpathwasi Rahiwasi Sangh and the Manav Mukti Morcha were part of the survey and other activities on the ground, and actively sought the support of like-minded organizations like the Nivarra Hakka Samiti. The Tod Mod Virodhi Forum was formed and about 25 to 30 meetings were held across the city which culminated in a long march when more than 30, 000 people went to Mantarlaya. A memorandum of demands on the Bhabrekar Nagar issue was submitted. Efforts like this helped obtain ground level support and also served to keep the issue alive in the collective memory of responsive people across the city and its myriad networks.

***STEP FIVE: Pitching the facts to the politicians***

Politicians in the opposition and the ruling parties were targeted in order to make the demolition a topic for discussion at the monsoon session of the state assembly.

> *A detailed photo exhibition was held at KC College with several meetings previously held with leaders urging them to attend.*
>
> *In the case of opposition leaders there was a detailed analysis of the issue along with directions for relevant questions.*
>
> *For the ruling party the questions concerned the inherent contradiction of having a policy for housing for the poor and the recent brutal eviction.*
>
> *A meeting with the key opposition leaders was also held on the topic.*

As a result, the issue of Bhabrekar Nagar became the opening topic for discussion at the assembly.

-**On the first day:** *the ruling party refused to discuss the issue so the house was closed by the president and sabhapati*
-**On the second day**: *the opposition staged a walk out*
-**On the third day:** *the government conceded to a resettlement which it agreed to route through YUVA*

As a result, the Collector and YUVA worked together to prepare a list of those eligible for resettlement through possession of proofs as well as the identification of land for resettlement.

### *STEP SIX: The resettlement process*

A comprehensive resettlement and rehabilitation process was begun by addressing all levels of people: the community; the Government; public authorities; NGO's; the media; and independent individuals eager to help. It began with mobilizing the community against evictions and the formation of people's organizations and people's institutions, one of which was the Bhabhrekar Nagar Sangarsh Samiti (BNNS). An elected committee of 15 members of the community, it aimed

- *to foster collective action rather than individual values*
- *to build discipline and the creation of mature self monitoring groups*
- *to address overall development goals*

### *STEP SEVEN: The Alternative*

The New Bhabhrekar Nagar model is a comprehensive Settlement re-generation process, where the community infrastructure, both physical and social have been provided through community need assessment, incremental planning, social action and composite settlement planning approaches. The model also experiments with institutional arrangements for multi-stakeholder partnerships.

### *Infrastructure and proposed interventions*

Interaction and negotiation with the Maharashtra Housing and Area Development Authority (MHADA) and Municipal Corporation of Greater Mumbai (MCGM) resulted in the sanctioning of water for the community. Though the actual provision was caught up in the bureaucratic processes and delays, the water pipelines were finally put in accordance with the needs of the community in December 1998. The water supply was through nine stand-posts, each having two taps.

The duration of water supply was for four hours daily with two hours each in the morning and evening. To ensure equitable distribution and proper use of water, the community was organized into eighteen water user groups, with each group having around thirty families

as its members. The water groups paid a contribution amount of Rs. 130 on an average per family for the operational and maintenance costs of the stand post. A total of Rs. 30,000 was collected from the water groups.

In the sphere of provision of sanitation facilities, following negotiations with MHADA three toilet blocks were constructed in the settlement that became functional in July 1999. The toilet blocks are based on aqua privy system and have a total of thirty-two seats with an equal number of seats for men and women.

The fact that the government has provided basic infrastructure has been a milestone of the community struggle. However, YUVA was not satisfied with mere provision of community level facilities and the logical next step was to ensure provision of basic facilities like water supply, sanitation, sewerage and drainage at the individual household level. The philosophy of our interventions was based on earlier experiences that the built and physical environment undergoes tremendous improvement, when infrastructure is provided at the household level. There was also a need to exhibit a case supporting that sustainable solutions could exist, if planned and executed with community participation. Further, the New Bhabhrekar Nagar community was more than willing to be a part of this innovative experiment.

Based on our core values of equity and social justice, we believe that the solution to infrastructure centric urban renewal lies in providing the same technological solutions to all citizens in the city. It is imperative that slums become integral parts of the city infrastructure network.

To this end, we are providing infrastructure facilities in New Bhabhrekar Nagar, which will be based on the principles of the city systems.

Every household will be provided access to water, drainage lines, storm water drains, electricity and solid waste management facilities. These facilities will be central to the cluster and pre-laid and then becomes the responsibility of every household to access it in the house. The key elements of the "infrastructural work" in New Bhabhrekar Nagar are :

- Re-clustering
- Water
- Sewerage
- Storm water drainage
- Roads
- Solid waste management
- Topography management
- Landscaping

## *Re-clustering and infrastructure provision*

YUVA took up the task of re-clustering the settlement to reorganize the houses within the site to create open and community spaces and to provide the infrastructure processes. In this process YUVA was supported by Himanshu Parikh, who has been instrumental for the slum networking experiments in Indore, Baroda and Ahmedabad. Emphasis was placed on community participation for taking the decision for re-clustering. Towards this end an exposure visit to Ahmedabad and Baroda was arranged for ten residents of Bhabhrekar Nagar who in turn apprised the rest of the community about their experiences. A series of meetings were held with the community to explain to them the concepts of re-clustering and slum networking and to address their doubts and issues about re-clustering in the minds of people.

**RECLUSTERING**

***Objective :***

*To create a small and inclusive community structure through planning innovation in offering every household, family as well as community spaces.*

***Innovation :***

*Small clusters of 20-30 houses which will create a defined neighbourhood and co-operative society, provide open space and a courtyard, and serve as a nodal point for infrastructure service to that cluster.*

**COMMITTED FINANCES AVAILABLE ON THE PROJECT**

| | |
|---|---|
| **MHADA** | |
| On site | Rs. 5.74 million |
| Off site | Rs. 4.15 million |
| *Community contribution* | Rs. 2000-2500 per Family |
| **UNDP/TIFAC** | |
| Infrastructure fund | Rs. 1.24 million |
| Consultancy | Rs. 0.65 million |
| YUVA expenditure | Rs. 21.0 lakh |

**INFRASTRUCTURE**

The plans for re-clustering have been submitted to MHADA and have been approved in principle. On 14 January, 2000 the project achieved another major landmark when YUVA was appointed as the implementing agency for the project. YUVA is responsible for undertaking the construction of infrastructure networks and ensuring their integration with the city networks.

### *Step Eight: Financing the transformation*

The government after allocating the land also provided funds for infrastructure development to the tune of 9.8million Rupees (about US$ 2.23 million) this would be routed through MHADA. Of the total allocated amount a sum of Rs. 3.12 million has already been spent for the construction of community toilets and provision of water supply through standposts.

The innovative approach of providing individual level facilities and developing it as an innovative model for integration of slums infrastructure into the city is being demonstrated. This project is part of MATURE program (Mission for Application of Technology to Urban Renewal and Engineering ) a Government of India and UNDP sub - program, *Technology Information, Forecasting and Assessment Council (TIFAC)*, their implementing agency provided us the financial support for the project .

It is estimated that the cost of provision of infrastructure facilities (as defined above) at the level of the household would work out Rs. 10,000 (about US$ 225).

### *Step Nine: Dereservation of land*

The land provided by the government was falling under No Development Zone (NDZ) in the Development Plan, providing infrastructure and other amenities in NDZ is not permitted which led to liaising with the government for the conversion of No Development Zone to Development Zone . Finally in March 2002 the land was cleared from no development to Development Zone.

### *Step Ten: Implementation*

The implementation of the first phase of the infrastructure work itself was a challenge, the work on the first Phase was successfully completed by January 2002 for the first 76 families.

### *Step Eleven : Hurdles For Development*

When the plans for the development was submitted to the authorities it revealed one more fact that the land was not only in the no development Zone but in it was also hit by the Coastal Zone Regulations which are under Central Government jurisdiction, this led to liaising with the Government of India. Recently the State urban development Department and the State Coastal Zonal Authority have cleared from the state and requested the Central Coastal Zonal Authority to look into the matter for the necessary relaxations.

## WHAT WE HAVE LEARNED

### *The power of positive advocacy and lobbying*

The move to involve the Habitat coalition and the National Human Rights Commission and constitute a fact-finding mission with noted personalities like Justice Iyer gave the community's efforts immense credibility. This played a part in gaining support from state administration, policy makers and other government officials.

### *The power of a reliable information base*

A credible information bank has been at the center of our success. A well-concerted information drive was also launched, targeted at specific groups such as politicians, the media and people's organizations. In this way the issues were alive in the course of public and popular discourse at all times.

### *The power of the people*

High stakeholder participation allowed the entire community to feel motivated enough to engage with the basic problems and to negotiate with the authorities. The achievement in getting through to officials and being granted basic facilities was seen as a milestone in the community struggle.

### *The power of understanding the social, economic and political situation*

This has allowed us to formulate suitable responses at all times. For example, it was our knowledge of the government's slum redevelopment policies and its details that made us challenge the demolition as a complete contradiction of its own policy.

### *The power of using multiple strategies*

We reached out to representatives of the state government, opposition parties, lawyers, human rights activists and people's organizations. Protest marches, photo exhibitions, question/answer sessions and targeted reports were used to present our case effectively at all times.

### *The Challenge Of Changing Roles*

The shift from principal advocator for rehabilitation to principal planner and implementer of resettlement was a major challenge for us. While we had thirteen years of advocacy experience behind us at the time of this intervention (1997), we had barely three years of exposure to the field of housing and infrastructure development. Our involvement in this sector called for critical changes in our organizational approach and resources. We also had to make the shift from being the challenge to the system while in the advocacy role, to having to 'learn the rules of the system', without compromising our core values including the centrality of peoples interests, in our implementor roles.

## b) *The work of the Informal Sector Service Center (INSEC) with Kamaiya Bonded Agricultural Laborers in Nepal* [10]

Slavery was officially abolished in Nepal in 1924. The constitution and laws restrict the exploitative practices of slavery, trafficking, serfdom or forced labor in any form. However, the reality is just the opposite. A bonded labor system known as *Kamaiya* prevails in western Nepal. These Kamaiyas are subjected to degrees of exploitation and deprivation of liberty. A study conducted by INSEC in 1992 shows that 93% of Kamaiyas are from Tharu community, a naive indigenous community. The majority of them are homeless (73%) and illiterate (96%). Many of them inherit bondage from generation to generation. The number of Kamaiyas was estimated to be in the tune of 100,000 from 25,000 families.

Since 1990, INSEC has been involved in various efforts to improve the lives and lessen the sufferings of Kamaiyas. INSEC also drafted legislation for their emancipation from the bonded labor inherent within the Kamaiya system.

*The principal need is to make the Kamaiya themselves aware of their rights and of their disadvantaged situation. This inculcates in them a* ***sense of freedom*** *and encourages them to work for salvation.*

*The children of Kamaiyas who may not have any other option than to support their Kamaiya parents, should be educated on their rights and helped to* ***escape the vicious cycle*** *of bondage and poverty.*

## Literacy and Awareness Program for Kamaiyas

Since 1993, INSEC has been running literacy and awareness classes in five districts of western Nepal (Dang, Banke, Bardiya, Kailaliand, Kanchanpur) where Kamaiyas are concentrated. The program targets illiterate Kamaiyas, especially the most vulnerable - women.

## OBJECTIVES

1) *To form human rights awareness groups for Kamaiyas to run education and literacy classes.*

2) *To conduct gatherings, discussions, and training sessions in order to achieve the main objectives.*

3) *To impart special training to Kamaiya leaders who can be catalysts in bringing change to their community.*

### *Method*

A separate coordinator was assigned to take the responsibility of program implementation. With the help of local network, INSEC identified teachers and suitable locations, and formed awareness groups. The district coordinators and teachers were given training on methods of delivering literacy and human rights education. The majority of the staff involved in the Kamaiya program were from the Tharu community and had personal knowledge and experience of the Kamaiya system.

Each class normally consisted of 20 to 25 Kamaiyas. Both class-room and extra-curricular activities were adopted according to interest and circumstances. Each Awareness group focused on Literacy for the first half year and Human Rights Awareness for the second half year, thus completing a full one-year course. When a course was over, another batch of Kamaiyas was enrolled in the same place or a new one, depending on the availability of the recipients. Educational materials such as books, posters and manuals were developed and supplied to each group member free of charge.

**Unless the Kamaiya themselves**
**demand their rights to freedom**
**the system will not change**

### *Bonded Labor Liberation Forum*

Though it is extensively discussed and criticized, the Kamaiya system still survives. There are arguments that abolition of the system would reveal and create more problems rather than solving the identified ones. This argument has ultimately served as a shield under which gross exploitation continues. INSEC's strategy has therefore been to build up a movement for the emancipation of Kamaiyas which involves people from all walks of life, working to challenge the system and find a solution.

INSEC facilitated the assembly of Kamaiya Emancipation Campaigners in Nepalgunj between 24 and 26 January 1996. Some 400 Kamaiyas from 5 Kamaiya prone districts and supporters of Kamaiya Liberation from Nepal and India participated.

Kamaiya Mukti Manch (National Kamaiya Liberation Forum) was with a nine member executive committee which has mandated to work for Kamaiya Liberation.

It also became affiliated to the General Federation of Nepalese Trade Unions (GEFONT), the leader of the national labor movement in Nepal.

Now bonded laborers have organized through the forum and are integrated into the national labor movement. INSEC supports the movement by organizing seminars and trainings and evolving a co-ordinated approach by different NGOs to emancipate the Kamaiyas.

## THE CURRICULUM

- *Develop functional literacy among the marginalized populations*
- *Disseminate information on the concept, evolution and practices of human rights*
- *Explore universally recognized human rights instruments and those enshrined in the constitution of the kingdom of Nepal*
- *Examine Human Rights and INSEC's Human Rights Movements*
- *Discuss and develop methods of prevention of human rights violations*
- *Develop legal literacy and awareness*

## HOW IT□S DONE

Local NGOs bear the major responsibility of mobilizing the people for the cause of human rights. The district networks of INSEC undertake the following:

- *We act as co-sponsors of educational programs launched by central and regional offices*
- *We run classes on human rights education and literacy*
- *We organize debates, competitions, and talk programs in schools*
- *We bring together activists, people□s representatives, lawyers, journalists, teachers, law enforcing authorities in a forum to develop awareness and or solicit commitment on human rights issues*
- *We celebrate important occasions like Human Rights Day, Constitution Day, Martyrs□ Memorial Day*
- *We carry out programs focusing on women□s rights*
- *We report on situations in jails and police detention centers*
- *We observe elections, strikes or rallies and produce factual reports*
- *We organize audio-visual shows, display pamphlets and posters and distribute booklets related to human rights*
- *We study socio-economic issues as well as social evils and bring out suggestions and recommendations for improvement*
- *We conduct rallies and lobby local and central authorities and people□s representatives to reach out to the people in need and explain campaign issues to them*
- *We run public libraries to disseminate human rights materials*

## PARTICIPATION

### *a) Women Coca Growers Fight for Social Validity in Bolivia*

By Susana Chiarotti[11]

In recent years, Bolivia has become notorious for the reports presented by different local and international organizations on the cultivation of coca and the production of cocaine. One of the main centers that has attracted major attention is the region of El Chapare that comprises the three counties of the department of Cochabamba (Carrasco, Tiraque and El Chapare) and is located in the subtropical area. About 143.000 people live here, located on 32,986 farms known as *chacos*. Of these, close to 25,000 cultivate coca next to a variety of products like citric fruit, bananas and pineapples. Although most of the peasants cultivate coca, it is not the main crop, yet it is the only one that guarantees them a minimum subsistence, in spite of the permanent fluctuations in price.

The eradication policies imposed by the US government and the pressures it exerts on the government of Bolivia have created situations of permanent conflict in which human rights are constantly violated. The incursions in the area of the Special Forces of the Fight Against Drug Traffic (FELC), in many cases under the command of North Americans, have indiscriminately captured peasants, stealing their goods and destroying their housing, often injuring or killing them. The official reports call these incidents "confrontations between police forces and drug dealers' bands." But the only weapons used were those of the police. The "registration" of vehicles on the highways consists of inspections of their loads, but under the pretext of interrogating them, women passengers are often violated by police members. When released they are threatened of being accused of drug dealing should they report their rape. These facts have impelled the women coca producers of the area to organize and to participate actively in the fights of their partners and at the same time, to become qualified in the knowledge of their rights, of the laws that protect them, and of the institutions from which they can demand justice.

**THE WOMEN THEMSELVES MUST BECOME THE AGENTS OF TRANSFORMATION**

## MARIA□S STORY

*The residents of the area, we suffer constant abuses of the UMOPARes, they tell us that we are pichicateros, (drug-dealers) but the truth is that the real drug dealers are free and they circulate without being bothered by anybody, although everybody knows them and how they live for from one day to the next they appear with houses, cars luxurious and many things more. Most of us that live in the area are rural poor that came here because in our communities the earth no longer is productive and since we are many, it is not enough for all.*

*They say that we are only devoted to plant coca, but that is lie for that one separated field is coca and the rest is yucca, banana, oranges, mandarins and other products that we take to the market and it is also good for our feeding. We have many children and if we want them to study we should sacrifice, working for the whole family. Our products sometimes rot for lack of transport for when it rains a lot it is very difficult to take out the products to the market, because the rough paths are ruined quick, so much that we cannot go to sell our things. For that reason the coca is a back up for it is easy to transport and although they pay us little, we always have from it a small fee with which we can survive until the situation improves.*

*Our situation is not understood by the authorities and permanently they pursue us, they make all kinds of abuses against the peasants that live in the area. The women don't have security when we travel to the cities, several of my partners or their daughters they made them get off the fleet and they raped them, they cannot complain to anybody for that they threaten them to say that they found drug in their bundles. Several young ones are single mothers as product of these rapes.*

*The abuses that we suffer have made men and women to be organized. Lately it has won bigger importance the organization of the women because the men are pursued like fleas and we women are organized to liberate them and ask guarantees for all. The women are organized in the RURAL FEDERATION OF WOMEN OF THE TROPIC that was founded in the First Congress of September 8, 1995 in Cochabamba. In our organization the women can exchange our ideas since men didn't take us into account.*

*Before having our main organization we participated in the March For Life and National Sovereignty. It was the answer of the whole population to the murder of the peasant Felipe Perez Ortiz that happened on August 18, 1994 at 1 p.m. in the afternoon.*

*Five vehicles of UMOPAR entered the area looking for drugs. They stopped Ortiz and from the state his body was in it is seen that they hit him strongly before killing him with a shot inside his mouth. They hang a plastic bag in their truck with his feet hang down and dripping blood. Tired of these abuses, the women decide to begin a march to the city of La Paz. It was not easy, we all wanted to go, but we didn't have anybody to leave our children with. Besides, some husbands didn't want to allow women to go. On 18th of December we begin the march, in spite of the government's threats of stopping us. We went by valleys, mountains and the puna of the highland for 31 days. On the road we received the support of peasants of the different communities that knew that our fight not only was for us, but for all. We suffer wind, rain, snowfall in the mountains and the heat of the sun. We walk more than 500 kilometers. On January 17, we arrive to the city of La Paz, where people of the town received us with tears and samples of solidarity. In La Paz we dialogue with the first ladies, the President's wives and the Vice-president, the leaders speak and we told them what happened us, and that the human rights only exist in papers.*

*However, after the first ladies answered to us we convinced that they could not decide anything, since they are not authorities and they are not able to have concrete solutions. After a month of walking, with the destroyed feet and completely weakened, the marchistas had to enter in a hunger strike to get the government to commit to setting free our detained partners, to respect the human rights and to punish the authors of the violations. Also to not applying the mandatory eradication of the coca plantations.*

*The hunger strike was enlarged from La Paz to Cochabamba, where the police intervened, they hit the women and they captured them, without caring about the presence of small children. They wanted us to get scared, but they didn't achieve that. We continue in the strike until on February 3 the government accepted part of our petitions and it signed an agreement to not applying the mandatory eradication of the coca, to compensate us for each hectare of eradicated coca, to process the culprits of the murders, to create an Office of Human Rights in the el Chapare Plate and other things.*

*On 21 of February of last year, in Eterazama, a group of 22 directing women of 18 unions of the region, we began the formation of Legal Promoters that organized the Oficina Jundica de la Mujer in coordination with the leaders of the Federation of Producers of el Chapare. Two days a week we took classes. As not all of us live in the area, to arrive on time was very difficult, some had to walk up to six hours, to pass the mighty rivers to swim or to go up to trucks loaded with fruit or trunks that charge us as if it was a comfortable car. To leave our house, those with husband had to request them, some got angry, they believed*

*that we were going to learn bad things that later we no longer would pay attention to them, but when returning we showed them our notes, they understood that what we learnt would serve all. The other problem was leaving the children, especially for those that are single, for the very small ones they had no other remedy than to take them what caused more fatigue and tired the children.*

*The whole time that we were in classes the area was very ugly. The policemen constantly passed and inspected the place where we took the classes, some entered to look at what we did and at some points the helicopters of the Special Force of the Fight Against Drug Traffic and the North American DEA flew over the roof causing a lot of fear among the assistants and the children that already know that when that happens there is always dead or wounded. The last two weeks of classes were the hardest because all the producers of coca of the area were mobilized with our organized self-defense committees and the police was also reinforced with people that arrived of Cochabamba. Confrontations took place in which several peasants died and many were wounded, killed, and taken prisoners.*

*In those days, those that took classes had to make many things at the same time, to leave the things of the house ready, to attend our assemblies up to three times in the day and to participate in our courses. Most of the assistants left cooked food for our children, to be in time they had to get up at five in the morning, but it was worthwhile for we learned:*

- *that nobody, not even our husbands, is entitled to beat us*
- *that offices we have to enter to complain cannot stop us without order of the Judge*
- *we know to take steps for birth certificates and other papers*
- *we also understood our rights to choose the authorities or being chosen as authorities of our union, our community or of the whole country*

*After concluding the course, I was stopped and driven to the barracks of Chimoré. First I got scared, but later I remembered what I learned. The police knew that they were not right, that it was an abuse, and when they wanted to make me confess I said:*

***"I don't go to speak anything if it is not with the district attorney and my lawyer. I want my lawyer to come."***

Those of us who receive the training
no longer allow ourselves to be abused

*They got angry a lot and they told me that they would teach me to respect the authorities. As I showed them that I was not afraid they didn't hit me, but they took me to Cochabamba. In that city the District Attorney asked me about how I knew those things and I recounted to him that he had attacked my human rights in my community. In a few days they had to set me free because they didn't find anything against me. There is still a lot to do. This year we asked that other courses are given in the area for more women so they can be qualified*

***I believe that this way,***
***little by little,***
***we will advance.***

## *b) The Health Awareness Project in Guatemala*

By Regis De Muylde[12]

Our first concern in both the rural areas and in the cities was to identity who were the poorest people, to get to know them, not only in order to find out how a given project could reach them but, more importantly, to discover how such a project could bring in the dispossessed as partners. Both in the capital and in the countryside we sought to develop a project geared to health awareness. We encountered people living in the direst poverty, where children were living in a state of extreme destitution. They were completely locked into and isolated by poverty.

*We must not confuse participation by very poor people with genuine partnership with them. Launching a project and getting people involved, is not the same thing as considering people as partners, that is, people taking part in the project from the design stage right through to its evaluation.*

*When we speak of awareness, our aim is to enable people to become aware of their environment, of the world directly around them, and more broadly to acquire the means of understanding the situation in which they are living and the world in which they find themselves - in other words, empowering them to regain possession of their roots. Such a process of understanding leads to acquiring and developing one's own means of expression.*

### ALL THEIR ENERGIES WERE ABSORBED BY THE DAY-TO-DAY STRUGGLE FOR SURVIVAL

### Guatemala City and its Poorest Neighborhoods

#### *Background*

According to certain estimates, over a quarter of the country's population lives in and on the fringe of the capital, although these estimates are considerably higher than the official figures. What is certain is the speed at which the city has grown during the past two decades. The rural exodus occurred in several waves which contributed considerably to its growth, and helped to create marginalized areas both in and around the capital.

In late 1987, two volunteers came upon the community living around the public refuse tip, which is located in the heart of the city. When the tip was first created, several decades ago, it was located on the city's edge, but since then the city has continued to spread and this area has been absorbed into it. It is an enormous gully, which has gradually filled up with the rubbish constantly being dumped into it. Families, lone individuals and children have settled around this dump. They sift through the refuse, retrieving plastic, glass and cardboard, which they then sell. It is their sole means of survival.

### *Our early days on the site*

We began our work on this site in 1988. The area was then extremely hard hit by poverty, and the two French volunteers felt that they could not go there on their own. They made a number of contacts, in particular with a health care center, while waiting for an opportunity to meet Guatemalans to whom they could put forward their scheme and who would agree to enter the area with them: they were anxious to visit it in the company of locals.

The area had been the target of massive media attention, and documentaries had been made there by Latin-American companies - an experience much resented by those actually living on the tip, who felt they were being treated like animals in a zoo. This was one of the reasons for the decision to visit the area in the company of Guatemalans.

*PICTURE A LARGE GULLY, SERVING AS A PUBLIC RUBBISH DUMP SURROUNDED BY FIVE SMALL SHANTY TOWNS EACH INHABITED BY HUNDREDS OF SQUATTERS AROUND WHICH A CONSTANTLY SHIFTING POPULATION LIVES IN MAKESHIFT CARDBOARD-BOX SHELTERS*

### *STEP ONE: Mobile Libraries*

Little by little, mobile libraries were introduced into each of the five shanty towns. Our first concern was to get to know these families. For that purpose, we sought out the youngsters, many of them drifters who had lost all contact with their families. We managed to make contact with them only after several months, in some cases almost a whole year. These youngsters can neither read nor write, but the dynamic developed around these books is not a reading dynamic. They are abundantly illustrated so as to open new windows both through the pictures and through the stories that the children can be told. Such books convey a dynamic of their own, one that is quite different from the 'reading habit.'

***STEP TWO: Cultural activities***

The scheme comprised a library and studio-workshops, and is today known as the Art for All" project. For several weeks, a resident artist is in charge of the studio-cum-workshop, organizing courses in painting, pottery, drama and other areas. This was achieved only after the library had been in operation for several years.

## JOSÉ LUIS S STORY

*José Luis was a young man living on his own on the edge of the refuse tip. I had first met him in 1990. He was then working, in the sense that he would climb down to the bottom of the gully to scavenge for anything that could be salvaged and sold. He had a sister who was living there with two children. She and her brother often had to sleep in cardboard boxes; at other times she was taken in by people living in the shacks around the dump.*

*One of the first times we met this youngster, we had just arrived on the site with our boxes of drawing and coloring books. He kept his distance, refusing a book I offered him. He was ill at ease, because the youngsters he saw with us were mostly nine-to-fifteen-year olds, while he was over 20, and he thought this was an activity for children. We continued to meet him, to talk things over, and one day he came and took a book.*

*On several occasions, José Luis had health problems, and was injury and accident prone, and we fought hard to ensure that he received proper treatment. We also noticed that he was extremely attentive to everything that concerned his little niece. Great efforts had been devoted to enabling her to learn how to color books, as children of her age do. In the circumstances in which she was living, she had never had access to such things, had indeed never held a pencil in her hand. José Luis followed the progress she was making very closely; he encouraged her and brought her to look at books with us.*

*We continued to maintain contact with this young man. His health grew worse; like many of the children and youngsters living on this site, he was on drugs. One day he broke his leg; we had to fight to make sure he took care of himself. His leg was put in a plaster cast - imagine what that means when one is living in such conditions in the midst of rubbish.*

*He was convinced he could no longer climb down to the bottom of the tip and would be dependent upon the others. After a week, he took the cast off himself, not wishing to go on sponging on other people.*

*Then there was a cholera epidemic, and early in 1993 he was brought down by the disease. He was hospitalized in a specialist center, where he recovered; however, he left hospital in a very poor condition. He went back to the tip where he received a certain amount of help; but he was in such a bad state that he died some weeks later.*

*After Jose Luis's death, I wondered what it was that had enabled a relationship of trust to develop between him and me. For all those years we had stood together, fighting his fights, wrestling with his problems, and even if we had no means of rescuing him from the poverty in which he lived, we were battling alongside him, and it was this long-term commitment that somehow, somewhere, built up the sense of trust between us. I am also sure that the seriousness with which he helped and encouraged his niece, and the fact that we ourselves took the part he played in the awareness scheme so seriously - were a key factor. Because he felt himself to be recognized, taken seriously, as an individual in his own right, he performed his role as the girl's uncle to the full and was recognized as such.*

## *The purpose of cultural projects*

### *The Question*

Poverty in the area is extreme. The people living here eat what they are able to scavenge from the dump; the problems of health and hygiene which this creates may readily be imagined.

**-Was this really the place to run a cultural project?**

**-Would it not have been better to launch emergency operations targeted on health care, housing and even food supplies?**

### *Some Answers*

A cultural project, even under such dire circumstances, fosters citizen involvement. On our arrival, we frequently found that the place where we set out the books had been swept clean.

**This is how a creative space opens up an area of freedom between people separated by an age-old void**

The extreme destitution in which these dump-dwellers live demonstrates the extent to which poverty can dehumanize people. They are so badly affected that they are no longer recognized as human beings. BUT - the experiences with Jose Luis and the young-old painter and many others not related here made it possible to rediscover the human relationship, one that is still possible between individuals separated by so much.

.....

On a sheet of paper stuck to the concrete wall, a young man and a child are beginning to paint in the sketch we had drawn: a bridge, a lorry, a quetzal (a bird symbolizing freedom for the Maya peoples). Now they nudge me aside so as to have more elbow-room for painting. Another man shambles up. He's all bloated, his skin is red, he leans on a stick. He's an old man, but his face gives him away - he's an old man who is barely twenty years old. As he totters up, he notices the pots of paint arranged on a stone, he doesn't say a word, he greets no one and no one greets him. Slowly, painfully, he stoops and dips a swollen finger into the paint. He stares at his brightly colored finger, bursts out laughing. Several times he daubs paint on the wall, as if tracing signs, completely engrossed, and all the while he keeps chuckling to himself.

What is it that still relates me to that man? What path can I take to bring me to him again? I see again his scarred, chapped finger, all dripping with green paint, and that expression which I took for laughter, a look of joy. In that no-man's-land on the edge of destitution, in the shadow of death, where people have become so useless as to become one with the refuse among which they live, something connected me with that man. For one brief moment, just long enough for me to stop, to think, to look ahead, just long enough no longer to know where I myself was going. I came to need that man as much as, if not more than he - as I believed - needed me.

.....

**Cultural action can be the starting point of the fight against poverty.**

**Cultural projects, and the day-to-day commitment they entail, allow us to instill in people an awareness that there is more to life than mere survival.**

**This is crucial to any war on want**

## CONTINUOUS EDUCATION

### *a) From Buraku Liberation To Human Rights Through Dowa Education in Japan*

By Mado Spiegler [13]

#### *Background*

The Buraku people are the largest, although not the only discriminated population in Japan. The Buraku Liberation Movement, originally founded under the name of Suiheisha or Levelers' Association, has the longest history of all minority movements and the Buraku issue is the first human rights problem to have been the object of special legislation designed to solve social, economic and educational problems related to discrimination towards minority groups.

For all practical purposes, the Buraku were a caste, excluded from participation in prescribed occupations, and excluded by rigid social stratification from full participation in national life. Their status was due mainly to their performing polluting tasks: the slaughter of animals, leather work, the execution of criminals.

While indistinguishable by outward appearance, language, religion or cultural traditions, the Buraku are perceived as a different race. Some called them the invisible race. In reality, residency has increasingly become the main way to define who is or isn't a Buraku. As one historian put it, "They are Burakumin because they are believed to be Burakumin as a result of being born and living in a designated Buraku area, having come to live there and being considered by non-Burakumin as a separate breed of humanity."

Neither the modernization of the culture between the two World Wars, nor the democratization of post World War II, eliminated social discrimination in matters of marriage, employment and residency prospects. As in any other caste society, high achievement is no protection against ostracism, whether crude or subtle.

#### *Japan□s Educational System*

Meiji Japan's remarkable performance in the area of modern education reflected a deep political commitment similar to that of France or Germany in the 19th centuries and was driven by the same logic of combining compulsory education, the military draft and

administrative centralization as instruments for the consolidation of the State whose goal it was to become an 'educational superpower'. As a result, from 43% men and 10% women literate at the end of the Edo period, the figures jumped to above 80% average literacy rates in 1895, followed by 90% in 1902 and 97% in 1907, with 6 years of compulsory education in 1907, and a solid school system covering the full spread of general and professional education from elementary to university level.

- a rigorous system of selection by examination
- employment policies based on educational achievement
- professional status closely tied to educational achievements
- a curriculum standardized by the government
-

This system encouraged the notion of educational achievement as the key to upward social mobility, and popularized a 'national character oriented to scholarly achievements.

## But not for the Buraku

Against such a background, their inability to step onto the speeding carrousel stood out in stark contrast. Before the Meiji era, outcast people had not been allowed to develop literacy skills and, like slaves in the southern United States, they were subjected to legal punishment for so much as learning alphabets, except for rare individuals who were officially granted permission to learn. During the Meiji era, the educational system was in theory universal but local communities' responsibility for building and staffing schools out of their own resources meant that in practice, poor communities could not have schools. Some Buraku communities remained without schools well into the 20th century for lack of the wherewithal to build them.

Both school enrollment and attendance rate were far below the norm among the children from Buraku communities, because Buraku children were vital contributors in the poor family's livelihood. It was very hard for the parents to pay for the textbooks and school meals, as well as other necessary materials but most educators were still inclined to perceive absenteeism as the result of Buraku parents' lack of commitment to their children's future, or as an indication of congenital weaknesses.

In most schools, no serious efforts were made to remedy the situation, and discriminatory behavior by teachers was still taken for granted by Buraku students and their families.

The gradual shift to state support after 1885 created budgetary pressures on the state, which school administrators attempted to resolve by combining students from several neighborhoods into existing facilities. The resultant opposition of non Buraku to the prospect of their children attending the same schools as Buraku was met either by building two schools in the same area, or by schools segregating children in separate classrooms or separate seating within the room. In those Buraku neighborhoods lucky enough to have a school, migration from the countryside increased crowding into schools already poorly equipped and staffed.

The results created a predictable double bind for the Buraku population. On one hand, demands for education and protests against school segregation became a top priority of the newly founded Levelers' Association. But segregation by prejudiced schoolmates and their families, as well as by teachers with low expectations, solidified an increasingly deep-rooted distrust of school among the Buraku students, whose effects are still felt today. Whereas in other segments of Japanese society absenteeism rates were steadily declining, they remained depressingly high among the Buraku right through World War II, keeping them more outcast than ever in a competitive, examination-driven society.

## Dowa Education in Japan

The term Dowa, coined by the Japanese government during the Second World War, consists of two characters:

**Doh = same** **Wa = harmony**

Dowa education was started in an attempt to foster harmonious, non-discriminatory relationships among soldiers. The message was given in the name of the Emperor, indicating: "All soldiers are the same, the Emperor's offspring, and should live in harmony." As a concept, Dowa was referred to integrationist administrative policies and services related to Buraku issues. Eventually, the Buraku took over the word Dowa, and gave it a new identity as one pillar of a broad-based human rights initiative in Japan.

- *For government institutions, Dowa education means educational policies to cope with existing discrimination against Burakumin.*
- *For the Buraku movement, Dowa education means a set of educational strategies for democratizing the whole society to attain true equality of opportunity for all oppressed populations.*

Dowa education can be dowa education as human rights or dwa education about human rights. the former deals with issues of school enrollment, school achievement and opportunities in general, while the latter is concerned with school curriculum and teaching efforts to change prejudiced views, to enhance human rights awareness, and as personal and social transformation . The objective are:

After World War II, some teachers identified features in Buraku communities and other minorities that countered the course of Japanese modernization. For example, the Buraku spirit of cooperation contrasted with the government high economic growth policy that promoted self-centered ideas. Having through these
experiences become involved with Dowa education, teachers found in the enactment of the Law for Special Measures for Dowa Projects a strong base from which to launch human rights education, of which Dowa education would be a part.

### *STEP ONE*

The first problem to be faced by Dowa Education was Buraku children's low self-esteem and school-attendance. Home visits became routine practice, aimed at gaining the Burakumin's trust in schooling, as well as providing teachers with necessary background information to allow for more effective instruction. Many teachers reported lack of money to buy school supplies. Their lobbying, together with the fledgling parents' associations, eventually led to directives for free textbooks in 1961. Schools established remedial teacher's positions. Scholarships for high school and college were established.

### *STEP TWO*

Japanese schools' traditionally punitive ways of dealing with misconduct or academic failure aggravated Buraku students' distrust of teachers and school and increased their sense of alienation.

In reaction, a movement developed among teachers whose goal - to understand the sense of alienation of minority students and students in difficulty - is now widely recognized as a core element of Dowa philosophy and practice. It spawned a number of approaches aimed at building up students' self-esteem, with constant readjustment in view of the actual effects of particular methods. Whether students learn, and what they learn, is as

**1) attaining parity in level of achievement and in the rate of enrollment in secondary schools and higher education institutions**

**2) developing critical literacy and sound learning capacities for Buraku children**

**3) promoting community involvement in setting up school agenda.**

important as what the teacher teaches or intends to teach.

### *STEP THREE*

Separating students according to level of progress was considered but initially frowned upon. Dowa educators have attached greater importance to collective harmony than to individual success. Thus any action that appeared to split the class would be avoided. But over time, classes have occasionally been split, with extreme care being taken not to hurt the lower-achieving children, and not to destroy the classroom's harmony and identity. Most recently, a few schools have emphasized 'individualization'. Using school resources to the full, teachers strive to prepare the most appropriate learning settings for each child, centering on individual study-programs in combination with ongoing collective classroom activities.

### *STEP FOUR*

Each incoming student can create an individual learning time-table for the second and third year, after drawing up his or her own tentative life plan. This means that students can make their own curriculum based on their own dispositions by choosing from approximately one hundred and fifty subjects.

## *STEP FIVE*

Another aspect of the education is the need to break through the prejudices non-Buraku children bring to their Buraku classmates, as well as through the prejudiced view of themselves and their place in the classroom that some Buraku children may have.

### *Group Process*

Teaching about discrimination, even about actual cases, is not enough of a stimulus for students to reflect seriously on what they learn or to relate themselves to it. In the final analysis if learners do lack the sensitivity to grasp the deeper nature of the issue, the teacher's knowledge or interpretation will not empower them.

**FIRST**: Situate the process by taking into consideration the life of the children outside the school. Children are agents of their lives, and bring heir home and community lives to school. Those children who cause trouble in school tend to be in trouble at home. Teachers are better able to work on the children if they know more about their lives. Similarly, if children know about each other's lives, their relationship can be developed in a mutually supportive manner.

**SECOND**: Place *teihen no ko* - children at the bottom - in the center of the class. These are children who belong to a discriminated group, or children who have serious problems in their lives, their friendships, their academic performance, etc. They are vulnerable and tend to suffer from a disproportionate weight of society's contradictions in the absence of sufficient support systems.

**THIRD**: Ask children to write about their daily lives and their observations in *the seikatsu noto* or diary notebook and bring it to school. The teachers write down their response in the diary. As teachers return caring and thoughtful comments back, children who at first only wrote about rather superficial observations begin to focus on their deeper concerns and real life problems. Dividing classes in small support-groups in which students are responsible for each other□s process further supports the work.

**FOURTH**: Invite children to write about their life - *Tsuzurikata* - paying great attention to the experience and sharing of their feelings. Skillful writing is encouraged, not just for a good grade, but to fully share the experience with a reader. Prejudice causes bias in one's perception of even those who do their best to survive. Some Buraku children feel: "Why was I born to these parents?" and are

**Their life may feel meaningless; the school environment may intimidate them. By placing them at the center of the group process, children are encouraged to recognize the problems of the bottom children as their own and are thus motivated to grow together with the bottom child.**

unable to accept them or their love. *Tsuzurikata* trains the writer to look at his or her life objectively and critically, and enables him or her to surmount prejudiced views and to reflect behavior critically. As this process is repeated, the writer learns to control his/her behavior more rationally.

### *STEP SIX*

Many teachers felt that competition based on scholastic achievement was a major source of discrimination and therefore held negative feelings about scholastic ability itself. This led to the notion of *Kaiho no gakuryoku*, meaning the ability of children to know what discrimination is, to point out the problem, and to fight social inequality. In some cases, activist teachers are strongly opposed to any kind of school practices aimed at improving scholastic ability, based on a serious questioning of the uncritical acceptance of achievement orientation.

### *STEP SEVEN*

Affirmative action, which some schools have adopted as a means to raise minority status and make the school environment multi-cultural, is seen with ambivalence, because it contradicts concerns about the fairness of entrance selection. On the other hand, to the extent that anonymity has generally been considered a tool against prejudice, the Dowa movement has fought against discriminatory hiring practices by setting up application forms without columns for birthplace, parentage or any other information that might lead to discriminatory practices.

### *STEP EIGHT*

Dowa education always involved a communal element. This was further accentuated in the latter half of the 1950's when families faced with the unmanageable expenses of a supposedly free schooling provided for by the Constitution organized to demand free books and supplies. Out of these protests, the parents began to organize themselves. Focused at first on requesting better school conditions, they gradually enlarged their focus to their own child-rearing practices, to family life as it impinged on the children's education, and to mutual help.

### *STEP NINE*

Illiteracy among Burakumin has been disproportionately high. For many of the elderly, basic education was interrupted due to the multiplying effects of discrimination in the

schools and poverty at home and in the community. These illiterate adults have been trying to regain literacy in their community classes and 1996, there were about 600 such classes in Buraku communities. Using Paulo Freire's notion of critical literacy, the Buraku literacy movement emphasized the need for learners ***to read the world by reading the word***. Learners reflected with other learners on their past life experiences, finding out why they couldn't go to school and how they were discriminated against and suffered because of their illiteracy. These reflections and memories were expressed in writing, based on the skills they began to acquire. By becoming literate, the learners also developed the will and the power to express their wishes and expectations, often hidden from them. One cultural activity, called Ogari - to speak out - is a collective stage performance of Buraku experience based on the stories written and/or told by literacy learners. Parodies and dramas are created and jointly produced in an atmosphere of warm and caring human relations.

