in the right direction

A training material on rights-based development work for non-governmental organisations
in the right direction
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The Swedish NGO Foundation cooperates with and acts as an intermediary for support to local human rights organisations in Africa and Latin America that play a strategic role in the development of their countries. Its work in Sweden is aimed at increasing knowledge of human rights through information and training and by influencing public opinion.

Diakonia is the joint development organisation of five Swedish churches. It has projects in more than 30 countries, providing support to organisations working with people who are the victims of poverty, oppression and various forms of violence. This work is done in partnership with more than 400 organisations, churches and social movements that exist and operate in the countries where the initiatives take place.

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution dedicated to the promotion of human rights through research, training and education. Established at the Faculty of Law at Lund University, Sweden, the Institute is involved in organising three Masters Programmes and an interdisciplinary human rights programme at undergraduate level.
Introduction

“Human rights are to be mainstreamed into development cooperation.”
“Development assistance is to be seen from a rights perspective.”
“Development cooperation is to be rights-based.”

The way it is expressed varies, but the meaning is the same; those who are involved in development assistance and other development cooperation should take account of human rights and allow these rights to influence their activities; a view that has been endorsed by increasing numbers of people in recent years.

There are obviously many reasons for the increased attention given to human rights. Some important factors that relate to development cooperation are presented in the first few chapters of this publication, but a fundamental reason for all the emphasis that is put on human rights is obviously their character as international benchmarks for the way in which power is exercised in order not to infringe inherent human dignity.

We, the authors of this training material, feel that many people who work in development assistance and other forms of development cooperation are interested in human rights but perhaps do not quite so readily appreciate what a rights-based approach might entail in their own work. There are, of course, both short courses and long training programmes for anyone wishing to learn about human rights, but we have not had any material for those who perhaps have more interest than time - material that shows in a clear, simple way how to establish practical links between human rights and one’s own development cooperation.

With non-governmental organisations in mind, we have aspired to help those who are interested in taking the first steps towards rights-
based development cooperation. During the process of producing this publication we have studied material from various organisations that follow a rights-based approach. To ensure that the contents are usable, we have consulted a number of individuals with experience of development cooperation to hear their views on content and form.

Those wishing to learn everything about human rights and searching for in-depth analyses of the relationship between rights and the opportunities presented by development cooperation, advanced method manuals or extensive descriptions of the experiences of others should look elsewhere. The road map we provide will, we hope, supply answers to a number of questions by briefly presenting information that gives the reader a clearer picture of what the term human rights means, of what it can signify for the organisations we operate in and of what instruments are available and how they can be used to influence development in the desired direction. And we do not think it needs to be particularly difficult. On the contrary, we consider that anyone who assimilates the contents of this publication and combines it with their own knowledge and experience will be off to a good start.

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the Swedish NGO Foundation for Human Rights

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both a tool for describing reality and a method for trying to change it"
Why follow a rights-based approach?

Human rights and their moral and legal significance now play a prominent role in strategy and policy decisions concerned with development cooperation. This is particularly the case in many institutions and organisations where there at present is talk of people’s rights rather than their needs and interests, as in previous rhetoric. On the other hand, there is no consensus definition of what a rights perspective or a rights-based approach entails. Some consistent principles can, however, be identified. In this section an attempt is made, on the basis of some definitions, to explain the meaning and possible consequences of starting out from and consistently supporting activity based on international standards and principles that have been established to strengthen the human rights of the individual.

To summarise, it can be said that rights-based development cooperation, in the shorter or longer term, may mean that:

- All those whose rights are violated are able to benefit from any improvements (the principle of non-discrimination).
- Relationships of power between different groups classified for example according to gender, ethnicity or sexual orientation are clarified (particularly if what is known as an intersectional approach is adopted).
- States, through the commitments they have entered into and by ratifying various human rights treaties, can be held to account if individuals and groups in society do not enjoy the rights guaranteed in these documents.
- Individuals whose rights are violated gain a better opportunity, through increased knowledge, to take part in
their own development than if a particular need is satisfied more or less by chance.

- Decision-makers and those in a position of responsibility implement the changes necessary for long-term improvements.
- Values and modes of behaviour are changed fundamentally, which reinforces the societal development process.
- The emphasis within an organisation is put on finding the right balance in the relationship of power with its cooperation partner (in particular through internal discussions on what human rights mean and how they can be integrated into activities).

Rights of the individual and obligations of the State

Human rights govern the relationship between the individual and the State. The entire system of rules created to protect human rights is based on the premise that all human beings are born free and equal in dignity and rights. The focus is to be on the individual rights of human beings. Each individual is to be guaranteed protection of his or her human rights, and it is the responsibility of the State to ensure that the protection actually exists and covers everyone. Today, more and more countries can be regarded as democratic states on the basis of certain fundamental criteria for what are considered to be democratic political processes. Several of these countries nevertheless cannot be regarded as free: the protection of economic, cultural, civil, political and social rights is very weak in many places, and this, together with the presence of corruption, the absence of rule of law and independent courts and media, means that democracy is brittle.
This brittleness primarily affects the individual, and some groups of individuals are hit harder than others because of discrimination and lack of the necessary protection.

Holding those responsible to account

Incorporating a human rights perspective into development cooperation already in progress need not mean changing the original priorities. The change of paradigm from talking about *needs* to emphasising individuals’ *rights* is concerned more with re-assessing views on how and why to support a particular activity; regarding support for a particular activity not just as a form of help but as a consequence of joint responsibility to support and strengthen the equal opportunities and rights of all human beings. Similarly, rights-based development cooperation is concerned with asserting the responsibility of the State to ensure, through legislation and other means, that human rights are respected, protected and fulfilled - and that the individual is aware of them and can assert them. Unlike the situation regarding needs-based development cooperation, a rights-bearer can refer to the State’s responsibilities when his or her human rights are not respected.

Discrimination

A rights-based approach above all means taking account of the key principle of non-discrimination – the fundamental basis of human rights. The principle of non-discrimination is contained in the two UN treaties on human rights from 1966, i.e. the International Covenant on Civil and Political Rights (Article 2) and the International Covenant on Economic, Social and Cultural Rights (Article 2). It also recurs in later treaties on human rights. The fact that this principle pervades all
The illustration shows what a rights-based approach signifies for the party responsible (the State) and the holder of human rights (the individual).

This is Save the Children International’s definition of a rights-based project (from INTRAC Occasional Papers Series no 41/2005).
the documents means that it has to apply to every freedom and right enshrined in the covenant or convention concerned. In practice, this principle is concerned with applying several different perspectives in efforts to ensure that no one in the target group is excluded by the methods chosen or in the objectives formulated. The interaction between human rights and what is known as intersectional discrimination is concerned with, in the analysis of a human-rights situation, taking account of the various structural discriminations that actually occur. This does not apply solely when legislation and policies are analysed. It is also important, when the actions of those in power and decision-makers with regard to human rights are to be analysed, to question how they have chosen to put these rights into practice: do they really apply to everyone or are there groups which, despite improved circumstances, still do not enjoy these rights?

Examples:
- The right to education may have been fulfilled to the extent that there are schools for all children to attend, but what is the situation regarding accessibility for children with disabilities? Can girls attend the school or are they unable to do so because there are no separate toilets for boys and girls, as tradition perhaps requires?
- Discrimination and stigmatisation of those living with HIV/AIDS poses a serious problem in relation to human rights. It is now clear that efforts to combat the spread of HIV/AIDS require a clear human-rights perspective, both to prevent the spread of infection and so that those living with HIV/AIDS can live a life of dignity. The
spread of infection to a great extent has to do with various forms of violations of human rights, such as the right to education, freedom of assembly and access to information. Actors concerned with human rights must also take account of and tackle HIV/AIDS problems and ensure that this group is given particular attention in initiatives of various kinds.

- In efforts to strengthen women’s rights, there are a number of grounds of discrimination that need to be taken into account, apart from the now perhaps given aspect of equality between women and men. The Swedish organisation Forum Syd has exemplified the interaction between a rights and gender perspective as follows: “Development and progress for all women means that the gender perspective also has to pay attention to other discriminatory structures. What is the situation regarding rights for girls and women with disabilities, women from groups discriminated against on ethnic grounds, lesbian or bisexual girls and women?” And, as discussed above, for women living with HIV/AIDS.

These are examples of means to counter intersectional discrimination. Although this particular material does not examine the issue in greater depth, we wish to identify this important perspective in work aimed at integrating human rights into different projects. This means that the principle of non-discrimination must be applied in a broad sense, to the extent that initiatives actually include all the individuals in a vulnerable group and are not prone to being unintentionally mis-directed or exclusive.
Rights as a benchmark

Anyone undertaking rights-based work should make sure that this perspective is already included at the time when an idea is conceived. The aim is for the entire activity – from planning to realisation – to result in human rights being focused on, respected and applied. Human rights are to provide the foundation for the formulation of purpose, objective, choice of methods, implementation and follow-up. This does not mean that an attempt must be made to change whole structures and processes overnight; the aspiration in development cooperation may just as well be to increase knowledge of human rights among a small group of people.

Target group or key actor?

A likely consequence of making a rights perspective pervade the entire work process is increased participation on the part of the target group: people who are aware of their rights are consequently better placed to participate in their own development. Rights-based development cooperation thus necessitates that the people concerned are regarded as key actors. Their participation is both an end in itself and a means of attaining other ends. As a result of increased participation in relation to our own work (the work of one’s own organisation), more equal cooperation is attained, which in turn will probably give the activity greater relevance, greater credibility and better prospects of producing the desired outcome. The same balance should also be aimed for by our partners in relation to their particular target groups.
Human rights and development assistance organisations

Human rights and development cooperation have long been intertwined, not the least the part of development assistance in the area of development cooperation. In many cases this has led to what is known as conditional assistance, where respect for human rights by the recipient country is a precondition for development assistance and cooperation. Judgements of this kind are, of course, still being made - a country where the situation regarding human rights worsens appreciably may find its development assistance sharply reduced. At the same time, it has become increasingly common for human rights to provide a basis for development cooperation in a more sophisticated manner, so that planning, objectives and implementation take place in a way that is aimed at improving the prospects of governments respecting and fulfilling human rights. Human rights and the associated terminology here become both a tool with which to describe reality and a method to be used in an attempt to change it.

It has also become increasingly important to take account of human rights and operate on the basis of a rights perspective in the UN system. In 2003 the UN Development Group held a workshop at which agreement was reached on the meaning of a rights perspective based on the country analyses and country strategies of a number of countries. Today it is not just professed human rights bodies in the UN that follow a rights-based approach; the UN Development Programme (UNDP), the World Health Organisation (WHO) and UNESCO too have methods for integrating a rights perspective into their activities. The rights-based approach is also starting to acquire greater significance nationally as a number of states are placing it at the centre of their international development cooperation.
Choose a representative cooperation project your organisation supports and discuss:

- What target groups have been taken into account in the planning and implementation of the project?
- Are there target groups that could have been involved to a greater degree?
- How much account has been taken of the possibility of different actors assisting in the project?
- Looking back, was there any time when the target group concerned clearly became an actor?
- How might the process have encouraged the participation of the target group or groups to a greater degree?
- What form has representation of the target group taken in the cooperation?
“something as difficult but at the same time as incredibly simple as being able to look beyond one’s own interest”
What are human rights?

Human rights are not just a matter of a moral position. They are also concerned with the international rules and regulations that have been established in recent decades; rules and regulations that most of the world’s governments have wholly or partially committed themselves to observe. Human rights are today a politically and legally accepted instrument and have become part of what is known as public international law. The term is inextricably linked to the right of people to have power in respect of their lives and their futures, environmental issues and development strategies and democracy. The principle underlying human rights is human dignity and the duty to respect it, topics that have been the object of thoughts and expressions in fairly similar directions in virtually all of the world’s religions and philosophies of life. Those who govern a country were long regarded as having the right to unfettered power over the population. In 17th century England the idea emerged of a “social contract” between those who govern in a state and the rest of the population. According to this idea, the people handed over both physical and legislative power to those who govern in return for the latter taking responsibility for the security of the people and for law and order prevailing in the country. The power of those who govern was not, however, to be unfettered. Certain freedoms and rights were to be guaranteed for the country’s population.
There have been several national documents over the course of history that have dictated what should govern a state’s actions in relation to its citizens. An example is the English Magna Carta from 1215, and another later one is the French declaration of rights from 1789, based on the motto “liberty, equality, fraternity”. An important difference compared with present-day thinking on rights is, however, that the rights protected by early rights documents only applied to certain groups in society, and it was a long time, for example, before women gained the same rights as men. Respect for human freedoms and rights was long regarded as an internal matter for a state, and it was not until after the two world wars that the issue of international rules on how states were to act towards their citizens was raised in earnest.

