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Human Rights and Social Work

*A Manual for Schools of Social Work
and the Social Work Profession*



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NOTE

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FOREWORD

For many years, the United Nations Centre for Human Rights has been involved in promoting and protecting human rights through the development of training and information programmes. These programmes are specifically targeted at those groups in a position to influence human rights at the national level: parliamentarians, legislators, judges, lawyers, prosecutors, police, prison and military personnel, teachers, the media and members of non-governmental organizations. Recent expansion in these programmes has led the Centre to extend its focus to other crucial professions, including health and social workers.

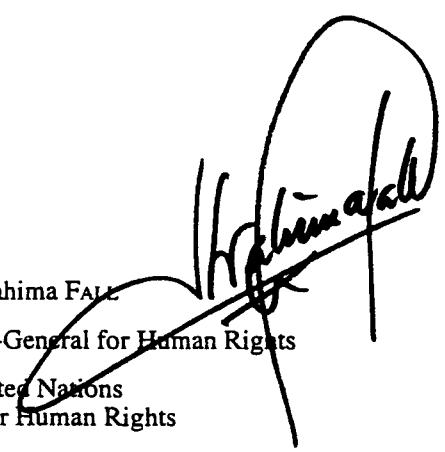
Human rights training programmes of the Centre are conducted by experts with recognized competence (both practical and theoretical) in the relevant field. As far as possible, a collegial approach is adopted whereby participants are instructed and guided by members of their own profession. Emphasis is placed on creative, interactive teaching methods which offer the best hope for securing the active, engaged participation of programme participants.

As part of its efforts to tailor courses for particular audiences, the Centre is in the process of developing a series of training manuals for use by both instructors and participants. Each manual will contain the international human rights standards relevant to the target audience, together with detailed advice on the appropriate pedagogical technique for conveying this information. It is envisaged that, in addition to enhancing the Centre's own training endeavours, these manuals will be a valuable resource for organizations and individuals involved in human rights education at all levels.

The revised *Manual for Schools of Social Work and the Social Work Profession* (originally published in 1992) is the first in this ambitious series and has been prepared as a collaborative venture between the Centre for Human Rights and two non-governmental organizations—the International Federation of Social Workers and the International Association of Schools of Social Work. It has been developed with the specific purpose of adding to the knowledge and understanding of this important professional group in respect of all aspects of human rights and the international mechanisms that have been developed to protect those rights.

It is apparent that much remains to be done to inform all people about the basic human rights which they must respect of others and to which they themselves are entitled. This is a formidable task and one which will require widespread effort and dedication. The *Manual for Schools of Social Work and the Social Work Profession* is one significant step in this critical endeavour.

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ABBREVIATIONS

CSCE	Conference on Security and Cooperation in Europe
IASSW	International Association of Schools of Social Work
IFSW	International Federation of Social Workers
ILO	International Labour Organisation
OAS	Organization of American States
OAU	Organization of African Unity
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization
World Bank	International Bank for Reconstruction and Development

Part one

SOCIAL WORK AND HUMAN RIGHTS

I. RATIONALE

A. Purpose of the Manual

1. The purpose of this Manual is to provide social work students, teaching staff and practising social workers with an understanding and awareness of human rights issues and concerns for social justice. Throughout the Manual, the term "human rights" is used to convey an idea of the totality of rights as identified by the United Nations.

2. The International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) consider it imperative that those involved in the field of social work education and practice have a clear and unreserved commitment to the promotion and protection of human rights and to the satisfaction of fundamental social aspirations. The Manual has therefore been designed to contain comprehensive material and information for reference and teaching purposes. It should also help the social work profession to become familiar with existing international and regional human rights instruments.

3. While it could be said that

social work has, from its conception, been a human rights profession, having as its basic tenet the intrinsic value of every human being and as one of its main aims the promotion of equitable social structures, which can offer people security and development while upholding their dignity,¹

IFSW and IASSW believe that greater knowledge and understanding of human rights will improve the actions and interventions of social work professionals for the benefit of those who require their services.

4. Social workers work with their clients on a variety of levels: the micro level of individual and family; the meso level of community; and the macro level of society—nationally and internationally. Concern for human rights must be manifested by social workers at all levels and at all times. It is the purpose of this Manual to provide that perspective.