A variety of programs are now provided widely at community centers, schools and workplaces in the forms of symposia, lectures and small-group discussions, TV and radio programs, printed materials, signboards and advertising of anti-discrimi-nation slogans.

In practice, learning deeply from the reality of discrimination means for learners to acquire knowledge about Buraku issues, for teachers to preach tolerance and values of justice and equality; but also, for both teachers and learners

- to reflect on their own personal values
- *to understand through their own experience how these values may feed, even unintentionally, into discriminatory practices*
- *to recognize his/her own relation to discrimination and to transform him/herself.*

On a larger scale, this has translated into a growing concern for global Dowa education, since the movement has, over the past 15 years, become truly pluralistic, culminating in the foundation in 1988 of IMDAR - the International Movement Against all forms of Discrimination and Racism. The Buraku are actively dialoguing with other educators and NGOs committed to intercultural education, gender-equality, human rights of the disabled, and development education designed to cultivate among children and adults an awareness of global inequalities.

## b) *Literacy And People's Science For National Integration, Self-Reliance And Regeneration* [14]

### *Background*

The expectation at the time of independence, over 50 years ago, that political freedom and representative democracy would assuage the conditions of the people of India has obviously not turned out to be true, since people continue to battle with poverty, exploitation and ignorance. This calls for renewed and vigorous efforts towards a participative and democratic social order that can bring about social change based on justice, equality and cooperation. It has been demonstrated, again and again, that a massive change in social order is facilitated through efforts in mass literacy. With over 50% of the country□s population still illiterate, integrating processes that fight political, social and economic marginalization of people with mass literacy can provide the necessary vigor and capability for rapid change.

Early attempts to spread literacy met with a rather passive response. In 1989, the Kerala Shastra Sahitya Parishad (KSSP), one of the pioneering People□– Science Movements (PSMs), undertook a massive literacy campaign in the district of Emakulam. KSSP made use of *kalajathas* - multimedia multi-cultural caravans - reaching out to every nook and cranny of the district to create a favorable environment for the literacy program. The district administration and the KSSP organization, along with various other voluntary mass organizations worked hand in hand. Hundreds of thousands of young men and women came out to become voluntary literacy teachers. The campaign approach of Emakulam proved to be a major success and in 1989 the National Literacy Movement decided to replicate the Ernakulam experiment nationwide in a broad-based experiment for propagating literacy, using the All India People□s Science Network (AIPSN).

**INTERNATIONAL LITERACY YEAR, 1990**

The Work of Bharat Gyan Vigyan Jatha

- creating a demand for literacy amongst the people
- building up people□s organizations to implement ensuing district campaigns

The *kalajatha* was a powerful medium that packed its messages in popular cultural idioms and forms, while linking literacy with many basic livelihood problems, not excluding political aspects of exploitation, oppression and discrimination against women. The basic principles of the Ernakulam model were:

- *mobilization using local cultural forms*

- *motivating voluntary teachers to take up the actual* task of teaching

- formation of people's structures from the district *to the village levels to implement and monitor the programs.*

District administrators were expected to be active facilitators in the process. The movement became an unprecedented national mobilization, especially of the women and the rural youth, in 40,000 villages in 1,250 districts of the country. Literacy ambassadors were appointed in districts, and state coordinating units set up. The University Grants Commission (IJGC) offered literacy fellowships to willing college and university teachers as part of its Faculty Improvement program.

**BGVS articulated literacy as**
**a strategy**
**for mobilization leading to empowerment**
**which was intended to be transferable to other issues**

*When women of one small village launched a blockade against arrack liquor, it motivated the others, leading ultimately, after a prolonged struggle, to prohibition, not only in their district (Nellore), but in the entire state of Andhra Pradesh.*

*Young women volunteers played a central role in the literacy movement, which was effectively channeled into other women's empowerment areas. In Pudukottai (Tamil Nadu state), it took the form of enhanced female mobility through mass "bicycle marches" by women. Later it took the form of the creation of cooperatives by women quarry laborers. At the most general level, the literacy campaigns contributed to the women's movement's conscious attempt to fight gender stereotypes and construct a positive image of women.*

*The People's Savings' Movement, started as the Podupulakshmi scheme in Nellore (Andbra Pradesh state), then in Kanya Kumari (Tamil Nadu state) and further spilled across district borders, to spread across the country. Thus the literacy drive metamorphosed into a program to generate women's employment.*

*THE BASIC PEOPLE'S MOVEMENT CHARACTER OF THE CAMPAIGNS, INSISTING ON A CREATIVE, LOCALLY ADAPTED STRATEGY AND CONSTANTLY RENEWING ITSELF EVEN WHILE KEEPING CLEAR OBJECTIVES, HAS BEEN AN INGREDIENT FOR SUCCESS*

During the nationwide Samata campaign, eight women's kalajathas were organized. Starting from eight centers of the country around March 8,1993 they traveled for a month, covering more than 20 states, with two to three performances every day. On April 8-9, 1993, this Gyan Vigyan Jatha of women for education, equality and peace converged in Madhya Pradesh for a final rally and a national convention.

### Initiating change from within

From its successive campaigns on Total Literacy to Post Literacy and Continuing Education, BGVS went on to a program of science popularization and related developmental activities. From the outset, the Science Jatha (BJGVJ- Bharat Jan Gyan Vigyan Jatha) aimed at interacting with the nation's pace-setting institutions in the hope of learning from them and in turn sharing with them what was learnt through Jatha work. Eventually, a meaningful relationship evolved with some official organizations. The Councils of Science & Technology in Assam (ASTEC) and Himachal Pradesh (HPSC for Science, Technology and the Environment) became partners in the work and inspired social action groups.

## JATHA PROJECTS STRENGTHEN COMMUNAL HARMONY AND NATIONAL SOLIDARITY

- The SOCs of Bihar, Orissa and West Bengal took joint initiative in the field of elementary science education.
- The SOCs of Manipur, Nagaland, Assam and Himachal Pradesh organized work on the utilization of natural resources in a sustainable model.
- The Maharashtra SOC organized State-level workshops on the Universalization of Elementary Education (a Satara DOC initiative) and Watershed Planning (a Ratnagiri DOC initiative).

- The Bihar SOC selected three regional issues for special attention: problems of flood-prone zones; problems of drought-prone zones; and hill tribes development in south.

- Given its rich experience in food preservation and related activities, the West Bengal SOC organized a training program for the eastern and north-eastern States.

- The DOCs of Latur and Osmanabad Districts in Maharashtra organized relief and survey work in the wake of an earthquake.

- The BJGVJ workers of Vijayawada DOC (Andhra Pradesh) organized a workshop on Women and Health Systems - Towards an Indigenous Approach.

- The Saran DOC organized a workshop on food and fodder resources for neighboring Districts in Bihar and Uttar Pradesh.

### *Unexpected Problems*

In some local outposts, over-dependence on official agencies and their bureaucratic work styles tended to cripple the BJGVJ efforts to seek people's participation. There is confusion regarding the nature of the relationship that should exist between official machinery and a social movement. On the one hand we have those who carefully evaluate the social character of the Government development programs and judiciously link up with these to facilitate people's initiatives. On the other hand, we have those who prefer to jump on the bandwagon of Government schemes, especially if they are internationally funded and regulated.

### *The Real Challenges*

The Jatha activists must find new ways of relating to official agencies such that a participative and transparent work culture would permeate the future task of reorganizing the various BJGVJ bodies. The People's Science Jathas were faced with the need to build up working relationships with other pre-existing social movements, voluntary organizations and processes, and to establish meaningful links with like-minded streams of change and development.

#### LEARNING

The majority of the Jatha workers acted on the presumption that they were the repositories of knowledge and wisdom and that their primary task was to merely deliver these to the passive masses. The awareness was lacking that the people's science activists had to learn at least as much, if not even more than the people themselves. Only those who know how to learn well also know how to teach well. This two-way learning process is a pre-requisite for meaningful social

#### UNLEARNING

Unlearning obsolete ways of doing things, casting away obscurantist habits of thinking and changing ineffective styles of communication, are probably far more difficult propositions than learning afresh. Being aware of this and of the need to wage a relentless struggle against pre-determined mind-sets is more than half the battle won.

## MASS ACTION FOR NATIONAL REGENERATION
### MANAR: FEELING THE PULSE

*How do we move from the phase of a well-formulated Jatha program to the phase of a rather ill-defined, region-specific and plural MANAR process and still maintain a sense of common purpose?*

*What mechanisms shall promote parallelism, networking and multiple autonomy and make us conscious at the same time, of complementarity in each other's work?*

Many activists had secretly expected clearly formulated action programs, backed by step-wise instructions, guidelines, modules and scheduling. There was pressure for ensuring uniformity. It is here that we had to resist all temptations. Various consultation groups and regional conferences were organized throughout the country. Innumerable letters, reports and project proposals were exchanged, which led in September 1993 to the MANAR Preparation Phase.

### THE MANAR PREPARATION PHASE

We would undertake all those activities which may help to catalyze this process, introducing necessary skills and concepts, documenting and analyzing experiences and laying the foundation for a self- perpetuating MANAR. While all this is happening, it is quite perceivable that many tiny or large well-formulated projects may be initiated. However, we must always be aware that MANAR perceives projects somewhat differently from what has been the norm in Government or probably even in a large part of the voluntary sector.

- *project must emerge out of people's own initiative and reflect their perception of developmental needs and life styles .*
- *the cultural and physical resources of the people are expected to influence not just the content but also the organizational structure and the nature of their participation. We would prefer to wait and put in more energy and ingenuity in building up an appropriate social base, rather than rush into a project that might turn out to be something alien or transplanted from without.*
- *If a project is not rooted in people's genius, it is likely to begin to wither away the moment a BJGVJ activist or team withdraws from the scene. If this happens, it would only mean that we have learnt nothing from the developmental experience of the several decades since independence*

- *the activists themselves have pointed to the role of a dynamic relationship between re-construction and struggle in social transformation*

The following activities would be initiated and operated either in tandem or with considerable overlap. It is neither possible nor desirable to schedule them in any strict sense since these are expected to be taken up as per the felt need of the area or the capacity of the concerned team.

**District Conventions**, with both **Pre-Convention Gearing-up** and **Post- Convention Follow-up Components**, aimed at identifying local resources and potential participants, formulating tasks and priorities and generating people's science in villages and other localities.

**Geo-cultural Perspective Groups**, to focus attention on macro-issues, priorities and options available for social or developmental action in various geo-cultural zones of India.

**Institutional Fora** for catalyzing transformation from within various institutions from the village level upwards to the State or national level.

## Platforms for Experimentation - Goals and Ideals

A ***Science Corner*** (Vigyan Kona) in every Primary School

A ***Science Club*** (Vigyan Club) in every Middle School

A ***People's Science Campus*** (Jan Vigyan Parisar) in every High School which will work out ideas on the interface of science and society, including the application of science to development.

A ***People's Science for National Reconstruction Group*** in every College and University. This is envisaged as a forum which will first document information on the physical and cultural resources of a region, prepare inventories, chalk out work plans and also identify people who are willing to participate in developmental action. The focus of the forum shall be on interaction with the academic and research functions of the College I University with the objective of relating these with the social realities of the region. Eventually, this should lead to a fundamental transformation of the structure and content of curriculum, courses, examinations and research programs.

***From Research to People's Science*** (Shodh seJan Vigyan) is envisaged as a forum in our research laboratories or field sub-stations that would review the research perspective in which the laboratory needed to re-work its priorities and formulate the direction of research afresh.

***Development Through People's Science*** (Jan Vigyan seVikas) would be a forum of official and non-official development agencies, including the local industrial and agricultural organizations. This forum may review not only the policy frame and its implementation, but also look into the question of creative solutions to people's problems through participation of development-related institutions.

***People's Science for Industries, People's Science for Health*** and ***People's Science for Agriculture*** are viewed as fora at various levels ranging from individual industries, health centers, hospitals and agricultural extension agencies to pace-setting or policy-making bodies at the State or the national level, such as the Chambers of Commerce and Industry, Indian Medical Association, Agricultural Prices Commission, the Planning Commission, Parliamentary Committees, the National Technology Missions, and so on.

***People's Science and Culture*** and ***People's Science and Media*** could be effective fora for transforming the dominant perspective in which cultural bodies and media operate, often in alienation from the oppressed sections of the society.

*-How do we evolve a structure that would provide ample scope for multiple autonomy and parallel, yet mutually supportive, creative processes?*
*-What would be the design of social organization in which people do not feel constrained and yet have the possibility of fertilizing each other's ideas, complementing each other's strengths, kindling each other's dreams and above all, working towards a common goal?*
*-What kind of Government funding and in what proportion is desirable and what are the limits beyond which the Government support may even begin to constrain and distort genuine participation by people? The question of funding is intricately intertwined with other questions.*
*-What is an appropriate organizational structure that would allow democratic participation in decision-making and encourage broad-based involvement of all sections of society?*
*-How do we strengthen the process of unlearning obscurantist, heirarchical and compartmentalized modes of thinking and acting? What creative measures can we adopt for promoting scientific temper, harmonious social behavior and inter-disciplinary functioning?*
*-What are the parameters that define sustainable development? How is this issue related with the critical need of exploring an alternative life style that is rooted in indigenous socio-cultural conditions and, at the same time, allows India to be modern on its own, rather than on borrowed, terms?*
*-What role can BJGVJ have in initiating transformation from the prevailing consumerist, disparity-causing and unsustainable paradigm of development to one which is humane, non- violent and environment-friendly? That is, towards a truly Swadeshi alternative in Gandhian terms?*

It reflects the common perception of a community regarding its priority of development and also how prepared it is to exercise the available options.

The community perception is translated into developmental action through the collective will of its members, with the people's science activist playing a critical catalytic and supportive role.

The developmental action is rooted in the local or regional context- geographic, socio-economic, political and cultural - and is conscious of the need for a sustainable relationship with the natural resources.

A genuine two-way learning process, with the activist learning at least as much as the community, continuously informs and enriches the developmental action.

A scientific approach in analyzing the direction of development as well as in undertaking mid-course corrections permeates the entire exercise.

The underlying thrust is to build up people's alternatives in development which would eventually begin to feed into the formulation of nation's policies.

While acting, the community strives to ensure democratic functioning, equity and justice, and also a sense of open-endedness.

The programmatic design shows a commitment to restructure society such that the process of marginalizing women, *dalits* and tribals is steadily reversed.

A systematic attempt to integrate the location-specific developmental action with the macro-perspective of a geo-cultural region provides the continuing basis for re-modeling of the original design from time to time.

Paralleling and networking with other similar processes such as people's movements, voluntary groups, governmental programs or individual initiatives, is a central concern .

**The real miracle is neither to walk on water nor on thin air, but to walk on earth.**

Thich Nhat Hanh
Vietnamese Buddhist Monk

## c) *The Status of Human Rights Education in Sub-Saharan Africa*

By Pramila Patten[15]

### *Background*

For decades, concerned individuals, including lawyers, journalists, trade unionists and members of religious organizations, have monitored and reported upon human rights violations, often in the most hazardous of circumstances. However, what is new for many African countries is the emergence in recent years of open and self-professed human rights organizations. Especially since the late 1980s, these voluntary associations of citizens have taken on the task of monitoring abuse of human rights, educating the people about their rights under national and international law, and making recommendations to governments about how to improve their protection of human rights.

Democratic changes have swept across Africa, particularly since the end of the Cold War, and there has been a consequent increase in space for the institutions of civil and popular society - not only human rights organizations, but also political organizations, trade unions, women's organizations, law societies and others. However, this process of democratization is only one pattern. At the other extreme are countries such as Rwanda Liberia, where nascent human rights organizations are unable to function in situations of total political breakdown and civil war.

In countries such as Kenya and Senegal, where civil society has a stronger history, economic doctrine impedes African rights groups from addressing the impact of structural adjustment policies from the perspective of social and economic rights. It is not that human rights groups should align themselves with a single alternative view, but rather that they should take as their starting point the human impact of any policy. Thus a vital aspect of their work has to be monitoring the impact of economic policies on the economic and social wellbeing of the population. The human rights movement risks becoming marginalized if it is unable to address issues of such primordial importance.

### DISTINGUISHING BETWEEN VIOLENCE AND HUMAN RIGHTS VIOLATIONS

Many African countries are plagued by ***political violence***, which creates enormous difficulties for the work of human rights organizations. In an increasing number of cases this violence is ***instigated by government agencies*** and carried out by surrogate bodies. In part, the intention is to evade detection by human rights monitors, both local and national.

By presenting violence as somehow traditional and resulting from ***deep-seated ethnic rivalries***, African governments succeed both in pandering to the common Western caricature of **the dark continent** and in evading responsibility for their own actions.

The very characterization of such abuses as violence rather than human rights violations serves to conceal their real nature and carries the implication that all bear an equal responsibility for its resolution. Thus, in South Africa "the violence" was largely instigated by the government-supported Inkatha movement against supporters of the then-illegal African National Congress. It was inaccurately represented as stemming from "tribal" rivalry between the Zulus of Inkatha and other ethnic groups. In reality, as the recent elections showed, many Zulus support the ANC and the violence is largely political in nature. In Kenya, the government sponsored members of the Kalenjin ethnic group to attack settled Rift Valley communities which were expected to vote for the opposition in the country's first multi-party elections in 1992. Many voters were disenfranchised by being driven from their homes and sixteen government candidates were returned to parliament unopposed. Yet this repression is usually referred to as "tribal clashes." The clearest example of the potential outcome of these tactics can be seen in Rwanda, where a government which was obliged to accept a transition from one-party to multi-party rule employed party militias to harass and repress the opposition. In that case, government tactics were well documented by human rights groups, yet the international community ignored the issue until "violence" spilled over into genocide.

This use of "privatized" or surrogate repression poses particular problems for human rights groups, not least the need to ensure that the international community clearly understands ***the complicity of governments in instigating violence***. This will require greater cooperation among human rights groups in order to share an understanding of these new repressive methods. Groups will also need to develop and refine their investigative techniques in order to ensure that these abuses are fully documented.

## CHARACTERISTICS AND PROBLEMS OF HUMAN RIGHTS NGOS

- An "African human rights movement" is more wishful thinking than reality. The lack of contact and exchange of experience and materials among groups in different African countries is clearly recognized by human rights activists themselves, but is nevertheless difficult to overcome.

- Organizations often fail to consult with each other and coordinate their activities, let alone coordinate with other sectors of society with interests and activities in common, such as the media or the legal profession. A particularly acute example of this lack of contact and coordination lies in the split between Francophone and Anglophone human rights groups. It is sad and dispiriting that colonial political rivalries, perpetuated by post-independence governments, should continue to find a reflection in the human rights movement.

➜ In this, as in several other areas, the women's groups have made a stronger effort than most to overcome the linguistic division. Even where regional human rights bodies exist--such as the Union Interafricaine des Droits de l'Homme (Inter-African Union for Human Rights), based in Burkina Faso--they tend to be hampered by political and personal rivalries, as well as organizational weaknesses.

➜ Few of the organizations either monitor or evaluate the effectiveness of their operations in order to integrate these lessons into the next stage of their operation and development.

➜ A vast number of groups define their main function as ⅓ human rights education" - a rubric under which a wide variety of activities take place. Unfortunately, the methodology and the content of many such programs are ill-defined and inappropriately targeted. A clear need exists for human rights organizations to better conceptualize and execute such educational programs, not only to ensure their relevance to the community addressed, but in order to carry them out in a sustainable fashion.

➜ The work of most human rights groups in Africa has tended to focus predominantly, if not exclusively, on rights in the civil and political area - freedom of expression and association, political participation, the right to be free from arbitrary detention and torture. This emphasis is perhaps due in part to the significant involvement in human rights initiatives of lawyers, journalists and other professionals whose interests and activities tend to be substantially affected by infringements of these types of rights. It is essential to the future effectiveness of human rights organizations in Africa that they broaden their work to include economic and social rights. At the same time, groups that have sought to do this have often been seriously constrained by the lack of involvement of individuals - social workers, statisticians, medical professionals, economists - who have the expertise that an organization needs to be able to monitor and report effectively on these rights. In addition, many groups have the perception that donors are less interested in supporting work on economic and social rights.

➜ In many countries, there is a tendency towards duplication and overlap among groups and a significant lack of coordination in their activities.

➜ Most groups are based in towns - and above all in the capital city - in a continent where the population remains overwhelmingly rural. The capital cities have their own dynamics and are often not representative of the human rights issues which most people face in the rural areas or even in provincial towns. Church groups have generally been more effective in this regard - probably because they have a ready-made national network, and other human rights organizations could usefully modify this experience to suit their own aims.

➜ Human rights groups are not immune to the ethnic, racial and class divisions, which affect

the societies in which they operate. This is most striking in the human rights organizations in southern Africa, which inevitably reflect the division of labor imposed by the racist states of South Africa and Rhodesia.

- Elsewhere, human rights groups may be perceived as reflecting ethnic biases, especially in a situation where violent ethnic conflict is a major human rights issue. Monitoring such situations can be particularly difficult if a human rights worker belongs to one or the other of the ethnic groups involved in the conflict; his or her impartiality is likely to be called into question. In other situations human rights groups may also reflect the concerns of the dominant (and particularly urbanized) groups in society rather than marginal groups such as pastoralists, hunter-gatherers and other minorities.

- There is a lack of internal processes to include program level staff, such as staff attorneys, researchers or journalists, in decision-making. Many of the organizations visited were "one man shows". Sometimes, this may be due to funding constraints, but even in the organizations with a large staff, the head of the organization dominates, often making decisions with no consultation with anyone at all.

- There is a noticeable dearth of women in professional positions in African human rights organizations, except for those specifically dedicated to women's issues. The organizations need to think about genuine ways in which they can bring women into leadership roles in the movement.

## TRAINING NEEDS OF AFRICAN HUMAN RIGHTS NGOS

### Fact-finding, investigating and monitoring

The investigation and reporting of abuses is seldom identified as a training need and is not a popular area for funding. A large number of groups could benefit from training in investigating abuses of economic and social rights. Some groups require sophisticated training in forensic techniques, while others need basic training in establishing and checking facts.

### Monitoring

This category includes monitoring demonstrations, elections, trials and media reporting.

### International and regional standards and mechanisms

The potential uses of international human rights standards and mechanisms in the work of an organization depends on the susceptibility of the government to international pressure and the status of international law in the domestic legal system. Of particular importance would be training in the application of international standards on economic and social rights. In many countries, however, there is such a lack of understanding about the potential uses of international standards

and mechanisms that groups are not even aware of the value that training could have. In many of the francophone countries, for example, it is constitutionally permitted to apply international law in the local courts, but it is rarely done. In Nigeria, however, where the African Charter applies as local law, the human rights groups have succeeded in educating themselves and the court system as to its uses.

In South Africa there is now some consideration of the potential use of the United Nations instruments and procedures but none of the African Charter on Human and Peoples Rights. In general, the women s groups across Africa have tended to be more sophisticated about the uses of international mechanisms.

### Legal Aid

Although a large number of organizations in Sub-Saharan Africa provide legal advice and assistance, the demand far exceeds existing capacity, particularly in rural areas where there is a dearth of lawyers willing and able to provide free legal assistance. In this context the use various organizations make of paralegals - non-lawyers trained to provide a wide range of advice and assistance on legal issues - becomes a key to the ability of organizations to respond to the demand they face from the population. Training needs in this area include such questions as how to structure and operate an organization using volunteer lawyers, how to ensure that legal assistance is available to rural populations, and how to train individuals to provide effective paralegal services.

### Campaigning and lobbying

Lobbying or the use of public campaigns depends on the particular conditions in the country and its human rights groups. Press releases, billboards and government lobbying which might be useful in a country with a relatively strong government or an engaged population would be useless in a country, such as Zaire, where there is neither. Thus strategic planning is crucial, with a particular need to identify how information can be most effectively used. Once this is done, training in specific campaigning techniques could be useful.

### Documentation

Documentation, in one form or another, is a need for all groups, whether it is to document the group s own investigations or to create a resource center serving the community. In some countries one group has emerged which is able to act as a documentation center for the human rights movement as a whole. Training would have to consider both documentation techniques and the uses of documentation.

### Popular education

This is perhaps the area in which African human rights groups have most experience and expertise, since almost all are engaged in human rights education at one level or another. Nevertheless, the continuing need for popular education in human rights is overwhelming.

Sharing of information among African human rights groups regarding strategies and techniques, as well as actual training materials, would be most useful.

**Excellence in a specific area of work does not automatically translate into excellence in teaching others how to do that work, and this is no less true in human rights than in other fields. At the same time there are currently very few programs in Africa, or elsewhere for that matter, that in any substantial way train experienced human rights workers how to translate their experience into teaching materials and training programs for others.**

## SOME TRAINING METHODS FOR AFRICAN NGO'S

### Internships or professional attachments

Organizations who had hosted interns expressed mixed opinions about internships, questioning the usefulness of interns to their ongoing work. At the same time these same organizations usually expressed interest and willingness to be involved in exchanges with colleague organizations that refer students from universities in the U.S. or Western Europe. These typically spend two to three months in the host country. The organizations' reservations often seemed to focus on:

*-the lack of preparedness of a number of the interns*
*-the lack of serious attention by a number of the interns to the work to be done*
*-the inability of interns, in such a short period of time, to make any significant contribution to the ongoing work of the organization.*

### Exposures or study tours

These are short-term visits to an organization or organizations of a few days up to a couple of weeks. They rarely enable any in-depth skill development to occur. On-site training occurs when an individual with experience in a specific area or areas of human rights work provides training to the staff, volunteers or members of an organization at the organization's locale. This can often be the most cost-effective means of enhancing the skills of a number of staff within one organization.

**If the full training potential of experienced human rights organizations or individual activists in sub-Saharan Africa is to be realized, programs focused on the pedagogy of skills training will need to be established to assist experienced activists to develop their capacity to train others. It would be most logical and cost-effective that such programs would be developed in Africa itself.**

# EFFECTIVENESS

## *Report on the Effectiveness and Strategic Planning of Cambodian Human Rights Grantees*

By Stephen P. Marks

### *Introduction*

The effectiveness of human rights education (HRE) cannot be assessed in the same way as formal education through such indicators as enrollment figures and test scores. Because it is holistic, participatory, community-based and related to social and economic change, HRE is effective to the extent that it is relevant to the learners' lives and their relationships with family, coworkers and the community. Whether and to what extent organizations engaged in HRE effect change at these levels depends on the prevailing political and economic climate, their institutional capacities and methods and their pedagogical assumptions.

This article considers these three aspects of effectiveness of human rights education by examining the problems facing human rights organizations in Cambodia that apply HRE in one form or another. It draws on an assessment of these organizations carried out by the author for the Asia Foundation when he was human rights advisor for Cambodia in 1998, updated with some more recent observations in 2003. It should be noted that the opinions expressed in this article are those of the author and do not necessarily reflect the view of The Asia Foundation or the United State Agency for International Development, which funded the assessment.

Some of the concerns regarding the effectiveness of HRE in the Cambodian setting will have parallels in other countries where a vibrant civil society is struggling to implement human rights under similar conditions of persistent human rights abuse, widespread poverty, corruption and illiteracy, negative impacts of globalization, combined with tremendous human potential, formal commitments by government to democracy and human rights, enhanced expectations of civil society and considerable support from the international community for efforts to enhance democracy and human rights.

The method used was to engage in extensive dialogue with the interested groups and their supporters and funders to learn what constraints they were facing and how they were responding. The summary of the findings of this assessment regarding the background is provided in Part One below. Part Two deals with some of the constraints on the effectiveness of the NGOs engaged in HRE. Part Three suggests some ideas for rethinking the pedagogy of HRE and examines an action proposal aimed at encouraging such rethinking Many of these ideas developed at the time have been implemented and, by 2003, Cambodia found itself once again struggle to re-establish political stability following

a national election characterized by intimidation and violence; the presence of the Cambodian Office of the High Commissioner for Human Rights (COHCHR) was once again under pressure; and local NGOs and their international partners were again in a process of a rethinking their priorities and methods for furthering human rights and democracy. Funding for human rights awareness and HRE more generally had become a lower priority for the US Agency for International Development in favor of more aggressive use of monitoring, investigation and litigation, thus necessitating increased support from other sources if the momentum for HRE is to be maintained. Such shifts in funding priorities are not uncommon and the prospects for HRE in all countries is a function of strategic thinking by NGOs, the evolving political climate and shifting priorities of international partners. In this sense, Cambodia is typical of how effectiveness for HRE can be addressed.

## *Part One: The Prevailing Climate*

Cambodia, which has had a tormented history of repression, civil war, genocide and international intervention, has been on a difficult road to democracy for the past decade. It has the potential of becoming a prosperous Asian democracy, capable of providing for the welfare of its 12.5 million people, four-fifth of whom live from subsistence farming, and contributing to the stability of the region. On the positive side, Cambodia enjoys a growth rate of over 6%. It has a constitution that is generally protective of human rights and civil society NGOs continue to flourish. Stability and growth are positive features but the people will not benefit from them unless and until human rights are protected under the rule of law.

Cambodia is struggling through a democratic transition, which began in September 1991 with the entry into force of the Agreements on the Comprehensive Settlement of the Cambodia Conflict (Paris Agreements). A democratic transition consists in the replacement of an authoritarian regime by an alternative form of government with three essential democratic elements: competitive elections, a constitution or basic law establishing a legal basis for a democratic regime, and the basic elements of participation by the population in political and civic life.

Cambodia has ratified the seven principal human rights treaties and the Cambodian Office of the High Commission for Human Rights (COHCHR) has worked laboriously with the Royal Government on the preparation of reports under the first six of these treaties, but few people in the government understand the obligations the government has accepted nor have they the inclination or power to bring legislation and practice into conformity with them. Yet they all raise urgent problems for human rights that cannot be solved at the level of political elites by adopting laws and writing reports. They require the active engagement of civil society, which HRE is singularly designed to stimulate toward that end.

Democratic consolidation requires much more than free and fair elections. Political scientists generally agree that a transition to democracy is not complete until and unless:

- the population no longer fears the agents of the state as exercising arbitrary and authoritarian forms of power
- leaders separate their public and private spheres of activity
- public authority is held accountable and subject to control by independent professional or judicial supervision acting in the public interest
- human rights are protected under the rule of law and an independent judiciary
-

**Possible tightening of restrictions on NGO funding and freedom of action:** The extraordinary freedom and influence enjoyed by the Cambodian human rights NGOs is due in large part to the government's dependence on foreign aid and awareness that donors and international organizations are not likely to provide infrastructural and institutional support to government sectors if their freedom to support civil society organizations is limited and if human rights groups, whom these donors and organizations have helped train and know well, come under repressive measures.

**Probable reduction in the amount of financial support foreign donors will be able to provide to them:** The Cambodian offices of bilateral and intergovernmental agencies tend to favor continued and increased support for human rights NGOs for the immediate future. However, decisions made in foreign ministries, by national parliaments and foundation senior management and boards of directors determine the quantity of resources made available to those field offices. Australian, Canadian, European and Japanese national agencies and inter-governmental organizations, which have been the strongest supporters of these NGOs in the past, along with the US, are under constraints to consider that the stability hoped for from the 1998 and 2003 elections will allow them to reduce the priority they have placed in the past on Cambodian civil society. The "war" against terrorism also puts pressure on them to consider other priorities in other Asian countries. Although political support for Cambodian civil society has been great among the donor community, their priorities for certain issues, such as HIV/AIDS and trafficking, may limit the opportunities to support HRE work according to locally established priorities.

**Possible departure of the Cambodia Office of the United Nations High Commission for Human Rights (COHCHR):** The COHCHR has provided considerable financial support to the human rights NGOs, as well as technical support, training and a degree of protection. However, periodically the Royal Government threatens not to renew the UN Memorandum of Understanding authorizing COHCHR to operate in the country. If that should happen, the HRE work of local NGOs will lose a natural ally and source of support. The more general importance of this vulnerable situation for HRE is that UN agencies, such as the OHCHR, UNDP and UNESCO, have a mandate to support HRE and local NGOs but also have to accommodate their principal clients in the country, namely the government. Ideally the interest of the government and NGOs should coincide in HRE but where that is not the case UN support for independent HRE efforts is vulnerable.

## *Part Two: Challenges to the Effectiveness of Local NGOs Engaged in HRE*

HRE cannot succeed unless and until it becomes part of the educational setting of the Cambodian people, which means not only in the formal education system but primarily through non-formal and informal educational settings. The informal educational environment depends on the capacity of local NGOs, primarily those with and explicit HRE mandate, to function effectively. Four impediments to that effective functioning are currently being addressed by the local NGOs and their international partners.

### *Internal Governance*

The traditional pattern of creation and management of NGOs in Cambodia tends to be dependent on one or two persons (usually having gained relevant experience in the border camps or in exile abroad) who come up with a solid idea, convince one or more donors to support the creation of an institution and hire staff to carry out tasks and serve at the will of the founder. As staff increases, departments and provincial offices may be created with coordinators to head them. The typical structure of the groups deployed in provincial capitals is an office with one coordinator, one or two investigators, one educator and one administrator. Many lack computers and cars and there is a considerable gap in the capacity of these groups to have an impact on the human rights situation locally. It is rare that the organization's structure, programs and decision-making reflect the elementary principles of sound management. The principles that are generally neglected are:

1. Decision-making authority on general policy and hiring of the executive director should be re responsibility a board with a vision for the organization but whose members have no financial or political interest in the products of the organization's work.

2. Real authority should be delegated to department and provincial heads so they can learn to exercise leadership responsibly over programs, leaving execution and planning of general policy and fund raising to top management.

3. Current leadership should nurture a □second generation□ of senior staff capable of deputizing for the historical director and eventually capable, should the board or other independent selection process so decide, to take over top leadership.

4. Senior management and the board should agree upon a clear definition of the organization's mission with integrated goals, objectives, and actions according to a realistic timetable.

5. The board should establish a financial management system with transparency in decision-making and utilization of financial resources so that staff and donors know exactly who is responsible and what is being spent for what purpose and with what impact. Even when financial control is established to meet donor requirements, several cases of improper

accounting and misuse of funds has led donors to cut off support and jeopardized the very existence of at least one major NGO specializing in HRE.

*Meeting these conditions is beyond the capacity of most Cambodian NGOs (and poses problems for NGOs in all countries). There are really four sets of problems, which require skill that are only acquired over time.*

**Institutional oversight:** It is rare that a board of directors exists and when it does it is usually a list of prominent names rather than a decision making body. There is a long socialization process to familiarize the board with its oversight responsibilities and, with a few exceptions, this has not yet happened.

**Delegation of responsibility to program managers:** Staff tend to see themselves in a rigid hierarchy under a charismatic leader and have little experience with participating in decision-making or thinking creatively about the future and have little inclination to do so.

**Preparation for succession:** A related problem is the failure to upgrade skills of the next generation of staff to take over leadership from the current one, two or three persons who guide the organization. The dilemma is that upgrading of skills of Khmer staff who have not had experience abroad is slow and expensive and it is not surprising that very few people besides the leaders have had such opportunities.

**Strategic planning:** Strategic planning is a weakness of NGOs even in the most developed countries and, in Cambodia, the most enlightened and dynamic leaders are so busy with the day-to-day running of the organizations that they have not got the time to engage in such thinking.

## CAPACITY-BUILDING IN DATA ANALYSIS AND COMMUNICATION

**The problem for all monitoring groups is inadequacy of skills in collecting, analyzing, presenting, communicating and following up on data concerning violations of human rights. Collecting and transmitting to the government or the UN events data is a highly successful role NGOs have acquired the capacity to perform. However, the long-term effectiveness of the organizations doing this type of work, particularly if the COHCHR is closed down, requires that they know how to analyze the data themselves, draw trends and present them convincingly, including in ways that meet evidentiary standards, and design and implement their own strategy for obtaining results, rather than relying on others to do so.**

### *Broadening The Thematic Focus Of Grantee Programs*

The training of agents of the state, particularly the police, the military police, and civil servants, comes closer to the narrow meaning of training in the sense that the content is usually the application of human rights standards, contained either in international human rights instruments, in the Cambodian constitution or in the Transitional Provisions on the Judiciary and Criminal Law and Procedure (UNTAC Law). The trainees learn the rules by which their behavior should be governed.

In the early 1990s, virtually every person detained or imprisoned in Cambodia had not been charged or tried in accordance with the most elementary principles of due process. Torture was systematic, summary executions common, and prison conditions were deplorable. Political violence raised doubts about the possibility for the United Nations Transitional Authority in Cambodia (UNTAC) to hold the elections required by the Paris Agreements under conditions of neutrality. The investigation unit of the Human Rights Component within UNTAC devoted most of its energies to these violations. Human rights NGOs at the time were reluctant to engage in human rights monitoring but with the protection of the UN, began learning techniques of human rights investigation from the UN, the Task Force Detainees of the Philippines and the International Human Rights Law Group. There was a natural inclination to follow the pattern set by the UN and always focus on the same four types of violations: summary execution, torture, arbitrary detention and prison conditions. While these need continued investigation, the magnitude of these problems has been considerably reduced. Torture is frequent but no longer systematic. Most detained persons are charged within 48 hours and tried within six months. After a decade, the NGOs have begun a process of considering a more effective division of labor in their investigations and a wider range of human rights issues.

***However, such training will not effectively impart skill unless the methods do more than enhance knowledge. They have to communicate values and attitudes and induce modification of patterns of behavior.***

The problem here is the lack of depth of pedagogical insight, without which HRE is hit-or-miss and a results-oriented human rights training and education effort is unlikely. My premise is that NGOs engaged in HRE cannot be expected to have an impact in this area unless and until their educational activities are based on an understanding of how people learn and what results derive from different approaches to education. Too much *briefing* is repeated under the guise of *training* or *education* without rigorous standards for measurable skills acquisition through effective training or alteration of consciousness through education in the deepest sense of the term.

The most extraordinary feature of HRE in Cambodia is the extent to which state institutions at the provincial and district levels rely on and welcome NGO training.

However, after a decade of human rights teaching and training covering impressive numbers of Cambodians in different social roles, it must be acknowledged that the peasants in villages, constituting 85% of the population, do not necessarily benefit from the strengthening of the role of the state, even if the police, judges, prosecutors, military, and civil servants receive human rights training. HRE has to be adapted to the needs of this largely illiterate segment of the population, beyond mass media dissemination. With a view to improving the effectiveness of human rights NGOs in Cambodia, twelve action proposals were formulated.

They are listed here in order to give readers an idea of how the author's assessment of the HRE situation in Cambodia was conducted. In each case, the problem to be addressed was briefly outlined, followed by suggestions for responding to the problem, the stages of implementation in addressing the problem, a list of possible cooperative partners, the estimated costs, and who would be in charge of follow-up. Extracts from one example of an action proposal related to HRE will follow.

### *A. ACTION PROPOSALS RELATING TO INTERNAL GOVERNANCE*

AP1: Planned Human Resource Development

### B. ACTION PROPOSALS RELATING TO THE THEMATIC FOCUS OF GRANTEES PROGRAMS

AP2: Strategies for linking human rights and social justice concerns

AP3: Public health and human rights policy impact assessments

AP4: Human Rights Advocacy relating to Small Weapons

AP5: Human Rights Action Program on De-mining and Land Use

AP6: Creating human rights communities

### C. ACTION PROPOSALS RELATING TO THE EFFECTIVENESS OF HUMAN RIGHTS EDUCATION

AP7: Human rights education project: a holistic approach to learning

AP8: NGO implementation of the UN Decade for Human Rights Education

### D. ACTION PROPOSALS RELATING TO THE EFFECTIVENESS OF HUMAN RIGHTS MONITORING

AP9: Training in Human Rights Data Analysis and Security

AP10: Effective access to and use of UN human rights procedures

AP11: Task Force on the Creation of a National Commission on Human Rights

AP11: Cambodian Campaign for Justice and the Rule of Law

AP12: Critical review of pending legislation

These proposals cover a broad range of issues, reflecting the concerns and priorities of the local human rights groups consulted. The specific interventions relating to HRE were proposed as follows:

## AP7: Human rights education project: a holistic approach to learning

The activities of human rights education (HRE) in Cambodia can be summarized in three types or modes of learning:

- "Briefing" in which a person supposedly possessing knowledge attempts to communicate information to learners through lectures and distribution of documents, often followed by a question and answer period. Some NGOs acknowledge the nature of this form of communication by calling it "dissemination;" others conduct what they call "training" or "education," even lasting several weeks, but its impact is of the nature of a briefing. The best that can be hoped for from the learners is a certain awareness of the issues. This form of learning has definite value but it is limited.
- "Training," in which skills are imparted by a trainer to trainees in such a way that they become capable of performing certain tasks that they could not perform before the training. The trainer often applies interactive and participatory teaching methods, such a simulation or role playing. This mode is applied especially to HRE directed towards police, gendarmes, prisons officials, teachers, and civil servants, including judges and prosecutors.
- "Education," used here as a process of acquiring new ways of thinking about and understanding the world. In the jargon of educational theory it is cognitive, attitudinal and behavioral. From the human rights perspective, such learning should contribute to understanding and acting on the basis of a holistic approach to human rights.

The human rights NGOs in Cambodia all do briefings, and many do training, but almost none does education. The vague awareness that comes from briefing is valuable but must not be confused with "usable knowledge." Training is valuable as "useable knowledge" when the learner, for example, a police officer, actually learns how to bring an accused before a judge, or a medical officer learns how to examine a rape victim, and ***then practices what has been learned***. The evaluation of the impact of such training is usually limited to exit quizzes about how many rules the trainees have been able to recall but not about whether their behavior as law enforcement or medical officers has changed. The challenge here is to ensure that the good training that is conducted results in improved human rights practice by the target audience.

A special case is training of teachers. Much of the good training is in classroom comportment of teachers, such as showing respect for pupils, imparting in them a spirit of respect for and willingness to help their comrades, and encourage curiosity and group problem solving. These skills are improvements over traditional hierarchical relations between teachers and pupils and rote learning of subjects and are conducive to productive discussion of human rights in the classroom.