The United Nations (UN) was established in 1945, largely because of the atrocities experienced during the Second World War. Human rights are mentioned in the very first article of the UN Charter, and the term recurs in the sections of the Charter that describe the tasks of the various principal bodies. The UN Universal Declaration of Human Rights (UDHR) was created with the aim of establishing the rights and freedoms of individuals. It was adopted by the UN General Assembly on 10 December 1948, and most international and regional covenants and conventions on human rights have emerged from it.

A declaration is not legally but morally binding, and as the UDHR has been adopted by the UN General Assembly, all UN member states are expected to respect its contents as an expression of the general conception and aims of the world community.

When a declaration is adopted, the creation of a convention is often the next step. While a declaration is only a political expression of will, a convention imposes binding requirements on those states that choose to accede to it. Unlike a declaration, a convention is not adopted jointly.
Each state has to declare itself bound by a convention by ratifying it. It is therefore a stronger document than a declaration.

Because of the disagreement that prevailed between different countries on the importance of different rights, agreement could not be reached on making the entire contents of the universal declaration the basis for a convention. This is related to the breakdown of human rights into economic, social and cultural (ESC), and civil and political rights. ESC rights include, for example, the right to housing, education, food, work and health and copyright, while civil and political rights include the right not to be subjected to torture or slavery, the rights to freedom of expression, religious freedom and the right to vote.

Some states, particularly states in the “West”, felt that economic, social and cultural rights could not be given the same status as civil and political rights, while other states accorded higher priority to ESC rights. The outcome was that two different covenants were drawn up; the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. These two covenants, together with another seven treaties drawn up in the UN system, are referred to as the UN core human rights treaties. Two of them were adopted as recently as December 2006; the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

The differences of opinion on the two areas of rights have persisted and have long left their mark on human rights work. The emphasis since 1948 has been principally on civil and human rights. During the UN World Conference on Human Rights held in Vienna in 1993, however, the UN member states jointly established that these rights must be

**Collective rights/ Group rights**

The term collective rights refers to the rights of peoples to be protected from attacks on their group identity and group interests. Collective rights are also closely related to the right to self-determination and the rights of indigenous peoples.

*For further information on individual human rights treaties, see appendix on page 72.*
viewed as an indivisible whole and that all rights are mutually dependent on one another, in other words that it is no longer acceptable to put civil and political rights before economic, social and cultural rights. Without examining the mutual relationship between the two categories in more detail, it can be noted that they are intimately bound up with one another. In many countries people face such serious threats to their civil and political rights that it is virtually impossible to assert social, economic and cultural rights.

There is great strength in the UN Declaration and treaties on human rights. These instruments signify security, a kind of international safety net, and they are accepted tools for the interpretation of human rights. They also clarify the fact that human rights above all are concerned with relations between the state and the individual. However, we cannot disregard the fact that there are also ideas in human rights on how we, as individuals, are to act towards one another – a moral position beyond what is expressed in sections of law and in legal terms. This is an approach that does not fit with bureaucratic and political templates. And this approach is concerned with something as difficult but at the same time as incredibly simple as being able to look beyond one’s own interest - having the willingness and ability to look beyond one’s own field of view. It involves making an effort without being influenced by race, religion, gender, political outlook etc. This is formally known as the principle of non-discrimination. In rights-based development cooperation, both legal and moral aspects of human rights are treated as significant - our work is strengthened by being based on international agreements, but it must, at the same time, be implemented in a way that reflects the conviction that all people are equal in dignity and rights.

The motto of the World Conference on Human Rights in Vienna in 1993 was: All human rights for all – human rights are indivisible, and mutually reinforce one another.
Democracy and human rights – two sides of the same coin?
The terms human rights and democracy are often mentioned in tandem, and there are obviously good reasons why this is so. It is, in fact, possible hypothetically to imagine a country without popularly elected leaders where human rights are respected, but broad popular participation is generally regarded as the best guarantee of the rights of every human being taken seriously. At the same time, human rights impose limits on what a majority can be allowed to do towards minorities and single individuals, including in cases where decisions are taken democratically.

There are also other reasons for being cautious in conflating the terms human rights and democracy. They differ in both content and form. There are many points of contact, and it is obviously easy to see that they are mutually dependent in a number of ways. The concepts are nevertheless based on different principles.

Human rights are principally concerned with the responsibility of the state in its relationship with the individual, and to support interpretation of this there are all the declarations, covenants, conventions and so on created on the basis of certain common principles and (generally) with the aim of consistency between the different instruments.

With regard to democracy, differing views have been expressed on how the concept is to be interpreted and on how the extent of democracy in a state is to be judged, and there are several different models for such analyses. Depending on the choice of model the results may vary, which ought not to be the case in an equivalent assessment of the situation with regard to a particular area of rights, even in the event that an assessment is based on different human rights instruments.
A further difference is that there is a lack of legal, systematic, democratic protection corresponding to the international and regional systems created to protect human rights.

Important principles
Many descriptions of the concept of democracy provide a number of variables to be taken into account in depicting a country’s level of democracy. It can hardly be said that a particular country is one hundred per cent democratic, or that the level of democracy is zero. Instead it is a matter of looking at what circumstances contribute (on the basis of a given definition of democracy) to making a country more democratic, and what diminishes the country’s democracy. Although not all aspects of democracy are recorded in human rights documents, many of them do have clear links to declarations and conventions.

Exemples:
- Transparency
  A good example of something that increases transparency in a state is the principle of public access to official documents. The easier it is to find out what happens in a state – for example how tax money is spent, what decisions are taken, which people are involved in decisions – the more democratic.

  A relevant human rights rule is Article 19(2) of ICCPR which, as well as regulating freedom of expression, is concerned with the right to information: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”
Accountability

A certain degree of transparency is obviously required to be able to hold elected representatives and public officials to account for their actions. As a next stage there must also be systems for taking action in relation to persons who have not accepted - or have misused - the responsibility placed upon them. This can be done by making it possible in law to remove politicians from office and to dismiss public officials. Lack of such provision contributes to making the state appear less democratic.

Participation

This is probably the aspect of democracy that most people first think of, that it to say the possibility of influencing what happens in their own country, both at the highest national level and in the local community and on issues closely and directly connected to their own life. A relevant human rights rule is Article 25 of ICCPR: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”

An important factor in democratic participation is gender equality. There are relevant human rights rules in the form of non-discrimination clauses in most of the treaties, for example in Article 2 of ICCPR: “1. Each State Party to the present Covenant undertakes to respect and to
ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex (---).” The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is obviously particularly relevant to gender equality.

Humanitarian law

When an armed conflict is in progress, the system of rules known as “humanitarian law” applies in addition to rules on human rights. This includes the “Geneva conventions” on the treatment of prisoners of war, civilians etc. and a number of rules that restrict the use of certain weapons. The use of anti-personnel mines, for example, has been prohibited by international conventions.

In the context of development, humanitarian law is not as relevant as human rights, but for organisations that provide support in disaster situations, known as humanitarian assistance, there has been a special code of conduct since 1994. This code was drawn up by the International Red Cross Movement and contains rules intended, for instance, to ensure that organisations involved in humanitarian assistance respect the principle of non-discrimination. It also follows from the rules that aid organisations must regard themselves as accountable to the groups that receive the assistance. Around 400 organisations have signed the code of conduct.
3.

“declarations, conventions, optional protocols, ratification...”
The international human rights system

After the UN General Assembly had adopted the Universal Declaration of Human Rights, there was a wish to create a convention enshrining the rights covered by the declaration. As explained previously, this could not be done; the result was instead two conventions, one for civil and political rights and one for economic, social and cultural rights. The international human rights system contains the following nine conventions, among others, often referred to as the "UN core human rights treaties":

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination Against Women
- The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child
- The Convention on the Protection of All Migrant Workers and Members of Their Families
- The Convention on the Rights of Persons with Disabilities
- The International Convention for the Protection of all Persons from Enforced Disappearance

For further information about the conventions; dates when they were adopted, entered into force etc., see the appendix on treaties.

Some useful terms to learn:

**Declaration.** A political expression of will. Does not have binding legal effect but may be significant for moral pressure on states. Declarations are usually adopted by voting in international or regional forums. A declaration is often a first step towards a treaty.

**Treaty.** International agreement between states. Sometimes known as convention or charter (e.g. African Charter on Human and Peoples’ Rights). Often adopted in some international or regional forum and then opened for signature and ratification by states. States usually bind themselves to conventions through a two-stage process: first the convention is signed by someone who represents the state (often a representative of the government) and then the state ratifies the convention through a decision normally taken in the legislative assembly. Following ratification, the convention becomes binding on
The eighth and ninth core conventions were added at the end of 2006. On 13 December the UN General Assembly adopted a convention on the rights of disabled persons and one week later, on 20 December, a convention against enforced disappearances. The former convention does not actually contain any new rights but clarifies what human rights mean in relation to persons with disabilities. The aim is to ensure that persons with disabilities enjoy their human rights on the same terms as others. The convention on protection against enforced disappearances imposes on states the obligation to criminalise enforced disappearances and to bring those responsible to justice, compensate victims who have been abducted against their will and carry out preventive measures such as prohibition of secret detention.

One of the consequences of states ratifying any of these conventions is that they become obliged to report regularly to a special committee on how they are complying with the requirements of the convention concerned. There is a committee of this kind for each convention, comprising a number of “independent experts”, i.e. people who do not represent any state and who are required to have good knowledge of human rights. The states’ reports are presented at a meeting with the committee, when an opportunity is also given for non-governmental organisations (NGOs) to present alternative reports (known as parallel reports or shadow reports). Following the state’s presentation, the committee asks questions about the report, after which its views are collated in a document (these views are often referred to as General Observations). This document, like the alternative report, can be advantageously used by NGOs in opinion-making activity and for lobbying. There are no rules on what form alternative reports have to take: they can relate to individual subject areas or be more comprehensive.

Optional protocol. It is very unusual for changes to be made to the text of a treaty. If there is a wish to add something, an optional protocol is usually written instead. Each state that has ratified the convention in question can then, when the optional protocol has been accepted, decide whether or not to ratify this as well.

Ratification/accession. It is usually a requirement that a certain number of states have ratified a convention for it to come into effect. The number varies and is stated in the convention concerned. The term for ratification varies depending on the time when it takes place. The first states are said to ratify the convention; on the other hand when the convention has entered into force it is said that states have acceded to it.

the state concerned, provided the convention has come into effect, i.e. started to apply.
in their coverage. They may be submitted by local organisations from the country concerned, or by large international organisations. Several different NGOs usually cooperate on a report, in order to obtain the broadest support possible for it and to ensure that its contents are as extensive as possible. Complaints can additionally be made to some of the committees in individual cases when someone feels that his or her rights have been violated.

It is not always obvious how the conventions are to be interpreted. The committees’ duties therefore include writing General Comments, which may be seen as guidelines, and describe how they consider that various terms in the conventions are to be interpreted. Several of these comments have been formulated with support from NGOs. All the comments are available on the Internet, on the website of the Office of the United Nations High Commissioner for Human Rights, a position established in 1993 to coordinate the human rights work of the UN system. State reports and the committee’s views on them can also be found on this website.

The United Nations Commission on Human Rights was, until the spring of 2006, the most important forum in the UN system for discussions on human rights. A number of UN member states took part in it and discussed both proposals for new conventions and the human rights situation in individual countries. The Commission was heavily criticised over a long period of time, and was consequently replaced by a Human Rights Council. Forty-seven of the UN member states are elected to sit on the Council, and unlike the Commission, which came under the UN Economic and Social Council (ECOSOC), the Council comes directly under the UN General Assembly, which gives it higher status. The Council holds three ordinary meetings a year and can in addition
be convened for special sessions when needed. States guilty of gross violations of human rights are not allowed to be members.