B. Uses of the Manual

5. The materials provided in this Manual are appropriate for all levels of professional social work education, including continuing education for practitioners. The intended audience is thus a broad one: teachers, students and practising social workers. However, the contents of the Manual can, of course, be adapted as appropriate for the education of other human service professionals and volunteers.

6. The materials can be used in a variety of ways. An elective or required course on human rights for schools of social work could be developed using the Manual as a guide for teachers and as a text for students. The materials could also be adapted for a workshop or seminar or for a short continuing education course. Another approach to the use of the materials might be to infuse some of the human rights content into existing courses within the required foundation courses in schools of social work. This would involve identifying ways of integrating human rights education with practice issues and within micro (direct practice) and macro (e.g. policy advocacy, research, social action, conscientization) professional social work roles. The idea of the infusion approach is to enrich the content already in the curriculum by adding specific human rights concepts and assignments. With the incorporation of human rights elements throughout social work courses, teachers and students are encouraged to examine the world and their role through a social justice lens.

7. Schools of social work are strongly encouraged to develop creative ways of incorporating human rights content into their curricula. Some schools may offer a separate elective course, some may require students to pursue a course on human rights, and others may integrate human rights content into all their required foundation courses. These approaches need not be mutually exclusive, since there are advantages and disadvantages to each. A separate human rights course provides the opportunity to study the issues in depth as they apply to social work. If the course is an elective one, however, only the students who choose to take the course are reached. Infusing the content into all foundation courses has the advantage of reaching all students, as would a required course; in addition, this demonstrates the interconnectedness of human rights with all forms and settings of social work practice in its myriad expressions. There are many challenges in incorporating human rights into already overcrowded courses. Teachers' commitment and knowledge must be enhanced.

8. However the human rights curriculum materials are used, it is essential that the philosophy, the teaching and the structure of the educational process, as well as the content, reflect the human rights and social justice dimensions. Four broad areas require attention with regard to the learning process. First, the philosophy and mission of the schools need to be explicit and must be seen to permeate and inspire the learning process. Secondly, the structure of the schools must reflect human rights concerns in terms of policies, procedures and organizational factors relating to admissions advising, grading and evaluation of students, on the one hand, and issues affecting faculty, such as hiring practices, assessments and promotions, on the other. An institutional structure where sexism, racism, religious and other

¹ IFSW, *International Policy Papers* (1988), Introduction.

forms of oppression are challenged is imperative for a true human rights perspective in the curriculum. The third area is that of faculty-student relations. Creating an open environment is important in the classroom and in developing a sense of equality among students and between students and faculty. Using teaching/learning methods that help students become empowered to work as social justice advocates is equally important. In short, if one is to teach about human rights, one must respect and uphold students' rights. A fourth area for attention concerns the social work practice methods being taught in the classroom. If one is to engender a commitment to human rights, the methods by which social work is taught must themselves uphold human rights.

9. The challenge for social work education is great as education programmes move towards making explicit the indivisible connection between social work and human rights. The materials in this curriculum Manual are designed to provide a resource for responding successfully to this challenge.

C. What rights are human rights?

10. In its 1987 publication *Human Rights: Questions and Answers*, the United Nations describes human rights as follows:

Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

11. The same publication states:

The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. As the first sentence of the Universal Declaration of Human Rights states, respect for human rights and human dignity "is the foundation of freedom, justice and peace in the world".²

12. Human rights are universal and apply to all persons without discrimination. Respect for individual rights needs to be upheld at all times, irrespective of circumstances or political systems. The rights of any particular individual or group in any particular circumstances can be restricted only if they threaten to curtail similar or comparable rights of others.