However, such "human rights teaching methodology" should not be confused with HRE as described above. The holistic approach to HRE is where the most progress can be made in Cambodia. Another way of describing it is a "reconstructionist." Betty Reardon writes:

"Teachers who undertake human rights education usually do so with the general purpose of developing the capacity to engage in social change. For such purpose, a reconstructionist approach demonstrates how human rights movements emerge, gain social support, and produce both attitudinal and legal-structural changes in society. When such an approach is presented in a conceptual, values-based framework, it can be used to complement the historical or international standards approaches. It can also stand on its own as an avenue for demonstrating to learners the possibilities for using knowledge of human rights to directly affect the works in which they live."

More specifically in human rights terms, this mode of HRE engages the learners in analyzing the structures and processes that result in victimization through human rights violations, especially their own victimization, and encourages them to work together on strategies to overcome those obstacles to the realization of their rights. Human rights concepts and protection mechanisms are brought into the learning process by the "facilitator" (a more accurate term than "teacher") only after the learners have reached, on their own, a level of analysis in which those concepts and mechanisms are relevant to and useful for their strategies of change. The human rights concepts and mechanisms are thus never presented as abstractions which the audience is expected to learn, but rather elements of a process they "own" in their transformation from "objects" to "subjects" of history, to borrow the terminology used in the "pedagogy of the oppressed."

In the non-formal educational environment, HRE is aimed at "empowerment," which Richard Claude defines as "a process through which people and/or communities increase their control or mastery of their lives and the decisions that affect their lives. Non-formal human rights education for empowerment does not treat students simply as receptacles to be filled with useful ideas and information, as if knowledge is an object to be received rather than a continuous process in inquiry and critical reflection."

There is experience with HRE adapted to the realities of people's lives and curricular methods and materials geared toward "reconstructionist" or "empowerment" education as described above. Examples for primary and secondary schools are found in Betty Reardon's *Educating for Human Dignity* and for non-formal education in Richard Claude's *Bells of Freedom*. The international NGO, People's Decade of Human Rights Education has promoted this approach worldwide.

Activities proposed here will introduce the human rights grantees to the distinctions between briefing, training and education and will encourage them to re-examine their approaches to the target audiences they address. The process of overhauling basic instructional materials and especially of radically altering the pedagogical goals of courses is a slow one and is likely to be resisted by senior staff, who are afraid of complicating relations with donors, and by educational staff, who are set in their ways.

**The two principal changes contemplated for NGOs shifting from a human rights teaching methodology to reconstructionist human rights learning are:**

a) to review the objectives and methods of "training" and redefine the curriculum and instructional methods as well as evaluation techniques to reach those objectives; and

b) to reflect on and test HRE adapted to the lives of the learners, especially at the so-called grass-roots level.

The process can only work if the NGOs develop their own commitment to more effective task-oriented training and to HRE that is responsive to the realities of peoples' lives. To do this it is essential that they work out learning exercises with groups of learners, similar to what was done with Action Professionals Association for the People, Addis Ababa, Ethiopia. A human rights educator would work with a group of villagers, monks, police officers, students, or even a mixed group as a pilot group to develop the methodology.

The group would decide on the kinds of materials and methods to use. This process can take two weeks of constant brainstorming. The important element is to involve people who represent the constituency of learners.

The proposed states of implementation for this project are as follows:

1. Conduct a workshop with the principal NGOs that have expressed an interest in exposing their education staff to a wider range of pedagogical approaches than they currently engage in.

2. Approach the other NGOs that engage in HRE to explore whether there is any interest. It might be necessary to alert them to the limited impact of their educational efforts without challenging the value of the tremendous effort they have put into education.

3. Adapt and translate one or more chapters of the leading HRE manuals (such as those by Reardon and Claude) and support NGOs in pilot testing them, preferably when Richard Claude can be present to observe and guide.

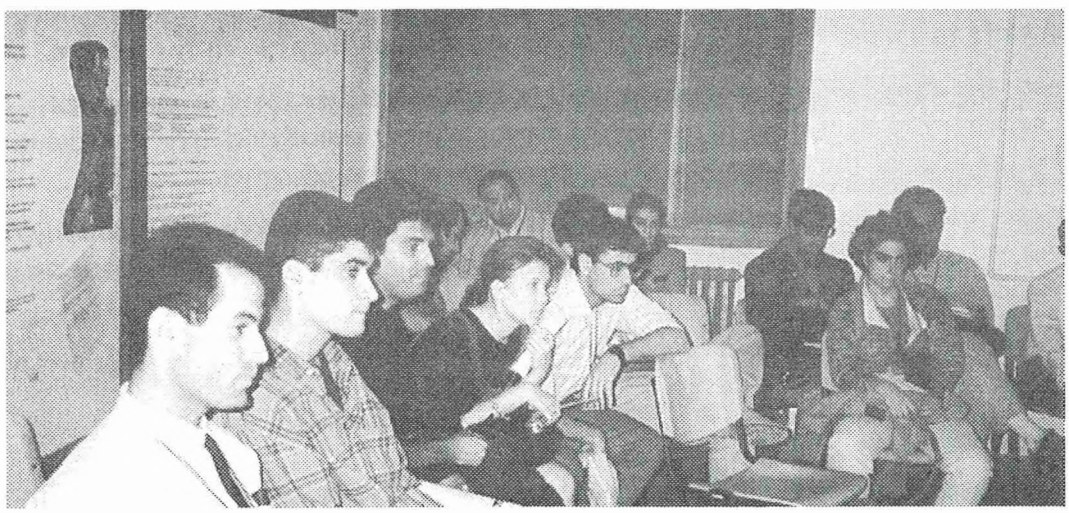
4. Consider proposals for revamped educational programs of NGOs based on the principles above.

### *Final Remarks*

Since emerging from decades of civil war, occupation and repressive leadership, Cambodian society is struggling to establish a stability and peace based on Buddhist principles and human rights. Cambodians in exile during the 70s and 80s and many who stayed in Cambodia throughout those years of deprivation, have created a remarkable set of human rights organizations, many of which place HRE at the top of their agenda. Given the constraints under which they operate, they have been remarkably effective. The observations presented in this report reflect efforts taken in 1998 by the Asia Foundation to work with their human rights grantees to improve their effectiveness. The Asia Foundation and other donors have been continuing this effort and many insights have emerged.

The election of 2003 was the third time since emerging from civil war that Cambodia made a major stride in democratic transition, with all the problems of intimidation, violence, inefficiency that were present in 1993 and 1998 but also with incremental improvements.

The strategic approach to effective HRE proposed here was in three stages, First was to survey the prevailing political and economic climate in order to map the constraints on and opportunities for HRE that is responsive to the contextualized needs of the society. The second step is a critical review of the institutional capacities of the organization best positioned to facilitate effective HRE. The third is to look critically at the currently applied pedagogical assumptions with a view toward the application of "reconstructionist" and "empowerment" dimensions of HRE. Once these strategic steps have been taken, an effective HRE program can be put in place. This process has advanced in Cambodia but human rights NGOs and their partners continue to face the same issues of effectiveness in terms both of their institutional capacity and as agents for HRE. This experience may be of value in other countries, especially those emerging from conflict, as they see HRE as a means of translating participatory democracy from formal political commitment to actual experience of the people.



# PART 8: HOW GLOBALIZATION IMPACTS COMMUNITIES IN THEIR EFFORTS TO ARTICULATE AND PROTECT THEIR HUMAN RIGHTS

## a) WINNERS AND LOSERS

By Upendra Baxi

We now need to face the task of clarifying the complex relationship between globalization and human rights - a difficult task because conceptions of globalization vary, and so do ways of evaluating its processes, promises and perils.

The □G□ word carries the tyranny of the singular; but it speaks to multiple and diverse realities. From human rights perspectives, it is clear that no matter how globalization is described, explained, and understood, its histories produce both *winners* and *losers*, and the winners have very different ways of seeing globalization than the losers. How to construe these categories is part of the problem. Armed with a militant understanding of human rights, we now designate *losers* as peoples subjected to violent social exclusion and even physical annihilation. Thus various forms of colonialism, imperialism, fascism, racism, patriarchy, and capitalism, for example, have been deployed to name the losers. We may also include within this range contemporary globalization as producing a surplus of evil.

> *Perhaps, the most important task facing human rights education is to assemble divers understandings of voices of those most inimically affected by contemporary globalization processes.*

## THE THREE G□S

### *G ONE*

**Commerce Christianity Civilization Conquest**

If we were to regard globalization as a process by which people of the world are incorporated in a single world society, the first, and most long lasting form of globalization is marked by the colonization of most of the world. In G1, physical occupation and political subjugation of colonized peoples emerges as the collective human right of Euro American peoples to an Empire.

Its impact is still felt in the daily lives of ex-colonial peoples, so complete was the devastation. Human rights educators commit a grievous error when they ignore G1 as a thing of the past. The Euro American □past□ continues to be the here and now, lived in the present for millions of decolonized human beings.

### *G TWO*

G2 creates solidarity values which "*take the real world of five billion people as an object of concern, the whole earth as a physical environment, everyone living in the world as the world citizens, consumers, and producers, with a common interest to solve global problems.*" ( Albrow and King, *Globalization, Knowledge, and Society*).

**ESSENTIAL TEXTS**
Dadabhai Naroji□s ***Poverty and Un-British Rule in India***, Mahatma Gandhi□s ***Hind Swaraj***, Walter Rodney□s ***How Europe Underdeveloped Africa,*** and the corpus of Touvalou Houenou, Lamine Senghor, Garan Kouyate, Frantz Fanon, Amilcar Cabral, Edward Said and Noam Chomksy

This phase of ***concrete ethical universalism*** marks the emergence of contemporary human rights norms within the various phases of Cold War. The major text of G2 is the Universal Declaration of Human Rights, which pulsates in every word with the repudiation of the grammars of G1. The United Nations becomes an arena perfecting the global institutionalization of human rights. It also marks the advent of the Third World as a major articulator of progressive notions of human rights and global governance. G2 is the birthplace of astonishing normative contributions made by leaders of ex-colonial societies. This is an era of global humanism, in which all nations are urged to take human suffering seriously as a way of taking human rights seriously. It enunciates fascinating modes of global resource sharing, such as:

**The Declaration on Social Progress**

- The Declaration on Peaceful Uses of Science and Technology
- The New International Economic Order
- The Declaration on the Right to Development
- The Law of the Seas Convention

### *G THREE*

G3, contemporary globalization processes, see the demise of G2 and a differential revival of G1. G3 signifies colonization without the colonizer. All nations are free and equal; accordingly physical occupation of territory by force and fraud is no longer legitimate. But aggressive global free market promotion of consumerist culture/ideology is, as Leslie Sklair puts this in *The Sociology of the Global System.*

The emerging global middle classes increasingly influence, and at times, even determine conceptions of the good life for us all. The players in the global market determine what human beings, rich and poor, need in order to pursue the good life.

### *Contradictions and Complexity*

**disinvestment denationalization deregulation**

G3 is marked by several contradictory tendencies. The three Ds of contemporary globalization usher in a world without borders for the free flow of foreign investment, goods and services, but not for people. The state is increasingly divested of its redistributive role. It is *this* sense that the era of nation¥state seems to have ended. This means that free market efficiency determines the power to achieve social goods that otherwise state planning (the command and control economy) sought to achieve; and the state as a major economic actor (via nationalization of industries and control over capital formation) must disappear in G3. It is not planned economies but the global forces of the free market that determine the circumstances of social justice for the rightless peoples. That market may in the short run reproduce human rightlessness; but, it is being said, that in the long-term, the free market will remove all "substantial unfreedoms."

This shift betokens massive retreats from the human rights obligations of states towards their own peoples. Instead, states are now required to prioritize their obligations toward the rights of multinational capital. The new paradigm of human rights thus emerging dictates that the respect for and affirmation of human rights of people is best manifested by deference to the collective rights of the agents and forces of global capitalism. This also means that the state effectively manages and controls human rights movements, as well as political dissent, that seek to combat the massive human rights violations thus caused. The host state (for foreign investment) thus becomes a state held hostage.

In G3, the forces of production (especially digitalization and biotechnology) are represented both as a part of the problem and the part of the solution. The agents of globalization (transnational corporations, international and regional financial institutions, postmodern federations like the European Community, multilateral trade treaties and arrangements) now assume the functions of sovereign nation state communities. Even as the latter are required to *deregulate*, all kinds of specialized networks of international inter-governmentality are being put in place to *re-regulate*. Even as free and fair elections become the universal human rights norm of good governance everywhere, the elected representatives of the people stand invested with the task of serving the interests of the flow of global capital, and not with the older mandate of making the elected oligarchies directly responsible for securing human rights for their own peoples.

What is more, in the G3 consciousness, the entire United Nations System becomes increasingly privatized. Partnership with the worst corporate violators of human rights animates, at the end of the day, United Nations Secretary General Kofi Anan's vision of a Global Compact. Mainstreaming human rights, the current United Nations mission, is more a response to the needs of a cash-stripped United Nations system than an approach to any authentic achievement of the UNDHR for the peoples of the world.

The UNDHR sought to make *universal* the human rights of individual human beings everywhere; the contemporary United Nations activities seek merely to *globalize* human rights. And, for HRE, this transition emerges more in the language of *threats* to, rather than the *promise* of, human rights.

Further, we are asked to believe that G3 technologies remain the best carriers for the future of human rights. Thus, if women are to be relieved of their double day, technology provides an answer. A washing machine or a refrigerator empowers women more than tons of human rights prose. So does the pill, and related contraceptive devises, outside which the reproductive autonomy of women remains almost insensible. Information technologies are represented as heightening the potential of women's social and political participation, iconized by the provision of cell phones to Bangla Deshi women. The wonder world of Bill Gates, more than any historically known form of emancipation, now provides the basis of solidarity for global Sisterhood.

The dominant models of HRE remain deeply ahistoric when they begin addressing their tasks in the context of contemporary globalization. Human rights educators understandably celebrate the human rights movement as an aspect of New Social Movements (for example, women's rights as human rights, environmentalism, global

social action against the regimes of organized irresponsibility and organized impunity of transnational corporations.) Internet solidarity increasingly replaces the agency of mass protest and popular illegality. Human rights activism and education in the contemporary era of globalization becomes an integral aspect of what Manuel Castells describes as network society, impacting diversely our common future.

Contemporary globalization brings with it considerable ambivalence for human rights activism and education. Our critics charge us with duplicity: we condemn globalization even as we utilize its manifold technologies, such as air transportation, luxury venues, and digitalization, while critiquing globalization. These are rendered available by the modes of contemporary global capitalism against which we all protest.

### *Situated Critique*

All critiques are socially situated. The old social movements used the telegraph, telephone, the transportation and print media technology to carry anti systemic messages. Mohandas Gandhi was able to travel throughout the imperial subcontinent, spreading the message of self-determination (Swaraj) through the means that the colonial administration provided

at the cost of enormous human violation: the Indian Railway system, which uprooted masses of people and entailed varieties of slave like labor in its construction. Similarly, Marx's revolutionary message would have proved historically effete had he had to communicate using trained pigeon carriers. Both these examples show the possibility of historical deployment of technologies in systemic 'anti-systemic' ways.

The multinational production technologies that human rights activists curse facilitate in one way or the other the very implementation of human rights. For example, the idea of reproductive autonomy of women remains insensible outside the reproductive technology developed by transnational corporations. We may, in the practice of HRE, criticize the corporate profit motivation that subjects women's docile bodies to reckless forms of corporate greed. But even among the most radical feminist human rights movements, there will be few takers, I assume, who would contest the power of technology to both violate and reclaim women's rights over their own bodies.

While HRE may contest forms of perverse globalization, it remains committed to the idea of *benign globalization*, an image that may or may not withstand forms of human rights scrutiny. HRE is confronted with a mission impossible because it will always remain problematic to distinguish the evil from the good forms of contemporary economic globalization. Human rights humility, not arrogance, provides the mood in which we may face this prospect of constructive disengagement. How all this may speak to the future of human rights is a question which all forms of HRE must *responsibly* and *responsively* seek to answer.

> Put all of this democratization of information together and what it means is that the days when governments could isolate their people from understanding what life was like beyond their borders or even their village are over, Life outside can't be trashed and made to look worse than it is. And life inside can't be propagandized and made to look better than it is. Thanks to the democratization of information, we all increasingly know how each other lives no matter how isolated you think a country might be. The minute you think that you have devised as new, higher, thicker wall to hide behind, you discover that that technology has found a way to lower it. And the minute that you think you have drawn a new sand to protect you, technology finds a way to erase it.
>
> Thomas Friedman Lexus and The Olive Tree

## *Human Rights Education and Global Citizen Activism*

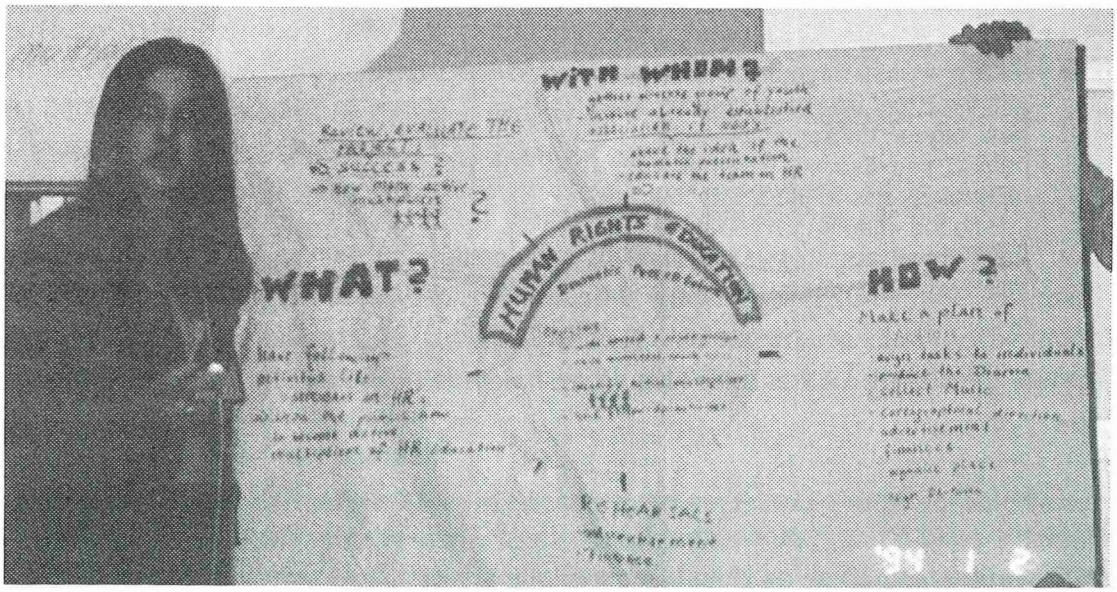
Throughout this conversation, one message has been consistently conveyed. It is this: neither *domination* nor *resistance* is monolithic happenings. Their contingent diversities are shaped by context and history, even as they in turn shape these.

We must guard as much against an over-rationalized understanding of domination as against a similar approach to resistance. If those who resist do not know quite how to do so, it is also true that those who dominate also do not quite know how to go about it. Their aims and intentions remain conflicted, their trajectories vulnerable to the articulation of discontent and social action. Human rights languages and logics remain, howsoever differently, embedded in forms of dominance and patterns of resistance.

All this suggests that HRE may not merely consist in education about human rights norms and standards, and their translation and transgression. It has also to preserve the public memory of the worst excesses of power and archive the actual histories of resistance.

What is more, among its future tasks is to provide an understanding of when resistance succeeds, and where it may fail, by close attention to the struggle within the local paradigm that now represents itself as the quintessentially global. From Seattle to Genoa, and beyond, people□s protests against global capitalism epitomize some sources of discontent in the human rights arena. Presented as a law and order problem by the managers and agents of globalization, for human rights educators they symbolize a new and burgeoning human rights consciousness. The mentality operative on this register suggests that people's human rights discontents can be quarantined by locating global policy-making in safe anti-democratic havens.

But what is recognized as *global citizen action* locates this articulation in a wider framework. The pursuit of activism beyond national frontiers begins to construct new meanings of active global citizenship and practices of resistance. Its promises and perils remain integral to the very future of human rights. HRE will serve this future when its carriers remain uninvolved in global citizen action and indifferent to the dilemmas and contradictions that shape it.



## b) INTERNATIONAL NGO COMMITTEE ON HUMAN RIGHTS IN TRADE AND INVESTMENT

# POLICY STATEMENT

### *INVESTMENT, TRADE AND FINANCE: THE HUMAN RIGHTS FRAMEWORK*
*Focusing on the Multilateral Agreement on Investment (MAI).*

1. We, the undersigned, are an alliance of organizations with specific concerns for the promotion, protection, defense and enforcement of human rights. We wish to add our voices to those of the many civil society groups across the world that have raised serious concerns about or have rejected outright the proposed Multilateral Agreement on Investment (MAI) currently being negotiated by the Organization for Economic Cooperation and Development (OECD).

2. While some of the elements of this draft agreement already exist in regional and bilateral agreements as well as in structural adjustment programs and other international financial institution conditionalities, we feel that the present text of the MAI represents a clear and qualitatively new threat to the international human rights regime. This agreement seeks to enshrine protections and advantages for corporate actors and major investors, which could threaten international and domestic laws and policies, designed to promote and protect the human rights of individuals and communities.

3. In accordance with the provisions of the International Bill of Rights, and other international human rights instruments, and as affirmed in the Vienna Declaration and Program of Action, the protection and promotion of civil, cultural, economic, political and social rights is the first responsibility of States. The United Nations Charter includes the promotion of human rights and fundamental freedoms as a founding principle of the UN. These rights and freedoms are concretely defined in the various legal instruments and the interpretive jurisprudence developed by the respective UN treaty bodies that monitor compliance with these instruments. We refer in particular to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). All these treaties have been widely ratified by states across the world and are legally binding thus obliging states to comply with their provisions.

4. We would like to stress that by human rights, we mean both economic, social and cultural rights (such as the human rights to food, health, education, housing, and work) and civil and political rights (such as rights to free expression and fair trials). These human rights are recognized and protected by international law, domestic law and social programs. Economic, social and cultural rights, however, are in particular need of emphasis as a consequence of the relative lack of attention states have paid to their promotion and protection. Economic, social and cultural rights also face the greatest threat of further neglect in the face of economic globalization as the rapid

pace of economic liberalization and integration has outstripped the capacity and commitment of states to address the implications of these developments for this category of rights. Concomitantly economic globalization has been accompanied by the rapid establishment of powerful institutions such as the World Trade Organization (WTO) and the North America Free Trade Agreement (NAFTA). The enforcement mechanisms of such institutions are very effective in stark contrast to the lack of attention given to the development of enforcement mechanisms to implement human rights, especially economic, social and cultural rights. For all these reasons, economic, social and cultural rights are our main areas of focus.

**5.** We believe that the promotion of human rights, in the broad sense of contributing to the welfare and dignity of all, rather than to the wealth of a few, is the only legitimate objective and justification for bilateral and multilateral trade, investment and financial regimes, and that to the extent that such regimes serve other objectives, they have no moral or other legitimacy. We believe that the MAI not only does not serve human rights objectives but that it proceeds from fundamentally different assumptions, and accordingly we reject it. We wish to contribute in solidarity with the environmental and other social movements to the mobilization of popular opposition to the provisions currently contained in the MAI text. We understand the broad human rights framework as being inclusive of and being informed by the principles and provisions of international environmental agreements. In pursuit of the objective of having a comprehensive human rights framework reflected in the ongoing debate on the MAI, we participated in the global NGO strategy meeting on the MAI that took place in Geneva on 17 May 1998.

**6.** Trade and investment regimes in general also need to be consistent with commitments made at the World Conferences, such as in the Copenhagen Declaration and Program of Action that contains recommendations to states of the need to intervene in markets to prevent or counteract market failure, promote stability and long-term investment, ensure fair competition and ethical conduct, and harmonize economic and social development, including the development and implementation of appropriate programs that would entitle and enable people living in poverty and the disadvantaged, especially women, to participate fully and productively in the economy and society. Some measures to protect economic, social and cultural rights include food subsidies, control of land speculation, agrarian reform and the implementation of health and environmental measures. These measures would also encompass community control of forests, local bans on the use of pesticides and hormone-induced foods, protection of local cultural industries, protection of civic services, clean air standards, limits on mineral, gas and oil extraction, and bans on toxic dumping.

**7.** We see our consideration of the MAI from a human rights perspective as an opportunity to develop this paradigm for wider consideration of the human rights imperatives for investment, trade and financial policy. We see the following four basic principles a inviolable in the context of the incontestable need for devising ways and means for the realization of human rights. From our perspective, they must form the organizing principles for all-bilateral and multilateral trade, investment and financial agreements, laws and policies.

### *Summary of basic human rights principles threatened by the MAI*

**8.** The primacy of human rights: The promotion and protection of human rights and equality among women and men must be accepted as the fundamental framework for and goal of all

multilateral and bilateral investment, trade and financial agreements. Such agreements cannot exclude or ignore human rights principles and objectives without losing their most fundamental claim to legitimacy.

**9.** Non-retrogression: All states have a duty to respect, protect, ensure and fulfill international human rights obligations and cannot derogate from or limit them except as expressly provided for in the relevant human rights treaties. "Rollback" and "standstill" requirements, as formulated in the MAI, are incompatible with the requirement that economic, social and cultural rights be realized progressively, as explicitly stated in the International Covenant on Economic, Social and Cultural Rights. Governments must demonstrate that they are taking concrete steps towards realization of these rights. Moreover, there is a specific duty on state parties to not take retrogressive measures that would jeopardize economic, social and cultural rights.

**10.** The Right to an Effective Remedy in the Appropriate Forum: The right to an effective remedy for anyone whose rights have been violated cannot be contracted away by the state nor denied by the operations of intergovernmental institutions. Investment or trade bodies should not adjudicate concerns that fall firmly into the human rights domain as investment or trade disputes between corporations and state actors. Such disputes should be dealt with by appropriate domestic, regional, and international human rights fora and enforcement mechanisms.

**11.** Rights of participation and recourse of affected individuals and groups: Human rights cannot be effectively realized unless the right of participation of the affected populations in planning, implementation and seeking redress for violations is respected. The participation of women in all these processes is particularly important.

### *Proposed recommendations for future action*

**12.** Given the widespread threat to human rights norms and principles from the emerging instruments of international trade, investment and finance, such as the MAI, it is crucial that the UN secretary-general and the Office of the High Commissioner for Human Rights conduct a study of the human rights implications of the MAI, as was recommended by the Committee on Economic, Social and Cultural Rights. The results of such a study could also be presented the Commission on Human Rights, the Economic and Social Council (ECOSOC) and the General Assembly, as well as to the UN executive committees in which the High Commissioner for Human Rights participates.

**13.** Further, the OECD, WTO, IMF and other fora where negotiations on investment, trade and financial regimes may be undertaken should request the advice of bodies with appropriate expertise in human rights (such as the Office of the High Commissioner for Human Rights, the relevant UN human rights treaty bodies, the Committee of Experts of the Council of Europe, the International Labor Organization (ILO), the International American Commission on Human Rights of the Organization of American States (OAS) and the Commission on Human and Peoples' Rights of the Organization of African Unity (OAU) and appropriate UN agencies such as UNCTAD, UNDP and UNICEF). Consideration should be given to the human rights implications of not only the MAI negotiating texts but also all other investment and trade agreements, instruments, conditionalities and case law.

**14.** Parallel to a human rights review of the MAI, we consider it of crucial importance for the Office of the High Commissioner for Human Rights and other relevant UN bodies such as the ILO, UNCTAD and UNDP to analyze and prepare studies of the human rights implications and effects of existing international trade, investment and financial instruments, such as the WTO agreements, NAFTA, MERCOSUR, relevant IMF articles, and agreements emanating from the EU, OCED, APEC and other similar fora.

### *Analysis of impact on human rights principles*

### The primacy of human rights

**15.** The process towards the realization of human rights and equality among women and men is the most sustainable framework for achieving peace, security and development. The proposed MAI, and all other investment and trade agreements, must function within that framework. Economic prosperity and the increased availability of goods and services, that may result from increased foreign direct investment and trade are valid objectives, only to the extent that they enhance the enjoyment by individuals and groups of their human rights.

**16.** Numerous civil society groups and governments (mostly from the developing countries) have raised concerns about the need for social and development issues to be taken into account during discussions for any multilateral trade and investment treaty. These voices have also spoken out about the need to retain and enhance the 'regulatory' role of the state. The ongoing East Asian crisis only reinforces this. We are convinced that the international human rights regime offers the framework for achieving, in a sustainable manner, development and social objectives. International human rights instruments also provide clear directives for state responsibility and for the state's essential regulatory role. We call for the application of the human rights regime in developing and implementing national and international regulatory frameworks that apply to the private sector.

**17.** Additionally, there is the complex issue of sovereignty. The Vienna Declaration and Program of Action reaffirms that the protection and promotion of human rights and fundamental freedoms is the first responsibility of Governments. In view of this primary responsibility what is the impact of the progressive bargaining-away of state sovereignty under international trade and investment agreements upon the state's capacity to proactively fulfill its human rights obligations? What are the human rights implications of strengthening state sovereignty, given the past and necessary focus on human rights defense against state abuse? To what extent is economic globalization used as a convenient excuse by states for failing to fulfill their human rights obligations? Obviously, these are questions in need of reflection and debate.

**18.** There are many potential threats to human rights already apparent in the current draft of the MAI. Numerous provisions of the ICESCR, CRC, CERD and CEDAW and other international human rights treaties require states parties to take positive measures to protect vulnerable groups. These requirements may include appropriate statutory and regulatory measures imposing restrictions on investors and may go against the proposed most favored nation (MFN) and national treatment principles of the MAI. Any provision requiring a state to repeal or refrain from implementing such measures could cause the state to violate its international human rights obligations.

**19.** Measures which are important components of the implementation of ICESR articles 2 (non-discrimination), 7 (work and equal opportunity) and 11 (adequate standard of living) of the ICESCR might be found to "discriminate" against a foreign investor under MAI.

The proposed MAI could also prohibit "performance requirements" established with a human rights purpose, such as requiring a foreign investor to employ local workers, to provide training or to contribute in other ways to the local economy. A state that abrogates such requirements could be in breach of its human rights obligations. Furthermore, the adoption and implementation of the MAI could undermine the development of new mechanisms for corporate accountability for violations of human rights.

**20.** It is, therefore, in the interest of negotiating states that a review of the MAI should be undertaken from the viewpoint of the compatibility with international human rights instruments. States should be clear on their international responsibilities such that they avoid committing themselves to provisions of an investment or trade agreement that are in any way incompatible with their international human rights obligations. To not do so would be to abdicate their responsibility for the promotion and defense of human rights. This principle was reaffirmed by the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights:

The obligation to protect includes the State's responsibility to ensure that private entities or individuals, including transnational corporations over which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights. States are responsible for violations of economic, social and cultural rights that result from their failure to exercise due diligence in controlling the behavior of such non-State actors.

### *Non-retrogression*

**21.** Under international human rights law, states have the obligation of non-retrogression, according to which states are not permitted to remove, weaken or withdraw from legislation and programs, which implement their human rights obligations. It is essential that investment and trade agreements contain no provisions impeding the capacity of state parties to respect, protect, ensure or fulfill human rights in accordance with their obligations under international and domestic human rights law. According to Article 2 of the ICESCR, states are under the obligation to take immediate steps to fulfill their obligations by guaranteeing economic, social and cultural rights without discrimination.

**22.** As espoused in the proposed MAI, the principles of roll back and standstill could require states to repeal legislation protecting human rights (under rollback) or foreclose such future legislative measures (standstill). If states succumb to pressure to do this in order to attract foreign investment these states would be in direct contravention of their obligation of both the immediate and progressive realization of the rights protected by such national legislation.

**23.** Therefore, measures taken by states to respect and protect human rights should be exempted from rollback and standstill requirements. This would protect states from being in violation of human rights standards of immediate and future applicability, such as the duty not to discriminate on the basis of race, sex, language, color, national origin or other status.

### *The right to an effective remedy in the appropriate forum*

**24.** The control over the protection and implementation of human rights cannot be left to a determination by an investment or trade tribunal or panel, which by definition is not competent to judge the meaning and scope of international and domestic human rights law. Human rights have evolved through specialized monitoring bodies established at the national and international levels. These institutions have acquired considerable experience in these matters. A vast body of specialized jurisprudence has developed in the last fifty years since the adoption of the Universal Declaration of Human Rights (UDHR), including special interpretative principles.

**25.** Moreover, under international human rights law, everyone is entitled to "an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." (UDHR, Article 8). Allowing a trade or investment panel or other body to determine the legality of provisions claimed to have negative effects on the protection and enjoyment of human rights would be in clear violation of international law, as would provisions limiting access by individuals to effective remedies in competent national tribunals for acts violating his or her fundamental rights. Also as currently stated in the MAI, citizens are excluded from the dispute settlement system.

**26.** It is of fundamental importance that any dispute that may arise regarding the compatibility of the provisions of investment and trade agreements with a state party's obligations under a human rights treaty be referred to the competent body. Specifically, if a state invokes their human rights obligation in response to a challenge by an investor or other state party under an investment or trade agreement, the dispute should be examined under the ordinary procedures of domestic law and, where applicable, be referred to the appropriate UN human rights treaty body for an opinion. The defendant state and affected groups of civil society should have the option of having the dispute adjudicated under its domestic law or submitting it to the appropriate human rights treaty body for an ad hoc determination of the compatibility of the provision of that agreement with the state's obligation under human rights treaties.

### *Rights of participation and recourse of affected individuals and groups*

**27.** It is an accepted principle of sustainable development that the affected population should participate in the planning and implementation of development policies, programs, and projects. It is also a basic principle of justice that persons affected by a procedure, which may result in the deprivation of their rights, be given a fair hearing. This principle must also be applied to investment and trade.

**28.** Therefore, communities and individuals affected by the proposed MAI and other investment and trade agreements must have access to the government agencies and international institutions entrusted with the negotiation, application and implementation of these agreements. This is underscored by the human rights tenet expressed in Article 21.3 of the Universal Declaration of Human Rights (UDHR): "The will of the people shall be the basis of the authority of government..."

**29.** The people affected or likely to be affected, and civil society groups concerned with human rights, environment and development must have meaningful access to these agencies, and the right to take part in the procedures mentioned above, as well as to resources necessary for their participation, especially considering the vast resources available to major investors. This would also include the right to submit documentation and advisory opinions. They should also have a right to information and notification of discussions in the OECD, WTO, IMF, IBRD and other relevant bodies of investment and trade matters affecting human rights, the environment and other community interests. Investment and trade disputes affecting vulnerable groups should never be adjudicated without those groups having full standing and resources to defend their interests.

## CONCLUSION

**30.** We, the undersigned, recognize the threat of the proposed MAI to our human rights futures. We are gravely concerned about the human rights implications of not only this and other investment and trade agreements, but also the entire international system of investment and trade institutions and processes. We are committed to developing and documenting a comprehensive understanding of these implications and promoting human rights based framework for investment, trade and financial policy and practice.

**31.** We advocate alternative international investment and trade agreements and processes that would genuinely seek to ensure that international investment and trade regimes are fully consistent with international obligations arising from standards relating to human rights, environmental protection and sustainable development. Such alternative measures, promoting the establishment of an integrated international agenda, would serve to strengthen democratic control of capital flows and to stimulate investments and commerce that would benefit disadvantaged groups especially women, children and vulnerable communities such as marginal farmers, indigenous peoples, the urban poor, fisherfolk and rural agricultural laborers. Of particular importance would be measures that are sensitive to and strengthen the critical role played by women in all dimensions of economic, social and cultural human rights.

**32.** In order to promote such an integrated agenda, it becomes an inescapable task that all-relevant organizations carry out reviews, analysis and impact studies of international trade, investment and finance agreements, policies and practices. We have outlined initial recommendations along these lines (see paras.12 to 14). At the same time we realize that it is essential that part of this task needs to be taken up by civil society groups.

**33.** We commit ourselves, therefore, to a work plan of action that includes rigorous research and mobilization (including education, documentation and monitoring), such that the full spectrum of local human rights impacts caused by the international investment, finance and trade system can be disaggregated, analyzed and documented. This includes analyzing the human rights implications of investment and trade treaties, examining international, regional, national and local governance processes, documenting local impacts in our regions, and identifying private actors. In doing so, we seek to hold the international investment, finance and trade system accountable for the realization of human rights within the context of social justice and sustainable development for all.

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Signed by:

**International and Regional Human Rights Organizations:**

Habitat International Coalition (HIC)
People's Decade for Human Rights Education (PDHRE)
The Lutheran World Federation (LWF)
Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM)
Food First Information and Action Network (FIAN)

**National Organizations:**

Youth for Unity of Voluntary Action (YUVA), India
Center for Equality in Rights and Accommodation (CERA), Canada
Mazingira Institute, Kenya

## c) HUMAN RIGHTS EDUCATION AND LEARNING: TOWARDS A UNIVERSAL VISION FOR THE WORLD SOCIAL FORUM

By Minar Pimple

### *Introduction*

One of the main sentiments emerging from Porto Alegre since the inception of the World Social Forum in 2001 was of the power to act together. WSF being an open space, for all actors of civil society who oppose neo-liberal globalization, war and militarism, patriarchy, religious fundamentalism and exclusion, is not envisioned as a platform for united action. In this context, what is required is an all-embracing vision which will weave together all issues of human life into one tapestry – colorful, varied, dynamic and constantly growing and evolving; a tapestry of modes of life, production and reproduction, of human relations, dialogues and creative exchanges.

Alongside theories and methodologies explaining, interpreting and offering ways of survival – personal and collective – of building humane civilization, of and in, history, the 20th century gave the world yet another axis along which humanity can constitute itself in a way which will promise, create and sustain equality, justice, dignity and freedom, both personal and collective: **HUMAN RIGHTS**. This vision to become reality it is essential to let all of humanity know human rights through human rights education and formal, non-formal and informal learning, which itself evokes a new, transforming consciousness.

### *Human Rights as a Vision*

A particularly eloquent affirmation of the positive value for human rights as normative grounding for social justice was provided by the closing speech of the World Social Forum 2002 in Porte Alegre, Brazil, delivered by the winner of the Nobel Prize for Literature, Jose Saramago. He spoke about ***"the multiple movements for resistance and social action that are fighting to establish a new, distributive and commutative justice that all people can come to recognize as intrinsically theirs, a justice that protects freedom and rights, and not any denial of them."***

> *... [W]e already have a readily understandable code of practical application for this justice, a code embodied for the past fifty years in the Universal Declaration of Human Rights, those thirty essential, basic rights that these days are mentioned only vaguely, if not systematically disregarded. .... [I]n terms of the integrity of its principles and the clarity of its objectives, the Universal Declaration of Human Rights, just as it is now worded and without changing a single comma, could replace to advantage the platforms of every political party on Earth.* [16]

previous century, though, did not complete this mission: human rights remained the prerogative of the few, narrowly interpreted as civil and political rights and laws undermining the holistic vision including social, economic and cultural rights. Human rights never came to be in the possession of the many, as part of the knowledge of all, a component of the gendered class consciousness, an instrument of change of the masses. That can be achieved only through human rights education and learning, i.e., through enriching humanity with the learning of the indivisibility and interconnectedness of all human rights, their interdependence, their basis in equality and dignity, and their power to change life on earth through resolute action.

Human rights education and learning must address patriarchy as a mode of oppression and of creating power, of embedding power in culture, of internalizing the rights of the powerful only, and of maintaining power via gaining – and keeping – a stronghold on economy, consumerism, the distribution of resources and goods, and manipulating matter and mind. Understanding patriarchy through its work in gender relations as a powerful oppressor of women will then grow into understanding its use of specific apparatuses and ideologies to create this oppressing power. The process of WSF over its last four editions has also come to realize and integrate patriarchy as a cross cutting theme.

### *The potential presented by the World Social Forum*

The WSF process is becoming increasingly open to discussion about human rights as part of the systemic analysis which can provide the arena for dialogue and integrating human rights education and learning into the process, as a powerful tool for women and men, youth and children to fulfill their aspiration for economic and social justice. Human rights learning in the context of the WSF are an imperative which can be realized through the dedication of all the groups and movements participating in the WSF process to understand human rights as relevant to their issues and concerns and make a commitment to make this knowledge available to their constituencies.

The World Social Forum offers a space that has the potential for integrating the human rights framework in all its themes and becoming an arena for developing a people's human rights movement based on dialogue and learning about the meaning of human rights as a holistic, pragmatic vision to achieve economic and social justice at the local, national and global level.

Thus, there cannot be in the age of monoculture driven globalization, one unifying vision, but there will always be a multiplicity of visions. What we need to strive for, therefore, at the World Social Forum, is not a united, unifying statement but a platform of consensus around an axis, which will be the vertebrae of transformation of consciousness and the world. This axis will develop and emerge among many sites where issues of minority, identity, labor, peace, ecology and many other such discourses are discussed. Especially important is the gender discourse in all and independently, as it describes patriarchy and its modes of operation. We should look for a platform offering transformation by exposing, undermining, resisting and changing the apparatuses serving patriarchy.

This platform will be based on human rights, and will become an instrument of transformation through the force of learning about human rights by all the people, women, men, youth and children, who will demand, take, and sustain their human rights, understanding not only what they are but recognizing the powers that can undermine them and the capacity to fight back.

### *Continuing efforts at WSF*

PDHRE in its commitment to promote learning about human rights as a holistic vision for transformation, has been engaged with WSF since its inception. PDHRE had participated in all of the four WSF since 2001, including the Asia Social Forum. Seminars and workshops were held about human rights learning with youth, women and leaders of social justice NGOs where the concepts, activities and development of human rights cities were introduced and discussed.