There are other treaties relating to human rights besides the nine United Nations core treaties mentioned. Various conventions, several of which are linked to human rights, have been drawn up by the *International Labour Organisation (ILO)*, where states meet with employer and employee organisations. The best known is probably ILO Convention No 169 concerning the Rights of Indigenous and Tribal Peoples.
“consistent with the purposes and principles of the UN”
Regional human rights systems

Alongside the emergence of the international human rights system, three regional systems of treaties and supervisory bodies have emerged in Africa, the Americas and Europe. Article 52 of the Charter of the United Nations states that regional arrangements or agencies may be established “for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations”. For human rights, this provision means that the standard of human rights must not be lower in the regional arrangements or agencies than the universal standard set by the UN. The yardstick in this regard is the UN Universal Declaration of Human Rights from 1948, the preamble of which states that the declaration is “a common standard of achievements for all peoples and all nations”.

In addition, the regional mechanisms can serve as subordinate parts of the international machinery by deflecting some of the international tension that weighs upon the UN as a central world organisation. These mechanisms also play an important role in improving human rights in the region concerned. One reason why the regional mechanisms are very successful in this area is that they take account of the history and cultures, traditions and values that are unique to the region concerned. This leads to the various regional mechanisms having special features, as is apparent from the brief description that follows of the three largest regional mechanisms in the world.

NGOs play a very important role in relation to the American and African human rights systems. This is true of knowledge support to the
regional organisations, for instance during the preparation of various treaties, as well as of support to individuals in the application of these treaties. There is nothing equivalent in the European system.

The European human rights system

The Council of Europe was formed in 1949 by ten countries in Western Europe. These ten states shared an understanding that they needed to cooperate to safeguard democracy and respect of human rights and the principles of rule of law so that they would never again need to experience the atrocities of the Second World War. Today the Council of Europe, whose headquarters are in Strasbourg (France), has 46 member states; all the states of Europe with the exception of Belarus are members. The principal tasks of the Council of Europe are, however, still the same. The organisation attempts to contribute to peace, stability and security in Europe by safeguarding the rights of the individual.

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) was adopted in 1950 and came into effect in 1953. All the member states have now acceded to the ECHR. However, not all states have acceded to all the optional protocols that have been drawn up subsequently and which contain further rights. The Convention only encompasses civil and political rights. Economic, social and cultural rights are contained in the European Social Charter from 1961 (revised in 1996). The Council of Europe has not adopted any document that specifically promotes the rights of women or strengthens protection of these rights, such as those that exist in the African or American systems.
There is a monitoring system attached to the European Convention to ensure effective protection of people in the member states of the Council of Europe. This means that the duty of states to fulfil their obligations under the Convention can be examined by an independent court, the European Court of Human Rights. The Court’s decisions are legally binding on the state concerned. The European Court of Human Rights can receive complaints from individual persons, NGOs or groups of individuals who consider their freedoms and rights under the Convention or any of the optional protocols to have been violated. A primary condition that must be met is that the state concerned has acceded to the Convention and to the optional protocol in question.

In addition to the Court of Human Rights there is a Committee of Ministers, whose task is to monitor that the states comply with the Court’s rulings and pay any compensation awarded by the Court. If this is not done, the Committee of Ministers has the option of proposing that the state be suspended for a particular period or be excluded from the Council of Europe.

The European Charter on Fundamental Rights was adopted by the European Union (EU) in 2000. This Charter contains rights that are to be found in the European Convention, the European Social Charter and case law from the European Court of Human Rights and the European Court of Justice in Luxembourg. Insofar as the Charter contains rights that correspond to rights in the European Convention, they are to be regarded as having the same meaning and range as the European Convention. However, there is nothing to preclude the Charter containing more far-reaching protection than the European Convention. For example, there is prohibition of reproductive human cloning and protection of the right to housing in the Charter, subjects
that are not touched on in the European Convention. The prohibition of discrimination in the Charter is also more far-reaching than in the Convention. The Charter is not a binding document. The intention was that it would become so as a result of the document being incorporated into the constitution to be adopted by the member states of the EU. As several member states voted against the Constitution in referenda, the document as yet (in 2007) is not binding on the member states, but is nevertheless to be regarded as a political declaration of will. In addition to the documents that have been presented, there are, under the Council of Europe, the Framework Convention for the Protection of National Minorities (1995), the European Charter for Regional or Minority Languages (1992) and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987).

The inter-American system

The Organisation of American States (OAS) was established in 1948 in Bogotá (Colombia), with the aim of creating new forms of cooperation, increasing cohesion between the American states and strengthening the inter-American system. A first union was formed as long ago as 1890, making this grouping the oldest intergovernmental organisation in the world. The organisation acquired its present name, the OAS, at the conference in 1948 at which the Statute of Bogotá was adopted. This constitutes the OAS constitution and sets out the principal tasks of the organisation, including strengthening peace and security in America and promoting economic, social and cultural development. Today the OAS has 35 member states and is explicitly a regional body within the UN. Cuba has been suspended from active participation since 1962 but is theoretically still counted as a member.
At the same time as the OAS was formed, the **American Declaration of the Rights and Duties of Man** was adopted. To further strengthen protection of human rights, the **American Convention on Human Rights** was adopted in 1969, although it did not come into effect until 1978. This Convention is largely based on the European Convention but enshrines not just the freedoms and rights of the individual but also the obligations of the individual towards his family, the community and mankind. There is nothing equivalent to these provisions in either the UN treaties or the ECHR. Only 25 of the 35 OAS member states have ratified the American Convention on Human Rights. Under the Convention, two separate organs are to monitor fulfilment of the obligations contained in the Convention by the member states - the **Inter-American Commission for Human Rights** and the **Inter-American Court of Human Rights**.

The Inter-American Commission for Human Rights, with headquarters in Washington D.C. was established by the OAS in 1959. The Commission represents all the member states of the OAS and acts in many different ways to protect and promote human rights. Under certain premises, the Commission can pass cases to the Inter-American Court. In addition, the Commission has appointed special thematic rapporteurs among the Commission’s own members, relating for example to internal refugees, women’s rights and the rights of indigenous peoples.

The Commission can also arrange conferences on different topics and write reports on the human rights situation in individual countries, based for example on investigative trips to the countries in question. NGOs can play a significant role in both these areas of responsibility, for example by contributing material of their own to the reports.

In 1979, the Inter-American Court of Human Rights was established with permanent headquarters in San José (Costa Rica). Its principal
The task is to monitor application of the American Convention on Human Rights, and it fulfils both a conflict-resolving and advisory role. The Court’s conflict-resolving competence is facultative, which means that before states can be subjected to the judgments of the Court they must have made a special declaration to this effect. To date, 22 of the 35 OAS member states have accepted the Court’s jurisdiction. Individual persons, groups and NGOs do not have the right to take their cases to the Court, but are dependent on the Commission. On the other hand, it is possible for NGOs to complain to the Commission on behalf of others, which is not the case for example in the European system.

The Center for Justice and International Law (CEJIL) is a good example of a human rights organisation that has specialised in using the inter-American human rights system. Together with several national human rights organisations, this organisation conducts cases against states in the Inter-American Commission and the Court. CEJIL accounts for 10-20 per cent of the number of cases processed in the Commission and for around 75 per cent of cases forwarded to the Court.

Complaints under the American Convention can only be lodged against a state, not against individuals. On the other hand, a state can be held responsible for the actions of an individual. The Court established this principle in 1988 in the “Velasquez Rodriguez” case. The Court ruled that the state must take responsibility for preventing such violations, those responsible being brought to justice and punished and the victim being awarded lawful compensation. Many organisations working in the area of violence against women have used this case to draw attention to the state’s responsibility for preventing domestic violence against women, which according to the organisations in many cases is comparable to torture. It may be mentioned in this context that the OAS has adopted a convention on violence against women, the Belém do Pará Convention.
The African system for human and peoples’ rights

The African human rights system emerged in the 1960s, at the time when many African countries were declaring independence or seeking to gain autonomy and liberation from the colonial powers. The Organisation of African Unity (OAU) was formed in 1963 to promote unity and solidarity between the new African states and to facilitate social and economic cooperation for the benefit of the African peoples. The African Union (AU) replaced the OAU as the regional organisation for Africa in 2001. The African Charter on Human and Peoples’ Rights was adopted in 1981. All 53 member states of the AU have ratified the African Charter. The distinctive feature of the African Charter is that it contains both individual and collective rights. It does not distinguish between economic, civil, cultural, political and social rights. In addition, the Charter contains rights such as the rights of peoples to self-determination, the right to economic, social and cultural development and the right to a satisfactory environment. Like the American Convention, the Charter also contains explicit obligations for the individual towards the community.

In 2003 the AU’s summit adopted an optional protocol on women’s rights in Africa, which signified a great step forward in the codification of women’s human rights. This protocol came into effect at the end of 2005.

There is an African Commission, with headquarters in Banjul (Gambia), whose task is to protect human and peoples’ rights in Africa. It is to do this by undertaking studies, organising education and providing advice, reviewing reports from states on their application of the Charter and taking up intergovernmental and individual complaints of violations of the rights enshrined in the Charter. Six of the commissioners are also special rapporteurs for extrajudicial and
summary executions, women’s rights, freedom of expression, human rights defenders, refugees and displaced persons and prisons and prison conditions. The Commission has cooperated actively and closely with many NGOs, and more than 300 of these today have observer status at the Commission. This means that organisations play an active part in work ahead of and in the Commission’s sessions. They also play an important role in the Commission’s mandate to promote the Charter. The Commission’s limited resources and mobility enable organisations to play a complementary role. Among other things, the parallel reporting work of the organisations represents a very important addition to the states’ reporting, although the number of parallel reports is small. The organisations also take part in the preparation of new human rights documents, such as the optional protocol on women’s rights and on the establishment of a regional human rights court. The African system also permits NGOs to complain to the Commission and Court on behalf of others. This is possible when there is a coherent pattern of large-scale violations of human rights.

A protocol on the establishment of the African Court of Human and Peoples’ Rights was adopted in 1998. This protocol, which came into effect in 2004, provides the Court with a ruling and advisory function. In its ruling function, the Court is able to interpret and apply the African Charter and its optional protocols. The unique feature of the Court is, however, that it is also able to interpret all other relevant documents pertaining to human rights which the state concerned has signed.
“the legal interpretation made must be in accordance with treaties that have been ratified”
National human rights systems

For the state, human rights entail a number of obligations such as ensuring that they are upheld and also work in practice. NGOs have an important function to fulfil as opinion-makers and lobbyists in relation to inadequate respect for human rights. To assist them there are various national systems whose function is to review the actions of the state and pursue individual cases of human rights violations. From the analysis on which rights-based activity is founded, it must be clearly apparent what legal obligations a state has taken upon itself in adopting various international treaties. A thorough analysis of the human rights situation in a country may additionally include information on what form the courts system takes, whether there are any independent national human rights commissions or institutions, how the review mechanisms have been designed and whether an action plan for human rights work has been adopted.

National legal systems

Many NGOs support individuals in taking cases of human rights violations to national authorities and courts. One of the things an organisation does in this regard is to point out to the court that the judicial interpretation made must be in accordance with ratified treaties or equivalent national law. After an analysis of ratified treaties has been made, it should thus be apparent what weight these have in relation to national legislation. It is therefore important to be aware that there are usually said to be two different systems for incorporating legal commitments that accompany treaties, monistic and dualistic legal systems.

In states that have a monistic system, ratified treaties automatically become part of national law. In practice this means that a treaty can
be applied directly by courts and other authorities, in the same way as national legislation. A treaty can, in most monistic states, even take precedence over national law.

In a dualistic state, on the other hand, special legislation is required for treaties to apply nationally. If no special law has been enacted, a treaty only applies as a complement to national law. If an aspect of the treaty conflicts with national law, it is the national legislation that takes precedence over the provisions of the treaty. There are said to be in particular two different methods of incorporating a convention into national law: incorporation and transformation. Incorporation means that it is stipulated in law that the convention text as such is to apply as national law. Transformation means that national law if necessary is revised so that it agrees with the requirements of the convention. When current law is considered to be in agreement with the convention, there is said to be harmony of norms.

National human rights institutions

National human rights institutions review whether political will also exists in practice, in other words in the authorities’ exercise of their duties. They may be known as either ombudsmen or commissions and have slightly different terms of reference for their activities. Some for example principally write reports on the human rights situation in the country in question and only focus on countering discrimination against certain groups. Others follow more of an advisory model or can receive complaints from individuals who feel that their rights have been violated. The Paris Principles from 1993 contain a number of guidelines on how national human rights institutions are to proceed. It is established, for example, that as far as constitutionally pos-
sible this function should act independently in relation to authorities and those in power.

Views on the need for human rights institutions have differed sharply over the years. Some people believe that a democratically elected parliament and an independent court system in themselves can maintain respect for human rights. But there are many examples around the world of democracy not necessarily guaranteeing that human rights are respected and fulfilled. In addition, great ignorance of what human rights actually mean among politicians, the police and in the court system is not uncommon. This is noticeable, for example, in work aimed at strengthening the rights of women and countering violence against women. Even in countries that have ratified a number of treaties which all contain provisions relating to women’s rights there is often great ignorance and a low level of understanding of the vulnerability of women both among the public and among the country’s authorities. All national legislation presumably punishes abuse, but there are often shortcomings in application with regard to violence by men against women, within the family or as generally accepted exercise of power.

National action plans
In the summer of 1993 a world conference that can be regarded as a milestone in the development of human rights was held in Vienna. This conference adopted a declaration and an action plan containing a number of principles that have been fundamental to the way in which human rights should be applied. It is laid down in the declaration that all human rights are universal, indivisible and interdependent and interrelated. Among the recommendations made, all states are encou-
raged to review the need for national action plans for human rights. The action plans should draw attention to the obligations of states under the international human rights treaties the country has entered into and should make it easier for the state to identify necessary measures for human rights to be promoted and protected. NGOs can play an important role here as the people’s voice and opinion-maker, in particular in drawing up an action plan if no such plan has yet been adopted. If there is an action plan, there should be an investigation into whether public follow-up of the plan has taken place; has the state in practice adopted the measures which, according to the action plan, are necessary for the human rights situation to be improved?

At the beginning of 2006 nearly 20 countries had adopted a national human rights action plan.
“better to limit oneself, but be correct”
How to describe a country in human rights terms?

It might not happen often that a development organisation needs to present documentation describing the human rights situation in a particular country, as plenty of reports are available from reliable sources of various kinds; but if we follow a rights-based approach, if we have adopted a human rights perspective, this should be reflected in how we report the situation in the countries we work with - what we describe and what terminology we use.

Before starting, it should, however, be borne in mind that there may not be a need for any extensive, all-embracing reporting with the aspiration of describing the human rights situation in the same way as in reports from large human rights organisations. The most important thing, particularly for those who are doing this for the first time, is to put these aspirations on a reasonable level and limit oneself but be correct in everything one writes rather than producing long texts containing allegations that cannot be confirmed. It is also important to be careful with any claims of violations of human rights. Before claiming that a person has been subjected to torture, for example, one must be certain that the treatment to which this person has been subjected can be defined as torture, preferably by being able to refer to assessments (about the case in question or about similar cases) made by the Committee Against Torture (CAT) or a similar body. Terms such as torture, genocide and discrimination must be used with caution so that their significance is not diminished.
Most of those who work on development cooperation and who apply for funding for this work have to explain the need for the development assistance by describing the situation in the particular country through some kind of background description. The following options for introducing human rights into the text can be considered, for example:

- State which international and regional treaties have been signed and ratified. Particular emphasis should obviously be given to those conventions that in one way or another are relevant to the problems tackled by the assistance/cooperation concerned. This does not say anything about the situation in the country concerned, but shows that international commitments have been entered into and thus, to some extent, to what degree the government can be expected to be open to discussions on human rights. The fact that a country has ratified a large number of treaties does not necessarily mean that its government is willing to discuss human rights, but one can be fairly certain that states that have ratified few treaties will not be prepared for any detailed discussion on human rights. Indicating which treaties have been ratified also makes it possible for those who wish to do so to carry on studying reports to treaty bodies, alternative reporting etc.

- Find out to what extent the country has:
  - reported to the UN treaty bodies and to regional equivalents
  - been criticised by the bodies concerned
- featured in reports from special rapporteurs in the UN system and the regional systems – do not forget that alongside rapporteurs for individual countries there are also thematic rapporteurs who may be relevant
- been found guilty in a regional human rights court on a case relevant to the assistance/cooperation

- If possible, find out what view one’s own country takes of the human rights situation in the country concerned.
- Examine the national protection of human rights and how this may be related to the aim of the operation. It can be ascertained, for example, whether there are any independent national commissions, ombudsmen or other human rights institutions, what form these review mechanisms take and whether an action plan has been adopted for human rights work.
- On the basis of what one’s own partner organisation or others with a knowledge of the country write, establish links to various individual rights, as formulated in treaties and declarations. It is important here to indicate clearly whether the country is bound by the conventions referred to, that is to say if the conventions have been ratified. Think also about checking whether the state has in some way opted out of the relevant parts of the conventions.
- Compile information from established national and international human rights organisations. Many good sources are mentioned in the references section of this
material. Most of what is produced by human rights organisations is intended for wide distribution and may be freely quoted. Bear in mind, however, that it is important to indicate the source, particularly in certain contexts.

- Put together statistics in the form of indicators of direct relevance to compliance with human rights. This may, for example, entail statistics in election turnouts (the right to take part in the governing of one’s country), schooling (the right to education) or notified cases of torture (the right not to be subjected to torture). Work to establish indicators for human rights is relatively new, but it is necessary firstly to determine the practical contents of rights and secondly to measure how they are complied with.

A text that describes the human rights situation in a country is not just an important part of an application for financial support. It can also provide a good basis for advocacy in one’s own country. In this document we have, however, decided not to examine in greater depth how rights-based advocacy is done.

**Indicators can be used as tools to:**
- create better policies and monitor their development;
- identify unintentional consequences of laws, policies and measures;
- decide which actors influence the implementation of rights;
- demonstrate whether or not these actors fulfil their obligations;
- warn when violations may take place and thus make preventive measures possible;
- contribute to increased social unity on the compromises that have to be made due to limited resources;
- shed light on issues that have been neglected or kept quiet.

From Att mäta rättigheter (Measuring Rights), Part 9 in the Swedish NGO Foundation for Human Rights’ series on ESC rights
“Did the target group know that the state is obliged to ensure its fundamental human rights?”
How to establish “rights objectives”? 

It may appear complicated and abstract to initiate and plan development cooperation based on human rights. How do we formulate measurable objectives and how can we know afterwards that our particular project has actually contributed to the specific situation improving, viewed from the perspective of human rights?

When taking a rights-based approach, we must formulate objectives at several levels. As human rights are often concerned with societal structures and political decisions, it is necessary to have overarching objectives, perhaps with an entire country as a reference framework. At the same time there should be objectives that relate directly to the immediate results of the project.

With regard to objective and follow-up at a general level, it is primarily a matter of seeing to what extent a state complies with its commitments on human rights. Reference can be made for example to the three aspects of respecting, protecting and fulfilling. Does the state respect human rights, to the extent that the rights people have are not violated? Are the rights protected by the state, that is to say is it guaranteed that they will not be violated by a third party? And are the rights fulfilled, that is to say has the state taken the necessary economic, political and legal measures?

Regardless of whether it is simple or complicated to decide if the actions of the state have promoted human rights and the situation in general has changed for the population of a country, the most difficult thing of all may be to point to the correlation between the individual project and any changes at the general level. Is it even possible to measure the situation regarding human rights within the framework of a
limited project? It is, but it is important not to become completely lost in the desire to measure the perhaps quite extensive vision on which the project is based and to concentrate instead on the practical results of the project and allow oneself to work on the basis of assumptions.

Often it is necessary to assume that an activity has certain consequences. We probably cannot measure whether a particular individual training session will lead to great changes, but when we arrange training programmes, for example, we act on the premise that training provides an awareness that creates opinion which, in turn, is an essential requirement for change and so on. Simple activities may therefore also be of great relevance to human rights, even if the causal connections are difficult to establish. The most important thing in such cases is to be aware of our assumptions and be sure that they are well founded. We shall return below to the planning tool LFA, where the assumptions may be viewed as a link between the different target levels. What is worth repeating here is that the transition to a rights-based approach may take time and that it has to be allowed to do so. If application of international treaties to local projects is allowed to be a long process, a contribution is made to ensuring that the human rights perspective is rooted in the partner organisation, which is necessary for long-term success in human rights work.

Logical Framework Analysis/Approach – the LFA method

LFA is a planning tool that was first used back in the 1960s and today is applied on a wide scale in many organisations. This tool can assist in defining problems, formulating objectives and working out what kind of activities are required to attain these objectives. The LFA tool is intended to be applied flexibly and consists of a total of nine stages: see illustration on next page.
It is not necessary to adapt these nine stages to each project or situation, nor do they need to be tackled in a close chronological sequence. The various stages of the LFA method may be of assistance in seeing whether the project fulfils the criteria for relevance (particularly stages 1-4), feasibility (particularly stages 5-7) and sustainability (particularly states 8-9). Stages 1-3 are touched on in the chapters of this book concerned with the various human rights systems and how a country is described in human rights terms. Descriptive examples of what form these analyses may take, as well as practical activities, can also be found in the case studies that relate to rights-based development cooperation. There are three different levels to address when talking about objectives in the LFA context.

- Development objectives (overall objectives) deal with the kind of change to be brought about in the longer term. These objectives are usually attained through more than one project and cannot be expected to be fulfilled until 5-10 years after the project has been completed.
- Project objectives, which are the direct reason for the project being carried out. These objectives have to be Specific, Measurable, Accurate, Realistic and Time-bound ("SMART") and include what is intended to be achieved within 1-3 years.
- Results signify direct outcomes from the activities performed within the framework of the project.

How can the objectives be measured?

With regard to measuring instruments – or indicators – for human rights, this is a topic which for some time has been the subject of extensive discussion and analysis, and there are no generally accepted
indicators for human rights efforts at present. This applies to both the broader context and the limited, local project. With regard to overall objective fulfilment and the three aspects of the state’s compliance with human rights (that human rights are respected, protected and fulfilled by the state), the existence of legislation, action plans and various policies can be indicators. Information for all three aspects can be obtained for instance from various national, regional and international monitoring mechanisms: courts, ombudsmen, regional commissions, UN committees etc.

Statistics of various kinds are obviously also usable as indicators. As human rights are individual, general statistics for the country are usually not sufficient to gauge whether the rights are complied with. There is a risk that not all groups in the population will be included in such statistics to the same extent and that large differences between different groups therefore are invisible. The ideal is to have access to statistics where the information is disaggregated between different groups so that it is apparent what the situation is like and how it has changed for men/women, boys/girls, people with/without disabilities, people from different ethnic groups etc.

With regard to the specific project and activity levels, these are indicators we perhaps already know: number of participants, number of printed copies, number of training sessions held etc. A suitable way of starting may be to take the LFA method as a point of departure and look at certain key elements in the rights-based project, see illustration on next page. The example of increased knowledge of human rights is measurable to the extent that it is possible to see whether the target group through a specific effort has become more aware of its rights than it was at the start of the project. Did the target group know that the state is obliged to ensure its fundamental human rights? And
are there channels for asserting this? Were the rights of the target group satisfied at the outset? The project objective should be formulated partly to be concerned with the level of knowledge in the target group with regard to human rights. This result can be gauged by the usual methods of evaluation such as questionnaires and through workshops. The overall goal in this case may be worded as in the example above, that is to say increased respect for human rights, as we can assume that increased participation by the target group, through

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**Objectives for the project**

1. Increased respect for some of the human rights of a particular group (development objective)
2. Activism and high participation (project objective)
3. Increased knowledge and awareness of human rights (result)
4. Activity that raises awareness in the local organisation with regard to the link between relevant human rights and the local reality (activities)

**Indicators for the above objective levels**

1. Individuals know their rights and those responsible fulfil them
2. The number of initiatives by different actors has increased
3. More references than previously to human rights in activities carried out
4. Human rights are explained in a way that relates to the local reality

**Sources of verification for the above indicators**

1. Statistics, surveys etc.
2. Project related documents (lists of participants, minutes of meetings etc.)
3. Project related report (points to execution of the activities)
4. The project plan (points to the strategic planning of the activities)
an increased degree of activism, in the long term will lead to a general increase in respect for human rights.

"some changes will become necessary"
What happens to us?

If development cooperation becomes (more or less) rights-based, this may bring about many changes in the relationship between the two partner organisations, even if the starting situation was not a typical donor/recipient relationship. At the same time, rights-based work opens up the possibility of changes within one’s own organisation, with regard to both its activities and its structure. It can even be said that certain changes will in all probability become necessary for those who want to make human rights more than just fine words in a policy.