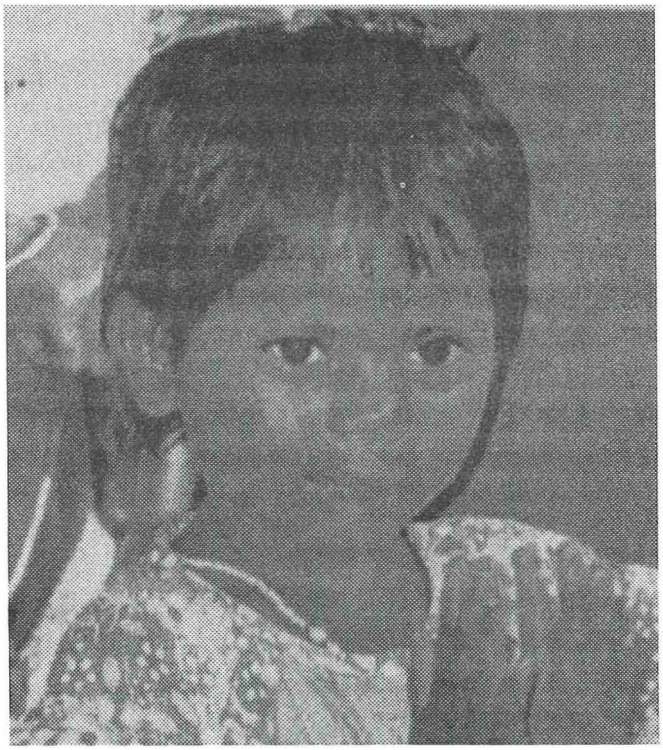
Furthermore, with members of the *Human Rights Caucus for WSF 04 in Mumbai* PDHRE organized a panel on ***Human Rights for Social Change,*** which was attended by about 3000 women, men and youth, and became a public education and learning process covering the following themes;

1. *Human Rights as an overarching principle, a holistic framework and way of life, Which takes into account the indivisibility of Human Rights; civil, cultural, economic, political and social. Human rights are a universal value system protected by international and national law.*
2. *The contemporary context of economic globalization, military aggressions, new and emerging forms of exclusions at local and global levels the significance of human rights as guiding and organizing principle for institutions of global governance.*
3. *Human rights as a necessary and integral part of the humane, people centered and equality driven development process as Meaningful alternatives to the present form of globalization.*
4. *The role of the human right education as a critical building block for the realization of human rights*

**More concretely the following sub-themes were covered:**

1. *Social Movements and how they exercise human rights as instruments for accountability and justice at the local, national and global level.*
2. *Human rights approaches to trade, development and poverty eradication.*

Learning and building on this experience, PDHRE, as a member of the Content and Methodology Commission of WSF, as well as in alliance with economic and social justice groups and human rights groups, will continue to deepen this engagement with the WSF process. This will lead to popularizing human rights and learning about them globally while simultaneously offering a proactive vision for the future.



# PART 9: INCREASING MILITARIZATION AND ITS EFFECT ON HUMAN RIGHTS

## THE PRODERE[17] PROCESS IN CENTRAL AMERICA

By Masaru Ishida

### *Background*

Most countries in Central America have, at one point or another, suffered from civil conflict. Social inequity and a lack of democracy are usually seen as the causes of these conflicts. The issue of land ownership is particularly important in this respect. The heavily skewed land distribution had the effect of excluding large parts of the rural population from sharing in the economic benefits of agriculture. Account also needs to be taken of the fact that industrial development in many regions is limited to a few urban areas and thus has benefited only a small percentage of the population. In addition, socio-economic differences have traditionally been exacerbated by violence on the part of mostly military governments, making peaceful change almost impossible. This situation eventually led to armed conflict when opposition groups began to organize themselves as guerrilla movements in various regions.

### NICARAGUA

In 1979 the Frente Sandinista de Liberacion Nacional in Nicaragua, which enjoyed wide popular support, overthrew the dictatorship of the Somoza family, seeking social and economic reform...

### EL SALVADOR

The 1970s saw the birth of a guerrilla movement after it became clear that peaceful protest against the lack of democracy did not have any results...

### GUATEMALA

Violent confrontations between the armed forces and indigenous groups started in the 1960s, even earlier than in Nicaragua and El Salvador...

## HONDURAS

Although guerrilla activities never turned into a civil war, large numbers of people suffered from violent repression on the part of military-controlled governments...

The peace process in Central America took off in 1987 with a peace treaty proposed by the president of Costa Rica, Oscar Arias. It was signed by the leaders of the five Central American republics whose governments committed themselves to start a dialogue with the guerrilla groups to initiate a process of democratization. The process received wide backing from the international community and in May 1988, the United Nations General Assembly approved the Special Economic Cooperation Plan for Central America.

# PRODERE

In the context of the Special Economic Cooperation Plan for Central America, the United Nations launched two major initiatives:

> *The International Conference on Central American Refugees (CIREFCA), for which UNHCR took responsibility.*

> *The Development Program for Displaced Persons, Refugees and Returnees in Central America (PRODERE).*

The Government of Italy decided to fund PRODERE through UNDP to the tune of $115 million to facilitate the reintegration of those who had been forced to seek refuge in neighboring countries or more stable areas of their own country. In view of its innovative and multi-disciplinary approach, UNDP charged UNOPS with the execution of PRODERE. UNOPS in turn subcontracted ILO, UNHCR and WHO for specific components of PRODERE. The program, approved in 1989, started operations in 1990. It was mainly active in El Salvador, Guatemala, and Nicaragua but also undertook some activities in Belize, Costa Rica and Honduras, countries which had offered asylum to those fleeing conflict.

PRODERE concentrated its activities in regions averaging 250,000 inhabitants. These were either areas hard hit by violent conflict or those hosting great numbers of refugees. For the most part, the areas covered followed departmental borders and included municipalities, villages and hamlets and were characterized by high rates of social and economic exclusion.

People who fled their homes because of ongoing conflicts were often held in transit camps and then forced to resettle in communities controlled by the military. At the same time, central governments were undergoing a process of restructuring and reduction, thus weakening even more the government's capacity to be a partner in the implementation of programs for returnees.

**Central government institutions were mostly unrepresented**

**Most basic infrastructure facilities had been destroyed**

**The areas were under military control**

## THE POST-CONFLICT SITUATION

Most people in the areas covered by PRODERE used to rely mainly on self-employment in small, family farms and to a lesser extent in non-agricultural micro-enterprises. They faced the usual obstacles: lack of finance for investment, difficult market access, lack of information, lack of technical and basic management skills, resulting in low productivity and competitiveness and inhibiting their effectively linking up with the modern sector.

They had also been negatively affected by the conflict itself. Returnees and ex-combatants faced tremendous difficulties to restart their productive activities as a result of the destruction of resources and infrastructure, the loss of perennial crops and the disappearance of village markets.

In addition, the land property question had become more complicated because of numerous disputes over smallholdings between returning refugees and new settlers.

This in turn resulted in a subsistence agriculture less diverse than before the conflict, leaving the farmers even less room for maneuver than before.

Displaced persons who settled in urban areas flooded the urban informal sector thus reducing even further the already meager income of existing informal sector operators.

Salaried employment in the private sector was practically non-existent.

Social coherence was also affected since almost every family counted one or more deceased, disappeared or refugees amongst its members. Widows, orphans and war victims of all ages were highly visible in many villages.

## OUR OBJECTIVES

- *To promote human rights*
- *To build a consensus around development issues*
- *To facilitate the reintegration of returnees*
- *To restore basic services in such areas as health, education and housing*
- *To reactivate the local economy.*

## OUR STRATEGIES

Instead of intervening at the central government level or targeting one or more specific groups, PRODERE adopted a local development strategy based on a decentralized, integrated and bottom-up approach to development in limited geographical areas. This decision was based on the consideration that the civil strife in Central America affected particularly those regions that were poorest as a result of their neglect by national governments in the pre-conflict period. In fact, this neglect was one of the main reasons for the outbreak of the conflict in the first place.

In addition it was felt that the transition towards a more democratic and participatory society should start at the community or municipality level since it is at this level that government policies and interventions have an immediate impact on the daily life of citizens and that citizen participation in decision making can be more easily achieved. The community level also offered PRODERE a chance to build a consensus of the local population around common interests following a period of conflict which had often pitted neighbor against neighbor. Furthermore the governments of Guatemala and Honduras had just decided to implement decentralization policies, which PRODERE could build upon.

*A guiding principal behind our work was the practical application of the Universal Declaration of Human Rights*

An important consequence of this program was its non-discriminatory approach, not favoring one group over another. For example, PRODERE activities for returnees would also include the population that had stayed behind during the conflict, while in the municipal technical committees promoted by PRODERE in Nicaragua, ex-combatants from both sides joined mayors and producer associations to determine who would benefit from PRODERE investments and define a development plan.

A key principle of this approach is that the planning of resource utilization is done by the population itself through its own institutions

## THE DEVELOPMENT PLAN

- *helping providing individuals to get proper documentation and property titles*
- *promoting the organization of local branches of human-rights offices*
- *facilitating the local administration of justice*
- *promoting local health systems*
- *promoting departmental planning councils that dealt with all local development issues in the area covered and aimed at a more integrated planning of local development. These councils considerably facilitated establishing the necessary links between the different subject areas covered by PRODERE such as health, education, local economic development, human rights and regional planning. The planning councils thus managed the complex relation between different sectoral investments, introducing consultation processes involving all concerned. They coordinated the plans formulated at municipal, departmental, regional and national levels, defined minimum development objectives and decided on the projects to be financed from national and international resources.*

### *Problems*

Initially, PRODERE had to overcome considerable mistrust on both sides. Each party in the conflict considered that the program was supporting the other side. In El Salvador, Guatemala and Nicaragua the opposition considered the program a government instrument to counter insurrection, while the military considered it as supporting the opposition. As a result PRODERE activities in each area were defined following a careful needs assessment, trying to ensure that they covered the needs of the population as a whole. In many cases this meant that considerable time was spent to gain credibility as a neutral operation and to achieve at least a minimum consensus on what were considered the most urgent needs.

### *Solutions*

The most effective way for PRODERE to gain the confidence of both sides was to show concrete results. This often meant concentrating in the beginning on restoring basic services and infrastructure. In Nicaragua for instance, the program organized various meetings with the local population with whom an emergency plan was designed. The plan focused on basic food production and with financial and technical assistance returnees could start to cultivate maize and beans again as well as recuperate abandoned coffee plantations in several municipalities. Access roads to the production zones were urgently repaired, provisional health care was provided and schools were rebuilt.

### *Local Economic Development*

In this post-conflict context PRODERE introduced a local economic development (LED) strategy. LED aims at employment creation and income generation through an optimal use of human and other resources in a determined geographical area, the so-called economic catchment area. An important aspect of LED is that groups traditionally excluded from the economic development process have a chance to become active members and beneficiaries of the local economy.

#### Consensus

----- CAN ONLY BE ACHIEVED THROUGH AN EFFECTIVE PARTICIPATION OF THE LOCAL SOCIO-ECONOMIC ACTORS CONCERNED. THIS MEANS THAT A PROCESS NEEDS TO BE UNDERTAKEN THAT BRINGS TOGETHER AND LINKS LOCAL ACTORS ACROSS POLITICAL LINES AND ENSURES A CONSTRUCTIVE EXCHANGE OF IDEAS AND OPINIONS WITH THE AIM OF DESIGNING POLICIES FOR SUSTAINABLE ECONOMIC DEVELOPMENT IN THE AREA. THIS PROCESS IS IN ITSELF AN IMPORTANT PART OF THE RECONCILIATION AND PEACE BUILDING PROCESS.

#### Capacity building

----- IS ESSENTIAL IN ORDER TO GUARANTEE THE TECHNICAL SUSTAINABILITY OF THE INITIATIVES TO BE DEVELOPED. A BOTTOM-UP AND PARTICIPATORY APPROACH IS REQUIRED TO MOBILIZE TO THE FULLEST POSSIBLE EXTENT THE LOCAL HUMAN POTENTIAL, THUS ENSURING LOCAL OWNERSHIP OF THE LED PROCESS. IN ORDER TO ACHIEVE THIS IT IS IMPORTANT THAT CONCRETE AND VISIBLE RESULTS ARE ACHIEVED IN A SHORT PERIOD. SUCH RESULTS CONTRIBUTE TO RAISING THE LEVEL OF MOTIVATION AND AWARENESS OF THE TARGET POPULATION.

#### Synergy

----- IS AN IMPORTANT WAY OF ENSURING QUICK RESULTS WITH OTHER DEVELOPMENT EFFORTS IN THE AREA. TO ENSURE THEIR LONGER TERM VIABILITY, LOCAL INITIATIVES ALSO NEED TO BE LINKED AT THE NATIONAL AND GLOBAL LEVELS. IT IS THEREFORE NECESSARY TO ESTABLISH A DIALOGUE WITH THE RELEVANT INSTITUTIONS AT THE NATIONAL AND INTERNATIONAL LEVELS AND INFORM THEM ABOUT LOCAL LEVEL INITIATIVES. PUBLIC AWARENESS RAISING HELPS TO SHOW THE IMPORTANCE OF ENTREPRENEURIAL INITIATIVES FOR THE LOCAL ECONOMY.

## LOCAL ECONOMIC DEVELOPMENT AGENCIES

In the case of PRODERE, LEDAs were also key instruments in promoting consensus building, conciliation, democracy and popular participation. Many of the LEDAs set up in the framework of PRODERE, operate in geographical backward areas characterized by an institutional vacuum. They were often one of the few, or even the only active institution in the area. Also, as compared with the Church or the local administration, LEDAs more easily gained acceptance as a neutral entity.

Moreover, since some of the actors who were involved in the LEDAs also played an active role in health issues, education or general community development initiatives, some LEDAs found themselves involved in and functioned as catalysts for many other activities and events with a more social character. The main focus of the LEDAs however remained on economic development.

The LEDAs supported by PRODERE were designed as membership organizations, made up of representatives of the public sector, including local administration and decentralized national government agencies, as well as of civil society, including peasant associations, cooperatives, private sector employers, workers' organizations and other non-governmental organizations. In this context, the role of PRODERE was limited to promoting the constitution of LEDAs and providing technical assistance. For the LEDAs to function properly, they had to be independent bodies, with a proper legal structure. It was therefore important that the local actors assume responsibility for the process of creating LEDAs right from the start. In order to ensure that the local community would not consider a LEDA as an institution imposed from the outside, but rather assume ownership, the LEDAs were constituted only after an intensive, participatory process of promotion and preparation, involving ad-hoc committees on which most of the institutions mentioned above were represented. Ideally, LEDA membership should reflect the whole range of organizations and agencies active in the area, including local authorities, decentralized central government agencies and organized civil society. In practice however different LEDAS establish different membership criteria.

In 1994, 15 LEDAs created the Central American LEDA Network. This network has enabled the LEDAs to be represented at international meetings, exchange experiences, exploit trading opportunities, develop joint services, realize economies of scale, undertake joint training activities and mobilize external resources. National networks have also been set up in Guatemala, Honduras and El Salvador for similar purposes.

## *LEDA ACTIVITIES*

## ONE

To assess the area□s potential in terms of the available natural, economic, human and financial resources and institutional presence. The outcome of this assessment then serves as a basis for strategy planning and coordination of activities. All LEDA members should be involved in assessment of SWOT -

Strengths Weaknesses Opportunities Threats

## TWO

To perform an investment opportunity study for the promotion of micro-and small enterprises. PRODERE developed a special method for this, the so-called *diagnostico preliminar de oportunidades de inversion* (prelimininary investment opportunity analysis). This method is participatory and involves all sectors of the community concerned in the identification of economic needs and in the possibilities to satisfy them through entrepreneurial activities.

## THREE

Both the SWOT analysis and the investment opportunity study are used to design an economic development plan. This is essential since the strategic planning concept is essential to the LED methodology. Local development should not be incidental or accidental. Spontaneous and natural evolution processes are important but it is even more important to ensure that local and external players focus their attention and energy on an analysis of the situation and then jointly develop a strategy and undertake the activities necessary to implement the strategy. LEDA activities are also guided by an overall economic development for the area which defines the long term strategic direction of the development of the local community, practical projects to be implemented, financial, material and technical support required to achieve the goals set and the involvement of individual LEDA members and others in its implementation.

## FOUR

LEDAs aim at achieving synergy and complementing other ongoing activities in order to make an effective use of the limited resources available. This means that LEDA staff often work together with the staff of government agencies, NGOs and existing local institutions. For example, commercial banks are actively involved in the implementation of credit schemes for small farmers and entrepreneurs, instead of the LEDA itself carrying out credit operations. In one case PRODERE was able to persuade a commercial bank to open a branch office in an area where the LEDA was involved in credit operations and where no bank was present. In another case, the bank which had custody over the LEDA guarantee fund, while financing all credits from its own resources, detached one of its employees to the LEDA so that the LEDA and the bank together could follow up on the credit portfolio.

## DIRECT SUPPORT PROVIDED BY LEDAs

Entrepreneurship promotion and business development services, technology, markets, basic business management, vocational training, counseling.

## INDIRECT SUPPORT PROVIDED BY LEDA

Promoting a more favorable climate for the creation and growth of small enterprises.

## CREDIT

Since in many of the areas covered by the LEDAs commercial credit was (hardly) available, PRODERE also dedicated considerable efforts to facilitating access to credit and introducing new credit mechanisms as appropriate. The credit programs provided small farmers and entrepreneurs an opportunity to access credit at market rates and establish a credit record that would eventually enable them to become regular customers of commercial financial institutions. Individual farmers and groups of farmers used the loans to introduce non-traditional crops and invest in processing technologies that helped improve added value. The introduction of such new technologies could eventually transform the production system of the areas covered and bring about a qualitative improvement in living standards.

The credit funds made available through PRODERE also enabled the LEDAs to establish themselves as serious partners for development efforts funded by others, such as Canada, the European Union, Germany, the Netherlands, USAID (Peace Corps), a number of UN funds and agencies and a wide range of NGOs. Additional funds for credit activities were provided by the IDB's Multilateral Investment Fund, the Central American Bank for Economic Integration and the World Bank. In the case of El Salvador the LEDAS became partners in financial institutions created especially with the aim of providing credit to small and medium-sized enterprises.

## WHAT WE HAVE LEARNED

From the outset PRODERE aimed at ensuring the sustainability of the LEDAs it helped establish. Experience has shown that to achieve sustainability attention needs to be paid to social, political, technical and financial aspects.

### *Social sustainability*

To achieve social acceptance public awareness raising turned out to be essential. The regions where the LEDAs were introduced were not only the least developed economically but had also been the most affected by violent conflict.

As a result PRODERE needed to gain acceptance and achieve a change of mentality before even being able to introduce the local economic development concept. The small farmers and entrepreneurs who were the direct beneficiaries of the program as well as local policy makers had to be made aware that in the post-conflict situation ***they themselves were responsible for getting the local economy on track***.

In this context it was necessary to create faith in their own capacities and to demonstrate that by using their own local resources more effectively they could attract outside resources without waiting for support from the central government.

The program also had to work on policymakers at the central government level, especially since it was operating in politically conflictive areas. At the national level, decision makers had to understand that ***the activities carried out at the local level were by no means subversive but rather were in line with national policy*** and that some of the local level initiatives could become elements of national policies.

The key to ensuring social acceptance and sustainability of the LEDAs was the identification of needs by the local population. Although a time-consuming process, it was essential to ensure local ownership of the LEDA and arrive at a consensus on priorities. It is only in this way that the LEDA will be perceived as a legitimate organization and receive the necessary support as witnessed by growth in membership, active participation by members in LEDA activities and the effective provision of services.

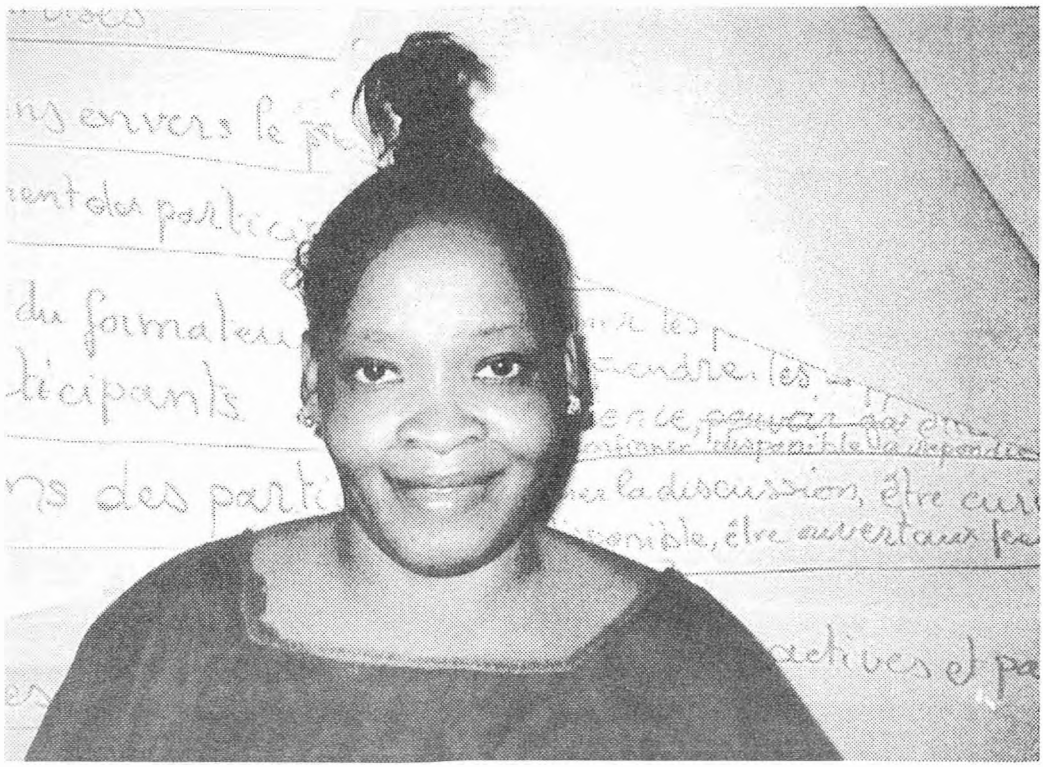
### *Technical sustainability*

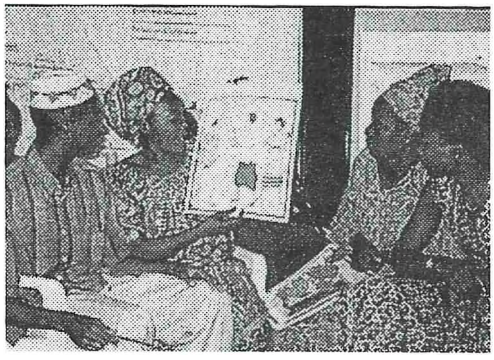
Technical sustainability refers to the capacity of the LEDA staff and member organizations to handle effectively most of the day-to-day services the LEDA provides. The key to technical sustainability of the LEDAs has been local capacity building. To this end most LEDAs set up technical committees to advise and guide LEDA staff. Training LEDA staff in technical areas, instead of relying on outside organizations for the provision of services, contributed significantly to the independence of the LEDAs. In addition, the fact that most services were provided by local staff was much appreciated by the members of the local community. Often, local staff is able to solve technical matters in a more appropriate (and understandable) way than external consultants, who do not necessarily speak the local language and may be unfamiliar with local customs.
Technical sustainability was also strengthened through a process of networking with similar institutions inside and outside Latin America. For instance, it was only after a study tour to Europe in 1992 that the methodology and the principles of local economic development were fully accepted and became the basis for PRODERE's later interventions. In this respect it is significant to note that even after the end of the program the network of LEDAs in Central America continued to function and at the time of writing this paper had just set up its own website, including a detailed profile of each LEDA.

### *Financial sustainability*

Financial sustainability was a fundamental objective of the program since it was the only way to ensure that the LEDAs would continue to function after the end of the program. LEDAS, given their membership structure, their participatory character and their comprehensive range of services, are relatively expensive to operate.

Even in industrialized countries similar agencies often receive considerable external subsidies since it is not realistic to expect that LEDA members and clients can finance all operations. The PRODERE experience has shown that during a period of at least two to three years external support is necessary to guarantee a minimum of services and work towards full financial sustainability.





# PART 10: MODERN SCIENCE AND HUMAN RIGHTS EDUCATION

## a) SCIENTISM AND ITS EFFECTS ON HUMAN RIGHTS PHILOSOPHY

By Upendra Baxi

***Specialization and Authenticity***

The languages of science and technology heavily mediate our understanding and experience of the rampantly globalizing world and impact our understanding and practice of human rights. Activists and educators need to understand that their work, even their political being, operates within the ideological paradigms and practices of science and technology. **Scientism** dethorones sacred notions of nature and reconstitutes our concepts of the meaning of terms such as:

**NATURE.... SOCIAL... HUMAN....**

**NATURE**

**First:** The Death of God. This contains several related ideas.

- physical /material nature is no longer divinely/cosmologically ordained
- laws of nature are not divine laws
- nature is not immutable or impervious to transformation by human efforts

**Second:** Nature becomes a resource for human beings just as human beings become resources for society. Thus we speak of **natural resources** and **human capital**.

- Resources have to be used and developed
- Some resources are renewable, some not
- Finite resources pose a problem that must be met by science and technology, by constructing nature in vitro through experimental invention
- Nature can be reproduced

**Third:** Nature is at times a liability, which science and technology must improve for human well-being.

- natural disasters can now be forecast and considerable human harm avoided by advance planning
- the causes of these natural disasters are now better understood and explained in terms of collective human action and responsibility

**Fourth:** Nature is conceived as a storehouse of raw materials which science and technology may use, exploit, or artificially reproduce for the benefit of humankind.

- Non-human beings must therefore be subjected to suffering since their right to exist is subject to the needs of discovery and invention for human purposes, such as medicine and food.
- The animal rights movement is not yet thought of as an aspect of the human rights movement. This itself shows how anthropomorphic our concepts of human rights remain.

The instrumental concept of nature - as opposed to the sacred - carries many a human rights implication, vividly illustrated in the poignant discourse concerning the human rights of indigenous peoples, for whom the human-nature relationship is defined not in terms of aggressive usage but in those of intertwined cosmic harmony. To them, land is not a commodity to be sold under market conditions but a land to be respected, and made intergenerationally holy, by ancestor spirits. The languages of contemporary and modern human rights have no place for this worldview. Human rights resistance has led to the development of frameworks of cooperation in the context of civilizational conflict. HRE has yet another task defined for it in terms of its authentic self-positioning in this discourse. An inter-civilizational discourse on HRE is yet to be borne.

> **How far may science and technology proceed by way of the appropriation, modification and commodification of nature? The problem of limits emerges centrally for the politics for human rights. The struggle to enunciate, protect, and promote environmental rights is directed to setting such limits.**

The domain of expanding reproductive technologies furnishes a crucial human rights battlefield in terms of right to life versus women's secular autonomy over their bodies. HRE is rife with contention on this issue, as well as related arenas opened up by medical, pharmaceutical, and agricultural bio-technologies.

## HOW IS THE PROBLEM OF SUCH LIMITS TO BE ADDRESSED?

Issues of the regulation and prohibition of certain kinds of research and their applications remain grounded in human rights values, norms, and standards. The prohibition of certain kinds of research for moral reasons emerges in the human rights idiom as a form of unallowable pre-censorship. The human right to freedom of speech and expression, for example, means for the scientist the right to experimentation and the dissemination of results. If forbidden, this may amount to unjustified interference with their human right to work, to livelihood, and to a just measure of reward proportionate to their potential contribution to social and human development.

Human rights oriented regulation may provide the best possible answer. The Civil and Political Rights Covenant addresses the issue of a possible human right to informed consent, thus restricting the sway of scientific experimentation with human subjects.

??????????????????????????????????????

***What constitutes experiment?***

***What do we mean by informed consent?***

***Should we set some human rights limits even to informed consent?***

??????????????????????????????????????

An experiment, at least from human rights perspectives, includes more than events that occur through the scientific protocols of laboratory research. Because their proponents usually hail from communities of lay people, concepts of human rights oriented regulation of experiments remain both fuzzy and problematic. Many activists do not understand scientific/technocratic languages in ways that empower us to conduct reasoned dialogue with scientists. This weakens our ability to propose the human rights oriented regulation of experimentation.

## SOCIAL

Our understanding and experience of the "social" remains heavily influenced by scientism. Because scientism is an ideology produced by practitioners who remain historically situated in the matrix of bourgeois capitalism, it is understandable that:

> *...a whole new view of society has arisen, one in which the individual is primary and independent, a kind of autonomous social atom that can move from place to place and role to role. Society is now thought to be the consequence, not the cause, of individual properties. It is individuals who make society. Modern economics is grounded in the theory of consumer preference. Individual autonomous firms compete with each other and replace each other. Individuals have power over their bodies and labor power, in what MacPherson described as "possessive individualism" This atomized view is matched by a new view of nature, the reductionist view. Now it is believed that the whole is to be understood only by taking into account that the individual bits and pieces, the atoms, molecules, cells, and genes, are the causes of the properties of whole objects and must be separately studied if we are to understand their complex nature.*
>
> *Genes make individuals and individuals make society and so genes make society. Genes make individuals, individuals have particular preferences and behaviors, the collection of preferences and behaviors make culture, and so genes make culture. That is why molecular biologists urge us to spend as much money as necessary to discover the sequence of the DNA of a human being. They say that when we know the sequence of the molecule that makes up all our genes, we will know what it is to be human. When we know what our DNA looks like, we will know why some of us are rich and some poor, some healthy and some sick, some powerful and some weak. We will also know why some societies are powerful and rich and others are weak and poor, why one sex, one nation, one race dominates another.*
>
> *(Lewontin, 1991: 11-12, 14.)*

**ONE EXAMPLE**

*The siting, storing, and management of hazardous wastes, including nuclear by-products, provide a telling example. From human rights perspectives, this constitutes a process of experimentation calling for regulation. Scientism tries to persuade us that, besides being in no sense an experiment in the standard sense of that term, this procedure is completely manageable by expert communities, indeed to a point of insisting that activist forms of public concern are tragically misguided! How human rights education may address this problem is as yet unknown.*

The response that dictates a return to a description of the world as an indissoluble whole" because in trying to break anything down to into parts we inevitably loose the essence, now emerges as simply another form of mysticism, a kind of obscurantist holism. Our world is not one huge organism that regulates itself to some good end as the proponents of the Gaia hypothesis believe. The anti-reductionist stance on life sciences carries important messages for human rights activism in constructing the place of human rights in the social context.

## HUMAN

In rather stunning ways, human is continually being redefined by digitalization and biotechnology. Human rights movements increasingly mobilize human solidarity through, and across, cyberspace. This, as activists well know, is a mixed blessing. Cyber solidarity in human rights activism poses some acute problems for its authenticity in terms of the Seven Sisters. The awesome power of the World Wide Web and the cell phone now replace earlier forms of social movements that thrived through direct mass social action. They promote activist efficiency at the cost of the immense richness of face-to-face communication. They also promote hitherto unimaginable forms of state surveillance over activist communication in a post 9/11 world. The emancipative power of modes of production of HRE remains thus both facilitated and structurally adjusted.

***Scientism redefines the very notion of being and remaining human***

- ⇨ ***Am I fully human when I am required to regard my body as property?***
- ⇨ ***Can experiments with my body parts be construed as a patented corporate invention?***
- ⇨ ***If so, am I entitled to royalties from sales?***
- ⇨ ***How should we approach the rights of the surrogate mother in relation to the birth mother?***
- ⇨ ***How can human rights activism help adjudicate the right to know paternity or maternity, claimed by beings produced by artificial insemination?***
- ⇨ ***How may we understand a xenotransplanted human being as being fully human?***

**ALL THIS FURNISHES AN AGENDA OF AUTHENTICITY FOR HRE AS YET BARELY ADDRESSED.**

## b) HUMAN RIGHTS EDUCATION FOR STUDENTS OF SCIENCE AND TECHNOLOGY

By Richard Pierre Claude

As science and technology make ever more rapid advances, we seem to have more to worry about. Cyberspace threats to personal privacy are no longer matters of science fiction as corporate and government intelligence are equipped to monitor electronic mail. Incautious steps toward human cloning raise fears about the revival of the pseudo-science of eugenics, presuming to tell us who is fit to live. Daily news reports present serious ethical questions.

- *Did China violate the human rights of prison inmates in 2001 by harvesting their kidneys and other human organs without their informed consent, in turn selling them to overseas buyers?*

- *Do the victims of HIV/AIDS in sub-Saharan Africa have a human right to benefit from pharmaceutical treatments proved effective but beyond the financial means of most of those otherwise facing certain death?*

freedom and responsibility are at the moral core of the scientific pursuit of truth

- *Did the United States violate the human rights of American mathematicians by restricting them from traveling to a conference of the International Mathematical Union in Havana based on Washington's ban on travel to Fidel Castro's Cuba?*

These questions cannot be answered simply, but more significantly, they cannot be answered fully, and perhaps not at all, without some understanding of internationally defined human rights. People interested in science policy are at a disadvantage for making critical judgments when they are not familiar with human rights. What is generally missing in HRE is attention to the many intersection points between human rights and science. College courses on environmental policy are rapidly proliferating, but largely without perspectives drawn from the often allied field of human rights. Scientists, like everyone else, need an environment of fundamental rights and liberties so that they are no mere puppets of political authorities, while at the same time, they should be aware that Article 27 of the Universal Declaration of Human Rights proclaims:

*Everyone has the right freely to share*
*in scientific advancement and its benefits*

## A GOOD BOOK

*Science in the Service of Human Rights* by Richard Pierre Claude (University of Pennsylvania Press, 2002) takes into account disparate reading publics: some concerned with science and society on a technological fast track occasionally begetting Frankenstinian misapplications of technology; some beset with the pressures weighing on people's human rights because of economic and political globalization; others troubled by questions about technological advances outstripping moral progress in public affairs; and others alarmed by human rights violations to members of the science community. Such people may fall in many categories--scientists and students of science, human rights activists, scholars, policy makers, and the general public. They are the intended audiences for this book, designed to promote HRE for students of science, technology and health professions.

## c) USING INFORMATION TECHNOLOGIES FOR HUMAN RIGHTS EDUCATION

By Frank Elbers and Felisa Tibbitts[18]

### *Introduction*

It was only ten years ago that the fax machine was a revolutionary addition to our office communication tools, which consisted of regular mail, express mail, and the telephone. Today, we use a fax machine only when we cannot send something via e-mail or inexpensively through regular "snail" mail. Organizations conduct most correspondence through e-mail and the Internet, conduct research on the Web, and post publications on our organization's web site. Some of us even organize distance learning courses via the Internet.

The human rights field needs to address the technology gaps that separate IT capabilities within the field. HRE groups in the so-called North generally have access to higher quality and affordable services, especially those involving access to the Internet as well as e-mail. Many human rights organizations in other parts of the world have to deal with conditions where dedicated telephone lines are not always a realistic option, Internet services are expensive, modems are slow and computer-literate personnel are not readily available or affordable. Since part of our work is inherently global, then we all need at least a minimum of capability. This includes regular access to e-mail and the Internet, and the opportunity to share our work through a website.

**We believe that the human rights community as a whole should directly address the technology issue, beginning with a focus on needs and opportunities for sharing within regions.**

Regardless of the quality and quantity of educational materials available over the Internet, these resources can never be a substitute for face-to-face interaction. Similarly teaching does not guarantee that learning will take place. This comment may be particularly relevant for the emerging practice of distance learning in the HRE field.

This article focuses on the current applications of new information technologies to HRE, loosely grouped into three general categories: information-sharing, information-gathering, distance learning.

## *Information Sharing*

### Listservs, Mailing Lists, Electronic Newsletters

#### *Listservs*

Listservs are generally organized around a theme, and membership numbers can range from six to six thousand. Members must subscribe, and have the option to make textual contributions, which are then circulated on the listserv. Moderated listservs have a single person or team that receives, edits (if necessary) and posts messages sent by members. Unmoderated listservs have no such gateway. Listservs are a way to facilitate sharing across subscribers.

HREA hosts the Global HRE listserv, which had 3400 subscribers from approximately 165 countries as of June 2004. This listserv provides an international platform for publicizing new projects; announcing trainings and publications; describing lessons learned and sharing valuable information to enhance the capacity of individuals and organizations working in the field. Enabling networking is probably one of the main features of this listserv.

Through a listserv, successful programs and guidelines for working in particular educational settings can be shared, such as an evaluation of a training program for community leaders in Peru, an assessment of HRE programs in Cambodia, research results of a study on implementing human rights principles in a 7th and 8th grade civics curriculum in Romania and principles for HRE as empowerment in informal education settings.

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In the Summer of 2000 the listserv was a platform for the Mid-term review of the United Nations Decade for Human Rights Education, at the request of the UN High Commissioner for Human Rights, which was preparing an analytical report on accomplishments, remaining shortcomings and needs, and recommendations for action in the five remaining years. A total of over 1800 organizations and individuals from approximately 140 countries participated in the forum via the Global Human Rights Education listserv.

HREA works regionally with human rights organizations to develop regional listserv which facilitate information-sharing among educators and other human rights workers, for example, lawyers engaged in human rights-related litigation.

### Mailing Lists and Electronic Newsletters

Mailing lists and electronic newsletters are electronic versions of mass mailings that are remarkably quick and inexpensive to execute and thus are excellent tools for calling people to action. Amnesty International, Human Rights Watch and the International Helsinki Federation for Human Rights have used mailing lists for urgent action appeals and to highlight situations of human rights abuses requiring immediate response from the international community.

Messages for mailing lists may be brief and factual, or take the form of the more journalistic newsletter. For example, the Croatian women's human rights organization B.a.B.e. (*Be active, Be emancipated*) regularly distributes a newsletter that contains updates on the position of women in Croatia and the Balkans, and the organization's activities and campaigns. Since 1999 HREA has published a monthly newsletter called ERC-L that includes an opening article with lessons learned in HRE; new tools for HRE; and a listing of all new documents added to HREA's on-line HRE Library.

## *Information Gathering*

### Internet-based Resources

Resources on the World Wide Web can be categorized in three ways:

**WHAT'S THERE**

**HOW YOU GET IT**

**HOW YOU CAN CONTRIBUTE TO IT**

### *What's on the World Wide Web (WWW)*

Many HRE organizations and others actively involved in the human rights movement post information about their materials on the World Wide Web (WWW), usually through their organizational website. Sometimes, full text resources are available for downloading and use, such as training and teaching materials, original human rights treaties, research and case law.

HREA posts our materials on our website, and has an Electronic Resource Center (ERC) at: **http://www.hrea.org/erc**. The ERC contains over 2,000 documents for the HRE field, for use by trainers and teachers working with a variety of learners. The categories include: curriculum and lesson materials, research and evaluation; training materials; newsletters and periodicals; and key human rights treaties and reference materials. Some of the materials have been posted by HREA directly and others are listed through links with the websites of other organizations. The language group is predominantly English, but also includes Arabic, Chinese, French, Russian, Portuguese, Spanish and other languages.

*Under the category Secondary and High School teaching materials, the HREA website contains full-text materials from countries as diverse as Australia, Burkina Faso, Croatia, Czech Republic, Estonia, Germany, Hungary, Japan, Liberia, Morocco, Mexico, New Zealand, Poland, Romania, Slovakia, Switzerland, Thailand, United Kingdom, and USA.*

Since many fine materials are being developed by local NGOs, HREA is actively recruiting these organizations to share their resources over the Internet. In return, HREA provides the group with a simple homepage on our other web server, Human Rights Net (**http://www.human-rights.net**).

### *Search engines*

**INFORMATION IS ONLY HELPFUL IF YOU CAN OBTAIN IT**

It is essential that human rights groups using IT organize their information so that it can be readily accessed by visitors to websites. Our knowledge about these means of access is improving every day. Fortunately, a great deal can be learned simply by visiting websites that have been well designed by colleagues.

Websites containing information intended for research purposes often have their own local search engine, such as the Canadian-based Human Rights Internet at http://www.hri.ca. The new HURISEARCH search engine (www.hurisearch.org) allows searching sites of non-governmental human rights organizations in 58 different languages.

## *How to Contribute to Internet-based Resources*

Organizational web sites can contain basic background information about an organization, such as mission, staffing, and activities. Homepages are an opportunity to share educational materials that have been developed and proven to be effective in the field. The HRE field, which continues to grow, is still hungry for materials that are robust and effective.

HRE organizations that envision their website as a general resource for the field might include internal links with other organizations and documents. Those working closely on a regional or thematic basis might also organize a webpage for their network, with perhaps a related internal listserv or electronic newsletter. Essentially, the way that IT is integrated into the work of a HRE group should reflect their central communication needs: internally, within a known network of colleagues and stakeholders; and with yet unknown "consumers" of their materials.

### *Distance Learning*

Until recently, distance learning technology relied exclusively on television broadcasts and radio programming preserved on videos and audio cassettes. These media typically complemented in-person tutoring and class work; television and telephone were combined to enable teleconferencing.

Distance learning is not a new phenomenon (think of the century-old correspondence courses and those educational radio broadcasts), yet the emergence of the personal computer and the rapid expansion of the Internet have given this field a new dimension and created ***e-learning***, which is particularly useful for the continuing education of professional groups in the human rights field. Web technologies lend themselves to certain pedagogical approaches like case studies, simulations and quizzes.

An important distinction to make in distance learning is whether the learning takes place *synchronously*, i.e. the student receives instruction at the same time that the teacher is delivering instruction, or *asynchronously*, i.e., the instruction is received at a different time than it was delivered. These different modes of delivery require different technologies.

Synchronous learning incorporates simultaneous two-way communication as in a traditional classroom or training setting. Some applications are two-way radio, chat, audio and video-conferencing. Most systems require expensive equipment and high-speed Internet connections. Currently synchronous learning is usually limited to very resource-rich organizations such as international corporations, UN agencies and universities in the United States. An example is Teaching Human Rights Online (http://oz.uc.edu/thro/), an initiative of the Morgan Institute for Human Rights, in which (under)graduate student teams use video-conferencing to develop critical thinking and problem solving skills while working on case studies of international human rights problems and human rights law. Most distance learning, however, takes place asynchronously.

Distance learning courses are often offered using a mix of technologies like Web pages, file transfers, e-mail, listservs, bulletin boards, audio and video. One example is HREA's Distance Learning Program for human rights and development professionals.