Working on “home ground”

A rights-based problem analysis as described previously emphasises the responsibility of states and identification of the circumstances and structures that cause various problems. Development cooperation in the form of support for a local partner should also be aimed at strengthening the prospects of the partner, together with those affected, changing the prevailing situation. However, both organisations can play an active role here. As states can, in various ways, influence one another on human rights issues – for example through diplomatic contacts – one’s own government can often be a useful actor to bring into the picture. There may perhaps be strong relations between one’s own country and the country concerned, relations that can be utilised to try to influence what happens (or make sure that something happens). Popular opinion may perhaps be needed at home to persuade the government to act, a visit to the ministry of foreign affairs may be sufficient, as may a letter. As a partner organisation one should find out for example whether there is any bilateral development cooperation with the country in question and if so what form this takes. Does the ministry of foreign affairs or the authority responsible for development...
issues take account of the applicable human rights situation and does it allow this to influence the form its development cooperation takes? Rights-based development cooperation in other words should be carried out with a certain degree of advocacy as a component.

Responsibility towards the partner organisations

Human rights are among other things concerned with participation, transparency and making responsible governments and other authorities accountable for their actions. These principles can be transferred to the relationship between an NGO and its partner organisation in a developing country. This may mean, for example that one’s own organisation creates mechanisms that make possible and encourage scrutiny by the partner organisation, and also perhaps enable pure and simple criticism, of the development cooperation. The best results are possibly achieved by the partner organisation being allowed far-reaching participation when the activity is planned, for example through close consultations and continuous dialogue on the form and contents of the cooperation.

Applying the principles within our own organisations

If an organisation has chosen to press for human rights to be respected and put into practice, the organisation concerned should obviously ensure that the underlying principles on which human rights are founded are reflected in its own activities and in the way in which they are carried out. This responsibility perhaps applies particularly in the organisation’s role as an employer, where conscious and effective gender equality work is a self-evident step. The same should also apply to organisations with a high proportion of not-for-profit work, even if gender equality plans for example are rarely applied in relation to
people other than employees. In addition, in the same way that the realisation of human rights requires a certain degree of transparency and popular participation in decisions, human rights organisations should endeavour to follow these principles in their leadership.

There is no self-evident method for making development cooperation rights-based, just as there is no clear, accepted definition of terms such as “rights-based” and “rights perspective”. Regardless of which definition is chosen within one’s organisation, one of the most important contributions to the development of the organisation is presumably the internal discussions required on the principles and values that underlie human rights. This perhaps applies in particular to the organisations that when interpreting these terms choose to put great emphasis on finding the right balance in relationships of power between one’s own organisation, its partner organisations and the people whose rights are violated.

Taking a closer look at ethics

This material is concerned in particular with the legal aspects of human rights and the systems built around them: conventions, committees, courts etc. The most concrete components in rights-based activity are perhaps precisely the terminology and tools associated with it. An organisation that wishes to go far in its internal understanding of human rights may, however, choose also to tackle those ideas about ethics and human dignity on which the legal system is built. This could be a way of gaining support for these ideas among activists and employees. It can be done for example through studies in human rights and internal discussions of how different rights are to be interpreted and where the boundaries are to be drawn for example for the right to freedom of expression.
Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.
Article 1  All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2  Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3  Everyone has the right to life, liberty and security of person.

Article 4  No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5  No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6  Everyone has the right to recognition everywhere as a person before the law.

Article 7  All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8  Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9  No one shall be subjected to arbitrary arrest, detention or exile.

Article 10  Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11  Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12  No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
Article 13 Everyone has the right to freedom of movement and residence within the borders of each State.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14 Everyone has the right to seek and to enjoy in other countries asylum from persecution.

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

Article 15 Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16 Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17 Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Article 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20 Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 21 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

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

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
Article 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

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

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

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

Article 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

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

Article 26 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

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

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

Article 27 Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

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

Article 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.
Article 29  Everyone has duties to the community in which alone the free and full development of his personality is possible.

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

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

Article 30  Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.
Treaties
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted by the General Assembly of the United Nations on 10 December 1984
Entered into force: 26 June 1987
Number of states that have only signed the Convention: 8
Number of states that have ratified the Convention: 144

Contents of the Treaty
The Convention provides a definition of torture and indicates what a state should do to prevent torture and to ensure that individuals who have been guilty of torture can be brought to account.

Optional protocols
CAT has an optional protocol on the introduction of a system of visits and inspections, (adopted on 18 December 2002, entered into force on 22 June 2006, ratified by 34 states).

For further information:
www.ohchr.org via “Human Rights Bodies” and “CAT”
International Convention on the Elimination of All Forms of Racial Discrimination

Adopted by the General Assembly of the United Nations on 21 December 1965
Entered into force: 4 January 1969
Number of states that have only signed the Convention: 4
Number of states that have ratified the Convention: 173

Contents of the Treaty
The Convention provides a definition of discrimination and contains both an enumeration of several individual rights and a general reference to the United Nations Universal Declaration on Human Rights. It mentions in particular conditions that lead to discrimination, such as laws on segregation, and the need for positive measures to reduce discrimination – education, prohibition of racist organisations etc.

Optional protocols
CERD does not have an optional protocol, but Article 14 of the Convention makes it possible, through a special declaration, for states to permit the Committee to receive and consider complaints from individuals and groups.

For further information:
www.ohchr.org via "Human Rights Bodies“ and “CERD“
Constitution on the Rights of the Child

Adopted by the General Assembly of the United Nations on 20 November 1989
Came into force: 2 September 1990
Number of states that have only signed the Convention: 2
Number of states that have ratified the Convention: 193

Contents of the Treaty
The Convention signified an important step forward in human rights work as it contains both civil and political rights and economic, social and cultural rights. It does not, in principle, introduce any new rights, but describes human rights already in existence in a way that is specially adapted to children and the conditions of children.

Optional protocols

For further information:
www.ohchr.org via “Human Rights Bodies” and “CRC”
Contents of the Treaty

The Convention defines discrimination of women and indicates a number of measures the states parties to the Convention are expected to implement to eliminate and prevent discrimination. The Convention refers to ICCPR and ICESCR and in particular considers areas in which discrimination of women occurs.

Optional protocols

CEDAW has an optional protocol that makes it possible for the Committee to: a) receive, assess and express an opinion on complaints from individuals who consider that a state party to the Convention has violated any of the rights established by the Convention, b) conduct investigations on individual states party to the Convention if information emerges that suggests grave or systematic violations of rights established by the Convention (adopted 6 October 1999, entered into force 22 December 2000, ratified by 85 states).

For further information:

www.ohchr.org via “Human Rights Bodies” and “CEDAW”
International Covenant on Civil and Political Rights

Adopted by the General Assembly of the United Nations on 16 December 1966
Entered into force: 23 March 1976
Number of states that have only signed the Convention: 5
Number of states that have ratified the Convention: 160

Contents of the Treaty
The Covenant contains the right not to be subjected to torture and slavery, rights linked to courts of law and trials, the right to vote, privacy and freedom of expression, association and religion. In conjunction with ICESCR, the Covenant constitutes a catalogue of virtually all human rights. Several of these rights are also governed by other conventions.

Optional protocols
ICCPR has two optional protocols. The first one (adopted by the United Nations General Assembly on 16 December 1966, entered into force on 23 March 1976, ratified by 109 states) makes it possible for the Committee to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant. The second optional protocol is aimed at abolition of the death penalty (adopted by the United Nations General Assembly on 15 December 1989, entered into force on 11 July 1991, ratified by 60 states).

For further information:
www.ohchr.org via “Human Rights Bodies” and “HRC”
International Covenant on Economic, Social and Cultural Rights

Contents of the Treaty
The Covenant contains the right to housing, food, education, health, copyright and labour-related rights. In conjunction with ICCPR, the Covenant constitutes a catalogue of virtually all human rights. Several of these rights are also governed by other conventions.

Optional protocols
ICESCR does not have an optional protocol, but the possibility of drafting an optional protocol with the aim of making possible an individual right of complaint similar to that which exists for ICCPR is currently under consideration.

For further information:
www.ohchr.org via “Human Rights Bodies” and “CESCR”
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

Adopted by the General Assembly of the United Nations on 18 December 1990
Entered into force: 1 July 2003
Number of states that have only signed the Convention: 15
Number of states that have ratified the Convention: 36

Contents of the Treaty
The Convention does not provide any new rights, but explains existing rights in a way that is particularly suited to the needs of migrant workers. The Convention contains rules for example on collective expulsion and the right of workers to seek assistance from their own embassy.

Optional protocols
CMW does not have an optional protocol.

For further information:
www.ohchr.org via “Human Rights Bodies” and “CMW”
Contents of the Treaty
The International Convention for the Protection of All Persons from Enforced Disappearance imposes on states the obligation to criminalise enforced disappearance to bring those responsible to justice, compensate victims who have been abducted against their will and implement correct measures, for example prohibition of secret detention.

Optional protocols
CPPED does not have any optional protocols, but states have the option, on signing the Convention or subsequently, to approve that the Committee conducts an immediate search for a person who has disappeared, when individuals or groups ask it to do so.

For further information:
www.ohchr.org
Contents of the Treaty
The Convention does not provide any new rights but clarifies what human rights mean in relation to people with disabilities. The aim of the Convention is to ensure that people with disabilities enjoy their human rights on the same terms as others.

Optional protocols
CRPD has an optional protocol that was adopted at the same time as the Convention (signed by 44 states). This makes it possible for the Committee to receive and consider communications from individuals and groups claiming that a state party to the Convention has violated any of the rights established by the Convention.

For further information:
www.ohchr.org
European Convention for the Protection of Human Rights and Fundamental Freedoms

Adopted by the Council of Europe on 4 November 1950
Entered into force: 3 September 1953
Number of states that have only signed the Convention: 0
Number of states that have ratified the Convention: 46

Contents of the Treaty
ECHR only contains civil and political rights and was created on the basis of the United Nations Universal Declaration. Economic, social and cultural rights are contained in the European Social Charter.

Optional protocols
ECHR has several optional protocols, of which protocol number 6 and 13 are concerned with the abolition of the death penalty and several of the others are concerned with procedural rules.

For further information:
www.coe.int via “Human rights”
European Social Charter

Adopted by the Council of Europe on 18 October 1961
(revised on 3 May 1996)
Entered into force: 26 February 1965 (revised 1 July 1999)
Number of states that have only signed the Charter: 7
Number of states that have ratified the Charter: 39
(of which 16 only the non-revised Charter)

Contents of the Charter
States that accede to the Charter have been obliged, since it was revised in 1996, to put at least six of the following rights into effect: the right to housing, health, education and work, the right to social security, the right to organise, the right to bargain collectively, and the right not to be subjected to discrimination. The contracting parties report every year on implementation of the Charter to a special committee for social rights (the Committee of Social Rights).

Optional protocols
There has been a protocol since 1995 on the right for certain organisations to complain, insofar as the state has permitted this.

For further information:
www.coe.int via “Human rights”
American Convention on Human Rights/Convención americana sobre derechos humanos

Adopted by the OAS on 22 November 1969
Entered into force: 18 July 1978
Number of states that have only signed the Convention: 1
Number of states that have ratified the Convention: 25
(out of 35 member states of the OAS)

Contents of the Treaty
The Convention is largely based on the European Convention on Human Rights, but as in the African Charter on Human and Peoples’ Rights, economic, social and cultural rights are included. Emphasis is for instance given to family, the rights of the child, the right to take part in the governing of a country and the legal instruments required to guarantee these rights. Furthermore, the number of rights which may not under any circumstances be departed from is greater than in any other convention.

Optional protocols
The Convention has an optional protocol on economic, social and cultural rights, known as the San Salvador Protocol (adopted by the OAS on 17 November 1988, entered into force on 16 November 1999, ratified by 13 states). There is a special convention on the rights of women linked to the OAS, the Belém do Pará Convention (adopted by the OAS on 9 June 1994, entered into force on 5 March 1995, ratified by 31 states), and a protocol against the death penalty (adopted on 8 June 1990, entered into force on 28 August 1991, ratified by 8 states).

For further information:
www.oas.org
African Charter on Human and Peoples’ Rights

Adopted by the OAU (since 2001 the AU) on 27 June 1981
Entered into force: 21 October 1986
Number of states that have only signed the Charter: 0
Number of states that have ratified the Charter: 53
(all the member states of the African Union, AU)

Contents of the Charter
ACHPR is concerned with the protection of the rights of both peoples and individuals and the obligations of the individual towards the community, which is unique. It also provides protection by referring to other international conventions. No distinction is made in the charter between economic, civil, cultural, political and social rights. The term peoples in the Charter often refers to whole states.