These courses take place with minimal costs, no travel requirements, and at the convenience of the participants and are lead by practitioners who understand the conditions faced by professionals in these fields.

Unlike most distance learning courses, HREA's courses are not exclusively Web-based. HREA uses a dual system that makes it possible to participate in the distance learning courses via the Web or via e-mail only. Course literature can also be distributed in hard copy via regular mail, according to the needs of participants. These qualities make the courses particularly suitable for participants in environments where Internet connections are slow, unreliable or costly.

Whereas a distance education/learning course is based on interaction of groups in the context of a course, various Internet technologies allow for individual, self-paced learning without a tutor or other classmates. These Web tutorials can be integrated with various technologies such as audio and video, links to source materials, case studies and multiple-choice questions that allow learners to test their acquired knowledge and skills. HREA has developed interactive tutorials on the rights of refugees, women's human rights, and the African, European and United Nations' human rights systems, which are available on CD-ROM. Another example is the Human Rights Correspondence School, an initiative of the Asian Human Rights Commission in Hong Kong, which has produced lessons on different themes/issues or human rights principles. They have been regularly sent out to a wide network of NGOs, educators and professionals in Asia, to be freely adapted and used in their own education, and are also available on-line (http://www.hrschoo.org/).

CD-ROMs are an excellent medium through which to distribute self-paced learning materials as they can store large amounts of data, are easy to produce, can be reproduced very cheaply and there is no need for an Internet connection. The police training modules developed by the Constitutional and Legal Policy Institute (COLPI) in Hungary uses CD-ROMS most successfully. They include simulations of situations that police face in their daily work (appropriate use of force, assistance to victims, etc.) and are based on a combination of video and audio and readings.

Distance learning can also be used as a supplement to an existing course or training, either as a pre-course or post-course component. For example, the International Summer University of Human Rights offers an on-line introduction to the UN human rights system on the Web, which participants have to study before they arrive in Geneva for their two-week course.

### *Quantity and quality of information*

Soon the HRE field will face a new problem: access to too much information. As yet, there are no formal criteria for evaluating the quality of HRE materials. Specialists and non-specialists alike use their own methods of assessment. Perhaps this is how it should be. However, it might also be important at some point to "flip" the guidelines that already exist for the development of effective and learner-centered HRE materials into suggested criteria or review guidelines. These should never be dogmatic, but they might help the field formalize its (perhaps multiple) understandings of what approaches facilitate human rights learning and activism.

### *Language issues*

The language barriers within the HRE field have two aspects. First: communicating in different languages is difficult, sometimes impossible, and impedes worldwide use of various resources. The solution is to translate select materials into major language groups, which many HRE groups already do. However, certain scripts require special software. You can send me a manuscript in Russian, but if my computer does not have special software to read Russian, then your material will look as though a cyclone hit the keyboard. These linguistic and technical challenges impede sharing information using IT, although no more than sharing across languages the old-fashioned way. Certain software performs automatic translation that needs to be checked by an experienced translator.

### *Security*

A genuine concern within the human rights field is the intrusion of those who want to disrupt the work of human rights organizations. In some countries, government agencies have restricted access to the Internet or monitored or interfered with websites or electronic communications. The international community is becoming more and more aware of these infringements of the fundamental rights of the freedom of expression and the right to information. Although there is little an individual organization can do about influencing such hostile conditions, there are some tools that can be used to ensure the integrity of electronic communication.

Encryption and so-called remailers are ways to ensure that governments or other third parties cannot read private or life-threatening information that human rights organizations send. The Human Rights Program of the American Association for the Advancement of Science (AAAS), the Association of Progressive Communication (APC), HURIDOCS, and the Martus project, among others, have been providing tools and assistance in this area.

### *Conclusion*

We conclude our enthusiastic treatise on IT and HRE by reminding the reader of its inherent limitations. Although new technologies are particularly useful in transferring knowledge and skills, they are not as conducive to other aspects of the learning process, i.e. values, attitudes and behavior. Since learning is very much an emotional process, IT have their limitations as learning tools. It is also important to consider the cultural implications of the use of new information and communication technologies.

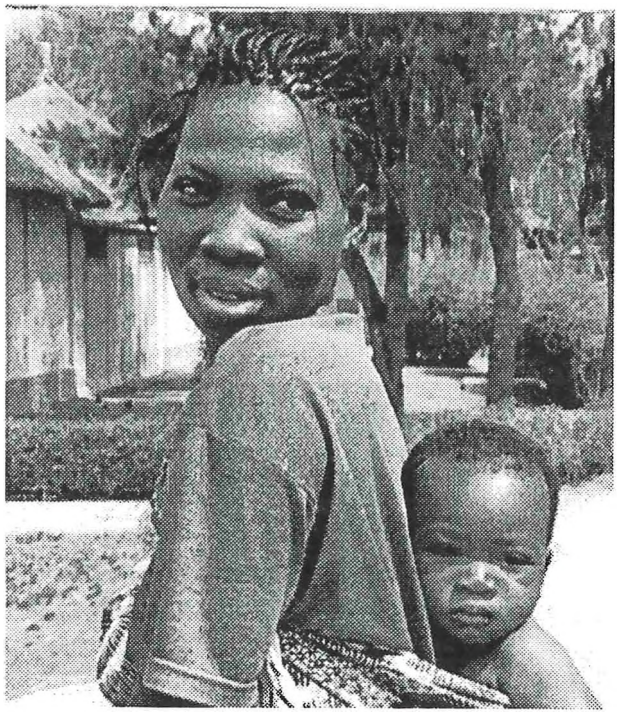
I. Although new technologies are particularly useful in transferring knowledge and skills, they are not as conducive to other aspects of the learning process, i.e. values, attitudes and behavior. Since learning is very much an emotional process, IT have their limitations as learning tools. It is also important to consider the cultural implications of the use of new information and communication technologies.

II. Managing and transferring information systematically and securely is a tremendous challenge for human rights workers, considering the sometimes sensitive nature of our work and the possibility of governments monitoring data traffic and communication.

III. How will those who cannot read and write benefit from IT? There is some potential in using audio/video tools yet often those who are illiterate also lack the infrastructure to access these technologies.

IV. The access to technology is a major challenge. Only more infrastructures will allow for faster, reliable and cheaper Internet connections in order for all people to exercise their rights to information and education. In order to be truly empowering and in the spirit of HRE, IT will have to be democratized.

New information technologies have helped create virtual communities of activists, educators and other professional groups, allowing them to share information and lessons learned, and consequently to improve the quality of their work. IT has also allowed HRE to reach out to learners who have not been reached before. However, one should always be mindful of the need to reach those who do not have access to current information technologies. The evolution of information technologies will continue to present opportunities and challenges to the global HRE field. Robert MacIver wrote that ***technology is the most subtle and the most effective engineer of enduring social change***. It is incumbent upon all of us to remain informed about these developments and to creatively seek ways to improve our collective work in HRE.



# PART 11: TOWARDS A PEDAGOGY OF HUMAN RIGHTS EDUCATION

## a) DIALOGUE: A KEY ELEMENT IN HUMAN RIGHTS EDUCATION

By Upendra Baxi

This Report (and all our PDHRE activities) raises the question: How to bring lived experiences of harm and hurt, and expectations of human rights oriented human futures, into the discourse of power that predominates in the making and remaking, observance and implementation, of human rights norms and standards? From the perspective of HRE, we may say that we understand human rights only when we understand the concept of dialogue.

### First: DIALOGUE MARKS THE END OF MONOLOGUE

Dialogue is possible only when we recognize the voice of the Other. Dialogue entails the recognition of plurality and multiplicity. Any exclusion of certain voices from the public sphere emerges then as a form of social and epistemological violence.

### Second: THIS RECOGNITION IMPLIES CERTAIN IDEAS ABOUT COMMUNICATIVE EGALITARIANISM

For dialogue to be possible at all, several conditions need to be satisfied:

- ✓ availability of public space
- ✓ access to means of communication
- ✓ organization of daily life so that people have time to articulate their views
- ✓ avoidance of pre-censorship
- ✓ duty of those who hold public power to listen, not just hear.

### Third: DIALOGICAL SITUATIONS ARE STRUCTURED BY CERTAIN TRADITIONS

Free speech is possible only within context of censorship, and traditions themselves codify protocols of power:

- ✓ They allocate competences - who may speak
- ✓ They construct forms - how one may speak, what forms of discourse are proper
- ✓ They determine boundaries - what may not be named or discussed
- ✓ They structure exclusion - the denial of voice

These protocols themselves undergo constant change in the very processes of dialogue. Far from representing a fixed horizon, they signify endless mobility for human achievement.

**Fourth:** DIALOGUE IS THE ART OF THINKING
THE ART OF QUESTIONING EVER FURTHER[19]

"Dialogue is a form that consists not in trying to discover the weakness of what is being said, but in bringing out its real strength. It is not the act of arguing (which can make a strong case out of a weak one) but the art of thinking (which can strengthen objections by referring to the subject matter)." Parties to a dialogue bring their own impassioned commitments, which may themselves mutate in the process. Dialogue is thus intensely and inherently reflexive, endowing parties to it with the power to learn and unlearn.

**Fifth:** DIALOGUE OCCURS IN HUMAN SOCIAL LANGUAGES

It consists in the art of using words as a midwife for alternate, and competing, visions of a better human future. Dialogue enables the emergence not just of official authoritative languages but also of subaltern languages of resistance to power and domination as well. Dialogue is a process that testifies to both the languages of power and the power of languages.

**Sixth:** DIALOGUE IMPLIES MATERIALITY.

Even face-to-face dialogue requires considerable resources of time and space that put parties together in a dialogical transaction. Means of transport and communication furnish the material conditions for developing and sustaining dialogue, while contemporary dialogic situations entail recourse to highly advanced digital technologies. Owners of capital increasingly own the means and methods of conducting dialogue.

**Seventh:** DIALOGUE CANNOT BE DIVORCED FROM THE FORCES OF PRODUCTION.

As these develop, human dialogical capabilities also expand, often with enormous price tags, among these the salient being systemically distorted communication. From a human rights perspective, dialogue often signifies acts and performances of antisystemic struggle.

Authentic HRE must involve all human beings everywhere as well as future generations and human rights languages must imbue all human social relations. In other words, all forms of human interaction and conduct should be human rights oriented. HRE is an everyday affair, not a series of special events

## b) INTERNATIONAL CONSULTATION ON THE PEDAGOGICAL FOUNDATIONS OF HUMAN RIGHTS EDUCATION:
Centro de Estudios democraicos de America Latina (CEDAL)[20]

### *Introduction*

We, educators, activists, and scholars from various regions of the world, have met for five days at the Center for Democratic Studies in La Catalina, Costa Rica, to reflect on the pedagogical foundations of HRE. We considered a wide range of experiences and approaches to issues of education in society, democracy and cultural diversity, gender perspectives, narratives of domination and oppression as well as of paths of liberation. We also reviewed the United Nations' programs, resolutions and plan of action for the Decade for Human Rights Education. After freely exchanging diverse perspectives on these issues, we have agreed on the following elements of a pedagogy of HRE.

Our reflections are based on an assessment of the context within which learning takes place in different societies and the obstacles this context represents to HRE. The need for this preliminary analysis derives from our premise that pedagogies for human rights education should reflect a commitment to transforming unjust structures in order to achieve the social and international order in which human rights can be fully realized and to which everyone is entitled, according to Article 28 of the Universal Declaration of Human Rights. We recognize the need for wider and further discussion and welcome reactions from all interested parties.

### THE CONTEXT OF HUMAN RIGHTS EDUCATION

The content and methods of HRE are inextricably linked to issues of mal-development, patriarchy, militarism and the pursuit of wealth by a few individuals, corporations and states at the expense of meeting people's needs everywhere. The human rights movement -- and consequently human rights education -- offers a coherent and necessary, but not sufficient, response to these threats to human survival and security.

The oldest obstacle to all human rights is the patriarchical structuring of the world. Patriarchy perpetuates hierarchical and authoritarian power forces in all kinds of dominations and oppressions. Abolishing all patriarchical modes of discrimination and violation of women□s human rights will open up new routes towards the emancipation and liberation of all individuals and social groups.

State apparatuses, including local non-participatory state structures, are often and correctly identified as significant sources of human rights violations. Conditions for human rights deprivation are also created by non-democratic practices in civil society, including the politicization and militarization of ethnic relationships, which provide conditions for the violation of basic human rights.

We further recognize that the dominant economic and social forces within civil society are frequently involved in violations of human rights, particularly in relation to women's and children's rights as well as the rights of the exploited with respect to land, forest, water and employment.
Such violations in the name of development are carried out, more often than not, with the direct or indirect support of the state apparatus, including its anti-poor judicial system. Such a situation prevails widely not only in the Third World but also in the industrialized West. This nexus between the state apparatus and the ruling classes must intimately inform the pedagogic content of HRE.

## HUMAN RIGHTS EDUCATION AND THE STRUGGLE FOR SOCIAL CHANGE

*HRE, as critical thinking, moral reflection, and meaningful experiences that expose power-relations and power-structures, is both a tool for and the process of the struggle for social change and for the implementation of human rights.*

By enabling learners to critique modes of thought that manipulate people□s attitudes towards dominant power structures or annihilate creativity, HRE opens a dynamic and evolving space which can accommodate diverse and changing communities and contexts without imposing a specific mode of action on them. Thus HRE and struggle are in a constant dialectic of empowerment and enrichment. However, this dialectic does not imply — and in fact would be self-defeating if it resulted in — denial or disregard of the indivisibility, inalienability and universality of human rights, or the failure of states to fulfill their obligations under international human rights law. These dialectic relations create a multiplicity of interconnections between local struggle and educators as participants within that struggle, as much as between different struggles.

## PEDAGOGY OF TRANSFORMATION TOWARDS A HUMAN RIGHTS CULTURE

**We propose a pedagogy of transformation in recognition of the reality that the magnitude of human rights violations as well as the obstacles to change are so vast that what is required goes beyond the need for appropriate amelioration and reform. Such a pedagogy is to be contrasted with traditional pedagogy which serves educational institutions as places of social reproduction in which establishment consciousness is -legitimized and preserved.**

## THE LEARNING PROCESS

Human rights norms, in particular the Universal Declaration, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Vienna Declaration and Plan of Action, define the objective of all education as the full development of the human personality and potential. This objective can best be attained by enabling learners creatively and analytically to construct knowledge and be able to deconstruct fallacious or distorted knowledge concerning their own situation in society and history and reconstructing that knowledge by using critical, reflective, and moral faculties which it is the facilitator's task to assist them in acquiring. Education thus understood is a life process in which individuals become at different times and to differing degrees both facilitators of learning and learners. It is, therefore, essential, although frequently neglected, that the learning process respect the historical, social, psychological, ethnic, gender, linguistic and other contexts of the learners.

This process includes the transformation of school communities into places where faculty, students and staff have the opportunity to search for meaning, to pursue the search for justice and to develop their unique beings in an atmosphere of safety, caring, and compassion. We strongly believe that students who are fully engaged in such an educational process are more likely to contribute to the larger struggle for social and cultural transformation than students surviving formal education in traditional learning establishments that rarely provide for human rights learning according to the pedagogy of transformation described here. Vested interests, persistent habits, and bureaucratic inertia resist the incorporation of a human rights pedagogy into formal education that would include the following:

1) ***Full respect for all people regardless of class, caste, sexual preference, race, gender, religion, income, ability, age, or other condition***
2) ***Participation of students in their own education and sharing in the decision-making process***
3) ***The celebration of human experience as an expression of diversity and uniqueness as well as an important source of knowledge and wisdom***
4) ***The vital importance of social responsibility***

In this connection, it is important to reaffirm the rights and responsibilities of individual teachers to participate in professional decisions on such matters as the development of curriculum materials and instructional approaches. In addition, teachers have the responsibility to relate to students in a manner consistent with human rights principles. Valuable guidance regarding the human rights that must be respected in teacher-pupil relations may be found in the International Convention on the Rights of the Child, which

includes the child's rights to dignity, security, participation, identity, freedom of thought, access to information, and privacy.

The content of HRE necessarily varies with the learning environment. Among the elements that are frequently pertinent are the following:

- ✓ *The historical development of human rights and a critical understanding of the history of the struggle for human rights with particular emphasis on successful models*
- ✓ *The use and abuse of international and national forces*
- ✓ *The nature and extent of human rights violations, locally, regionally, nationally, and in schools*
- ✓ *The international instruments protecting human rights*
- ✓ *The agencies and institutions of remediation*
- ✓ *A critical understanding of related concepts such as justice, freedom, democracy and peace*

In addition to appropriate knowledge and understanding, HRE, operating within a context of the affirmation of the value of human life and dignity, involves:

- developing the capacity to care and be compassionate
- to commit to the struggle for human rights
- to exercise personal responsibility and human agency to develop the imagination and creativity necessary to envision and create a just and caring community
- the development of the critical consciousness necessary to sustain rational judgment
- the skills of self-reflection and personal transformation
  the courage and strength necessary to sustain the struggle

As we seek to bring HRE to the world's youth, we are mindful that such education must honor their experiences, reflect their concerns and be relevant to youth culture. The great numbers of the world's youth to whom formal schooling is not available should have the opportunity to engage in HRE in other learning environments.

Teachers, facilitators, organizers and trainers should demonstrate, in their personal behaviors and teaching methods respect for the dignity of learners with varying capacities. Those who initiate and guide learning processes based upon a pedagogy of transformation will require capacities to face a range of challenges imposed by the democratization of the teaching/learning process. Thus, we see the need for radical changes in the training of all those involved in HRE.
Women, traditionally excluded from formal education and from general access to learning and the production of knowledge, should be allowed equal access to formal education together with developing alternative modes of learning and specific forms of women's HRE that recognize women's production of knowledge. HRE should encourage positive actions to

achieve equality and representation of women in society and the professional world, particularly to increase their access to positions of power and responsibility in fields traditionally dominated by men.

Universities train elites to join the power structure in government and business by imparting privileged knowledge and embedding networks of collaboration that reinforce the structures of domination. At the same time, universities that respect academic freedom and promote independent research are critically important places where alternative modes of analysis, theorizing, and action can be developed. Universities are, therefore, valuable locations for developing pedagogies of HRE and training students to engage in professional human rights work. One of the tasks of HRE is to expand these opportunities.

Vocational and technical education offer a special opportunity to develop pedagogies that relate the skills of the workplace, which students attending such institutions acquire, to the role of workers in the political economy and the human rights struggles of that context. Similarly, professional schools require specific pedagogies aimed at engaging future lawyers, health professionals, architects, administrators and others in a reflection on the human rights dimensions of their professional field and on the application of their professional skills to the tasks of the human rights struggle.

The relation between school and community is a vital dimension of HRE that can be utilized towards the transformation of societies. It is essential that a particular pedagogy of transformation be derived by the community served by the school.

## LEARNING ENVIRONMENTS AND INNOVATIVE METHODOLOGIES

In order to achieve the pedagogy of transformation described above, educators and facilitators of learning need to develop and use innovative methodologies adapted to a wide range of learning environments. The following is a list of environments where specific pedagogies for HRE have been or might be developed:

- **Family in all its forms and identities**

- **The workplace and all its relationships**

- **Formal institutions:**
  *¥formal institutions of education and health care*
  *¥ prisons*
  *¥army*
  *¥ refugee camps*
  *¥places of worship*

- **Non-formal sites - places where people communicate and ideas are exchanged:**

*¥women's talk groups*
*¥ village square*
*¥ shopping malls*
*¥ market places*
*¥ discos, clubs*
*¥ places where daily activities take place, involving work, home, school, etc.*

- **Community media:**

*¥ printed materials*
*¥ audio-visual materials*
*¥ film*
*¥ posters, bill boards, etc.*
*¥ information and telecommunications technology (including the Internet)*
*¥women's organizations*
*¥ creative arts and popular cultural manifestation*

- **natural disasters:**

*¥places where natural disasters have occurred (earthquakes, floods, fire, etc.) or man-made disasters (war, environmental accidents, economic violence)*

- **Interest groups and organizations**

*¥labor unions*
*¥cooperatives*
*¥ consumer unions*
*¥ self-help groups*
*¥ task groups (urban and rural)*
*¥ women's organizations*
*¥ political parties*

**Colloquializing international instruments of human rights law by translating them into daily language and reality through culturally appropriate and economically viable expressions is a prerequisite for human rights learning in most environments. This can be achieved by:**

*¥ writing personal narratives*
*¥ museums*
*¥ role playing exercises*
*¥ drama, stories, cinematography, popular theater, radio, TV soap opera,*
*¥ computer exercises and games*
*¥ fora*
*¥ media interaction, radio and TV*
*¥ circus, puppetry, pantomime*

*Human rights education needs to address the commodification of culture through the overwhelming presence of media images that often marginalize opportunities for human rights learning. Learners, especially children, are bombarded by advertising, infotainment, edutainment, government propaganda, commodification of women's bodies (including their objectification through pornography),, indoctrination by interest groups or sects, and other forms of mass communication that denigrate cultural values, especially of indigenous and minority groups, and transmit stereotypes and prejudice, especially of women or glorify consumerism to the detriment of the values and critical faculties described above as essential to human rights education. Facilitators of learning, therefore, need to make a critical understanding of such mediatized images part of human rights education. Nevertheless, the media and electronic communication, such as the Internet, can be powerful tools of human rights education, if developed to achieve the learning goals set out above. Assessment has historically been used in traditional education as a mechanism of reward and punishment which can co-opt the independent thinking of the learners and has thus been a limitation on authentic and meaningful learning. The pedagogy of human rights education proposes that assessment be replaced by a process of self and co-operative evaluation as a means of constructing and deconstructing knowledge gained from various sources, including experience and cooperation, as key in the development of ethical behavior which will lead into action.*

## c) TOWARD A BUDDHIST SOCIAL ETHICS: THE CASE OF THAILAND

by Tavivat Puntarigvivat[21]

**TRADITIONAL BUDDHIST CONCEPTS OF MORAL CONDUCT NEED TO BE REINTERPRETED FOR THE MODERN WORLD AND INTEGRATED INTO A SOCIAL ETHICAL THEORY.**

Historically, Buddhism arose in India at the time when the Aryan civilization flourished. Unlike Judaism, Christianity, and Islam, the main concern of religious leaders and philosophers during the time of the founder was not political liberation from social conditions, but personal liberation from human suffering arising from the cycle of birth, old age, sickness, and death. Thus Buddhism is often criticized as a religion that, being mainly concerned with personal salvation, lacks a social ethics. However, Buddhist teachings on personal conduct do contain principles that could be reinterpreted and extended to a social ethical theory. Buddhist monks in Thailand are part of a unified hierarchical *sangha* (community of monks) which in turn is controlled by the government. Every day, they eat food donated to them by Thai people, the majority of whom are poor and oppressed. This situation makes it possible to look at Buddhism from a social justice perspective, and thereby add a new dimension to the Buddhist hermeneutics for the poor. If greed is understood not just in individual terms but also as a built-in mechanism of oppressive social structures, then to reduce or eliminate greed through personal self-restraint will not be enough; these social structures will have to be changed as well. Many Buddhists seek liberation (Pali: *mbbana*; Sanskrit: *nirvana*) by practicing meditation, but they do not pay sufficient attention to the way the society in which they live is organized.

I wish to offer a challenge to Buddhist ethical values by interpreting liberation as necessarily involving social as well as personal liberation

### *The Thai Political Economy*

Since the end of absolute monarchy in 1932, Thai politics has gone through five stages, from constitutional military rule and military dictatorship through democratic experiments and ideological conflict to the rise of a middle class and the promulgation of a reformed constitution. The social and economic development of Thailand within the global market economy in recent decades has increased the division between urban and rural society. This social dislocation has brought about a continuing decline of rural social structures, tradition, and culture, and has created the problem of overpopulation in the big cities.

- *Industries and services have been emphasized in the cities, while the agricultural sector in rural areas has been neglected.*
- *Education and economic growth have been concentrated in Bangkok and other urban areas, leaving most of the rural population undereducated, poor, and far behind in access to public services.*
- *Tenant farming and agribusiness corporations have uprooted traditional farmers from their own lands and pressured many younger men and women to migrate from the countryside to the cities in search of jobs.*
- *Most of the young male migrants have become low-wage laborers in construction, factories, and service businesses; since the 1980s, many have left to work in the Middle East, Taiwan, Brunei, and Singapore*
- *Many young women from the countryside, particularly from the north, have become prostitutes in Bangkok and other cities. More recently ,some have traveled to Japan and elsewhere to work as prostitutes.*

The widening gap in both income and education between urban and rural society has torn Thailand into two worlds:

**the world of the urban rich and the growing middle class**

**the world of the rural poor and city slum-dwellers**

In 1996, the population was approximately 60.5 million. The top 20% of the people in the income pyramid possessed almost 60% of the country's wealth, whereas the bottom 20% (approximately 12 million people) owned only 3.5%. While the demand for democracy among urban Thais is increasing, it remains a low priority in the countryside where economic concerns are primary. If ***Thai democracy is to grow, the conditions of rural people need to be dramatically improved, reducing income and educational differences between them and their urban counterparts.***

The Thai government, under the influence of multinational corporations and international capitalism, has failed to address the real problems facing farmers and rural people. Government development projects tend to draw human and natural resources from the periphery to the center, leaving the country people in desperate poverty.

### *Structural Poverty: From the Perspective of Thai Prostitution*

> ***Thailand has over a quarter of a million monks in thousands of monasteries throughout the land; yet it has more prostitutes than monks.***

In the past, many women were tricked or forced into prostitution by mafia gangs. Today they are pressured by structural poverty, consumerism, and sometimes a distorted idea of filial piety." Although prostitution is illegal in Thailand, the government, because of the inefficient and corrupt bureaucratic system, seems unable or unwilling to help these unfortunate young women. Prostitution is against the teachings of the Buddha, but the Thai *sangha* hierarchy has said virtually nothing about this issue

**THE CHAIN OF EVENTS**

➜ The harder Thai farmers work, the deeper they find themselves in debt because of their dependency as tenant farmers.

➜ Both sons and daughters are driven to leave home in search of work, but it is easier for women because they can quickly become prostitutes, earning more money than factory workers. Their sin is forgiven and they are treated well in their village. Thai parents value daughters over sons because they can help at home and in the fields, both before and after marriage. Unfortunately, this traditional Thai attitude fits in with the exploitative structures in which young rural women can find jobs in the urban areas, even if such work exposes them to the threat of AIDS. (The proportion of people in Thailand infected with FIIV is among the highest in the world.)

➜ Development projects undertaken by the central government have brought roads, radio, television, and popular magazines to the villages, spreading the religion of consumerism. People are no longer happy with older lifestyles.

Traditional values are threatened by desperate poverty, the inability to possess land, and agribusiness; meanwhile, the new values increase the demand for consumer goods. Most rural Thai families are torn apart by these forces, and under such circumstances, it is hard for young men and women to stay home and be happy in rural areas. Today most rural villages, especially in the north and northeast, are populated only by those left behind - old people and children.

➜ Few people mention this problem in public, although Thai feminists and Buddhist social activists are beginning to speak up in defense of the rights of their mothers, sisters and daughters, reminding society that prostitution represents a distortion of traditional cultural values and is caused by modern structural poverty.

### *Buddhist Base Communities in Thailand*

In the face of these forces, only a revitalization of Buddhist values can help rural people retain a level of self-sufficiency and independence. Before the modernization of Thailand under capitalism, the Buddhist *sangha* provided villagers with Buddhist teachings, culture, ritual, education, medical care, and occupational advice. The spirit of sharing and cooperation prevailed. This social structure has collapsed under the impact of economic dependence, social dislocation, and cultural transformation.

*What is needed in rural Thailand today is what I call* ***BUDDHIST BASE COMMUNITY****, with leadership from well-educated or well-informed Buddhist monks or laity. Such a community would seek to promote the enduring values of Thai culture, which are ultimately rooted in a religious worldview. Cultural identity would be fostered through the adaptation of such values, and Buddhist social ethics would become guidelines for action. The economic model of such a Buddhist base community would be one of relative self-sufficiency rather than market dependency. Buddhist teachings, as well as the increase in self-respect and self-confidence likely in a society based on such teachings, could reduce the impact of consumerism, which in recent years has been exacerbated by omnipresent advertising on television and radio and in popular magazines.*

## CASE HISTORY #1

### Phra Khamkhian's Community

Phra Khamkhian Suvanno's community at Tahmafaiwan in northeastern Chaiyabhum is an exemplary Buddhist base community centered around a charismatic leader. Khamkhian, a forest monk and dedicated meditation teacher, has campaigned to help poor people in the northeastern rural areas where he has established rice banks and buffalo banks, which function as independent local cooperatives where poor people can borrow the necessities for agriculture, such as grain and water buffalo. If necessary, they can borrow rice for their own consumption. When they produce a surplus of rice, they deposit it in the rice bank. When a borrowed buffalo gives birth, half of the young buffalo belongs to the farmer and the other half belongs to the buffalo bank.

Khamkhian believes that the villagers' constant battle with poverty and hunger is due to their being caught up in the ***main-stream, greed-motivated economy***. He encourages them to be self-sufficient by raising their own vegetables, digging family fish ponds, and growing fruit trees, instead of producing a single crop like tapioca or eucalyptus and buying food from outside the village. Near his forest monastery, he gave a plot of land to one family to try vegetable gardening without chemical fertilizers or pesticides, and the experiment was successful. To broaden the villagers' perspectives, he has encouraged them to visit other villages where integrated farming is successfully practiced.

> Khamkhian has preserved against encroachment about 250 acres of lush, green forest atop the mountain, and plans to send monks to live deep in the forest so that villagers will not dare damage the sanctified area, which has been declared a forest monastery. He has also led the villagers' fight against local authorities who support illegal logging. By attacking consumerism with a renewed affirmation of Buddhist social and ethical values, he has helped the Tahmafaiwan community win some measure of local cultural independence

## CASE HISTORY #2

### *Phrakhru Sakorn's Community*

Before Sakorn Sangvorakit came to Wat Yokkrabat at Ban Phrao in Samutsakorn, most people who lived there were impoverished illiterate farmers. The area was often flooded with sea water which destroyed the paddies and left the people with no means of subsistence. Sakorn suggested planting coconut trees, following the example of a nearby province, and once this was underway, he advised them not to sell the harvest, because middlemen kept the price of coconuts low.

With assistance from three nearby universities that were interested in the development and promotion of community projects, the people of Yokkrabat began selling their coconut sugar all over the country. Sakorn also got the villagers to grow vegetables and fruit, encouraged them to grow palm trees for building materials, and to plant herbs to be used for traditional medicine. Breeding fish was also encouraged. Within a few years the people's livelihood improved significantly.

Sakorn believes that a community's basic philosophy should be self-reliance and spirituality. He encourages residents to determine what they need in their family before selling the surplus to earn money and buy things they cannot produce by themselves. In this way, villagers depend less on the market. This principle of self-reliance also underlies the community's credit union project: members are encouraged to borrow money for integrated family farming rather than for large enterprises in cash crops. In addition to these projects on economic development, Sakorn has taught the villagers *Dhamma* - the teachings of the Buddha - and meditation. He trains the younger generation of monks and novices for leadership and encourages them to take greater responsibility for their own community.

## CASE HISTORY #3

### *Buddha-Kasetra Community*

Buddha-Kasetra is a group of Buddhist base communities in northern Thailand which was founed in Chiengmai in 1989. It has established a number of schools to care for orphans, juvenile delinquents, and economically deprived children. The first Buddha-Kasetra school, established at Maelamong in the northern province of Maehongsorn, began its self-support program by growing their own rice and vegetables, producing organic fertilizers, and raising cows to produce milk for the school children as well as to supply milk at a cheap price to the local communities. They also initiated some small commercial projects to produce traditional foods and desserts, weave and sew clothes, and make bricks and concrete posts for construction. All the teachers and school children, in addition to school work, participated in occupational training and manual labor. A public health center was established to care for the health of the local people.

The Buddha-Kasetra has campaigned to protect women□s and children□s rights and to alert people to the problems of prostitution and child abuse in northern Thailand. At the Buddha-Kasetra school at Nongho, girls and young women from poor, marginal family backgrounds are admitted to the school for education and occupational training, as well as instruction in Buddhist ethics. There are six teachers, all female except for the principal, Phasakorn Kandej, and eighty-six female students ranging in age from thirteen to eighteen.

If these students were not admitted to the school, it is likely that most of them would have resorted to prostitution. The foundation, which has its own printing press, publishes a monthly newspaper, as well as a number of books on Buddhism and social issues.

### *Buddhist Social Ethics: A Structural Analysis*

A retro-utopian view, such as Buddhadasa's dhammic socialism, which uses the older form of traditional Buddhist society as a model for a contemporary society, does not take sufficient stock of the intractable nature of structural problems. If the life of the Thai people in the past was "better" than today, it was mainly because of the self-sufficiency of their local economy and the decentralization of political power, ensuring the integrity of local culture and social values. To advocate a change of form without changing the underlying structure is to miss the point. To ask society to return to an older form of Buddhist society is to advocate the impossible, and to risk ignoring the systemic nature of modern problems (in Buddhist terms, *dukkha*). Without changing unjust, inequitable and violent economic and political structures, a dictatorial *dhammaraja* is not so different, in today's context, from an absolute dictator.

**In order to overcome greed, hatred, and delusion**
**a person needs to change not only his or her**
**personal conduct or lifestyle**
**but also the system that creates them**

Buddhist ethics, such as the FIVE PRECEPTS (*sila*), needs to address this structural change more vigorously.

#### THE FIRST PRECEPT: *Refrain from killing and harming living beings*

In Thailand, the military budget, which comprises a large portion of the GNP, should be reduced. The violation of human rights, including political or economic assassination, the torture of prisoners, and child abuse, has to be halted. There must be an end to the slaughter of wild animals, especially endangered species. The rainforests that shelter wild animals need to be recovered and preserved.

### THE SECOND PRECEPT: *Refrain from stealing*

The situation in Thailand, warrants a more just social structure in order to prevent politicians, the military, police, civil servants, and businessmen from engaging in corruption and systematically robbing the common people. Destruction of the rain forests and degradation of the environment are stealing the future of our children and grandchildren.

### THE THIRD PRECEPT: *Refrain from sexual misconduct*

Prostitution is a systematic violation of this rule, a problem Buddhists need to take more seriously. Among other things, a substantial improvement in the economic well-being of rural areas, as well as the enforcement of laws punishing those profiting from the business of prostitution, are needed to reduce pressure on rural young women to resort to prostitution.

### THE FOURTH PRECEPT: *Refrain from false speech*

Buddhists need to advocate truthfulness, even when this means challenging the status quo and a corrupt system that often violates this demand. Political and bureaucratic reforms, laws guaranteeing a free press, multiple political parties, and grass roots participation in democracy are required to establish and maintain this precept at a structural level.

### THE FIFTH PRECEPT: *Refrain from intoxication*

This precept is systematically violated by the smuggling of drugs from Thailand which has contributed to the worldwide drug problems, and this must be stopped.

## *Toward Buddhist Social Liberation*

**First:** *Buddhist base communities all over Thailand should be linked, forming a grass-roots movement to combat social injustice and environmental destruction. Their more self-sustaining economy and relatively decentralized polity can serve as models for a better society.*

**Second:** *Buddhist intellectuals and social workers at all levels should learn more from the oppressed. By listening to the poor, they can contribute to Thailand's broad-based reform, helping raise people's consciousness and fostering a determination to work for change.*

**Third:** *a more just society could be obtained by pushing for political reforms. The newly-won constitution, which includes a reformed democratic process with a structural check and balance of power - including elections, government administration, parliament and the judicial system - is a first step. The Thai bureaucracy, now the biggest obstacle to social and political reforms in our country, needs restructuring in order to become more efficient and decentralized.*

## d) APPLYING THE NONVIOLENT BUDDHIST PROBLEM-SOLVING APPROACH IN SRI LANKA

By Dr. A.T. Ariyaratne[22]

When Sri Lanka was Buddhist, both in precept and practice, there was no need to talk about peacemaking because there was no fundamental value crisis in the Sri Lankan society in spite of internally or externally caused strife and power struggles, which sometimes led to bloody rebellions and wars. Peace prevailed in the minds of the general public and their communities because the generally accepted value system remained un-attacked by contending groups.

It is common knowledge that in Sri Lanka today legalized structural violence prevails and extra-legal violent methods are used as well to resolve conflicts. Some call it an *ethnic problem*. Some others call it a *terrorist problem*. Yet others call it a *militant struggle for liberation*. There are still other groups trying to identify it with a more simplistic description, calling it a kind of war between the Sinhala Buddhist majority and the Tamil Hindu minority.

Some scholars trace the problem back to the Aryan Dravidian origins of the Sinhala and Tamil races. Others have taken great pains to prove who inhabited the island first. Human rights have been discussed in great detail. Dialogues and negotiations have been going on for several years with militant groups at the level of political parties and governments. There is hardly anything useful that can be achieved by adding to those writings and peace formulae - additions may even create more confusion in the minds of the people. In spite of all this, not only the people who have taken up arms - those with declared legitimacy on the part of the government and extra-legally on the part of the militants - but large numbers of innocent men, women and children get killed, become disabled for life, lose their houses and property, become destitute and suffer untold agony. Certainly the way political and economic structures are instituted and managed today can hardly be called Buddhist either in precept or practice.

> Seventy percent of the people in Sri Lanka are said to profess Buddhism. There is hardly any place in the country where an ancient or modern Buddhist monument or monastery in not found. There are around 20,000 monks attending to the religious needs of the people and religious ceremonies and related activities are going on continuously. The teachings of the Buddha in its most pristine form is found in Dhamma texts. Even non- Buddhist laymen and politicians liberally quote chapter and verse from the Buddha□s Words in their public utterances. When one sees and hears all this, one gets the impression that Sri Lanka is a Buddhist country.

The political structure is based on the so-called party system which has been adopted from the west. Political parties in practice promote what is called in Buddhism the four defilements, namely, *chanda, dvesha, bhaya* and *moha.*

**CHANDA:** means the bringing about of alienation between one another in the minds of the people. The existing caste, linguistic, racial, communal or other differences are surreptitiously and sometimes openly used by political parties to promote their own self-interest, instead of promoting compassion and the idea of well-being of all in the minds of people. Therefore, the political parties hold a notorious record for promoting alienation among the people of Sri Lanka.

**DVESHA:** is ill will, which is the direct result of the aforementioned alienation. Organized gossip, rumor, falsehood and so on supplement various kinds of apparently democratic, political and economic propaganda, carried out by most of the leaders of political parties. While the political elite may have a common understanding of the game they play according to their own rules, the unwary ordinary people fall prey to their machinations and develop longstanding enmities and irreconcilable conflicts. This explains the origin of a lot of the violent confrontations we witness in Sri Lanka today.

**BHAYA:** is mutual fear. In post-independent Sri Lanka, while an unjust, unhealthy and a borrowed party political system was kept going for the benefit of a tiny minority of powerful people, mutual suspicion and fear among common people also gathered momentum. Many scholarly analyses were created, based on a hoard of statistical data and historical facts which did not affect the thinking of either the man on the street or the basic political and economic structure that promoted the disharmony and conflict in the first place. In other words, philosophizing that does not touch the basic roots of mental defilements and the social realities resulting from them, in Buddhist terminology is simply called *moha* or ignorance.

When ignorance becomes organized it is a disaster for communities that have a right to expect more positive interventions from the more educated sectors. In Sri Lanka today, different groups hold onto their own uncompromising positions while the sound of guns and explosions continue to be heard. The economic goals, structures and processes that are officially promoted also are not conducive to building peace in a Buddhist way. Promoting consumerism is one extreme which Lord Buddha rejected as *Kamasukhallikanuyoga.* Since independence, the country has been drawing away from the Middle Path. Four hundred and fifty years of western influence and rule, the deliberate promotion of the materialistic way of life and the existence of a small elite group who have achieved that affluent level, have made the general population also aspire to achieve material prosperity as their sole aim in life. But few succeed. Most end up in a situation worse than they were in before. With the introduction of the so-called free economy during the last ten years and with plenty of imported consumer goods floating around, everyone is bent on making quick money to acquire these non-essentials.

Malnutrition is on the increase; crime is on the increase; the cost of living is skyrocketing and bribery and corruption have reached record heights.

**In a Buddhist society, neither political nor economic activities promoted by the state should contradict the teachings of the Buddha**

There are teachings that can guide a state dedicated to following the teachings of the Buddha. Primarily a Buddhist has to abstain from

**killing stealing committing adultery lying consuming intoxicants**

Even when all five injunctions are formally promoted by the state this is not the same as building a Buddhist economy. When speaking of economic development, Lord Buddha not only stressed the importance of increased efficiency in production (*Uttana Sampada*), but also the importance of the protection of resources and the environment (*Arakkha Sampada*), a friendly social milieu in which economic activities should take place (*Kalyana Mittata*) and a wholesome lifestyle towards which all the economic activities are directed (*Sama Jeevakata*).

Production and consumption are the material foundation on which higher objectives pertaining to human life and culture are to be attained. The way in which production, distribution, consumption, technology, and marketing are carried out determines whether these higher objectives are promoted or hampered. The economy in Sri Lanka makes it very difficult to realize these higher aspirations. The lack of a spiritual balance is resulting in widespread ecological and environmental problems which in turn affect the thinking and conduct of human beings. In Sri Lanka, the Sarvodaya Shramadana approach to peacemaking has been tremendously successful.

## THE SARVODAYA SHRAMADANA MOVEMENT

The message is the awakening of everyone through sharing

**Sarvodya**

*sarva* - to embrace everything *udaya* - awakening

**the awakening of all**

**Shramadana**

*shrama* - energy or labor *dana* - to give away

**the sharing of labor or energy**

The **Sarvodaya Shramadana Movement** (SSM) in Sri Lanka began as an educational experience in the mid-1950s, when a group of socially conscious high school teachers in Colombo decided to translate their convictions into action.
They organized *shramadana* camps in which groups of students from relatively affluent urban homes gave up their vacations to share their time, thoughts and efforts to work in the country's most backward and out-caste villages, whether Sinhala, Tamil, or Muslim. They went wherever they were invited.

**First:** SSM tries to re-establish a value system, technologies, and structures that would release processes leading to a more sustainable society.

**Second:** SSM addresses itself to problems that need more immediate attention.

## *Awakening*

The chief objective of Sarvodaya is awakening. The root problem of poverty is seen as being a sense of personal and collective powerlessness, and awakening is to take place not in isolation but through social, economic, and political interaction. Personal awakening is seen as being interdependent with the awakening of one's local community, and both play a part in the awakening of one's nation and of the whole world.

To awaken all, we have to awaken ourselves as human beings, as human families, as village communities, as nations, and as world community. The movement embraces everybody and therefore we have to work nonviolently, truthfully, and in a self-sacrificing manner. We believe in a nonviolent, sustainable order where spirituality and science are combined. We believe this cannot be done at the macro level, because love, for example, cannot be organized. It has to be felt, expressed and educated at the micro level the individual, family, and community.

## *Programs*

ONE: *Early Childhood Development Program*

TWO: *Poverty Eradication and Empowerment of the Poor program (PEEP)*

THREE: *Rural Technical Services Program* in which rural people acquire the necessary skills, and, through appropriate technologies such as solar energy, build their own houses, toilets, irrigation and drainage systems, and carry out reforestation and other light industry projects.

FOUR: *Sarvodaya Economic Enterprises Development Services* (SEEDS)

**management training institute** - training village people in management so that they will not be cheated by people in the city or internationally**savings, credit and small enterprises program** - government monies have now been released for this. If people save a particular amount of money, we guarantee the funds and give the people five to 10 times that amount to start their own micro enterprises. **Rural Enterprises Development Services**

FIVE: *Elders Action Committees* coordinate all the other governmental and non-governmental organizations. They also work on certain issues, such as the environment, human rights preservation, freedom of the media, and freedom of the judiciary.

**relief rehabilitation reconciliation reconstruction reawakening**

In addition, we have independent Sarvodaya organizations, like the women's movement, legal aid services, the peace brigade with about 77,000 volunteers, and a group that helps children who are abandoned, malnourished, or disabled. After some time, we make every village independent of our large organization. This is a decentralized, people's participatory democracy, as opposed to party and power politics. In this manner, we are attempting to bring about a social, nonviolent revolution based on people's self-reliance, community participation, and planned action.

## BUILDING A NO-POVERTY SOCIETY

### WE REJECT AFFLUENCE

It is impossible for all people in the world to attain that standard of living - the earth simply does not have the resources. Even if the resources were artificially manufactured, that technology would not allow this environmental life-support system to survive. The entire economic system introduced by the West, which our government has accepted, is wrong. It cannot sustain itself.

## WE REJECT THAT SYSTEM

We believe that the most urgent need today is not to create an affluent society, but to create a no-poverty society in which all people have their ten basic needs satisfied: water, clothing, food, shelter, health care, energy requirements, communications, education, and spiritual and cultural needs, which can be satisfied with the people's own self-reliance, community participation, and planned action.

There are over 8,000 villages out of a total of over 23,000 villages in Sri Lanka where the Sarvodayav experience is shared by thousands of people attending regular Shramadana camps. Peacemaking on a national level is inconceivable without all the people in the country coming together on a psychological level of spiritual infrastructure building. Buddhists give loving kindness, compassion and respect for life the highest priority. We are not allowed to harass, harm or kill even a small living insect. A friendly mental energy is radiated from the minds of people who have respect for all life forms. In such a spiritual climate, pleasant and inter-personal relationships become constructive, affectionate, selfless and nonviolent. Modern society suppresses this kind of spiritual relationship through economic and political competitiveness.

The techniques developed in building community awareness, ensuring community participation and sustaining community management of integrated community water supply and sanitation schemes in hundreds of Sri Lanka villages has been its greatest achievement. Sarvodaya has postulated a five-stage model of village community development.

***The First Stage**: psychological infrastructure building begins with a village level discussion about local needs and organizing self-help activities.*

***The Second Stage**: when villages have formed one or more community groups of farmers, mothers, children, youth and elders.*

***The Third Stage**: the village is organized to satisfy its own basic and secondary needs and water and sanitation related programs are initiated. The village Sarvodaya groups are institutionalized as a legally incorporated body (the Sarvodaya Shramadana Society) which is entitled to open its own bank account, obtain loans and start economic activities with support from District level and National Level Sarvodaya structures.*

***The Fourth Stage**: villages are expected to become self financing in their Sarvodaya activity.*

***The Fifth Stage**: villages assist neighboring villages*

## e) HUMAN RIGHTS EDUCATION FOR MUSLIM WOMEN

By Leila Bedeir[23]

### *Introduction*

The purpose of this human rights education model is to facilitate transmission of the universal human rights concepts inscribed in the major international documents to grassroots populations in Muslim societies. Because the prevailing economic, social, cultural, and political conditions affect the transmission process, the Sisterhood Is Global Institute (SIGI) aspires to offer a multidimensional model - although no model can reasonably be expected to accommodate all the problems that occur in real situations.

The model purports to develop a framework that grassroots populations can easily use to convey universal concepts in association with indigenous ideas, traditions, myths, and texts rendered in local idiom. Since 1995, SIGI has been actively designing, developing, and testing a flexible, culturally relevant women's human rights education model. This model, reflected in the manual *Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies* has been developed specifically to respond to the needs and conditions of the Global South, and seeks to provide some of the groundwork for new and innovative human rights education both in theory and in practice. The manual has been carefully designed to promote human rights awareness among women at the grassroots level, particularly those living in Muslim societies, and provides concrete guidelines aimed at promoting dialogue among women about themes relevant to their daily lives. The themes reflect the concerns articulated during the Fourth World Conference on Women convened in Beijing in September 1995, and include:

- women's rights and responsibilities within the family (sample session)
- women's rights to subsistence
- women's rights to autonomy in family-planning decisions
- women's rights to bodily integrity --- confronting domestic violence --- assisting victims of rape and punishing the perpetrator --- resisting violence: making the law work for women --- reconsidering participation in public life
- women's rights to education and learning
- women's rights to employment and fair compensation
- women's rights to privacy, religious beliefs, and free expression
- women's rights during times of conflict

* women's rights to political participation

The goal of *Claiming Our Rights* is not to convey a "right" answer in terms of women's human rights. Rather, it is to provide a forum for women, regardless of their intellectual sophistication or political and social awareness, to define, discuss, and reinterpret their rights in the context of their respective personal and public spheres of life.

### *SIGI Programs in Lebanon - An Example*

As in many countries, it is difficult for women in Lebanon to express themselves freely on issues of human rights and violence against women. SIGI's HRE program in Lebanon has developed interesting entry points for women to embark on such discussion. While it is difficult for women to justify to their families their participation in simple discussion groups, they have no difficulty participating in skills development programs where there is discussion of human rights and violence against women.

## Amlieh School for Girls Program

The HRE programs have been set up at the Amlieh Elementary School, where the Training for Trainers prepares teachers to become facilitators at the school. The Training for Mothers program provides human rights education for the mothers of the children at the school, within a vocational context. Afifa Dirani Arsanios, SIGI Vice-President and Field Coordinator, believes that training key educators, such as the principal of the school and the religion teacher, is essential since often it is these people who hear first-hand from the mothers or the children about cases of violence and human rights violations within the home. SIGI's HRE Program provides the tools to address questions children or mothers may raise; facilitators may intervene if such a request is made. They are prepared to educate the children about their rights through religion classes where they support their ideas with teachings from the Qur'an. As part of their training, they are required to facilitate workshop sessions held for the mothers.

A TESTAMENT *"these workshops become like group therapy. The women share and exchange solutions and resources."*
Afifa Dirani Arsanios

**Training for Mothers** is aimed at the poorest and most disadvantaged of mothers, divorcees and widows who suffer terribly from being single mothers in a society which still values a father's influence above all else. These women are unlikely to have either the time or the money to involve themselves in HRE workshops. They are primarily interested in learning skills which could generate income or be useful in the household, especially to justify their absence from their homes. Consequently, sewing, glass etching and basic literacy classes are offered as the entry points for human rights education. This format encourages economic empowerment, legal literacy and human rights education.

Within the context of these classes and with the use of SIGI manuals *Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies*, as well as *Safe and Secure: Eliminating Violence Against Women and Girls in Muslim Societies*, the often related topics of women's human rights and violence against women are addressed. It is emphasized that, contrary to popular cultural beliefs, human rights, as they are articulated in the Universal Declaration of Human Rights and other international instruments, are not in contradiction to Islam.

## Bekaa Valley Project

SIGI's HRE Program is also offered in the Bekaa Valley. Women from this region are very active in food processing. However, they lack the marketing and packaging skills necessary to make their activities truly lucrative. In light of the specific needs of these women, SIGI combines its HRE program with a small business education program for women, producing rose-water, jam and other food products. Along with SIGI manuals, they are provided with a UNIFEM manual entitled *How To Start Your Own Business*. This group has also received a "business start-up" grant for the purchase of containers and other supplies. The women must invest part of their profits towards the financing of their daughters' education, a commitment the women are ready and willing to honor. Once again, verses from the Qur'an and the Hadith are used to support the principles of women's human rights which are discussed during these combined workshops.

## Akkar Valley Project

The Akkar Valley is a very poor rural area of Lebanon. Discussion groups based on the sessions featured in SIGI manuals are held in the homes of the facilitator and the participants. Since here the participants primarily are illiterate women, the teaching of basic literacy is an essential part of the program. The intimate and familiar surroundings of the participants' homes allows for a freer environment and supports relationships of trust which inevitably develop among the women.

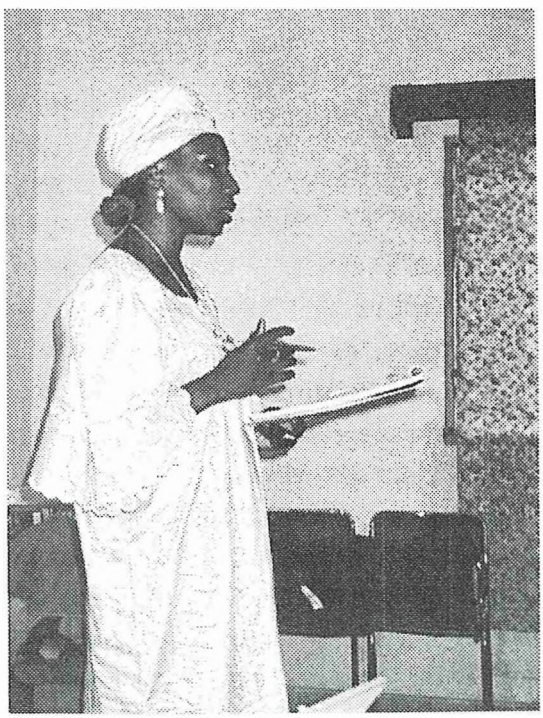
## The Knowledge Partnership Program (KPP): Tools for Communication and Advocacy

The Knowledge Partnership Program (KPP) complements the HRE program□s work to empower women to secure their human rights. Through this program, they are able to connect with other human rights activists and organizations across the Global South and in the North. The KPP node in Lebanon provides a unique opportunity for women to acquire skills training on the latest communication and information technology.

Here they learn to use computers and the Internet to access information related to women's human rights locally, nationally, regionally and globally.
Participants include women of all ages, at levels ranging from total computer illiteracy to a prior familiarity with computers. SIGI has formed a very successful partnership with the Continuing Education Program (CEP) at the Lebanese American University, where the program is currently housed. The association with a reputable academic institution helps to establish the credibility of SIGI's Knowledge Partnership Project, and thus to attract participants. Its popularity is mainly due to the results demonstrated by its significant outreach capacity. Participants have been unanimous in requesting follow-up workshops.

## A Look to the Future

SIGI's workshops in Lebanon are educating women about their fundamental human rights. They also serve to show them that they need not stray far from their spiritual and religious beliefs to claim these rights. Through SIGI's workshops, women receive practical tools which empower them to improve the material and social conditions of their lives. In Lebanon, as in several other countries where SIGI has projects, there is an increasing demand for more workshops. SIGI remains committed to sustaining these projects and to developing more educational and pedagogical materials which will help women realize their full potential.



## f) SCHOOL AS A HUMAN RIGHTS COMMUNITY, COMMUNITY AS SCHOOL: THE KIBBUTZ MOVEMENT

By Prof. Muki Tzur [24]

### *Introduction*

When the Kibbutz movement was born at the beginning of the century, its members read and were determined to practice the code or codes through which the society and humanity of our times were deciphered: they studied Freud, Marx, Buber, Russian Anarchism, Populism, etc. They were part of an ongoing discussion of cooperation in the world. bringing to it the hunger to try, to materialize, to escape the safe shelter of theories. They were the sons and daughters of a community well practiced in mutual help and charity, a community forced by circumstances to make constant adjustments to its environment, weathering momentous crises while maintaining warmth, solidarity, a huge reservoir of dreams and fantasies, and warm, expressive familial relations. Some of the founders of the kibbutz movement had been exposed to the complex Jewish experience of entering the modern world full of expectations but with a growing understanding of the enormity of hatred addressed at the Jew: hatred from conservative Gentiles who worried that modernism, which the Jew was supposed to represent, would shatter an old world in which they believed, and hatred from modernizing Gentiles who would only tolerate for Jews to enter the new world if they were ready to completely discard any remnants of the old Jewish cultural identity.

*The Kibbutz was built on the premise that human freedom could only grow in the crucible of an intentional community, based on the presupposition of the equality of all human beings, and shaped by the spirit of solidarity.*

The founders of the Kibbutz saw this anti-Semitism as a dangerous symptom of a new kind of racism, born of despair at a world seemingly out of control, but they believed that in the new world yet to be built, socio-cultural fractures would mend, that great political events were paving the way for ever-growing human emancipation, with the help of well-honed tools for personal and social education. They also believed that this emancipation would both allow and demand deeper, more conscious connections between persons. Everything about their deeds and their deliberations was done with extreme care, and they were committed to experiencing the process of change. If they themselves belonged to various political parties and cultural groups, they decided to create a new society regardless of cultural differences among them.

### *Sharing Work And Its Fruits*

The Kibbutz distinguishes and combines two distinct aspects of community:

- **The cooperative** -- a partnership in means of production, with the firm conviction that the goal of human equality could be achieved solely through equal participation in the laborer's work and in the management of the community.
- **The commune** -- a partnership in consumption and equal access to the basic requirements of life .

Work is an integral part of Kibbutz life; it is regarded as a vital means of personal involvement in the life of the community, but no cash value is put on it and no salaries are paid. Teamwork is stressed in an atmosphere of informality, with minimal emphasis on status differences in role behavior. In the majority of the Kibbutzim, there is no differentiation in salary based on specialization or rank in a professional or institutional hierarchy. Workers of various professions receive according to the ability of the community, with the understanding that needs are varied and change with time and circumstances. While some of the early kibbutzim eradicated private ownership altogether and transferred all possessions to the community, the choice of communal property has generally been of a more moderate kind. And while over the years, full equality has come to be seen as an unattainable goal in some kibbutzim, all of them assume a great amount of mutual liability, full support in issues of health, accommodation, care for the elderly and education. The communal kitchen provides food for the community, most meals are taken in the communal dining room and the kibbutz provides housing. Each kibbutz is an autonomous unit, but there are strong bonds of co-operation and mutual help between them. Smaller groups dispersed throughout the country have entered into cooperative partnership with each other both in the city and in the country, both for road-paving and for building construction and bonds have been formalized in national federations that coordinate activities and provide various economic, social, cultural and other services.

### *Commitment To Change*

The ideological and practical founders of the Kibbutz conceived of it as a creation for generations to come. In keeping with the reality of historical evolution, change should be not just allowed, but positively facilitated as well. The community should pass the message from one generation to the next, but each generation should also find a way in which to form itself according to new data of successive eras.

There was great challenge in this tension between continuity and change, between a vision materializing pragmatically and pragmatism as itself a vision. This challenge was rooted in the Jewish belief that, at the core of the religious community, there is education through a perpetual, and perpetually renewed dialogue with the basic texts.

Communal life itself is a kind of Talmudic reading which is the constant reinterpretation of reality in the light of a text; sacred texts, legal texts, legends, stories, anecdotes, jokes even -- all serve to cast light on life, inform actions, resolve controversies, answer dilemmas, help in decision-making. The rooting of the Kibbutz movement in the turn-of-the-century Youth Movement further reinforced this aspect.

### *The Youth Movement*

In the 1920's, the youth movement was the most important educational laboratory for the Kibbutz. The idea of youth movement was not in itself a Jewish invention, having originated in the British and Central European societies. The British scouts occupied themselves in forging their character, recreation, and working for others within the context of imperial ideology. The German youth movement, operating in what was then a highly conformist and bureaucratized society, focused on youthful rebellion, creating new symbols, trips in nature and the attempt to educate the young into non-conformity and critical thinking. Central European movements focused on sports, scouting movement as nationalist movement These youth movements went through tremendous turbulence and some severe maladies, as well: some were stricken with over-romanticism, women's discrimination, and harsh anti-Semitism. With time they also became more and more politicized, a process, which led some of the youth movements to the abyss of Nazi ideology.

The Zionist youth movement was not satisfied with developing modes of togetherness, rebellion, and adolescent culture. They wished to create a permanent mode of living, to transform youth rebellion into a human creation. Freedom, equality and fraternity would materialize through building a society organized as a direct democracy.

The attempt to actually live according to the principle of the intrinsic value of the equality of all human being and to translate it into socio-economic language was very complex in itself. It is true that when a community is poor and the needs it can satisfy for its members are limited, then equality is possible, as the group caters only to the very basic needs which are more or less the same for all: food to prevent hunger, cloths to prevent the cold, a roof over their heads. But even then the needs differ: they are not the same for singles and families, children and adults, healthy and sick, weak and strong. And there were other needs as well, such as free time, or enforced unemployment. Eretz-Israel of those days was undeveloped agriculturally or industrially, not organized to provide welfare. At times employment was available for only three or four out of a group of twenty, and it was up to them to finance the entire group. Personal ambitions, and having to give their salary to the collective fund created enormous stress, which some of them could not take, who eventually left. Parental situations varied as well -- some members' parents were poor yet the Kibbutz could not help them, whereas some parents wished to help the Kibbutz but were rejected by their children for being bourgeois. All those issues came up in the collective discussions, and the dilemmas were tremendous.

At the same time, the kibbutzim became a huge educational enterprise. They created a norm of interchange and training between experts and workers. The motivation for improvement was very high, and the opportunity to study and be educated was an inseparable part of the life of the kibbutzim.

### *Preserving Human Dignity*

The reality of the Holocaust seemed to be teaching that there is no freedom, no human dignity and no rights, neither for the individual nor for the community, yet it was among these groups of youngsters dreaming of the Kibbutz and practicing its principles so far away from any glimmer of hope that education based on the belief in humanity and human freedom was put to the test. It is not mere coincidence that it was among these very groups of youngsters that many rebellious acts against the murders and the destruction originated.

When WW2 ended, the Israeli kibbutzim sent many of their members to Europe in search of children and surviving members of the youth movements, in order to organize them anew as youth and refugees kibbutzim, in an attempt to reinstate the faith in voluntary choice of partnership groups. The Kibbutz saw itself and was seen by others both in the Jewish community and outside of it as a model for

**Democracy consensual partnership equality**

Members were constantly confronted with obstacles: both in their relations with the surrounding society, which did not live according to the same norms, and in the endless number of agreements required to keep alive a dialogue among the people, to eliminate alienation and internal squabbling over material and spiritual matters. Many a time, the very idea of the Kibbutz seemed distant and remote, not for lack of practice so much as for diminishing sense of identification with the vision and for the many difficulties in its materialization.

### *Children Of The Kibbutz*

Over the years, the Kibbutz had learned that having the young self-educate themselves to create a new society is not enough. New questions arose as children were now born into the community. How to educate them to continue the social-moral project of their parents? Can one assume that children whose homeland is the Kibbutz would be able to carry on without experiencing the revolution themselves?

The first issue to be raised at the level of infants' education was the question of the rights of the woman -- the mother. Does motherhood uproot the very basis of equality for women? Does it not create an impossible infrastructure in the relations between mothers and fathers, relations which then reflect the impossibility of integrating women into the

community as professional workers? Does the family make equality and freedom impossible?

Some members then raised the question: should one marry at all? Or should the community open children-centers that will make child-care professional and release some of the women to work in farming?

*At the birth of the first son of the first Kibbutz, there was an argument regarding the child's name. Who is authorized to name, and which names to give? The issue was raised at the Kibbutz assembly. Should it be the community? -Or would the power of convincing itself be excessive power? if the couple chose the name, would that create a wedge within the larger group? One of the members suggested the child be named "Adam" after the first human being, since we are not following the maladies of humanity but starting a whole new thing. The suggestion was rejected.*

At the end of the First World War more children were born. Raising them was difficult. In 1918, women with babies convened. They brought their babies, since it seemed to them that child rearing is becoming the most serious obstacle on their road to emancipation and to their ability to participate in the new social creation. It was then that they agreed to build child-centers to give women the time to work.

### *Schools For A Society Of Rebels?*

As the children grew, the need to start schools or educational centers arose: a new school for a rebellious society. The argument over its character started immediately. The first children's community was founded in Emek Yzrael at Kibbutz Beit Alpha. The head of the "enterprise" was a shoemaker and an intellectual: Eliahu (Elija) Rapoport was a philosopher who dealt extensively with the creation of a *Gemeinschaft* (a community with a common vision) and, an intimate community based on dialogic relations and on inter-personal relations expressing the attentiveness to the Other.

Rapoport never gave up his trade and his home making; he taught while working. He aspired to a new kind of education: education through mutual study and activity. The child lives in a children's community and is not submitted to a school with an authoritative teacher; to his mind, youngsters running their own democratic lives would learn creativity and mutual understanding.

The first schools to bloom at that time grew in the shadow of the Kibbutz itself. The children lived and breathed the fact that the teachers admired the founders of the Kibbutz, their students' parents; even when the teachers had come from the outside specifically to teach, they still felt that entering Kibbutz life and being involved, joining the work-places, interacting with the adult members was the best way to teach the children of the Kibbutz so that they would maintain their parents' revolution.

In some Kibbutzim, children 12 years old and up already participated in the Kibbutz assembly meetings.

Gradually, three major modes of education developed in the Kibbutz movement, all aimed at enabling the child of the Kibbutz to deal with, and be active within a larger society whose rules were changing. Common to all those modes was the belief that it is unnecessary to exercise power and authority to reach children and to enable the growth of a human being able to function in the new society.

## THE FIRST MODE

Focused on the psychology of adolescence, an age in which the human being is mature enough to live his vision, his critique of the state of affairs, without succumbing to routine and accepting as normative the maladies of the society of the grown-ups. Such reliance on the psychology of adolescence necessitates separation from the Kibbutz of the adult parents. Such a school should create an independent and critical community of young adolescents, a situation that reproduced the creative tension found in the world of the Youth Movement.

## THE SECOND MODE

Aimed at developing a human being capable of revolting against conformity and of integrating into a society of human rights through freedom, equality and fraternity, wished to do so through direct and full participation of the children's community in the adult society. The idea was to establish educational institutes within the various kibbutzim. Those schools were intimately involved in the life of the community and interaction with its members was considered a part of the educational process. Inner democracy should be developed, but also a tradition of the study of historically-rooted cultural values going back for generations, all the while building the culture of revolution, social radicalism. The example of the veterans, the actual building of the Kibbutz, the respect for and importance of the manual laborer all will all create identification of the children with the idea and the challenge of the Kibbutz.

## THE THIRD MODE

Aimed at internalizing the contents of modern, scientific, universal culture to be transmitted as an open message, as a legacy: it argues that these contained in themselves the idea of Man (Human Being) and society; in themselves, these contents will stand in contradiction to the existing regime in society, and the students will naturally feel this contradiction. This mode of teaching is based on the principle of free choice and science as principles leading to the adoption of a way of life based on the intrinsic value of equality. One should therefore gather the best teachers in area-schools that will be not ideological but strictly focused on intellectual proficiency and knowledge.

## THE ESTABLISHMENT OF THE STATE OF ISRAEL CHALLENGE FOR THE KIBBUTZ

In 1948 the State of Israel was established. This was a dramatic change. The Jewish youth of Europe, who had started and nourished the Kibbutz, was murdered in the Holocaust. Some of the survivors established new Kibbutzim, wishing to start a new society to express the relations with the murdered Jewish people, and the desired new Humanism. It was a brave decision -- to live as a community of partnership, and education, and to burden this community with the challenge of being a memorial to some of the darkest days of human history.

**No poems can be written after Auschwitz** -- *Theodore Adorno*

**After Auschwitz there is a need to re-write the vision of human hope** --*Kibbutz Lo'chamey Ha'geta'ot (The Fighters of the Ghettos)*

Contrary to the hope which the founders of the Kibbutz carried for Israeli society, the latter became an immigrant community, hungry, even greedy at times, fast-growing, saturated with inner and external conflicts, new technologies, new problems, new labor relations and new politics. If in the past it had seemed that a free Israeli society would become an esoteric place in the world, a utopia able to carry out social and cultural democratic experiments in peace, now Israel became a small country in the center of great international conflicts, markets, and interests. Many of the tasks the Kibbutz voluntarily took upon itself were absorbed by the structure of the nation-state.

In an immigrant society, which is constantly bothered with issues of security, social merger and social activism, there is vast space for officials and clerks, for technocracy, and for hierarchy. The State of Israel speedily retreated from becoming a state of equality.

The Kibbutz faced a huge challenge, maybe the biggest of its whole existence: How, on the one hand, to keep firm in its commitment to the basic notions of equality, of choice and of solidarity, but also, on the other hand, how to avoid transforming the ideological conflict with the environment into a state of siege; how to avoid education changing from a renewal and innovative deed to a deed of superficial self-preservation. The transmission from one generation to the next in dramatically changing circumstances is problematic. But the Kibbutz still has a deep-rooted tradition of placing questions, of attempting to live them through social experience, of questioning each solution, critically dealing with its consequences and price.

The Kibbutz always submitted to severe inner critique, always activated the sense that its basis needs constantly to be checked: to avoid unripe dreams but also to avoid succumbing to evil, even when to the naked eye, it appears dressed up as fate or authority.

The immigrant, voluntary Israeli society created a state based on the belief that governmental statutory tools, the general outlook of a sovereign system and a rich welfare society could solve all problems; instead the state has turned into a congested urbanized state of deep inequality, bent under the pressures of world market, global shock, conflicts between global powers, chronic wars and bitter inner conflicts.

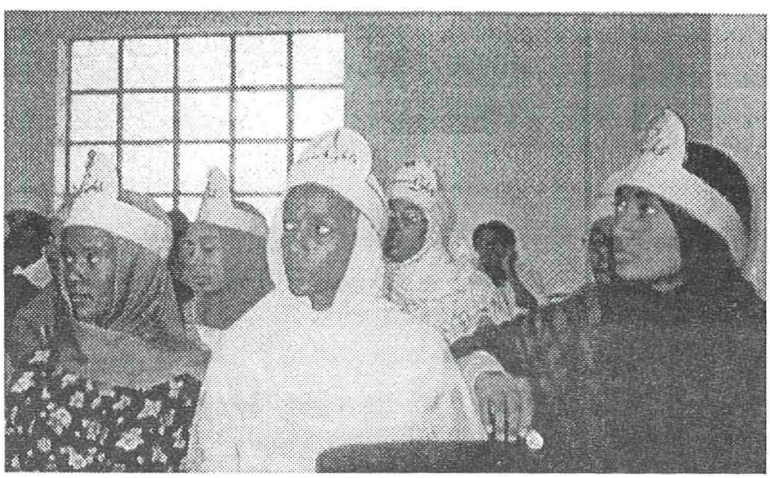
Immigrants coming from fragmented and shattered communities from all over the world and carrying diverse ideologies tend to view openness as a threat, and to shut their community against any universal point of view.

To all these threats one must say the following:

> ***The number one challenge of modern society is the creation of open-ended communities, living in social justice and in freedom and cooperation with one another.***
>
> ***The responsibility of the state is to enable such free organizations to develop in its womb and to develop a humanistic universal perspective out of choice.***
>
> ***The Kibbutzim and the communes, the schools and the youth movements should all contribute to such future development.***

From its very beginning onward, regardless of the enormous differences between the first kibbutzim and the kibbutz at the end of the millennium the questions deliberated by their members have remained the same.

- Is it possible to change the face of the large society via the experience of the small one?
- In order to achieve social emancipation, does one need an abstract model, or is the personal experience enough?
- Could a model of social engineering stand up to the confrontation with the rulers of the world, those holding the control boards of world economy, those wielding the key to politics in both totalitarian and democratic societies, all equally determined to undermine the communal critical experiment, the search for human freedom and equality?



# PART 12: A GLOBAL HUMAN RIGHTS CITIES PROGRAM TOWARDS SOCIETAL DEVELOPMENT

***Knowing, claiming and securing our right to be human***

**.Instilling in communities a sense of ownership of human rights as a way of life**

**Enhancing democracy, peace, security and social justice**

**Strengthening the infrastructure for human, social and economic development**

Human Right Cities – a practical way to learn and **chart the future of humanity**

In order to create an infrastructure for the learning/acting process in the communities, PDHRE is engaged in training trainers and facilitating seminars, workshops and dialogue at the grassroots level in the context of people's evident desire for social justice and democracy. PDHRE is guided by the core belief that through human rights learning, everyone can be a mentor and a monitor and take control over their lives. To achieve its vision and mission in a practical way, PDHRE has been facilitating the development of Human Rights Cities around the world.

What are human rights cities? Imagine living in a society where all citizens have made a pledge to build a community based on equality and nondiscrimination; --where all women and men are actively participating in the decisions that affect their daily lives guided by the human rights framework; where people have consciously internalized the holistic vision of human rights to overcome fear and impoverishment, a society that provides human security, access to food, housing, education, healthcare and work at livable wages, sharing these resources with all citizens-- not as a gift, but as a realization of human rights. A Human Rights city is a practical viable model that demonstrates that living in such a society is possible!

PDHRE, People's Movement for Human Rights Learning, with the initial support of The United Nations Foundation and UNDP facilitating the development of human rights cities - cities as microcosms of the world.
In these Human Rights Cities, the entire social and political system, including the local authorities, public officials, local organizations and civil society groups join to plan and implement a learning and dialogue porcess in the city inhabitant to conduct their services, devise practical solutions and plan the future of the city future guided by the human rights framework.

Problem-solving and decision-making take place with the full participation of the community, women and men alike, as they evaluate the laws, policies, resources and relationships in the city and become the custodians of their future.

Ten human rights cities are in development. More will be developed in the coming years as communities decide to join this porcess. These cities will make available to humanity a rich experience of how to use universal values of justice and dignity in the implementation of economic, social and human development. The human rights cities will offer the narrative and practical solutions in a world where three billion people earn less than two dollars a day, where two billion people live in cities , where three billion people are under the age of 25 in dire need of a support system that offers them hope. Regional Learning Institutions for human rights learning are working to bring together young community leaders who will be developing a new vocation: they will be human rights educators at the community level. Essentially, the human rights framework provides limitless encouragement both to leaders and to citizens wherever they are and whatever problems they struggle to overcome to maintain their dignity and claim their human rights. As the human rights cities movement grows the cities will become a source of tremendous energy that will radiate hope and practical answers for social and economic transformation and for societal development where the human being is at the center of society.

PDHRE, the executing agency, works to develop and implement the Human Rights Cities Programme by, for, and with the inhabitants of the city and the local authorities to:

- **Instill a sense of ownership of human rights as a way of life, leading to action for the realization of all human rights in the city, to benefit all its inhabitants: women, men, youth and children**
- **Enhance actions that promote democracy as a delivery system of human rights in order to achieve sustainable development, peace, economic, human security, and social justice.**
- **Capacity building to strengthen activities that ensure community development and accountability guided by the comprehensive human rights framework. Individuals and groups taking part in the action.**
- **Become a beacon of light for communities all around the world to witness practical ways the human rights framework can make every citizen a creative partner of sustainable change**

**The city**, its institutions, and its residents, as a complex social economic and political entity, become a model for citizen's participation in their development. This process leads to the mapping and analysis of causes and symptoms of violations such poverty and the designing of ways to achieve well being in their city.

Appropriate conflict resolution is an inevitable consequence of the learning process as women and men work to secure the sustainability of their community as a viable, creative, caring society.

## MOVING POWER TO HUMAN RIGHTS

Two billion people live in cities today. Within 15 to 20 years, that number is predicted to reach four billion. Cities are microcosms of states and carry all the burdens, struggles, concerns and hopes for well-being of their inhabitants that states do. They carry the search for a life free from fear and want. People all over the world yearn to belong in dignity to these often alien large communities, yet there is no inherent knowledge of how to live with one another, with the multitudes of peoples and issues one has not known before. People need to know the promise of human rights for food, education, housing, healthcare, and work at livable wages. They need to own human rights, claim and realize them.

The success of human rights cities could inform the world to move power to human rights, giving us solutions for the future and possibly a new political culture based on human rights. It is from the human rights cities that meaningful analysis and real change will emerge. PDHRE, drawing on its rich experience and perception of needs, and with the enthusiasm of local communities, is facilitating the development of Human Rights Cities. These cities were self-selected on the basis of a demonstrated widespread commitment to human rights learning among a range of civil society actors and of past success with other projects in these countries.

### THE VISION

**A world whose six billion inhabitants - including youth and children - know and claim their human rights, and learn, reflect on and act to achieve civil, cultural, economic, political and social justice for all**

- ★ **Rosario, Argentina (one million)**
- ★ **Thies, Senegal (300,000**
- ★ **Nagpur, India (2.8 million**
- ★ **Kati, Timbuktu, Kayes, and Silkass, Mali (total - 200,000)**
- ★ **Abra Indigenous Municipality, the Philippines (250,000)**
- ★ **Nima -Mamobi, Bongo and Walewale , Ghana ( Total -150,000)**
- ★ **Graz, Austria (750,000)**
- ★ **Mogale, South Africa (224,000)**
- ★ **Porto Alegre, several local communities , Brazil ( One million)**
- ★ **Edmonton, Alberta , Canada (750,000)**

New communities soon to be initiated by local groups in Chile, Kenya -Krogocho, Bosnia - Bihac, and Rwanda.

Although the context and nature of human rights are conditioned by the social, traditional and cultural forces that inform different societies, concern for the modern form of human rights has become universal. Each violation of human rights, wherever it occurs, is considered a threat to the welfare and dignity of all humanity.

As a pioneer for over a decade of human rights education for social transformation with a strong focus on the core values of equality between women and men and non discrimination, PDHRE has been asked repeatedly to institutionalize the PDHRE method to enable wider audiences to benefit from its holistic approach and adapt it to local conditions. The Human Right Cities Program is a result of this effort to further the understanding of human rights as a way of life.

## PROPOSED GUIDELINES TO CREATE A HUMAN RIGHTS CITY

### Step 1:

Create a steering committee with representation from all sectors of society and in which groups working on the following will be included: children, culture, development, education, environment, food, health, housing, migrant workers, peace, poverty alleviation, refugees, security, water, women, and work.

### Step 2:

Schedule learning and planning sessions for the steering committee in which all members participate to collectively design a plan of action and develop a common vision for their Human Rights City.

Educators and the media are summoned to work in close collaboration with the Committee.

The Steering Committee develops a "training of trainers" program with, by and for their constituencies, parliamentarians, municipal workers, law enforcement officers, the judiciary, business people, teachers, health care providers, social workers and government officials in order that all state and non-state actors understand and uphold their obligations and commitments to human rights.

### Step 3:

Citizens are requested to play a part in human rights advocacy in the community to become mentors, monitors and documenters. They will be encouraged to give testimonies and participate in community and city hall meetings, street theater and informal community discussions.

**Step 4:**

Monitoring and documenting leads to the development of immediate and long-term plans for the city. In the process, participants examine local and national laws and policies to see that their formulation and implementation are consistent with the human rights framework. They develop alternative budgets in consultation with local economists, and they work to change and develop new relationships in the community, based on equality between women and men, the police and ethnic, religious and marginalized groups, and become fully involved in the decision-making process in the City.

These steps lead to building communities, in which the sources of power are human rights instruments, leading to a commitment by governments and local authorities, law enforcement agencies, the judiciary, regulators and community leaders to implement and enforce civil, cultural, economic, political and social human rights for every woman, man, youth and child. As the number of human rights cities increase, they may develop

**A human rights charter, and**
**A community human rights court**

* * *

## CONSOLIDATION OF EXISTING HUMAN RIGHTS CITIES

While each of the cities has taken locally driven measures to formulate its own priorities, the overall program has been formulated in more general terms, as outlined in the following objectives and activities. Examples from the past experiences or future plans of existing Human Rights Cities are given below.

***TASK***

*To create, develop and disseminate information resources on human rights and undertake awareness and education programs with stakeholders and masses.*

**Activities:** Advocacy and lobbying, sensitization of journalists, communicators and artists and active partnerships with the media. Efforts should focus on reviewing and influencing the laws, policies, resource allocations and relationships in the city on the basis of human rights.

### Examples from Existing Human Rights Cities

In **Kati, Mali**, a multi-sectarian Steering Committee, with the support of bilateral and multilateral partners, NGOs, and the UNDP, has carried out a study on «The Malian Perception of the Culture of Peace and Human Rights». The Human Rights Cities in Mali plan to conduct research in order to enhance and anchor the concepts of human rights in Africa.

In **Dinajpur, Bangladesh**, an exhaustive survey of local conditions, l initiatives, actors, hopes for and difficulties with human rights was conducted to understand and analyze public opinion and document human rights violations. Undertaken in collaboration with Community Development Association, 1,000 people from all sectors of society were surveyed. These were: city officials, physicians, political leaders, business people, industrialists, journalists, rickshaw pullers, cleaners, slum dwellers, contractors, welding workers, teachers, transport owners, government employees, lawyers, housewives, students, indigenous people and farmers. ( The community did not continue thee activities now on hold.)

***TASK***

*To promote peopl's organizations and institutions and build their capacities to negotiate with the market and the state to ensure the fulfillment of their social, economic, civic, political and cultural rights.*

**Activities:** This community mobilization includes, inter alia, studies of public policies in order to correct them, developing lobbying activities, training in formulating participatory alternative budgets and special focus on programs based on needs assessments conducted locally (e.g., concerning migrant workers, judiciary, health/education workers, city managers and the environment).

## Examples from Existing Human Rights Cities:

In **Rosario, Argentina**, citizens have prepared a participatory budget for the City Council. Planned activities in Rosario include: continuous training of the Coordinating City Council with discussions among the different social sectors; workshops for multiplying agents (police officers, teachers, health officers, magistrates, lawyers, etc.) to modify their institutional and personal practices; regular working breakfasts; organizing children□s attendance to City Council sessions and simulated sessions in at least half of the city□s schools.

In **Thies, Senegal**, children between the ages of nine and eighteen, upon learning about education as a human right, realized that many of their friends did not go to school because they were not registered at birth. In response, they created small teams that went from house to house in the eleven neighborhoods, retrieved the necessary information and registered the 4,500 children they had identified, then went to the Mayor□s office to request that more schoolrooms be made available for these children.

Neighborhood members, acting on the belief that work is a human right, identified the extreme poverty of widows in their community and pooled funds to buy sewing machines and millet grinders for these women. They also provided training and small loans for small businesses.

Eighty unmarried young women, who had never left their homes before, joined sewing and crocheting classes and have created a small cooperative group where they sell their products.

Women and men in several neighborhoods, learning about health as a human right, worked together to clean up the mountains of garbage, established norms for garbage disposal and informed the community accordingly. They also called on the Mayor□s office to assume responsibility for garbage collection. Committees of citizens facilitate contact between city officials and average citizens, and exchanges are organized between the mayor, government officials, police forces and average citizens.

In **Dinajpur, Bangladesh**, Citizen□s Committees are planned in all the wards of Dinajpur Municipal Corporation with particular attention to women, children, youth, indigenous people and the cross-sections of civil society- doctors, teachers, legal professionals and community leaders. A Jail Supervision Committee and other committees along with Civil Society Initiatives would be consulted to set guidelines and to reach a Memorandum of Understanding (MOU) in areas of concerns. Legal aid support to women has been established through the Community Human Rights Court. Dinajpur□s program for slum development includes: establishing a pre-primary school; addressing housing rights, water/power supplies, sanitation, primary health care, income generation for the poor; establishing a school for street children and a special awareness program for the informal labor sector labor on their rights, trade unions, employment contracts and working hours.

***TASK***

*To further develop training methodology and pedagogy for human rights education for social transformation.*

**Activities:** Such methodology and pedagogy includes technical training in conflict mediation and facilitation, training of personnel including police officers, health officials, lawyers and other professionals who can become multiplying agents for human rights through their specialized services.

## Examples from Existing Human Rights Cities:

-In **Rosario, Argentina**, Human Rights Training Workshops and a seminar with 60 principals of the Teachers Training Colleges were held. Future plans include training in conflict mediation and seminars and workshops for multiplying agents (police officers, teachers, health officers, magistrates, lawyers, etc.) to develop human rights educational actions.

-In **Thies, Senegal**, workshops are planned for law enforcement officials, prison guards, and prison inhabitants; training for interested public school teachers and students to establish youth groups in Thies neighborhoods; training for facilitators and other participants to begin projects in their communities; monthly community workshops to find ways of remedying existing violations and establishing concrete actions. The initiative involves combined training and feedback sessions at least once every two months to allow facilitators to talk about the difficulties and successes they have experienced.

-In **Dinajpur, Bangladesh**, plans include popular education/campaign materials for educators, monitors, advocators and the masses; issue-based training materials/ modules; framework of co-operation with District Law and Order Committee, introducing basic Human Rights Education at primary and secondary level of education; formation of women s groups in all the wards of Dinajpur; and community-based action workshops.