Optional protocols
ACHPR has a protocol for the protection of women’s rights which includes all types of rights, prohibits female circumcision and childhood marriage, emphasises the participation of women in democratic decision-making bodies and permits abortion (adopted by the AU on 11 July 2003, entered into force on 25 November 2005, ratified by 20 states). There is also a protocol concerned with the establishment of the African Court on Human and Peoples’ Rights. This protocol states that the same right of complaint is to apply in relation to the Court and the Commission (adopted by the AU on 11 July 2003, entered into force on 21 January 2004, but not yet in function). It is worth mentioning here that since 1999 there has also been a special charter for the rights of the child (adopted by the AU on 11 July 1990, entered into force on 29 November 1999, ratified by 39 states).

For further information:
www.africa-union.org via “Documents” and “Treaties, Conventions & Protocols”
www.achpr.org
Case studies
1. The right to health

Summary
Local organisation A has been working against violations of human rights committed on both sides of the border between Israel and Palestine since the late 1980s. The organisation’s activities are intended to undermine Israeli policy with regard to segregation and control through blockades and the wall of separation that has been built. This policy has led to restrictions on freedom of movement, with serious consequences for human rights, in particular for the right of Palestinians living under occupation to adequate health care. The organisation works on two levels on a purely methodological basis by combining direct health care efforts with more long-term legal activity and advocacy.

Analysis of the problem:

Restrictions on freedom of movement have serious consequences for human rights
Since October 2000 the Israeli government has returned to the form of occupation that involves complete control of the everyday lives of Palestinians. This is a situation that has worsened as measures such as establishing road-blocks and building a wall of separation have been taken. At the same time, those who hold power abrogate responsibility for the welfare of the population living under occupation. These restrictions have led to the whole of the Palestinian community, and the health care system in particular, becoming highly dependent on outside assistance. The Palestinian community today principally provides medical assistance in acute situations, and its capacity to develop routines that work smoothly has been reduced by Israeli policy. The restrictions over the last few years have also led to greatly restricted freedom of movement, which in turn has made it impossible, or in
any case considerably more difficult, to move between towns. Other measures that signify restrictions on people’s lives have also been implemented, such as the prohibition of marriage between Israelis and Palestinians and restrictions on freedom of movement for international and Israeli aid workers, journalists and activists in the occupied territories. These very difficult circumstances have consequences in the long term for education for example, but above all they have affected the access to health care. A vacuum has arisen as Israel neither takes responsibility for meeting the health needs of Palestinians living under occupation nor eases the restrictions that affect the Palestinian

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**General Comment 14, ICESCR**

The United Nations Committee on Economic, Social and Cultural Rights in May 2000 presented a *General Comment* with the aim of clarifying the meaning of various rights and the associated obligations, as well as what is expected from implementation at the national level. The following principles should be followed when compliance with the right to health is to be assessed in a country:

- **Availability:** Functioning health and health-care facilities must be available in sufficient quantity. Access to safe and potable drinking water, sanitation facilities and hospitals is always a fundamental requirement for this.
- **Accessibility:** Health facilities have to be accessible to everyone without discrimination. They have to be physically, geographically and economically accessible.
- **Acceptability:** The health sector has to be respectful of medical ethics and culturally appropriate.
- **Quality:** All health services have to be scientifically and medically appropriate and of good quality.
health care system. In practice this means that it is impossible to organise or administer health care initiatives from any direction - and the needs of the Palestinians are not met. The divisions and separation between the different populations have led to disintegration of the Palestinian infrastructure. Together with unemployment, which continues to be as high as 65 per cent, and the damage continuously caused to agriculture, substantial changes have occurred in the fundamental constituents of the right to health (set forth in General Comment 14 on Article 12 of the Covenant on Economic, Social and Cultural Rights). The most serious consequences of the situation are faced by groups that are particularly at risk, such as girls and women. To take an example, the right of women to reproductive health is disregarded, that is to say the right to both information on and knowledge of sexuality and reproduction, such as access to antenatal care, obstetric care and care of newborn infants, as well as free and safe abortion.

The activities: Direct and practical initiatives are taken alongside long-term advocacy, based on human rights

Organisation A has been working on health-related issues in the occupied territory for about 20 years: from the very outset by purely practical provision of health care through doctors and an Israeli-Palestinian mobile health centre in areas where people have been denied access to health care. The underlying principle is that everyone should have the right to adequate health care, which for this organisation has in practice meant medical assistance, advocacy, legal activity and education. From a rights perspective this entails placing the aid the organisation provides in a context of human rights – and noting the violations of these rights that take place. Restrictions that follow from the limitation of freedom of movement by the state have an im-
Violations of human rights that result in a deterioration of health

Human rights which, when respected, reduce the risk of ill-health

Rights that can be promoted or violated during implementation of a health development project

Health and human rights

Right to health
UDHR art 26, ICESCR art 12
CRC art 24, CEDAW art 11
ACHPR art 26

Right to food/adequate standard of living
ICESCR art 11
ACHPR OP-ESC art 2

Right to education
UDHR art 26
ICESCR art 13 & 14
CRC art 28
ACHPR OP-ESC art 13

Right not to be subjected to discrimination
ICCPR art 2, ICESCR art 2 & 3
CERD art 5, CEDAW art 12 & 14
CRC art 2, ACHR art 1
ACHPR art 2, ACRWC art 3
ECHR art 14

Right to take part
UDHR art 21
ICCPR art 25
ACHPR art 23

Right to information
ICCPR art 19
CRC art 16
ACHPR art 13

Right not to be subjected to discrimination
ICCPR art 2
ICESCR art 2 & 3
CERD art 5
CEDAW art 12 & 14
CRC art 2, ACHR art 1
ACHPR art 2
ACRWC art 3
ECHR art 14

Right to privacy
UDHR art 12
ICCPR art 17
CRC art 16, ACHR art 11
ACRWC art 10
ECHR art 8

Harmful traditional customs
CRC art 24
ACRWC art 21

Slavery
ICCPR art 8, ACHR art 6
ACHPR art 5, ECHR art 4

Violence against women and children
ICCPR art 24
CRC art 19 Belém
ACRWC art 16

Torture
UDHR art 5, ICCPR art 7
CAT, ACHR art 5
ACHPR art 5, ECHR art 3

Harmful work
ICESCR art 7 & 10
CEDAW art 11
CRC art 32
CMW art 25 & 28
ACHPR OP-ESC art 7
ACRWC art 15
ECHR art 2-3 & 7

Right to benefit from scientific progress
UDHR art 27, ICESCR art 15.1b
ACHPR OP-ESC art 14
pact on people’s fundamental rights. In this case the organisation works for the right to health, with reference to a *General Comment* on the Covenant on Economic, Social and Cultural Rights. On the basis of these circumstances, the organisation recognises that the state should fulfil its responsibility to bring about an improvement of the situation in the long term.

The organisation has also from the start waged campaigns both locally and internationally, with the aim of informing the public and bringing about a change in Israeli policy. In recent years the cooperation with international actors such as the World Health Organisation (WHO), various UN bodies and NGOs such as Amnesty International and Médecins Sans Frontières has also developed. The organisation presses for these international organisations to play an active role in efforts to compel the Israeli government to take responsibility: responsibility which means, for instance, clear transport routes for doctors, nursing staff and patients – but also a guarantee that this transportation will be safe. Special campaigns are also waged with the aim of protecting the rights of those who are imprisoned and Palestinians living in East Jerusalem. By providing training and broad information on the right to health and what this means, in the sense of enforceability, capacity is reinforced both collectively and in the individual. In this way the organisation contributes to more sustainable development.

In addition, the organisation has set up a special fund that pays for medical care for children, a group often greatly at risk and living in considerable poverty. In recent years the organisation has also started cooperating with an organisation that is particularly involved in helping women who are subjected to violence. Train-

*Abbreviations used in the illustration:*

UDHR – Universal Declaration on Human Rights
ICCPR – International Covenant on Civil and Political Rights
ICESCR – International Covenant on Economic, Social and Cultural Rights
CAT – Convention Against Torture
CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women
CERD – Convention on the Elimination of Racial Discrimination
CMW – Convention on Migrant Workers
ACHR – American Convention on Human Rights
ACHR OP-ESC – Optional Protocol to ACHR for Economic, Social and Cultural Rights
Belém – Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women

The illustration shows links between health and human rights. It is not exhaustive, that is to say there are other relevant conventions and articles in addition to those mentioned. Nor has any account been taken of geography in this particular case study, and the illustration instead depicts the right to health from a general point of view.

ACHPR – African Charter on Human and Peoples’ Rights
ACRWC – African Charter on the Rights and Welfare of the Child
ECHR – European Convention on Human Rights
ESC – European Social Charter
ing has also been provided for information officers who work locally on training concerned with the reproductive health of women.

An important development in the organisation’s activities is that over the years it has devised methods to pursue individual cases relating to violations of human rights through the legal system, where necessary all the way to the supreme court, with the aim of bringing about both immediate measures and a public debate on the moral aspects with regard to the individual’s rights and the responsibilities of a state. This is a kind of initiative which ideally leads to direct measures and almost always to the issue at least being highlighted. The organisation undertakes this work on the basis firstly of a survey of applicable international human rights treaties and secondly of knowledge of the state’s responsibility in relation to these and the routes by which the legal procedures can be followed. This also applies with regard to restrictions on freedom of movement, which is emphasised in advocacy aimed at both judicial bodies and the media. In several cases the pressure on the Israeli authorities has led to previously closed paths having been partially opened up.

We consider the example of the work of this organisation to be suitable to illustrate the various dimensions of rights-based aid efforts. The tangible work done in many respects resembles the kind of activity most aid agencies undertake today. These initiatives are direct and practical, in this case in the form of on-the-spot aid and the health care people in the area lack. But by also identifying the obligations of the state in relation to health care, over the course of time the organisation has become successful in its advocacy in relation to the media and those who hold power – and in particular in informing the target group concerned what rights are applicable. This work forces authorities into action and strengthens individuals in their vulnerable situation.
2. The right to citizenship

Summary
Organisation B has been supporting a programme to reduce drug abuse among an ethnic minority in country X for a few years. This abuse has consequences for the health of individuals and, in the long run, for the economic situation of individuals and families. A careful analysis has shown that the causes of drug abuse include violations of the civil and political rights of individuals, and this case study is therefore a good example of how the situation for different rights can hang together and how it is possible, by conducting an in-depth analysis, to go one step further than merely working on what at first glance appears to be the target group’s greatest problem.

Analysis of problem: Violations of the right to citizenship lead to drug abuse
Drug production and drug abuse have been widespread over a very long period of time in the area concerned. Production of drugs is an important source of income for many people, and drug abuse results among other things from a low level of education, but also from the fact that some people receive pay in the form of drugs or use drugs to cope with the tough work many in the group are forced to accept (working on building sites, prostitution etc.). A part from the direct health effects, drug abuse in this group has led to the rapid spread of HIV/AIDS. When a family member is a drug abuser, a large proportion of the family’s income may be spent on drugs, at the expense of the children’s schooling. Drug abuse can also lead to violence in the home, which affects women and children in particular.
It has become apparent to organisation B over the course of time that there are clear links between the drug abuse taking place and the status of the ethnic group in the country. Of the group’s almost one million members, only just over a third, for example, hold ID documents and state citizenship. This is because members of the ethnic group do not automatically obtain citizenship, unlike the ethnic majority. This contributes greatly to exclusion with aggravating circumstances in many areas. Without citizenship there is no entry to higher education and it may even in many cases be difficult to get unskilled employment. In addition, they are not covered by the social protection systems such as the public health service. A further problem has also been created in the relationship between citizenship and drugs with the state’s attempts to deal with the production of drugs. It has been decided that no one who have dealt with drugs can be granted citizenship. This “punishment” does not affect just the person concerned but his/her family as well, in cases where the family depends on one or both parents having access to the labour market. Another form of collective punishment is the hard attitudes towards the ethnic group often reflected in the media, which are not afraid to pinpoint the whole group as being involved in the drug industry, rather than identifying single individuals. What is less often mentioned in these contexts is that the people in the group who devote themselves to the drugs trade are at the bottom of the drug trade organisation and in many cases are members of a poor and marginalised group in society, while those who appear to be higher up in the organisation are people outside the ethnic minority who have firm roots in the majority community. The ethnic group for the most part has little prospect of changing its situation. In the absence of citizenship it is not possible to take part in elections to various decision-making assemblies, and the low level of education contributes to the group also being in a very weak position.
in other respects in the democratic decision-making processes. Women who belong to the ethnic group in many ways have worse prospects than men. While boys are sent to school, it is common for girls to be forced to work in the home. This means that girls and women find it more difficult to obtain paid work and are therefore at greater risk of ending up in prostitution, which in turn increases the risk of HIV/AIDS.