-In **Bucay, Philippines**, activities include orientation workshops on human rights education for officials, leaders of indigenous communities, community organizations and youth; learning seminars on documentation and research for human rights; on policy design and development; for women on reproductive health; on economic, social and cultural rights for human rights educators from municipalities in Abra other than Bucay. Also included are HRE through sports and games, and through arts and crafts; and a self-help community development program on communication and information technology.

-In **Wa** and **Maimobi/New Town, Ghana**, workshops, seminars, conferences, street theatre, public education campaigns, publicity, media coverage, journal publication, training manual publication and research projects are planned.

## DEVELOPMENT OF INDICATORS FOR MONITORING AND EVALUATING HUMAN RIGHTS CITIES

Indicators will measure, inter alia: the implementation of specific activities related to the human rights city (e.g., decision making bodies, training, public awareness events, lobbying activities); the implementation of specific activities related to the regional learning programs (e.g., establishment of organization, development of educational strategies and programming); and monitoring and self-evaluation activities carried out locally and regionally.

***TASK***

*To network for building alliances.*

**Activities:** Build solidarity and alliances with other organizations, initiatives and stakeholder groups on human rights issues, for sharing of information, best practices, innovative approaches, political and lobbying efforts and human resources and expertise.

## Examples from Existing Human Rights Cities:

In **Kati, Mali**, Mali-PDHRE, UNDP Mali, UNESCO, UNICEF, the Malian National Commission for UNESCO, the Canadian Embassy, and the Ministry of Justice worked with other human rights focal points to set up a small working committee to prepare a project to establish the Human Rights Cities initiative, which was then further discussed in a workshop. Beneficiaries and other partners were also involved in the entire process of the project design.

In **Wa** and **Maimobi/New Town, Ghana**, stakeholders included chiefs and Queen mothers, members of Parliament, men□s, women□s, youth and community groups. In other instances discussions involved representatives of other UN agencies or bilateral donors.

In **Rosario, Argentina**, over 100 community based groups brought together their experiences, including Mothers and Grandmothers of the May Square, Women's Rights, people with disabilities, children, ecologists, indigenous peoples, and human rights experts from the University. In 1998, the range of participating institutions and organizations was enlarged. In 1999, financial support from Ford Foundation helped to continue with the cooperative work of 12 organizations and individuals who constituted a Coordinating Council of the Human Rights City.

***TASK***

*To research and document human rights issues.*

### Examples from Existing Human Rights Cities:

In **Bucay, Philippines**, the objectives are stated of enabling both government officials and citizens to undertake research and documentation on practices and shortcomings in the field of human rights, particularly gender equality and economic, social and cultural rights, in order to design and advocate for appropriate regulations and policies. Further to undertake research, documentation and publication for developing pedagogy and methodology in human rights education.

***TASK***

*To document and promote innovation, best practices and processes on human rights for replication.*

This is part of the project documents of all the human rights cities.

***TASK***

*To advocate human rights issues.*

Activities in the Human Right Cities are to be publicized throughout their country, to disseminate knowledge, increase the adoption of the human rights framework, and serve as a model for democratic life and good governance. This process will help to overcome the fact that most people for whom human rights have been ratified are not familiar with nor do they know how to use them to fulfill their hopes and aspirations for a better life. These activities, as with all of the above, will create a basis for dialogue with national level institutions in order to upstream the human rights concepts in their pragmatic realization within national policy.

## ROSARIO, ARGENTINA: POPULATION 1,000,000

The First Human Rights City

Facilitated by Instituto de Genero y Desarrollo and PDHRE

On June 30th 1997, more than 100 people including NGOs representing women's and children's labor, disabled, and indigenous groups, other community activists, and the academic and religious communities, gathered with members of the Rosario Municipality for a special meeting at City Hall organized by the advising council of the Women's Department of the City of Rosario. They signed a proclamation of their **commitment to build a human rights community in Rosario.** Such a community must promote respect for human rights, equity and peace, activities which are inscribed in the Framework of the UN Decade For Human Rights Education, 1995-2004. Rosario's historic proclamation highlights the opportunities available to ordinary citizens and community activists to use the powerful space for action made available by human rights norms, standards and instruments that the Government of Argentina has ratified.

A Citizens' Committee was established in which all sectors of society are represented. Committee members are attending ongoing human rights seminars - learning which they share with their constituencies. These include a wide range of activities to promote specific economic and social change. The committee has started to analyze and examine the interconnectedness of human rights practices and violations in the city and has initiated various neighborhood dialogues about social and economic justice and good governance within a human rights framework.

A designated sub-committee is continuously examining governmental obligations and commitments under international law, and defining various solutions to problems in Rosario of poverty, unemployment, violence against women, malnutrition, marginalization, education, police brutality, gay and lesbian issues, and relationships with the business and industrial communities. A volunteer group comprised of human rights experts, educators, lawyers, and members of the media is available to support the committee, responding to the self-defined needs and requests of the community. It is expected that they will lobby for amending local and national laws, and for an allocation of financial resources that ensures that the on-going city development plan will meet the needs of the community.

## *Shadow report for the Human Rights Committee*

The people of Rosario were asked to collaborate in the preparation of a chapter of the Argentina Shadow Report on Political and Civil Rights. Those involved had to learn about the Covenant, analyze General Comments, and document their relevance to the City of Rosario. They have exercised their citizenship through following up the commitments Argentina made in the international arena. In this way, the process linked the local, national and international spheres. One representative of the "Human Rights City" went to Geneva to present the report.

### *Human Rights Education and Community Activities*

Disseminating HRE materials and organizing learning activities was the first step. The second step involved monitoring actions for the purpose of analyzing how the government of Argentina fulfills its obligations, specifically, how the funds of the local budget are distributed, and whether this distribution respects gender, ethnic, racial, economic and social equality. The third step will call on organizations for participation in the decision-making process.

**The following activities are taking place in Rosario:**

- Monthly meetings of the Human Rights Community Steering Committee
- 12 sessions of Movie-Debate starting with *The Salt of the Earth,* a US movie, originally banned in the US, that addresses national, gender and class discrimination. The issue of Censorship was discussed when it was learned that the ten people who were involved in producing the movie were jailed for five years.
- Human Rights Seminar for Police High Officials
- Human Rights Education program with the Toba Indigenous Community
- Human Rights Seminar for Municipality officials.
- Human rights learning for Doctors and nurses and in the medical school
- Human Rights learning to be integrated in the implementation of the MDGs
- Local politicians were lobbied to create awareness about the need for a Human Rights City program, including the city mayor, the minister of government, national deputies
- Ten city council meetings were held during the year with ongoing outreach to each of and local representatives.
- The members of the 'Rosario Human Rights City' coordinating council regarding the follow up of the project. Members of the committee participated in the 2nd Human Rights International Colloquium at Pontificia Universidad Catolica de Sao Paulo
- A special meetings took place with PDHRE International, UNDP Argentina and New York and UNF representatives regarding the financial sustainability of the project; with the coordinating INSGENAR staff, The coordination committee pf Rosario Human Rights City. The Province Minister of Government and the City Mayor visited Puig School, Lola Mara Association and the people's Ombudsman Headquarters.

- A Conference on Human Rights was held at the Police Academy on its 160th. anniversary. The Human Rights Commission of the Political Science School of the Rosario National University (Member of the Coordinating Committee of Rosario HR City-CC) discussed the various concepts of Human Rights, the justifiability of Human Rights and the role of the State, and also the Police and Human Rights today. Gender and violence issues were also discussed.
- Toys were collected for the Child Day annual festival at Lola Mora Association. Along with UNDP Argentina, a book collection for the Puig School new library was also organized.

And more: A 'Human Rights City Contest' was organized with the theme: Rewriting CEDAW, the UN Convention on the elimination of all forms of discrimination against women. More than 50 schools participated. The panel of judges included one member of the People's Ombudsman office, two members of INSGENAR, and one member of the Teachers Union' Human Rights Commission. The winner was a 45-student 3rd year class from the Polimodal Program of Maria Auxiliadora School of Rosario. They, rewrote Article 2 of CEDAW as follows:

**ARTICLE 2 --WHAT CAN WE DO?**

In the first place, we have to ask ourselves if all of us are disposed to initiate a change, because if we propose it, it will be possible. Meanwhile, to accelerate the procedure, we can start making some changes, like including these rights in our constitution and modifying some laws, throwing away the discriminatory ones and adding some new ones that we think essential to achieve our objective. That should be all.

***Some Success Stories***

A group of young people from the Toba and Ludueña neighborhoods had maintained close contacts and worked in the neighborhood for about four years. The community organization is sustained by a group of self-organized mothers. Groups of children, originally all boys, but girls joined the group later, from vulnerable situations, many of them with relatives in jail, meet once a week, with continuous conversations between meetings. A flexible attitude was cultivated to adapt to demands and needs of the group. Many of the originally planned activities had to be re-thought and re-designed when it became clear that most of the boys lacked the oral and written fluency to deal with abstract materials, leading to physical activities, dynamic corporeal games, and the creation of a base of trust and empathy. The impact of these exercises was vastly increased by group work.

Members of the steering committee participated in the Porto Alegre World Social Forum in Brazil, in February 2001. They brought back to Rosario the enthusiasm of human rights activists in Porto Alegre for a stronger participation of the local community in shaping the municipal budget. This experience led to the preparation of a plan of action that promotes the creation of community spaces where comprehensive human rights education can be discussed.

## THE FOCAL POINTS FOR DISCUSSION

- The transformation of reduced civil and political citizenship to inclusive social citizenship
- Discrimination and domination mechanisms
- The interconnectedness of all human rights
- Overcoming the division of human rights into categories with different hierarchies Citizenship vs. charity
- Access to food, housing, education, healthcare and work at livable wages
- Sharing resources, and viewing them not as gifts but as the full realization of human rights
- Learning how to monitor international instruments at the local level. Very often, international regulations are seen as far removed from the local arena.
- Developing participatory municipal budgets: working to devise a process of monitoring the budget and combining it with the decision-making process.
- Examining the percentage of the municipal budget -from 10% to 15%- that is not previously committed to enhance the fulfillment of economic and social concerns of the people of the city of Rosario.

A network of human right cities exists creating a support system for existing and new developing cities. Regional PDHRE offices have been created to decentralize the work of PDHRE.

***Voices from the Human Rights Cities***

- *"When I learned that education is a human rights I learned that I must claim my human rights, so that in dignity I can support myself and my parents when they are older."* **(Child from HR City-Nagpur,India)**
- "If *you know human rights, you know that health and food are included, and it makes me feel good for my family and all the people..."* **(Women from HR City Thies, Senegal)**
- *"What we learned about human rights allowed us to reduce misunderstandings among ourselves. Before, we married women, and looked at them as slaves. Now we understand, we each have roles in the family. Women now understand they are equal, ands men agree with it."* **(Man, HR City Kati, Mali)**
- 'We want human rights to be discussed in the newspapers, radio and television to motivate people to take actions for human rights for all the people in the city **(Women from HR city Rosario, Argentina)**

## A PLEDGE TAKEN IN CITIES:

*We are the human rights generation*
*We will accept nothing less than human rights.*
*We will know them and claim them,*
*For all women, men, youth and children,*
*From those who speak human rights,*
*But deny them to their own people.*
*We will move power to human rights"*

Shulamith Koenig – PDHRE, Founding President

# PART 13: CONCLUSIONS

By Upendra Baxi

By way of concluding the inconcludable, we need to return to Mahatma Gandhi. Human rights educators need to recall his insight that challenged the very foundations of liberal "Western" economic theory.

> **Human wants are infinite, and the resources servicing these are finite. Instead, human needs and wants must be moderated to become finite so that available resources then may become infinite.**
>
> *Mahatma Gandhi*

In the contemporary United Nations rhetoric, this notion is poorly represented in the languages of sustainable development.

Human rights activism and education face formidable challenges. In the face of a globalized middle class consumer ideology, the Gandhian truth needs to be revived that insists on individual sovereign agency which limits the triumphant march of global capitalism. Simple living and high thinking was the Mahatma motto, now wholly reversed by the gurus and pundits of globalization. HRE practices need now to revert the current truths of high living and simple thinking£ There are no easy ways to accomplish this. That is why we call HRE an exercise in ***difficult freedom***, the art of the impossible confronting politics as the art of the possible, the 'practice of Resistance in its absolute sense.

Put another way, we affirm (in the evocative words of Robin West) that: *The test of the morality of power in public life as in private life may be neither compliance with community mores ... nor political success ... but love.* And the mission of HRE, we say, is best grounded *not in abstract reason, nor in general truths, nor in the dictates of pre-existing law, nor in naked power, but rather in sympathetic judgments of the heart.* HRE thus suggests the celebration of the *habits of the heart* (to invoke Robert Bellah□s fecund notion) and maintains the antisystemic people□s struggle to recover their own futures. If it is to exist at all, HRE must reverberate to an Eliotian mood:

*The daring of a moment□s surrender*
*Which no age of prudence may retrieve*
*By this, and this alone, we live.*

This may be severely faulted, if only because romanticism, at the end of the day, may defer utopia while producing dystopia. We have referred many a time to the ways in which the politics of human rights often leave people worse off in ways that can make them believe they have nothing to loose but the binding chains of human rights. In certain times and places, the invocation of human rights can aggravate rather than ameliorate their human condition and circumstances.

All this, in turn, entails a considerable burden of reflexive labor on human rights activists and educational communities.

**POLITICS IS HARDER THAN PHYSICS**

*Albert Einstein*

Our Report, we hope, makes a small, though impassioned, contribution to this millennial task, which forever remains defined through the idiom of the Mahatma Gandhi's notion of the *Swaraj:* radical agency and autonomy, the human capability to exercise freedom in non-threatening ways to the Other. In a reciprocally enriching insight, sage Emmanuel Levinas also defines the meaning of *difficult freedom* in terms of the non-negotiable extraordinary relation between a human being and his or her neighbor, one that continues to exist even when it is severely damaged. Of course, we have the power to relate ourselves to the Other as to an object, to repress and exploit him or her. However, the relation to the Other, as a relation of responsibility, cannot be totally suppressed, even when it takes the form of politics or warfare. It is impossible to free myself by saying, It's not my concern." There is no choice, for it is always, and inescapably, my concern.

**Authentic HRE thrives best when it lights candles, not when it curses darkness. It must, in order to exist, signify the triumph of the ethics and philosophies of human hope over the turgid experience of power politics.**

# PART 14: METHODOLOGIES AND PRAXIS OF HUMAN RIGHTS EDUCATION

By Richard Pierre Claude

Methodologies here will be presented as they are linked to:

1) understanding the international human rights instruments essentially based on the right to know our rights
2) curriculum planning
3) efforts to promote social empowerment
4) responding to the goals of specific user groups
5) program and participant evaluation.

While goals reflect long-term programmatic purposes, educational objectives refer to short-term expected learning competencies designed for students and participants. Groups concerned with HRE may pursue many different pedagogical objectives. These include:

1) attitude changes

Example: teaching tolerance among political influentials toward Ethiopian tribal groups not well represented in government structures or tolerance toward refugees among British and German "skinheads

2) value clarification

Example: critically exploring the negative implications of the common use of manmade language relating to gender references in formal writing as well as in everyday conversation)

3) cognitive skills in matters of law, government and society

Example: learning and understanding the provisions of the Universal Declaration of Human Rights and other international instruments

4) the development of solidarity attitudes

Example: African-American studies programs which engender concern and sympathy for the peoples of Africa and their problems related to food distribution, health and welfare)

5) participatory education for empowerment

Example: enabling people to define and meet their own needs

In addition to the diverse goals and objectives specified for HRE, the problem of describing and analyzing various methodologies is compounded because the objectives and the means used to attain them, such as those listed above, will differ in relation to the target group involved: grade school children in primary schools; adults in a literacy program; peasant farmers involved in subsistence agriculture; police and military units; government officials and bureaucrats; health professionals involved in a program of continuing education, etc.

### *A Recommended Standardized Format for HRE Exercises*

Formatting educational exercises is not a scientific endeavor. It is simply an orderly way of presenting the lesson plan for the facilitators' use. The format employed here has the advantage of being pretested, used and recommended by Betty A. Reardon, a professor of peace and global studies at Columbia Teachers College in New York.

***Overview:*** Here the facilitator/trainer/teacher is alerted to the operative norms and issues linked to the exercise, as well as aspects of "the big picture" as to why the problem presented is significant and may be of interest.

**Facilitators should talk to their colleagues about the utility of various exercises and their experiences using them. Sharing suggestions with other facilitators is strongly recommended. Moreover, facilitators should take the initiative to devise various techniques for program evaluation as well as participants' evaluations.**

***Objectives:*** The facilitator is told of the desired objectives of the exercise from the point of view of the participants/students and of the desired learning competencies expected for them.

***Procedures:*** The facilitator is given some brief advice on how most effectively to guide the participants so as to achieve the sought for objectives. In every case, whether the exercise is presented for role playing, simulation, debate, or discussion, the facilitator should benefit from techniques suggested here by those with past experience. Of course, the facilitator need not feel dogmatically bound by the suggested procedures.

***Materials:*** The facilitator should know that the exercise will be most successful if used in combination with identified materials, e.g., graphics, documents, posters, a tape recorder or alternative use of a person designated to record discussion, etc. Again, facilitators should use their own creativity, recognizing that learning is enhanced by appealing to different senses: hearing, sight, talking, touching, etc.

***Sequence:*** Step by step advice is given to the facilitator about what to do, first, second, third, etc.

## *"A UDHR LEARNING EXERCISE FOR BEGINNERS"*

It is important to link basic human needs with human rights in order for the concept of human rights to gain acceptance and understanding. The Universal Declaration of Human Rights (UDHR) should initially be introduced in accessible language.

***Human rights education in most countries is strictly in accordance with national and international law. Indeed, it is our duty to educate people about their rights before the law so that they will be able to act as responsible citizens.***

***Objectives:*** The participant should gain an understanding that:

1. Basic human needs are universal.
2. Every identifiable human need is connected to a human right according the UDHR.
3. The UDHR represents a "hoped for world" supplying the goals as the basis for judging our own society.
4. Our society, like others, comes up short by international standards where needs are not met and where human rights are violated.

***Procedures:***

Introduce the subject of this exercise and use the expectation setting method Use an icebreaker method, such as the wordwheel to get started. The first activity in this introductory session should take about ten minutes, the other steps twenty minutes or more. Two sessions may be needed if the group is ready to go beyond step 5.

***Sequence:***

**Step 1.** Ask the participants to help you make a list of all the basic needs that are inherent in being a human being. This step can build on a discussion of how human beings are distinguished by their characteristics from various animals and other living things.

**Step 2.** Use the buzz group method or break up participants into groups, one for each need, reporting back whether they think the one need on which they focused is, in fact, met in our society. Characterize our society as to whether it allows individuals to meet their needs, use their potentialities and helps them develop their qualities as human beings?

**Step 3.** Ask each group to envision and characterize the goals of a society which they think will allow them to use and meet their basic needs and to develop their potentialities as human beings.

**Step 4.** Ask each group to report back its discussion through a few words. Listening to these presentations, the facilitator should construct a chart divided into three columns: (1) characteristic basic needs of a human being; (2) characteristics of the present society and whether the identified needs are met for most people; and, (3) characteristics of the desired goals for society

**Step 5.** Constructing a new column (4), the facilitator shows the different human rights needed to enjoy, to protect and to enhance one's dignity. Explain that for every basic need there is a corresponding human right, introduced in Step 1. Draw upon the relevant human right by using the Article number and simplified version of the Universal Declaration of Human Rights identified in the appendix for this exercise.

**Step 6.** Open a discussion about column 2, where human rights violations may be identified, and column 3, which gives a glimpse of what lies ahead if and when human rights are finally respected, protected and promoted. Ask members of each group previously formed to look at needs, and what could be done in our society to meet basic human needs and protect human rights?

## *The Right to Know Our Rights*

### Educational Fora and Formats

If we have a right to know our rights, then we must start by learning about applicable international norms. Some distinctions are in order regarding the format and locus of education, whether formal, non-formal, or informal.

*The idea of human rights has wings. It has found its way around the globe. Human rights, including the right to education and the right of the people to know their rights, are implanted in international standards around the world.*

**Formal education** refers to the normally three-tier structure of primary, secondary and tertiary education.
**Non-formal education** is any organized, systematic educational activity carried on outside the formal system to offer selected types of learning to particular subgroups in the population, adults as well as children.
**Informal education** may or may not be organized, and is usually unsystematic education, having its impact on the lifelong processes by which every person acquires and accumulates knowledge, skills, attitudes and insights from daily experiences and exposure.

Broadly speaking, government is responsible for formal education, NGOs for non-formal education, and the media for informal education.

***The lack of curricular momentum due to a mind-set in the service of the status quo and conventional thinking within the administrative bureaucracy often forms an obstacle to human rights educators***

### *A Closer look at Formal Education*

In this part we will try to explore the concept of curriculum. For this, it is necessary to point out that there is not one sole definition of Curriculum. In specialized literature we find diverse notions, among which we can mention those that understand curriculum to mean the following:

1. **the series of knowledge that is learned in the classroom**
2. **the plan that drives the teaching and learning process**
3. **a document designed for planning instruction**
4. **the sum of learning experiences**

From our perspective, a curriculum is more than a written document, it is more than a study plan with objectives, courses and a sequence of activities. In our view a curriculum is an educational project through which one chooses the body of knowledge that should be conveyed in the school. This selection invokes the decision of what and how to teach within a specified time and space.

## knowledge values attitude learning experience ability

The curriculum determines the type of formation acquired by the students. It also determines how this formation will take place, where, for how long, and who will be involved.

- **what will be taught and learned,**
- **how will it be taught and learned,**
- **in what context will the learning and teaching take place,**
- **in what period of time,**
- **who will be responsible for this process, and**
- **what role will the different establishments within the school play.**

The dilemmas mentioned below constitute only a sample of the contradictory situations found daily in the classroom. It is suggested that you come up with other problems that take place in your medium and that you analyze them drawing from situations that you have experienced. Lastly, think about the impact that these have on the personality of the students and establish a link between the dilemmas presented and human rights.

| | |
|---|---|
| **a) The attitude of the teacher towards the student** | |
| **Authority** | **Democracy** |
| **Discrimination** | **Acknowledgment of everyone's rights** |
| **Intolerance** | **Respect** |
| **Lack of knowledge of students' opinions** | **Acknowledgment of the need for student participation in learning** |
| **Perception of students as being homogeneous** | **Recognition of individual differences** |
| **b) Relationship between students** | |
| **Competition** | **Collaboration** |
| **Individualism** | **Solidarity** |
| **Frustration over individual failures** | **Satisfaction over group success** |
| **Feelings of rejection by one's peers** | **Feelings of acceptance by fellow students** |
| **c)Schooling Environment** | |
| **Student permanently judged** | **Student valued for talents and recognition of limitations** |
| **Women are discriminated in the tasks and responsibilities that are assigned to them** | **Women and men assume responsibilities that correspond with their interests** |
| **The student must always be the subject of decisions that are made for him/her** | **The student participates and makes decisions regarding himself/herself and his/her education** |

Thinking about the explicit and hidden curriculum gives rise to a series of issues that should be debated in the study of the problematic curriculum. These issues revolve around the fact that one of the fundamental tasks of a teacher is to reflect, analyze and debate with his/her teaching colleagues about the points mentioned bellow. **To carry out the debate it is suggested that you:**

1. Form three teams
    - each team should think about the question that is given to them
    - arrive at conclusions and name a representative to report them to the group during the plenary.

2. Choose an individual to:
    - a) chair the plenary
    - b) orient the debate
    - c) synthesize the fundamental ideas
    - d) guide discussion in a way that not only responds to each group's questions, but takes into account the issues arising in the hidden and explicit curricula mentioned earlier.

### *A Closer Look at Non-Formal Education*

Non-formal education is used outside the school system by NGOs around the world to assist people to develop knowledge and skills and to help them meet their basic needs. Such programs often have empowerment as their primary goal, but it may be blended with other objectives. Among these ancillary purposes are those whereby NGOs attempt to:

- ***Enhance knowledge*** about human rights, e.g., knowledge about the range of constitutionally protected human rights as well as present-day declarations, conventions and covenants.
- Enable people to ***develop critical understanding*** of their life situation, e.g., questioning the barriers and structures which prevent the full enjoyment of their rights and freedoms.
- Help in the process of ***value clarification***, as thinking people reflect on such values as fairness, equality, and justice.
- Bring about ***attitudinal changes***, e.g., teaching tolerance among and between members of different ethnic and national groups.
- Promote ***attitudes of solidarity***, e.g., helping people recognize the struggles of others both at home and abroad as our fellow human beings seek to meet their needs and respond to violations of human rights.
- Effect ***behavioral change***, bringing about action that reflects people's respect for one another, e.g., men behaving in non abusive ways toward women, government officials behaving respectfully toward citizens by honoring everyone's human rights, etc.
- When all or various combinations of these objectives have been met, the achievement complements and helps to promote the most important general goal of non-formal human rights education. That is ***empowerment*** which is often the priority goal for NGOs concerned with community organizing and grassroots programs of self-help.

***Non-formal human rights education for empowerment does not treat students simply as receptacles to be filled with useful ideas and information, as if knowledge is an object to be received rather than a continuous process of inquiry and critical reflection.***

## Some Guidelines for Facilitators/Teachers

Hereafter, we will often refer to teachers as **facilitators** (and those who teach them as trainers) and students as **participants**. This terminology helps to emphasize that HRE requires a participative and dialogic approach.

- ❑ Be very clear on your role
- ❑ Get people to introduce themselves and try to make them feel relaxed
- ❑ Explain the subject matter and scope of the program and solicit the opinion of participants regarding their expectations.
- ❑ Introduce the subject of each exercise and solicit participants' expectations. Assume the participants are looking for a response to pressing problems, so the subject matter should be explicitly interconnected to local community needs.
- ❑ Elicit the related experience of the participants on the subject of each exercise
- ❑ Explain approximately how much time you have and allocate sufficient time for discussion. See if everyone understands.
- ❑ Introduce ideas and questions. Do not enforce your views. Be sure to give participants plenty of opportunities to talk of their own experiences.
- ❑ Your eyes, ears and voice are important. Maintain eye contact with participants. Be aware of your own voice --try not to talk too much or too loudly, but be sure everyone can hear you and other participants.
- ❑ Be aware of how you approach people in the group, for example, not picking on the same people all the time and asking them what they think.
- ❑ Do not get into arguments or allow them to develop. At the same time you should allow and encourage different opinions.
- ❑ Do not allow people to interrupt each other.
- ❑ Be firm with dominant people and say that they should allow others a chance to speak.
- ❑ Give people time to think and to explain what they mean.
- ❑ Explain and summarize briefly when necessary, for example, with difficult words or concepts.
- ❑ Check whether people have understood the discussion before going on to the next topic, and allow for any further questions

## Some Definitions Helpful for Various Methodologies

In exercises and examples of methods presented in this essay, some terms are used which will be new to the facilitators, trainers and participants.

**Brainstorm:** *quickly coming up with ideas or proposals without, at first, defending them or prioritizing them. Then open up discussion on ideas or proposals*

**Buzz groups:** *each participant turns to her/his neighbor (left and right) on a one-on-one basis for a short discussion*

**Case-study:** *a brief input on a scenario or description of how a problem, for example, one that has arisen in the past, was dealt with and responded to by people. It can be historical or hypothetical, but should be related to the actual experiences of participants*

**Debate:** *participants take up different or opposing sides on a problem and argue for a response or remedy different from that on the other side*

**Drama:** *a prepared play in which those involved have practiced their parts in advance*

**Expectations:** *participants say what they hope to get out of an exercise or program*

**Facilitator:** *the group leader who is clear on the exercise to be followed, the questions to ask, and the objectives of the exercise*

**Floating:** *when participants break up into small groups for discussion, the facilitator and volunteers move around (float) in a quiet way from group to group checking if everyone is clear on the questions and reminding people how much time they have left*

**Go-arounds:** *all participants get a chance to speak without interruption, one at a time, for example, going around the entire group and missing no one*

**Icebreakers:** *an activity, usually at the beginning of a session, to get people to loosen up and relax, for example, by shaking hands and introducing themselves to others*

**Participant:** *those in the learning group who are necessarily involved in the activity of an exercise and who are treated by the facilitator and other participants as equals, not passive students absorbing knowledge*

**Inputs:** *a planned talk by the facilitator or someone else, usually of short duration*

**Roleplay**: *participants become "part of the action" by pretending to act a particular role, e.g., that of a police officer or of a human rights victim, but the role is not practiced beforehand*

**Reporting back:** *when participants have broken up into small groups, one person should report back to the larger group the results of the small group discussion or the decision of the small group deliberations*

**Speaking from Experience:** *one of the participants talks about his or her experience of the issue or problem you are discussing*

**Talking Circle:** *all participants arrange chairs or otherwise sit in a circle so they can see each participant face to face*

**Word wheels:** *people stand in 2 circles of equal numbers, so that each person in the inside circle faces someone in the outside circle, e.g., to introduce themselves. The wheel can rotate (left or right) so that each person has addressed each other person in the group on a one-on-one basis.*

## *SAMPLE METHODS*

Many techniques are possible depending on the instructor's goals and objectives and the need to guide participants with a pre-tested template. Some creative examples of HRE methods follow which can be used in diverse educational formats:

### Discussion Method:

(1) Divide participants up into two equal groups. Have the groups sit opposite the others.

(2) Ask each group to take up one side of a discussion, for example one group will argue that having access to clean tap water is a human right and the other group argues it may be a desirable policy but not a human right. The participants have no choice which group they go into, thus they may have to argue a position with which they do not agree.

(3) Give each group time to prepare their arguments. Each person in the group must prepare one argument to support their side. This is because, when the time comes to discuss the issue with the other side, each person in the group will have only one chance to talk.

(4) When the teams are ready, the two sides come together in the big group on opposite sides of the room and the discussion starts. Each side gets a chance to give one argument, starting with the team in favor of water access as a human right. Then, you carry on giving each team a chance to talk until everyone has had a chance to speak.

(5)When this is finished, say to people that they now may cross over to the other side if they want to support that side. Thus they finally go to the side they actually agree with. Or a third group may form of those who are undecided.

(6)End up by asking the people who changed sides to say what arguments made them change their position and also say what else they learned from the exercise.

### Listening Method:

(1) Divide people into small groups, for example of 2 or 4.

(2) Ask each group to take sides on a particular issue with an equal number on each side. For example, A has to argue that women's human rights require than acts of domestic violence by a husband should be treated as a crime and a matter for police intervention, and B argues that such action is a private matter and should not be reported to the police.

(3) One person from side A briefly gives the first argument for a public remedy for women's' rights.

(4) Someone from side B initially must summarize very briefly A's argument, and then present the first argument from side B.

(5) Side A summarizes this point before giving their next argument. The exercise continues in the same way until the time is up and people finally reflect on their heartfelt conclusions and how the listening method affected them.

### Problem-solving Method:

(1) Divide the participants into two or more groups, each given the same problem, for example preparing recommendations to make to their provincial representative about dealing with problems of local radio not broadcasting in the language of a minority group.

(2) Give each group plenty of time to work out their approach.

(3) Report back the approaches.

(4) Open a general discussion about which approach was more consistent with the human rights of minorities.

## Roleplay Method:

(1) With such an emotional roleplay, the facilitator must clearly explain what will happen before you start, and ask people for their cooperation.

(2) The roleplay should be done slowly. If it is too rushed and everyone talks at the same time, people get confused and will not learn a lot from the roleplay.

(3) After the acting out the problem, turn over discussion to everyone, to assess whether they think there are human rights issues involved.

(4) Ask the group how they would like the problem to be dealt with, taking identified human rights into account.

## Use of Community Resource Persons

(1) Instructors should identify people trained or expert in the field discussed, e.g., judges, police-persons, clergy, prison officials, etc.

(2) People who are victims of power can also be used and can usually be identified by NGOs or members of religious communities, women's and youth groups.

(3) The resource person can co-teach with the instructor and this is valuable because as experts in their field they are more likely to be listened to than the instructors.

(4) A useful method is to ask participants to roleplay somebody interviewing the resource person in his or her role, e.g., an innocent by-stander "roughed up" by a "swat team" (highly militarized drug enforcement officers in the United States) during a radio interview.

## REFERENCES


1. John Clark, *Democratizing Development, The Role of Voluntary Organizations*. London: Earthscan Publications Ltd, International Institute for Environment and Development, 1991.
2. Clarence J. Dias, ed., *Initiating Human Rights Education at the Grassroots, Asian Experience* Bangkok: Asian Cultural Forum on Development, 1991.
3. R.W. Timm, *Working for Justice and Human Rights: A Practical Manual.* Dacca, Bangladesh: Hotline Asia/Oceania and Commission for Justice and Peace, 1989.
4. Clarence J. Dias, "Alternative Law for People's Empowerment," in Jose Ventura Aspiras, ed.,*Law as Weapon* (Manila: Participatory Research, Organization of Communities, and Education towards Struggle for Self-Reliance [PROCESS], Inc.,1990), 19-26.
5. Richard Pierre Claude, "Civil Society and HRE," in *Educating for Human Rights: The Philippines and Beyond*. Manila: University of the Philippines Press, 1996; and Honolulu: University of Hawaii Press, 1997, 51-70.
6. David McQuoid-Mason, *Street Law: An Introduction to South African Law and the Legal System, Teacher's Manual*. Capetown, South Africa: JUTA Publications, 1994, 8-10.
7. Abraham K, Magendzo, Mirtha N. Abraham, Claudia S. Dueas, *Manual para Profesores curriculum y Derechos Humanos,* San Jose, Costa Rica: Institute InterAmericano de Derechos Humanos, 1993.
8. For instructions on how to conduct a "brainstorming exercise" on designing a bill of rights to ensure that your country is democratic, see: David McQuoid-Mason, Mandla Mchunu, Karthy Govender, Edward L. O'Brien and Mary Curd Larkin, *Democracy for All, Instructor's Manual* Capetown, South Africa, JUTA Publications, 1995, 44-45.
9. Betty A. Reardon, *Educating for Dignity, Learning about Rights and Responsibilities, a K-12 Teaching Resource*, Philadelphia and London: University of Pennsylvania Press, 1995.

# ENDNOTES

1. From the forward to *"Human Rights Education for the Twenty-First Century,"* University of Pennsylvania Press, 1997, pp. xiii-xiv. This book was an initiative of PDHRE.

2. "The term 'culture' covers the values, beliefs, languages and knowledge, the arts, traditions, institutions and ways of life by which an individual or a group of people expresses the meaning which they give to their existence and development."

3. "Rieux knew that the plague bacillus never dies or disappears for good; that it can lie dormant for years...and that perhaps the day would come when, for the bane and the enlightening of men, it would rouse up its rats again and send them forth to die in a happy city."

4. Postgraduate Memoir in African Studies, Legal and Political Anthropology, Paris, 1997

5. New York Times, February 10, 1997. Monday Late Edition - Final, Section A Page 1 Column 2 Desk: Foreign Desk Length: 1307 words. New In Cambodia: Justice WithoutTorture

6. Much of this account has been distilled from G.K. Lieten's *Development, Devolution, and Democracy: Village Discourse in West Bengal* (New Dehli: Sage Publications, 1996) and *Reinventing Public Power in the Age of Globalization: Decentralization and the Transformation of Movement Politics in Kerala* by Patrick Heller (forthcoming in *From State To Market: Poverty And Changing Social Movement Strategies In India*, Edited by Mary Fainsod Katzenstein and Raka Ray, to be published by Rowman & Littlefield Publishers, Inc.)

7. Adapted from *Language Rights for Marginalised Constituencies in South Africa : A User's Handbook,* Ed: A. Siegruhn, South African San Institute (SASI), Cape Town, 2000. The results of a workshop held with different language minorities and constitutional experts. More information at sasi@iafrica.com.

8. This report was compiled by Mado Spiegler from a variety of materials sent in by various authors in Argentina and Uruguay.

9. This paper was authored by Youth for Unity and Voluntary Action (YUVA), 1997, with input from Lysa John, Bejoy Davis of YUVA and Shikha Shukla ex-YUVA.

10. From the First National Conference of the Kamaiyas. Extract from INSEC report of activities

11. Original report in Quecha, transmitted by Susana Chiarotti

12. International Movement ATD Fourth World

13. Compiled using information gathered from materials on Dowa education prepared by the Buraku Movement.

14. Compiled from sources: Bharat Gyan Vigyan Samithi & Bharat Jan Gyan Vigyan Jatha

15. This report was commissioned several years ago, and has been included in order to show trends and development. More information can be found on the Internet under "Human Rights Education in Africa."

16. J. Saramago, *From Justice to Democracy by Way of the Bells*, Closing speech of the World Social Forum, Porte Alegre, Brazil, February 5, 2002, trans. R. Finnegan and C. Johnson.
NOTE: This article was compiled by Minar Pimple utilizing various writings by members of PDHRE who were present at the WSF, including Kathleen Modrowski and Orly Lubin.

17. PRODERE: Development Program for Displaced Persons, Refugees and Returnees

18. HREA - The Global Human Rights Education Network

19. Hans Georg Gadamer; *Truth and Method*

20. From a paper delivered at La Catalina, Costa Rica, 22-26 July, 1996

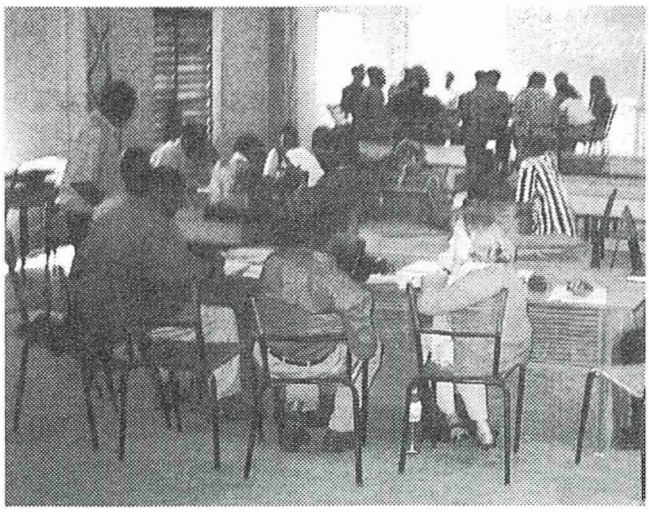
21. The author's lectures and essays on social ethics from cross-cultural and Buddhist perspectives reflect his first-hand experiences as a *bhikku* in the Thai Theravada tradition.

22. Sarodaya Sharamadana is the largest NGO in the country, and the most active in the water and sanitation sectors.

23. Sisterhood Is Global Institute (SIGI), Montreal, Canada, is an international NGO dedicated to the support and promotion of Muslim women's rights.

24. Prof. Muki Tzur is an historian and a storyteller of the early Zionist movement, and former head of the Kibbutz movement.

25. Drawing on its rich experience and with the enthusiasm of local communities worldwide, PDHRE is facilitating the development of Human Rights Cities. The full pamphlet on this vision can be viewed on the website, www.pdhre.org



## BIBLIOGRAPHY

The works selected here are a tiny fraction of the thousands of books, reports, articles and lectures that were referenced by the authors but that could not be included for lack of space.


Abu-Lughod, L. (1993) *Writing Women's Worlds: Bedouin Stories*. Berkeley, University of California

Andreopoulos, G. and Claude, R. P. *Human Rights Education for the 21st Century.* Philadelphia: University of Pennsylvania Press, 1997– with Foreword by Shulamith Koenig. Initiated by PDHRE
Press

An-Naim, Abdullahi. *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law.* Syracuse: Syracuse University Press, 1980

Albrow, M. & King, E. *Globalization, Knowledge, and Society.* 1990

Alston, Philip. "The Security Council and Human Rights: Lessons to be Learned from the Iraq-Kuwait Crisis and its Aftermath," *Australian Year Book of International Law,* p. 107-176.

Asad, Talal. 'On Torture, or Cruel, Inhuman, or Degrading Treatment' in Social *Suffering.* Berkeley: University of California Press; Veena Das and Arthur Kleinman Eds., 1997

Bair, Annette. 'The Need for More than Justice' in *Science, Morality, and Religion.* Calgary; Calgary University Press, Marsha Haen and Kai Nielsen Eds., 1987.

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

Bonacci, Mark A. *Senseless Casualties: The AIDS Crisis in Asia.* Washington, D.C.: Asia Resource Center, 1992.

Boutros-Ghali, Boutros. *An Agenda for Peace*, United Nations, New York, 1992, p. 32. 3.Id., p. 33-34.

Brecher, J. & and Tim Costello, *Global Village or Global Pillage: Economic Reconstruction from the Bottom Up,* 2nd ed. (Boston: South End Press, 1998), Chapter 3, "The Dynamics of Globalization."

Chatsumarn Kabilsingh, *Thai Women in Buddhism* Berkeley, Calif.: Parallax Press, 1991

Chua, Amy. *World on Fire.* 2003

Clark, J. *Democratizing Development, the Role of Voluntary Organizations*. London: Earthscan Publications Ltd. International Institute for Environment and Development, 1991

Claude, Richard. *The Bells of Freedom with Resource Materials for Facilitators of Non-formal Education and 24 Human Rights Echo Sessions*, Action Professionals Association for the People, Addis Ababa.

Claude, Richard P. *Science in the Service of Human Rights,* Philadelphia: University of Pennsylvania Press, 2000

Claude, R. P. and Andreopolous. *Human Rights Education.* Philadelphia: University of Pennsylvania Press, 1997

Cooper, Marc. "From Protest to Politics: A Report from Porto Alegre," *The Nation* 274: 9 March 11, 2002: 11-16.

Cowell, Alan. "Scandal Draws Critics Wherever Enron Went," *New York Times,* February 3, 2002, p. 27.

Crawhall, N. (ed). *Democratically Speaking: International Perspectives on Language Planning.* National Language Project: Cape Town. 1992 (ISBN: 0-620-16641-X)

Crawhall, N. *Negotiations and Language Policy Options in South Africa.* National Language Project: Cape Town. (ISBN: 0-9583792-5-4)

DaGrossa, Pamela S. Grant A. Olsen *Kamphaengdin: A Study of Prostitution in the All-Thai Brothels of Chiang Mai City.*, Crossroads 4, no. 2, DekAlb: Center for Southeast Asian Studies, Northern Illinois University, 1989.