**General Comment 13, CERD**

The United Nations Committee on the Elimination of Racial Discrimination (CERD) in October 2004 presented a General Comment with the aim of clarifying the meanings of various rights and the associated obligations, as well as what is expected from implementation at the national level. Items 13-16 describe what is expected of states with regard to citizenship.

The Committee on the Elimination of Racial Discrimination recommends that states take the following measures:

13. ensure that groups of non-citizens are not subjected to discrimination with respect to the possibility of obtaining citizenship and in so doing pay special attention to any obstacles faced by those who live for a prolonged period or permanently in the country

14. permit that when citizenship is denied on the grounds of race, colour, ancestry or national or ethnic origin, this is an offence against the obligation of states to assure people of the right to a nationality in a non-discriminatory manner

15. take account of the fact that the denial of citizenship in certain cases can create disadvantages with regard to access to the labour market and social benefits

16. reduce statelessness, particularly for children, for example by encouraging parents to apply for citizenship on their behalf and by allowing citizenship to be transferred from parent to child
Human rights violations that increase the risk of drug abuse

Discrimination
ICCPR art 2, ICESCR art 2 & 3
CERD art 5, CEDEW art 12 & 14
CRC art 2, ACHR art 1, ACHPR art 2
ACRWC art 3, ECHR art 14

Violations of the right to food/adequate standard of living
ICESCR art 11
ACHR OP-ESC art 12

Violations of the right to citizenship
ICCPR art 24
CRC art 7

Violations of the right to education
UDHR art 26
ICESCR art 13 & 14
CRC art 28
ACHR OP-ESC art 13
ACHPR art 17
ACRWC art 16

Violence against women and children
ICCPR art 24
CRC art 19 Belém
ACRWC art 16

Violations of the right to health
UDHR art 26
ICESCR art 12
CRC art 24
CWM art 43 & 45
ACHR OP-ESC art 10
ACHPR art 16
ACRWC art 14
ESC art 11

Violations of the right to education
UDHR art 26
ICESCR art 13 & 14
CRC art 28
ACHR OP-ESC art 13
ACHPR art 17
ACRWC art 16

Violations of the right to work
ICESCR art 6
ESC art 1
ACHPR art 15

Human rights violations that have been a consequence of drug abuse

Rights that may be promoted or violated through implementation of the project in the case study

Case study 2

Violations of the right to education
UDHR art 21
ICCPR art 25
ACHR art 23
ACHPR art 13

Right to information
ICCPR art 19
CRC art 16
ACHR art 13
ACHPR art 9
ECHR art 10

Right not to be subjected to discrimination
ICCPR art 2
ICESCR art 2 & 3
CERD art 5
CEDAW art 12 & 14
CRC art 2, ACHR art 1
ACHPR art 2
ACRWC art 3
ECHR art 14

Right to privacy
UDHR art 12
ICCPR art 17
CRC art 16, ACHR art 11
ACRWC art 10
ECHR art 8

Violations of the right to privacy
UDHR art 12
ICCPR art 17
CRC art 16, ACHR art 11
ACRWC art 10
ECHR art 8
It is more common for men to apply for citizenship than for women to do so, as it is not considered to be equally important for women. This is due to the fact that traditionally female occupations – agriculture and work in the home – do not require ID papers, but it also leads to problems for women in finding other work when needed, and to their exclusion from other systems that are dependent on citizenship.

The activities

“Ordinary” drug prevention and abuse-restraining efforts are obviously also relevant in a situation like this. As the analysis has pointed to political conditions in society that affect the circumstances of the ethnic minority, organisation B has, however, also chosen to influence these conditions by supporting local organisations. This is done at local, national and international level while organisation B acts “from the outside”, through advocacy on its home ground.

Work at the local level: Work at the local level (alongside social, drug-prevention activity) is concerned with educating people in human rights, i.e. demonstrating the responsibility the state has, for example, with regard to citizenship and health. It can obviously be assumed that the relationship between the lack of citizenship and poor living conditions has long been known, but it is likely that there is a low level of knowledge with regard to the international commitments of the state and the opportunities these create. Unfortunately, it is not uncommon for a country to have adequate legislation which is not implemented. Violations of human rights are thus due to inadequate capability for implementation rather than to lack of adequate regulations. Education in human rights at local level is therefore provided not just to those who are affected by these violations but to people from authorities of
various kinds. The work at local and national level is principally carried out by the local partner organisation of organisation B.

**Work at national level:** The local organisation presses for new legislation on citizenship and new policies. The work relates for instance to opinion-making activity, lobbying and education. If the country’s laws had made it possible, an attempt would have been made to cause courts of law to consider individual cases.

**Work at the international level:** As the country had ratified several relevant conventions, the local organisation has chosen to write parallel reports together with other local organisations. The attention of the United Nations special rapporteurs, for instance the rapporteur on the right to health, has also been drawn to the situation of the ethnic group.

**In the country of organisation B:** How much can be done in one’s own country to promote development for the ethnic group depends among other things on what relations one’s home country has with the country in question. The more points of contact there are between the states, the more opportunities organisation B has to press for the authorities in its own country to emphasise the issue of the human rights situation in the country of its partner organisation. In this particular case there are few relations, and there is therefore not much organisation B can do. However, it is ensured that the ministry of foreign affairs and the authority responsible for development issues receive up-to-date information on the situation and regularly hold seminars in the home country to draw attention to the issue.
3. HIV/AIDS and human rights

Summary
For most people working on development cooperation, HIV/AIDS has become a factor that cannot be disregarded in planning and carrying out a project. In addition to the changes at community level caused by the HIV/AIDS pandemic, it also leads to individuals and groups being stigmatised and the rights of affected people being violated. This case study shows how the spread of HIV/AIDS can affect the actual execution of development cooperation and the support an NGO can provide – not just in the planning of the contents and execution of the project but also at the organisational level, and through internal education on human rights and HIV/AIDS. The example is concerned with the ways in which the execution of a number of rural development projects in African country Y is affected by the extensive spread of HIV/AIDS and how actors involved, in this case a woman who is a powerful driving force in the project, are affected by HIV. The projects receive support from a civil society organisation that collaborates with ten or so organisations on the spot – a conceivable scenario for many development cooperation situations, in other words, regardless of what the focus of the project is.

Analysis of the problem: Lack of knowledge of HIV/AIDS leads to violations of human rights and social isolation.
Around ten community-based organisations in African country Y collaborate with support from and in cooperation with organisation C on a number of rural development projects. These are intended in particular to strengthen women in communities, which is principally done
through support for agriculture and a number of income-generating activities. The survival of families is often dependent on women’s income, as men are to a large extent absent, for example because they work far away from home; they often make very irregular contributions to maintaining the family or make no such contributions at all. The local organisations act through a working group in which various proposals are considered and decisions are taken on operations and joint activities. This group, or coalition of organisations, also undertakes advocacy in relation to central and local government with the aim of improving access to education and health care. In the last few years the state has also taken some special initiatives to establish schools and local health centres around the country, but it is still common for example for girls to stay at home to work, and for health care facilities not to benefit the most marginalised groups. In addition, the working group is active in a regional forum that meets twice a year, in which experience is exchanged with various actors in neighbouring countries.

One of the actors who has been most dynamic in both the national coalition and the regional forum has been diagnosed with HIV, a development which at several levels leads to the woman’s fundamental human rights being violated and to her being excluded from various parts of society.

In the village where the woman and her family live and work, she, her husband and their children are excluded in a number of contexts as the rumour that everyone in the family is HIV-positive spreads. The woman’s husband, who works as a teacher in the village school, is dismissed. The eldest child leaves school and has to stay at home and look after the household instead. The other children contribute to the
family’s income by selling vegetables and cassava in the market and sewing clothes, which became possible a few years previously thanks to a micro-loan to purchase a sewing machine. But gradually, and as a consequence of the way people systematically avoid and discriminate against persons living with HIV/AIDS, customers also disappear.

**How, in this context, are human rights violated?** The woman who is diagnosed as HIV-positive does not just see herself and her family excluded at several different levels of society, she is also removed from her involvement and work in both the local organisation and the regional network. As her husband also loses his job, the two are denied enjoyment of the right that relates to work and the right to an adequate standard of living – in this case a development that additionally runs directly counter to the purpose of this development project. The children are deprived of the possibility of attending the school and therefore the enjoyment of their fundamental right to education. Nor is the family provided with information about what treatment they should have access to. Another possible development may be that people affected by HIV lose their home and, taken together, the violations of these rights lead to complete stigmatisation; even if rights could be fulfilled through the access to education, health care, housing and information, they will not benefit those who most need them.

**How can the local organisations counteract these violations?** Through increased knowledge of HIV/AIDS and above all of the fundamental rights of everyone, the organisation can both work more successfully with a preventive aim and prevent its staff being excluded from the operation and various levels of society. Better information and knowledge reduce anxiety over HIV/AIDS and the situation ultimately
concerned with social norms is favourably affected - there is probably a substantial reduction in animosity. While the endeavour now is to attain development cooperation founded on a rights-based approach, it is also important to start from within: the activities are aimed at strengthening women in society, but are all women reached by the initiatives and what is the situation like with regard to awareness of various grounds of discrimination within the organisation? What kind of role do social and/or economic status and prestige play?

Earlier in this book we gave as an example of intersectional discrimination the risk in work aimed at promoting, as in this case, the rights of women, of being excluded if initiatives that pay special attention to the most vulnerable groups (those affected by HIV/AIDS, homosexual, bisexual and transsexual persons, people who belong to an ethnic or religious minority, widows etc.) are not brought about. This should therefore also be reflected within the organisations (one’s own as well as the local organisation) that are behind the activities.

What should we think about as a non-governmental organisation in development cooperation where HIV/AIDS is a major factor in the analysis of the problem? To successfully counteract stigmatisation of those affected by HIV/AIDS, attention should be paid to the extent to which there is awareness of this problem in the local partner organisation. If there is little or no awareness, we have a responsibility for example to train ourselves, and if necessary to pass the knowledge on to our partner organisation. When we encourage a rights-based approach, it is important to clarify the link, both for ourselves and for our partner organisation, between human rights and the spread of HIV/AIDS – a perspective it is important to include in the analysis of the problem.
The project we support may work well both when it comes to planned activities and in the organisational structure. Account is taken in the analysis of the problem of human rights (in a women-oriented project backed by CEDAW, also perhaps through activities such as parallel reporting) and there is a gender-based strategy - but if there is inadequate knowledge of HIV/AIDS and how it relates to human rights, there is a risk of the project failing despite high aspirations and even, as in this case, having an impact on one’s own staff and leading to new violations of one’s own of human rights.
Exercise 1.

What are the rights identified in the various articles of the Universal Declaration?

Fill these in and then try to find the corresponding article or articles in the Covenant on Economic, Social and Cultural Rights and in the Covenant on Civil and Political Rights.

<table>
<thead>
<tr>
<th>The Universal Declaration:</th>
<th>ICESCR:</th>
<th>ICCPR:</th>
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<tr>
<td>e.g. Article 3</td>
<td>Right to life, liberty and security...</td>
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<td>Article 27</td>
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</tbody>
</table>
Exercise 2.
Sort the examples below into the boxes on the triangle and look for the relevant articles in the Universal Declaration of Human Rights.

**Universal Declaration**

A. A government devotes the whole of its health budget to medical services in the northern part of the country but nothing to the south.

B. A rebel group carries out a raid, and subsequently holds several women captive for the purposes of slavery.

C. A country’s government introduces a ban on travel, which makes it difficult for the population of a particular region to take part in parliamentary elections.

D. To weaken the opposition, the water in a village is poisoned, with the result that all the livestock and crops die and the population suffers famine.

E. Government employment is only open to members of the majority ethnic group.

F. A police officer leaves a person who has been arrested in custody for two days without either food or water.

G. A state makes Catholicism the country’s official religion and bans Islam.

H. To make road-building possible, 100 families are forced to leave their homes without receiving compensation.

I. Trade union activists are sacked.

**Examples:**

Universal Declaration

art......................

art......................

art......................

art......................

art......................

art......................

art......................

art......................

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I. Trade union activists are sacked.
Exercise 3.

How are the principles on which the rights-based approach rests reflected in the activities of your organisation?

Mark on the scale what you regard as appropriate and discuss in what way these principles could be made visible and guide the planning and implementation of activities to a greater degree.

All the individuals in the group are reached by the initiatives taken. The defined target group is analysed in its entirety and on the basis of the various perspectives that result from the principle of non-discrimination.

On the basis of the analysis that a rights-based approach entails members of the target group are strengthened as individuals and are in a better position to improve their situation. Human rights provide the foundation for aim, formulation of objectives, choice of methods and final evaluation.

As a result of the commitments a state has entered into by ratifying various human rights treaties, it can be held to account for the fact that a particular group in society does not enjoy its rights. The state is obliged to satisfy the equal rights of everyone.
Exercise 4.
Read this text, which is a brief country-specific description, and work out what human rights are violated, and in what human rights documents there is support for asserting this.

In country X prisoners are routinely subjected to physical and mental assault, including by prison warders. The terms of imprisonment are often indefinite. Children and young people in juvenile institutions live in miserable conditions and are subjected to physical and sexual abuse. Guest workers are in a particularly vulnerable situation, which is often exploited by the police.

This type of abuse was evident in an incident during a summit when the police clashed with demonstrators who had gathered in the area. A short time later the police carried out a raid and arrested people who were sitting in parks, walking in the street or receiving treatment in one of the Red Cross tents. The police assaulted many people and arrested more than fifty who were then held in custody for more than 48 hours. During these two days many of them were denied legal counsel and were also beaten. Several of those who were arrested have attested that they were forced to sign false confessions under threats and other forms of assault.

Workers who take the initiative for trade-union activity are at risk of losing their jobs and are rarely protected by the state against reprisals of various kinds. Tens of thousands of the country’s children have not been able to attend school during the long periods when their families are on the move searching for employment. Despite the state having established programmes to enable children of families engaged in agriculture to attend school, many parents prefer to have their children working in the fields. Failure with regard to enacting laws against child labour makes this choice easier.

Depending on how much time has been allocated to it, this exercise can also be limited so that it is based solely on the Universal Declaration.
Exercise 5.

A very large proportion of the information that is relevant when working on human rights is now available on the Internet. A great deal can be learnt by looking around on the websites of various organisations. Here are some suggestions for exercises for anyone who wants help in getting started.

1. When did South Africa ratify the Convention on the Rights of the Child?
2. How many states have signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women?
3. When did the African Charter on the Rights and Welfare of the Child come into force?
4. How many of the judges in the European Court of Human Rights are women?
5. How often do states have to report to the Committee on Economic, Social and Cultural Rights?
6. Which of the nine international “core treaties” on human rights has Bangladesh ratified?
7. How many years do the members of the Committee on the Elimination of Racial Discrimination sit for?
8. How many times has Cambodia reported to the Committee Against Torture?
9. There is a special rapporteur on the right of freedom of expression in the inter-American system – what is his name?
10. How many “special mechanisms” are attached to the African Commission on Human and Peoples’ Rights?
Comments on the exercises

Comments on some of the exercises follow. These are not to be regarded as a complete listing, and significantly more conventions and articles may be relevant in exercise 4, for example.

Exercise 2
Security of the person: B (art 4), D (art 3), F (art 5)
Economic, social and cultural: A (art 25 + art 2), H (art 25), I (art 23)
Civil and political: C (art 21), E (art 21), G (art 18)

Exercise 4

*Prisoners are routinely subjected to physical and mental assault, including by prison warders.*
UDHR art 5, ICCPR art 7, CAT

*Terms of imprisonment are often indefinite.*
UDHR art 10, ICCPR art 9

*Children and young people in juvenile institutions live in miserable conditions and are subjected to physical and sexual abuse*
UDHR art 5, ICCPR art 7, CRC art 37, CAT

*Guest workers are in a particularly vulnerable situation, which is often exploited by the police*
UDHR art 2, ICCPR art 2, CMW art 16

*Police clashed with the demonstrators*
UDHR art 19, 20, ICCPR art 19, 20

*A short time later the police carried out a raid and arrested people*
UDHR art 9, ICCPR art 9

Exercise 6.
Imagine you have to plan for a health project. It is to be based on a number of medical stations in an area where health care is badly neglected owing to the poverty of the country. What do you need to take into account to be sure that the project promotes human rights? What questions must you ask? Make a list of references to relevant articles in conventions or in the United Nations Universal Declaration of Human Rights.

*This exercise is best suited to group discussion, and it is not possible to give a complete answer here, as to do so would take far too long.*
The police assaulted several people
UDHR art 5, ICCPR art 7

and arrested more than fifty who were then held in custody for more than 48 hours
UDHR art 9, ICCPR art 9

During these two days many of them were denied legal counsel
UDHR art 10, ICCPR art 9

and were subjected to physical abuse.
UDHR art 5, ICCPR art 7

Several of those who were arrested have attested that they were forced to sign false
confessions under threats and other types of assault.
UDHR art 5, ICCPR art 7

Workers who take the initiative for trade-union activity are at risk of losing their jobs
UDHR art 23, ICCPR art 22

Tens of thousands of the country’s children have not been able to attend school
UDHR art 26, ICESCR art 13, CRC art 28

Failure with regard to enacting laws against child labour makes this choice easier.
CRC art 32

Exercise 5
1. 16 June 1995
2. 26
3. 29 November 1999
4. 14
5. Every five years
6. all except CMW, CRPD and CPPED
7. four
8. three
9. Ignacio Álvarez
10. six
References
We have chosen to include in this list useful websites for more in-depth study, references and ideas on how projects can be formulated according to a rights-based approach. Many international organisations, such as Amnesty International and Human Rights Watch, produce reports on specific countries and topics, for example, which can serve as a basis for analysis of the human rights situation in a country.

**International Legal Search Engine**  
[www.whatconvention.org](http://www.whatconvention.org)  
A database with a search engine that identifies relevant conventions and convention articles on the basis of a particular country, topic or right.

**Non-governmental organisations**  
**Amnesty International** [www.amnesty.org](http://www.amnesty.org)  
Amnesty International is a world-wide organisation that works for human rights. Its work is based on careful investigations on violations of these rights and on international conventions that govern the rights.

**Care International** [www.care.org](http://www.care.org)  
An internationally active organisation that has made great progress in its efforts to develop methodology for rights-based development cooperation. Several exercises for this training material have also been inspired by Care material.

**Fian International** [www.fian.org](http://www.fian.org)  
An international organisation that works for the right of everyone to food, a right that is enshrined in the International Covenant on Economic, Social and Cultural Rights. The organisation has members in more than 60 countries.

**Human Rights Watch** [www.hrw.org](http://www.hrw.org)  
Human Rights Watch has been pressing for respect of human rights since 1978 and compiles country reports and analyses.

**COHRE (Centre of housing rights and evictions)**  
[www.cohre.org](http://www.cohre.org)  
COHRE works to promote and protect the right of every individual to a home. The organisation does this on the basis of a clear rights perspective, and there is useful information on its website for organisations that work on these and other social issues.

**International organisations**  
**Office of the United Nations High Commissioner for Human Rights** [www.ohchr.org](http://www.ohchr.org)  
The High Commissioner is the principal post with responsibility for human rights at the United Nations. S/he reports to the Secretary-General of the UN. On the website of the High Commissioner there are links to the various committees, consisting of independent experts, as well as to other human rights bodies.
ILO www.ilo.org
The International Labour Organisation has so far drawn up around 200 conventions relating for instance to freedom of association, forced labour, discrimination and the elimination of child labour.

UN Development Fund for Women (UNIFEM) www.unifem.org
UNIFEM works to promote human rights and gender equality. It focuses in particular on four strategic areas: reducing women’s poverty, counteracting violence against women, halting the spread of HIV/AIDS among women and girls and working for gender equality in democratic societies.

Joint United Nations Programme on HIV/AIDS (UNAIDS) www.unaids.org
Has the principal task of coordinating the efforts of the United Nations system in the area of HIV/AIDS and is to act as a global platform in the fight against HIV/AIDS.


United Nations Development Programme (UNDP) www.undp.org
The UNDP works on issues related to the fight against poverty, prevention of conflicts, information and communication technology, energy and the environment and HIV/AIDS.

United Nations Food and Agriculture Organisation (FAO) www.fao.org
The FAO was formed in 1945 to contribute to a higher standard of nutrition and better agricultural yields around the world. The FAO has also recently started adopting a rights-based approach and has, for instance, adopted guidelines on the right to food.

UN Enable www.un.org/esa/socdev/enable/rights/humanrights
A section of the UN website containing useful facts relating to human rights and disabilities.

World Health Organisation (WHO) www.who.org
The task of WHO is to contribute to more people being able to live a healthy and active life. This is done for instance through vaccination campaigns to eradicate or reduce the incidence of epidemic diseases.

Regional institutions
Council of Europe www.coe.int
The Council of Europe is an intergovernmental European cooperation organisation which, among other things, monitors the European Convention
for the Protection of Human Rights and Fundamental Freedoms.

**European Court of Human Rights**  
[www.echr.coe.int](http://www.echr.coe.int)

The European Court of Human Rights hears cases that relate to the European Convention. The Court can receive complaints from individuals, NGOs or groups of individuals who consider their freedoms and rights under the Convention or any of the optional protocols to have been violated.

**African Commission**  
[www.achpr.org](http://www.achpr.org)

The African Commission on Human and People’s Rights was established in 1986 following a decision by the Organisation of African Unity (OAU). The Commission is to ensure the promotion and protection of human and peoples’ rights on the African continent.

**Inter-American Commission**  
[www.cidh.oas.org](http://www.cidh.oas.org)

The Inter-American Commission for Human Rights was established by the OAS in 1959. The Commission represents all the member states of the OAS and acts in many different ways to protect and promote human rights.

**Inter-American Court of Human Rights**  
[www.corteidh.or.cr](http://www.corteidh.or.cr)

In June 1979 the Inter-American Court of Human Rights was established with permanent headquarters in San José (Costa Rica). Its principal task is to monitor application of the American Convention on Human Rights.

**OSCE**  
[www.osce.org](http://www.osce.org)

The Organisation for Security and Co-operation in Europe (OSCE) has 55 member states and participating states from Central Asia, Europe and North America. The organisation deals with issues such as weapon control, confidence-building and security-building measures, human rights, democratisation and election monitoring.

**Criminal law institutions**

**International Criminal Court (ICC)**  
[www.icc-cpi.int](http://www.icc-cpi.int)

In 2002 the requirement of 60 approving countries was met and the ICC Charter entered into force. The Court has the power to try perpetrators of the gravest crimes around the world: genocide, other crimes against humanity and war crimes.

**International Criminal Tribunal for the Former Yugoslavia**  
[www.un.org/icty](http://www.un.org/icty)

According to its mandate, the Tribunal is to commence criminal proceedings regarding four different types of crimes: grave breaches of the 1949 Geneva Convention, violations of the laws or customs of war, genocide and crimes against humanity. Only individuals can be prosecuted, and the crimes have to have been committed on the territory of the former Yugoslavia since 1991.
**International Criminal Tribunal for Rwanda**

www.ictr.org

This war tribunal was established to prosecute those persons who were responsible for genocide and other serious violations of international humanitarian law in Rwanda between 1 January 1994 and 21 December 1994.

**Special Court for Sierra Leone**

www.sc-sl.org

This Court is intended to try those who bear the greatest responsibility for violations of international humanitarian law and Sierra Leonean law committed on the territory of Sierra Leone since 30 November 1996.
in the right direction

A training material produced by the Swedish NGO Foundation for Human Rights, Diakonia and the Raoul Wallenberg Institute

It is said increasingly often that those who work on development assistance and other development cooperation should take account of human rights. This training material has been written for those working in development cooperation in non-governmental organisations who want to learn more about how to make practical links between human rights and their own activities.

The material presents brief information about what the term human rights means, what it can mean for the organisations we work in and for those who receive our support, and about what instruments are available and how they can be used. It contains case studies and several exercises, and is intended both for group study and discussion and for individual work.