Dyer, Geoff & David Pilling, Vanessa Valkin, and Frances Williams, "US Climbs Down Over Brazil's Patent Law," *Financial Times,* June 26, 2001, p. 8.

Ekachai, S. *Behind the Smile: Voices of Thailand.* Bangkok: The Post Publishing Co. Ltd., 1991

Erlanger, Steven. "Bush's Move on ABM Pact Gives Pause to Europeans," *New York Times,* December 13, 2001, p. A19.

Featherstone, Liza. "A Recovered Movement," *The Nation* On-line, February 4, 2002. Available on-line at http://www.thenation.com

Freire, P. *Pedagogy of the Oppressed.* London: Penguin Books, 1972

Friedman, T. *The Lexus and the Olive Tree* . New York: Anchor Books/Doubleday, 2002

Gadamer, H.G. *Truth and Method* . London: Sheed and Wand, 2nd Edition, 1975; 1989

Glock, Clarinha. "World Social Forum: Peace, Health and Little Violence," InterPress Service/Terraviva. Available on-line at www.ipsnews.net/terraviva/ 05_peace.shtml. Terraviva presented extensive daily coverage of the WSF.

Greider, William. "Pro Patria, Pro Mundo," *The Nation* 273: 15 (November 12, 2001): 22, and William Greider, "A New Giant Sucking Sound," *The Nation* 273: 22 (December 31, 2001): 22ff.

Hawk, D. *The Photographic Record,* in Karl D. Jackson, *Cambodia 1975-1978: Rendezvous with Death,* 1989

Heller, Patrick *The labor of Development:Workers and the Transformation of Capitalism in Kerala, India.* Cornell University Press, 1999

Henneberger, Melinda. "Italy Cooling On Europe, and 2 Aides Explain Why," *New York Times,* February 17, 2002, p. 1: 13.

Howard. R. Abdullahi An-Na'im, ed. *Dignity, Community and Human Rights.*

Hirasawa, Y. *Dowa Education and Human Rights Education in Japan.* 1997

Ichiro A. *Zendokyo and Others: Teachers' Commitment to Education*, in Dowa Education - Educational Challenge Toward a Discrimination-Free Japan. Osaka: 1995

Jeppesen, Anne Marie. *Organizing Practices in Latin America: The Perspective from Below.* Ethiopia, 1996

Kaplan, Esther. "The Mighty ACT UP Has Fallen: The Philadelphia Story," *POZ* November 2001: 28–33.

Keegan, J *The Face of Battle.* New York: Viking, 1976

Ed. Lefort, Claude *The Democratic Invention.* Buenos Aires: Nueva Vision, 1990

Levinas, E. *The Levinas Reader* , Oxford: Blackwell; Sean Head ed., 1989

Lightfoot-Klein. *Prisoners of Ritual: An Odyssey Into Female Genital Circumcision in Africa.* Binghamton, N.Y. Haworth Press.

Lyotard, J. F. *The Differend: Phrases in Dispute.* Minnesota: University of Minnesota Press, 1982

Martorell, Jordi. "Argentina: National Workers' Assembly Meeting—A Big Step Forward." Available on-line at http://www.marxist.com/Latinam/argentina_ant_meeting0202.html

Matichon Weekly: Bangkok: Matichon Co. Ltd., 1996, April 9, 1996, 36.

Mayer, E.A. *Islam and Human Rights.* Westview Press: San Francisco, 1995

Mehra, M. Ed. *Human Rights and Economic Globalisation: Directions for the WTO.* Uppsala: Global Publications Foundation, 1999

Mysliwiec, E. *Punishing the Poor: The International Isolation of Kampuchea.* 1988

Ngungi, Wa Thiongo. *Decolonizing the Mind: The Politics of Language in African Literature.* London: James Currey

Nussbaum, M. *Women and Human Development: A Capabilities Approach.* Cambridge: Cambridge University Press, 2000

Nyerere, J.K *Education for Self-Reliance.* Rinck Leodas

Petras, James. "You Have to Take Action from Below," *Socialist Worker* 389 (January 11, 2002), pp. 6–7. Available on-line at http://www.socialistworker.org/ 389Pages/389_06_PetrasInterview.shtml

Schneider, Cathy L. *Shantytown Protest in Pinochet's Chile.* Philadelphia: Temple University Press, 1995

Rawls, John. *The Law of Peoples* . Cambridge: Mass; Harvard University Press
Robertson, R. *Globalization* . Sage: London, 1992

Rohter, Larry. "Roused by Economic Crisis, Argentina's Middle Class Finally 'Gets Involved,' " *New York Times,* February 3, 2002, p. 1: 8.

Sen, A. *Development as Freedom.* Oxford: Oxford University Press, 1999

Sen Phongphit, *Religion in a Changing Society* Hong Kong: Arena Press, 1998, 48.

Shor, Ira. *Critical Teaching and Everyday Life.* Chicago: University of Chicago, 1987

Singer, Rena. "Drug Firms Yield to Cry of the Poor," *Christian Science Monitor,* April 20, 2001, p. 1;

Sklair, Leslie. *The Sociology of the Global System.* Harvester Wheatsheaf, 1995

Stevenson, Richard W. "Enron Received Many Loans From U.S. for Foreign Projects During the 1990's," *New York Times,* February 21, 2002, p. C10.

Stiglitz, Joseph. "A Boost that Goes Nowhere," Washington Post, November 11, 2001, p. B1.

Stone, Julius, *Social Dimensions of Law Justice.* . Sydney: Maitland

Sulak Sivaraksa, *Seeds of Peace: A Buddhist Vision for Renewing Society*, ed. Tom Ginsburg, foreword by H. H. The Dalai Lama, preface by Thich Nhat Hanh. Berkeley, Calif.: Parallax Press, 1992, 3-9.

Swearer, Donald K. 'Dhammic Socialism," in Bhikkhu Buddhadasa, Dhammic Socialism, 23.

Thompson, Ginger. "Fallout of U.S. Recession Drifts South Into Mexico," *New York Times,* December 26, 2001, p. C1.

Uchitelle, Louis. "Foreign Executives Reject American Optimism Over Economic Recovery," *New York Times,* February 3, 2002, p. 16.

Webster, Neil Ed. *In Search of Alternatives: Poverty, the Poor and Local Organization.* Copenhagen: CDR, 1998

West, R., *Narrative, Authority, Law (Law, Meaning, and Violence.* Ann Arbor: University of Michigan Press

Young, R. *Postcolonialism: An Introduction.* Oxford: Blackwell, 2000

United Nations Development Program, 2001: *Working Paper for the WTO Doha Conference* prepared by Martin Khor of the Third World Network

Zoellick, Robert B. "American Trade Leadership: What is at Stake," speech at the Institute for International Economics, September 24, 2001, Federal News Service.

*A Pedagogy for Liberation: Dialogues on Transforming Education with Ira Shore and Paulo Freire.* New York: Bergin and Garvey

*Anti-Terror Campaign Cloaking Human Rights Abuse*, Human Rights News, January 16, 2002. Available on-line at www.hrw.org/press/2002/ 01/wr2002.htm.

*Debtors of the World, Unite!: Does 'Globalization from Below' Open New Possibilities for Resistance*" International Socialist Review 19, August-September 2001: 116–21 and on the www.villageorpillage.org website.

*Freire Inspired Programs in the United States and Puerto Rico: A Critical Evaluation.* Latino Institute, Washington, D.C. 1998 (compiled for the Web by Brian Martin)

*People around the World Increasingly Favour Globalization but Worry about Jobs, Poverty and Environment.* World Economic Forum, February 1, 2002. Available on-line at www.weforum.org/site/homepublic.nsf.

*The Participation of Women Workers in the Indonesian Labor Opposition Movement in the 1990's.* Explorations in Southeast Asian Studies AJ-al of the Southeast Asian Studies Student Association Vol 3 Fall 1999

*The Situation of Human Rights in Cambodia: Report of the Secretary-General*, UN Doc. A/49/635/Add. 1, November 1994.

*Women's Human Rights Training Program 1995-2003 - Evaluation Report* - prepared by Women for Women's Human Rights - New Way – Istanbul, Turkey, can be found on: www.wwhr.org

SPECIAL RECOMMENDATIONS: PDHRE PUBLICATIONS

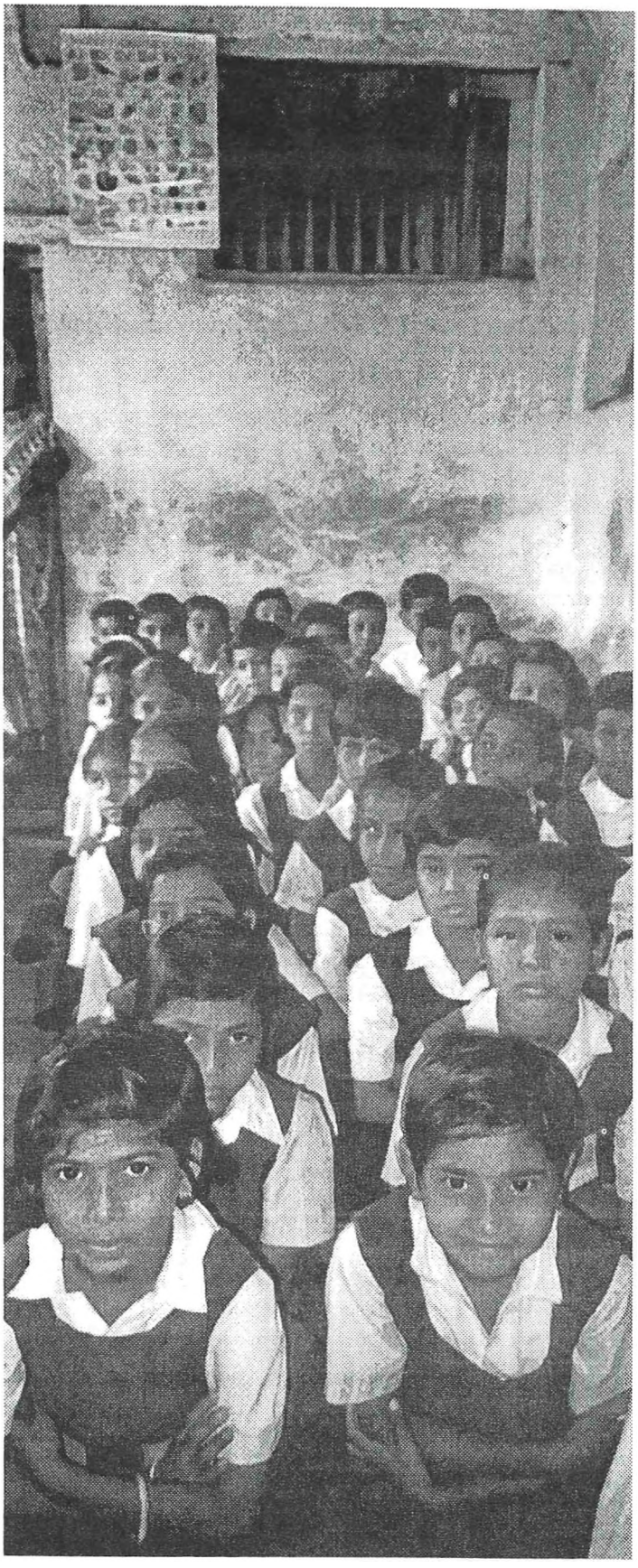
**Women Hold Up the Sky** Published in 1997, by PDHRE
A dramatic Video Series of 8 short Compelling stories and the accompanying manual "..**between their stories and our realities** .." are combined into a comprehensive training packet, designed to introduce CEDAW, The Convention of the Elimination of All Forms of Discrimination Against Women. The series is available in English French, Spanish and Hindi.

**Passport to Dignity** Published in 2001, by PDHRE
The works book connects the 12 areas of Concerns of the Beijing Platform of Action to the human rights framework. Ten book uses the comprehensive framework of the BPFA to demonstrate the holistic nature of the human rights as a powerful tool for action in the achievement of full equality, well being and participation in the decision that determine women's lives.

**Call for Justice** – A Human Rights Resource Packet, a guide to Government's Human Rights Commitments and Obligations, relating to 24 issues and groups, to assist in the enforcement of human rights. The packet includes unofficial summaries of ten major human rights instruments.

**Transforming the patriarchal System to a Human Rights System** – A dialogue being initiated by PDHRE to break though the vicious cycle of humiliation between women and men of which both are the losers, where injustice is justice and where equality is often exchanged for survival.

All of the above can be found on the PDHRE Website: www.pdhre.org and on the websites of the Human Rights Education Association (HREA), and Amnesty International.



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## APPENDIX A

### A Simplified Version Of The Universal Declaration Of Human Rights

1 All human beings are born free and equal, the same in dignity and rights and have the same rights as anyone else because we are all born with the ability to think and to know right from wrong, so we should act toward others in a spirit of friendliness.

2 Everyone should have the same rights and freedoms, no matter what race, sex, or color he or she may be. It should not matter where we were born, what language we speak or what religion or political opinions we have, or whether we are rich or poor.

3 Everyone has the right to live, to be free and to feel safe.

4 The buying and selling of people is wrong and slavery should be prevented at all times.

5 No one should be put through torture, or any other treatment or punishment that is cruel or makes the person feel less than human.

6 Everyone has the right to be accepted everywhere as a person, according to law.

7 You are entitled to be treated equally by the law, and to have equal protection of the laws.

8 If your rights under the law are violated, you should have the right to have fair judges who will see that justice is done.

9 You should not be arrested, held in jail or I thrown out of your own country for no good reason.

10 In case you have to go to court, you have the same rights as anyone else to a fair and public hearing by courts that are open-minded and free to make their own decisions.

11 If you are blamed for a crime, you should be thought of as innocent until you are proven guilty. You should not be punished for something you did which was not illegal when it happened.

12 No one should intrude into your privacy, family, home or mail, or attack your honesty and self-respect for no good reason.

13 Within any country you have the right to go and live where you want. You have the right to leave any country, including your own, and return to when you want.

14 You have the right to seek shelter from harassment in another country.

15 No one should take away your right to the country where you're from.

16 Grown men and women have a right to marry and start a family, without anyone trying to stop them because of their race, country or religion. Both have to agree to marriage and both have equal rights in getting married, during the marriage, and if and when they decide to end it.

17 Everyone has the right to have belongings that they can keep alone or share with other people, and no one should take your things away for no good reason.

18 You may believe what you want to believe, have ideas about right and wrong, and believe in any religion you want, and you may change your religion if you want without interference.

19 You have the right to tell people how you feel about things without being told to keep quiet. You may read the newspapers or listen to the radio, and you have the right to print your opinions and send them anywhere without having someone try to stop you.

20 You have the right to gather peacefully with people, and to be with anyone you want, but no one can force you to join or belong to any group.

21 You have the right to be one of the people in your government by choosing them in fair elections where each vote counts the same and where your vote is your own business. Because people vote, governments should do what people want them to do.

22 As a person on this planet, you have the right to have your basic needs met so you can live with pride and become the person you want to be; and other countries and groups of countries should help.

23 You should be able to work, choose your job, join a union, have safe working conditions, and be protected against not having work. You should have the same pay as others who do the same work without anyone playing favorites. You need decent pay so your family can get by with pride, and that means that if you don't get paid enough, you should get other kinds of help.

24 Everyone has a right to rest and relaxation, and that includes limiting the number of hours required to work and allowing for a holiday with pay once in a while.

25 You have a right to have what you need to live a decent life, including food, clothes, a home, and medical care for you and your family. You have the right to get help from society if you're sick or unable to work, or you're older or a widow, or if in any other way you can't work through no fault of your own.

26 You have a right to education. At least in the early years it should be free and required for all. Later education should be there for those who want it and can undertake it. Education should help people become the best they can be and to respect the human rights of others in a peaceful world.

27 You have the right to join in and be part of the world of art, music and books, so you should enjoy the arts and share in the advantages that come from new discoveries in the sciences. If you have written, made or discovered something, you should get credit for it and get earnings from it.

28 Everyone has the right to a world where rights and freedoms are respected and made to happen.

29 We all have a responsibility to the place where we live and the people around us, so we have to watch out for each other. To enjoy freedom, we need laws and limits that respect everyone's rights, meet our sense of right and wrong, keep peace in the world, and support the United Nations.

30 Nothing in this statement means that anyone may weaken or take away our rights.

## APPENDIX B

### A Convention on the Elimination of All Forms of Discrimination Against Women: CEDAW

# CEDAW (1981), Selected Provisions

**ELIMINATING DISCRIMINATION**. Article 2. States Parties [meaning governments such as that of Ethiopia which has ratified CEDAW} condemn discrimination against women in all forms, agree to: (c) establish legal protection of the rights of women on an equal basis with men.... (d) refrain from engaging in any act or practice of discrimination.... (I) take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women...

**MODIFYING CUSTOMS**. Article *5.* States... shall .. .modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotype roles for men and women.

**STOP TRAFFICKING IN WOMEN**. Article 6. States... shall ... suppress all forms of traffic in women and exploitation of prostitution of women.

**POLITICAL PARTICIPATION**. Article 7. States.... shall... eliminate discrimination against women in the political and public life of the country... [ensuring their voting rights, rights to hold public office, and . . .to participate in non-governmental organizations and associations concerned with the public and political life of the country.

**EMPLOYMENT**. Article 11. States... shall ... ensure... (c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining.... [and] (e) the right to social security particularly in cases o f retirement, employment, sickness, invalidity and old age and other incapacity to work as well as the right to paid leave; *(f)* the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

**HEALTH CARE**. Article 12. States ... shall eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning.

**LEGAL CAPACITY**. Article 15. States... shall accord to women in civil matters a legal capacity identical to that of men ...[including] equal rights to conclude contracts and to administer property.

**MARRIAGE**. Article 16. States ... shall ...eliminate discrimination against women in all matters relating to marriage and family relations, and in particular shall ensure, on a basis of equality of men and women, (a) the same right to enter into marriage, (b) the same right freely to choose a spouse and to enter into marriage only with their free and full consent, (c) the same rights and responsibilities during marriage and at its dissolution., (d) the same rights and responsibilities as parents, irrespective of the marital status in matters relating to their children,... (e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights...

# APPENDIX C

## International Symposium on Human Rights, Human Dignity and the Information Society[2]

**Palais des Nations, Geneva, 3-4 November 2003**
**World Summit on the Information Society**
**Geneva 2003 – Tunis 2005**

1. In the middle of the 20th century, the world community agreed to human rights as the common normative framework at the same time as incredible advances began to be made in digital and genetic information. By the beginning of the 21st century an invaluable regime of human rights norms and mechanisms had been established and, through human rights education and learning broadly understood, a "human rights culture" had begun to take root in many parts of the world; at the same time, important advances in information and communication technologies had created the "information society" and large segments of the population, primarily in developed countries, had altered the way they communicate and live. These two trends of a human rights culture and the information society are intimately related and hold the potential of enhancing each other.

*Human rights obligations of states in the WSIS context*

2. The development of the information society, and in particular the vision of it articulated by the World Summit on the Information Society (WSIS), must be built on the reaffirmation of the 1993 Vienna Declaration and Program of Action adopted by the World Conference on Human Rights that human rights are universal, indivisible, interrelated and interdependent and that their protection is the first responsibility of governments. The human rights obligations states have committed themselves to in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and all other U.N. and regional human rights instruments require them to ensure that the information and communications society does not result in any discrimination or deprivation of human rights resulting from the acts or omission of their agents or of non-state actors under their jurisdiction. They also have human rights commitments arising out of other international conferences and summits. WSIS provides a critical opportunity to reaffirm human rights in the context of information and communication policy. There is a growing awareness among WSIS leadership of the importance of human rights in this context and welcome steps have been taken to include the voice and concerns of civil society in the WSIS process. Greater commitment to human rights and enhanced participation and transparency will be necessary for the Summit to achieve its full potential.

3. Host countries and institutions contributing to and participating in the post-Geneva WSIS process should respect fully the principles enunciated in the Declaration adopted at the Geneva Summit, including those relating to human rights that are fundamental to the information and communications society, in particular, freedom of expression, association and information for its own civil society and visiting NGOs.

4. Consistent with those responsibilities, governments participating in WSIS should not only foster the information and communication society as a means of promoting the Millennium Development Goals and poverty reduction but they should also ensure that it contributes to the promotion of and respect for all human rights, civil, cultural, economic, political and social. Such a human rights framework for the information and communication society can promote the liberation of all human beings from fear and want, contribute to human security, advance human and sustainable development and support gender equality.

5. The human rights of particular importance to the information and communication society are freedom of expression and information, freedom from discrimination, gender equality, the right to privacy, the right to fair administration of justice, the right to the protection of the moral and material rights over intellectual creations, the right to participate in cultural life, rights of minorities, the right to education, and the right to an adequate standard of living, including the right to health, the right to adequate food, and the right to adequate housing. All of these rights belong to the corpus of internationally recognized human rights and should be furthered through the information and communication society.

*Challenges to human rights from the information and communication society*

6. Several trends that characterize information and communication in most of the world today constitute challenges to and in many cases serious dangers for a human rights-based information society. Central to these challenges is the exclusion of most of the people in developing countries from the advantages of advances in digital and genetic information, the commodification of information and knowledge, and the growing concentration of ownership and control of the means of producing and disseminating information and knowledge. Equally important are limitations, surveillance and censorship by the state or private parties, especially in the post September 11, 2001, environment.

7. The massive disparities in access to information and to the means of communication—known as "the digital divide"—are a result of the unequal distribution of wealth among and within countries. The digital divide is at the same time a cause and a consequence of the unequal distribution of wealth in the world and within countries Like poverty, with which it is closely connected, it severely diminishes the capabilities of people to enjoy their human rights. Information and communication technologies (ICTs) enable and empower individuals and groups, particularly those who are exposed, marginalized and vulnerable. Unless ICTs are made available on a vast scale to those who are at the losing end of the digital divide, the information and communication society will remain a force of relative impoverishment of large swaths of the world's population and consequently a source of instability and deprivation.

8. The digital divide results in unequal access to information and to the means of communication and information and thus produces massive exclusion. All avenues must be explored to ensure for all equal and affordable access to information, the means of communication and the necessary technology and infrastructure. Public authorities, the private sector and civil society in the developed countries have a special responsibility to share the benefits of the information and communication society with the peoples in developing countries.

9. The information and communication society offers unprecedented opportunities to advance shared knowledge in areas critical for human development. In particular, ICTs are invaluable to the realization of the rights to health, education and adequate food through a wide range of technologies. Special attention must be paid to using the information and communication society to advance gender equality, consistent with the principle, affirmed in the Vienna Declaration and Program of Action, that women's rights are human rights. The human rights of traditional cultures in the emerging information society require special measures of conservation and protection of their traditional knowledge and culture. Special measures are also required to improve the situation of and to protect those who are vulnerable, exposed or excluded, in particular, children, the elderly, people with disabilities, minorities, refugees and asylum seekers.

*Human rights education and learning*

10. The information and communication society benefits from new technologies which can serve critical functions for human rights education and learning and more generally contribute to social change through the realization of human rights.

11. ICTs must be put at the service of education and lifelong learning for all. In particular, as privileged instruments of human rights education and learning, they should help to enable and empower humans across the world and across generations and cultures to know, claim and own their human rights and to respect and promote those of others in a spirit of solidarity. ICTs will make a major contribution to societal development on the basis of a commonly shared culture of human rights.

*Freedom of expression and information*

12. Full respect for freedom of expression and information by States and non-State actors is an essential precondition for the building of a free and inclusive information and communication society. ICTs must not be used to curtail this fundamental freedom. There must be no censorship and no arbitrary controls or constraints on participants in the information process, on the content of information or its transmission and dissemination. Pluralism of the sources of information and the media must be safeguarded and promoted. Any restrictions of freedom of expression and information must pursue a legitimate aim under international law, must be prescribed by law, be strictly proportionate to such an aim, and be necessary in a democratic society to respect the rights or reputation of others or for the protection of national security or of public order (*ordre public*), or of public health or morals. National security legislation to combat terrorism must respect freedom of expression and information standards and be subject to judicial review, as well as international scrutiny.

13. Article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights is of fundamental importance to a human rights-based information and communication society, not only by requiring that everyone has the right to freedom of opinion and expression and the right to seek, receive and impart information and ideas through any media and regardless of frontiers, but also because it implies free flow of information, free circulation of ideas, press freedom, and availability of the tools to access information and share knowledge.

14. The trend to provide public access to the information produced or maintained by governments and protected under "freedom of information" legislation should be extended to all countries that do not have such legislation, ensuring that government-controlled information is timely, complete and accessible in a format and language the public can understand.

15. Freedom of expression should be protected through the Internet in the same way it is protected offline and Internet service providers should be guided by this freedom rather than by codes of conduct that are not based on human rights.

*Human right to privacy*

16. Modern technology can and should be used to protect privacy; at the same time, it provides unprecedented possibilities for massive violations of the human right to privacy. The use of increasingly invasive means of surveillance and of interception of communications, of intrusive profiling and identification and of biometric identification technology, the development of communication technologies with built-in surveillance capacities, the collection and misuse of genetic data, genetic testing, the growing invasion of privacy at the workplace and the weakening of data protection regimes give rise to serious concerns from the point of view of respect for human dignity and human rights. New means must be developed to protect the human right to privacy, such as the right to know about one's personal data held by public and private institutions and to have them deleted where not strictly necessary for a legitimate purpose in a democratic society. The development, transfer and use of technology permitting illegitimate invasion of privacy must be controlled and curbed.

17. It is fundamental to an understanding of the information society to recognize that information is power. Control of personal information and the deprivation of the right of privacy are ways or exercising power over individuals. The protection of personal information and privacy is central to the autonomy of the individual and to respect for human rights. The considerable experience with the elaboration of laws and national and international jurisprudence to protect privacy should be studied and applied in countries where the right to privacy is not adequately protected and the best practices should be emulated.

18. The development of communications infrastructure and ubiquitous computing threatens privacy in new and intrusive ways; it is, nevertheless, possible to develop and adopt privacy enhancing behaviors, technologies, and infrastructure consistent with privacy law. These choices must be favored through national law, deontology codes for developers and market incentives. Steps to preserve privacy, at the international, regional, national, community, institutional, and individual level, must start with the establishment of national data protection laws to protect individual rights with respect to the collection, use, and disclosure of personal information, with independent oversight, and access to effective redress. Education across all sectors of society with respect to privacy rights and the risks inherent in the technology is vital so that individuals can take the necessary steps to enforce legal rights.

19. Certain measures taken in combating terrorism and cyber crime have eroded civil liberties and abrogated privacy rights. Cooperation in the field of criminal investigation and techniques must be accompanied by adequate enforcement of civil liberties and independent oversight of data collection.

*Cultural and linguistic rights and diversity*

20. The international community has increasingly come to regard plurality of identities, including cultural diversity, as an asset and a fundamental value to be defended and promoted. Fostering diversity is crucial to respecting cultural rights, promoting tolerance and fighting discrimination at all levels of society. The preservation and promotion of cultural and linguistic diversity and interaction must be hallmarks of a thriving information society. ICTs can and must be used to promote diversity and respect for cultural rights and identity, including indigenous knowledge, rather than for their restriction or suppression. This diversity is reflected positively by community radio, indigenous means of communication and local media.

21. People in the information society are more than consumers; they are also providers of information and of creativity. Steps must, therefore, be taken to give them access to infrastructure under acceptable economic conditions through proactive measures by governments, under cultural and linguistic exceptions to international trade agreements.

*The public domain and intellectual property rights*

22. A rich public domain is an essential element for the growth of the information society and provides the reservoir from which new knowledge is derived. Everyone therefore should enjoy the right, reaffirmed in article 27 of the Universal Declaration of Human Rights, freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits while at the same time having an equal right to the protection of the moral and material interests resulting from any scientific, literary or artistic production. International agreements and treaties and national policies concerning the creation, sharing and trade of intellectual goods and cultural creations must be aligned according to these competing needs. Facilitating meaningful participation by all, in particular by civil society organizations, in developing the intellectual property framework is a fundamental part of an inclusive information society.

23. Initiatives for high-quality open-source and public domain software and technologically neutral platforms and the development and use of open, interoperable, non-discriminatory and demand-driven standards that take into account needs of users, consumers, and the underprivileged should be promoted. Furthermore, a fixed percentage of spectrum, satellite and other infrastructural bandwidth capacity should be reserved for educational, humanitarian, community and other non-commercial use.

24. Concentration of ownership in the hands of a few major corporations limits the opportunities for information and communications technologies to reflect adequately the pluralism of perspectives and diversity of cultures. Legislative and other measures should avoid excessive media concentration and ensure that the media and ICTs respond to the principle of public service and guarantee equal opportunities of access to media ownership for all social sectors.

Public service broadcasting is an essential means of counter-balancing the commercial motivation of the media and ensuring the enjoyment of the right of everyone to participate in cultural life and the right of political participation

25. The regime of knowledge ownership and management includes patents, copyright, trademarks and other legal and technical monopolies on knowledge granted by society, and public domain, fair use and other instruments to enable access. The primary goal of this regime is to strike a balance that will both maximize access and use of this knowledge and at the same time encourage creativity as widely as possible within society. International agreements and treaties, and national policies concerning creation, sharing and trade of intellectual goods and cultural creations must comply with this principle.

26. Intellectual property regimes and national and international agreements on patents, copyright and trademarks should not prevail over the right to education and knowledge. This right must indeed be exercised through the concept of fair use, that is, use for non-commercial purposes, especially education, and research. Moreover, intellectual work and ideas, including programming methods and algorithms, should not be patentable. The production and use of free and open-source software and content must thus be encouraged and covered by adequate public policy.

27. Human knowledge is the heritage and property of all humankind and the reservoir from which new knowledge is created. The information and communication society will not contribute to human development and human rights unless and until access to information is considered a public good to be protected by the state and promoted by the market. Information in the public domain should be easily accessible to support the information society. Intellectual property rights should not be protected as an end in itself, but rather as a means to an end that promotes a rich public domain, shared knowledge, scientific and technical advances, cultural and linguistic diversity and the free flow of information. Public institutions such as libraries and archives, museums, cultural collections and other community-based access points should be strengthened so as to promote the preservation of documentary records and free and equitable access to information. Scientists, universities, academic, research and other institutions have a central role in the development of the information society and the sharing of research results, scientific knowledge and technical information.

*Democratic governance*

*28.* Good governance in the information and communication society must be based on the values of participation, transparency, accountability and the rule of law. These principles apply to the democratic management of international bodies dealing with ICTs. Given the borderless characteristics of ICTs, decision-making bodies should ensure the respect of principles of democracy and openness, as well as of legality and sovereignty. In particular, the management of the core resources of the Internet, which are the Internet protocols, standards and identifiers, such as domain names and IP addresses, must serve the public interest at the global, national and local levels. Furthermore, any decision made on protocols, standards and identifiers should be compatible with international human rights standards, and specially the rights to freedom of expression, to privacy, and the principle of non-discrimination. Such decisions should also allow a better-balanced flow of information.

29. The proper use of ICTs can strengthen democracy by improving the means and access for civil society to participate fully in public affairs. ICTs can improve access to justice and make public services more responsive, transparent and accountable. The rule of law is essential for the information society to become a space of confidence, trust and security where human rights are fully respected.

30. Both States and non-State actors have a duty to respect and promote human dignity and human rights in the building of the information society. Any regulation and self-regulation regarding communication and information must be based on strict respect for human rights and must contribute to their promotion. The private, public service and community media, as well as journalists, whose independence and access to information must be protected, have major responsibilities in the information and communication society as a means to preserve and advance democracy.

*Monitoring mechanisms*

31. In preparation for the WSIS in Tunis in 2005, an Independent Commission on the Information Society and Human Rights, composed of highly qualified experts with a broad geographical representation, should be established to monitor practices and policies and submit recommendations to the Summit. Its mandate could include a review of national and international ICT regulations and practices and their conformity with international human rights standards, the governance of current decision-making bodies in the ICT field, and the potential applications of ICTs to the realization of the right to development and the essential human rights for sustainable human development, including the right to health, the right to adequate food and the right to education.

32. Furthermore, the importance of the issues of human rights of WSIS justifies the establishment, within the procedures of the Commission on Human Rights or its Sub-Commission, of a position of Special Rapporteur on Human Rights and the Information Society, with a mandate to monitor developments in this area, including threats to privacy, freedom of expression, freedom from surveillance, and applications of ICT to the realization of economic, social and cultural rights and to human rights education and recommend measures conductive to advancing human rights in the information society.

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# APPENDIX D

## Graz Declaration on Principles of Human Rights Education and Human Security

### Preamble

We, the Members of the Human Security Network

*Guided* by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and reaffirming Article 26 of the UDHR, which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms",

*Guided* by the international human rights instruments, as well as documents, declarations and reports adopted by relevant regional and international conferences, especially the Vienna World Conference on Human Rights in 1993 and its outcome document the "Vienna Declaration and Program of Action", and UNESCO's International Congress on Education for Human Rights and Democracy in Montreal 1993, which both reaffirm the importance of human rights education for an effective implementation of human rights mechanisms and recommend that States develop specific programs and strategies for ensuring the widest human rights education,

*Recalling* also the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995–2004, which has defined Human Rights Education as "training, dissemination and information efforts aimed at the building of a universal culture of human rights",

*Welcoming* the Declaration of San Jose of 2 December 2001 on Human Rights as an Essential Component of Human Security, stating "human rights and the attributes stemming from human dignity constitute a normative framework and a conceptual reference point which must necessarily be applied to the construction and implementation of the notion of Human Security", reaffirming that Human Rights Education can function as an important means to promote and strengthen Human Security while acknowledging the norms and principles of International Humanitarian Law as another essential component of Human Security.

*Convinced* that Human Rights Education and Learning should enhance knowledge, clarify values, promote solidarity, change attitudes and develop critical thinking and skills contributing to the respect for and enforcement of human rights and the promotion of human dignity, leading to an active commitment and to the defence of such rights and to the building of a holistic, fully comprehensive culture of human rights,

*Recognizing* the important and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights, having human rights education as part of their agenda, disseminating information and engaging in dialogue on human rights, especially at the grass-roots level and in remote and rural communities,

*Affirming* that human rights education and learning is a collective responsibility of States, peoples, individuals and the various components of civil society,

*Decide* to adopt the following Principles of Human Rights Education.

*Reinforcing Human Security Through Human Rights Education*

1. HSN members affirm that human rights and human security are inextricably linked as the promotion and implementation of human rights is a goal and integral part of human security. This linkage is realized through a long-term commitment of all HSN members to a holistic Human Rights Education and Learning. Human Rights Education and Learning can make a vital contribution to human security by expressing the objectives of human security within a human rights framework. In this respect, cooperation will be developed amongst the HSN members.
2. Human Rights Education and Learning is a strong instrument for conflict prevention and the prevention of human rights violations, but also in processes of post-conflict transformation and consolidation, thus a key factor for achieving human security. Human Rights Education can provide a valuable basis and common vision with regard to norms and standards for sustainable conflict resolution. Strategies of conflict prevention and post-conflict rehabilitation) should therefore be built integrally upon strategies of promoting and protecting human rights.
3. HSN will aim at reaffirming Human Rights Education and Learning as a necessary operational development strategy towards human security, societal development and the affirmation of human dignity.
4. Human Rights Education and Learning needs to be incorporated into training programs for all target groups, and, together with the learning about international humanitarian law, raises the awareness about the moral, political and legal concepts of human rights of those involved in armed conflict and thus contributes to the implementation of human security. Furthermore, the learning about the human rights of the child, in particular in armed conflict, is a pivotal strategy of the HSN in the efforts to achieve human security.

**The Right to Know One's Human Rights**

5. HSN members underscore the importance that every woman, man, youth and child has the right to know, understand and demand their human rights, which is part of the human dignity of each individual and which forms an important dimension of ensuring human security.
6. The HSN reaffirms that Human Rights Education and Learning is an imperative for the promotion and protection as well as the full enjoyment of all human rights.
7. The right to education and the fight against illiteracy, thus guaranteeing the dignity of women, men, youth and children and their capabilities to play an effective role in the realization of human, societal and economic development.
8. Human Rights Education and Learning encompasses the right to know, seek, obtain, receive, hold and disseminate information about all human rights and fundamental freedoms, including information as to how human rights and freedoms are given effect to in domestic legislative, judicial or administrative systems.

## Strengthening Society and Empowering the Individual

9. HSN reaffirms that Human Rights Education and Learning is a future-oriented proactive process of gaining knowledge, raising awareness, transferring knowledge and building consciousness that provide skills for meeting common future challenges and contribute to a culture of human rights.
10. The core elements of Human Rights Education and Learning are:
    - emphasizing the universal character of human rights
    - strengthening respect for human rights and fundamental freedoms, in particular
    - capacity-building for society and the empowerment of the individual or of groups to make full use of its/their human rights
    - intensifying efforts against discrimination, racism, xenophobia and related intolerance
    - ensuring gender equality
    - the full development of the human personality and the sense of its dignity
    - enabling participation in democratic processes
    - the promotion of understanding, respect and mutual dialogue
11. HSN members will promote Human Rights Education and Learning as a tool for peaceful societal transformation with a gender perspective and a framework for social development aiming at the empowerment and the building of capabilities of women, men, youth and children through critical thinking, understanding, applying and claiming all human rights, including civil and political, economic, social and cultural rights, and the right to development.

## Respecting Diversity: Gender, Culture, Equality and Good Governance

12. A key challenge for the future of Human Rights Education and Learning is to enhance the universality of human rights by rooting these rights in different cultural traditions, taking into consideration the cultural diversity of communities and societies. However, cultural diversity must not be used to justify or excuse discrimination or violations of human rights obligations.
13. The HSN members recognize that Human Rights Education and Learning should be free of gender bias, racial and other stereotypes, be sensitive to particular needs and be based on the principles of non-discrimination and equality in the enjoyment of all human rights, recognizing that all people are born equal in dignity.
14. In recognition of the interdependence and mutually reinforcing nature of democracy, development and human rights, the HSN members will cooperate closely to ensure that Human Rights Education and Learning should seek to further effective democratic participation in the political, economic, social and cultural spheres. It should be utilized as a means of promoting economic and social progress and people-centered sustainable development and thereby contribute to strengthening the Rule of Law and capacity building for Good Governance, recognized as an important strategy towards democratization, accountability and global governmental stability.

## Implementing New Methods of Human Rights Education and Learning

15. Human Rights Education and Learning has to address human rights in a pro-active, cohesive and holistic way, giving equal attention to all parts and dimensions of the human rights framework, illuminating the universal, indivisible, interdependent and interrelated nature of human rights.
16. Human Rights Education has to be a participatory learning process, using inter-active methodologies and pedagogies in addressing the relevance of human rights to people's daily lives and concerns.
17. Human Rights Education and Learning has to involve and be integrated as a life long process of learning in formal education, included, in particular, in the curricula on history, political education and democratic citizenship, non-formal learning at the community level, and informal education for example through cultural means. It has to be culturally sensitive, practical and skills-oriented and adequately address the needs of learners across all sectors of society.

## Being Responsible for Human Rights Education

18. HSN members acknowledge that states have the main responsibility to ensure the promotion of Human Rights Education within public institutions on all levels - executive, legislative and judiciary on national and local level - by disseminating knowledge about human rights and encourage its incorporation into the education on all levels, the creation of instruments and the promotion of networks for reviewing, systematizing and disseminating experiences and materials on Human Rights Education – in collaboration with NGOs, academic institutions, National Human Rights Commissions and other national human rights institutions (ombudsmen) as well as international organizations – to be internalized by society.
19. HSN members further believe that Human Rights Education and Learning is also the responsibility of all public institutions and civil society as well as the media, which have an important role in informing people, in reporting about human rights violations and in ensuring that the standards of reporting reflect human rights principles (e.g. non-biased, respectful of people and non-racist). Private companies are encouraged to contribute to the education and learning of Human Rights.
20. HSN underscores the importance of ensuring that Human Rights educators and learners are protected from any persecution or oppression resulting from their educational activities. The HSN members therefore welcome cooperation between the Special Representative for Human Rights Defenders, UNESCO and OHCHR in developing monitoring and protection procedures.

## The Way Ahead: Steps to be Taken

21. HSN members will assist the Office of the High Commissioner for Human Rights to coordinate relevant UN education and public information programs in the field of Human Rights as set out in his mandate.
22. HSN members will give attention to the concrete implementation of the remaining part of the UN Decade for Human Rights Education and promote the continuation of strengthened Human Rights Education activities beyond December 2004, including the development of comprehensive, participatory and effective national strategies for Human Rights Education.

23. As an important contribution HSN members will advance human rights training programs held locally, nationally and regionally to increase the numbers of human rights educators at the community level.
24. HSN members will also consider supporting new innovative approaches for Human Rights Education and Learning such as, inter alia, the building of Human Rights Cities and Communities which provide new opportunities for enhanced respect for Human Rights at the local level. Regional Learning Institutions for Human Rights Education can contribute to capacity-building in Human Rights Education and form a flexible and regionally relevant resource base.
25. To this end, HSN members welcome the Manual "Understanding Human Rights" as a concrete contribution to the work of the HSN under the Austrian chair and will encourage respective training institutions to use and distribute it by, inter alia, considering to translate the manual into different languages in order to introduce it into their respective regional and cultural settings. HSN members will furthermore promote and support the creation of a network of civil society institutions in the field of Human Rights Education and Learning and stimulate activities based on intercultural materials and information on Human Rights Education.

For more learning and additional information, please contact:
pdhre@igc.org and browse at our website: www.pdhre.org

*...A human rights educator is a person, a woman or a man, capable of evoking critical thinking and systemic analysis with a gender perspective about civil, cultural, economic, political and social concerns, guided by the human rights framework, leading to action*

Shulamith Koenig

**The People's Report is published by:**

PDHRE, People's Movement for Human Rights Learning
526 W. 111th Street, Suite 4E, New York, NY 10025, USA
E Mail: pdhre@igc.org  Website: www.pdhre.org

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