13. It is important to consider the widespread notion of three human rights generations, of which the first, labelled "negative rights", represents civil and political rights as set forth in articles 2 to 21 of the Universal Declaration of Human Rights. These are rights devised to ensure freedom from any curtailment of individual liberty. The second generation encompasses the so-called "positive" (economic, social and cultural) rights found in articles 22 to 27 of the Declaration, which are aimed at ensuring social justice, freedom from want and

participation in the social, economic and cultural aspects of life. The third generation comprises the "collective" rights embryonically indicated in article 28 of the Declaration, which states that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". The evolution from a defensive stand against oppression to an affirmation of the right to satisfaction of material and non-material human needs and equitable participation in the production and distribution of resources is the logical outcome of an increasing sociopolitical consciousness and economic development mainly, but not exclusively, in industrialized nations. In developing countries, the sheer proportion of need, and possibly of exploitation, leads to the collective vision of the right to social and economic development beyond the personal level to the national and regional levels, with a system of international solidarity for development as its ultimate aim.

14. In an increasingly interdependent world, recognition of the interdependence of the three human rights generations is gaining momentum. Although human rights are enshrined in separate international instruments, they are perceived as forming a whole. A definition of human duties to be observed alongside human rights needs to be added to this perception. A charter of human duties may come into being before long to complement the principle of the indivisibility of all human rights which is gaining momentum at the close of the twentieth century.

D. What is social work?

15. Social work originates variously from humanitarian and democratic ideals. Social work practice has since its beginning been focused on meeting human needs and on developing human potential and resources. "Social work is a profession whose purpose is to bring about social changes in society in general and in its individual forms of development."³ Professional social workers

are dedicated to service for the welfare and self-fulfilment of human beings; to the development and disciplined use of scientific knowledge regarding human and societal behaviour; to the development of resources to meet individual, group, national and international needs and aspirations; and to the achievement of social justice.⁴

16. Social workers are involved in planning, estimating, applying, evaluating and modifying preventive social policies and services to groups and communities. They intervene in numerous functional sectors, using various methodological approaches, working within a broad organizational framework and providing social services to various sectors of the population at micro, meso and macro levels.⁵ Social work education is aimed at promoting social development and worldwide quality education, training and knowledge for social work practice, social services, and social welfare policies.⁶

³ IFSW, *Definition of the Social Work Profession* (19:2).

⁴ IFSW, *International Code of Ethics* (1976).

⁵ See IFSW, *Definition of the Social Work Profession*.

⁶ Draft mission statement of IASSW.

² United Nations, *Human Rights: Questions and Answers* (New York, 1987), p. 4.

17. Social work is always practised in five contexts which, while they may be analysed separately, are part of a whole. These contexts are geographical, political, socio-economic, cultural and spiritual.

(a) *Geographical*. All practice is located within some set of boundaries: agency, nation, State, region.

(b) *Political*. Every country has a political system. This sets the context for practice, whether the system is liberal or repressive, socialist, social democratic or capitalist.

(c) *Socio-economic*. An adequate livelihood, work, health and facilities, education and, if possible, access to social security and social services are basic human aspirations. The social cohesion of any group or nation depends, to a large extent, on an equitable sharing of available resources.

(d) *Cultural*. The practices, beliefs, aspirations and culture of individuals, families, groups, communities and nations have to be respected, though without prejudice to the evolution of certain practices and beliefs. Unless this is done, discriminatory acts that are destructive for society will occur.

(e) *Spiritual*. No society in which social work is practised is value-free. It is central to social work/human practice that attention is paid to the spirit, the values, the philosophies, the ethics, and the hopes and ideals of those with whom social workers work and, at the same time, to social workers' own values.

18. Analysis of these five contexts reinforces the essential connectedness and coherence of social workers' efforts (big or small, global or local) and the solidarity and energy of those who join in common cause in human rights work. Paying attention to geographical, political, socio-economic, cultural and spiritual contexts gives conscious direction to social work striving and practice, and makes manifest the human rights components in social work.

E. Social work and human rights

19. The profession's focus on human needs shapes its conviction that the fundamental nature of these needs requires that they be met not as a matter of choice but as an imperative of basic justice. Thus social work moves to a consideration of human rights as the other organizing principle for its professional practice. The transition from needs orientation to rights affirmation has been made necessary because of tangible substantive needs that have to be met. A substantive need can be translated into an equivalent positive right, and entitlement to the benefits of that right is sought from the State and beyond.

20. It follows that the search for and realization of positive rights and entitlements is an inseparable twin to the meeting of needs. Working within different political systems, social workers uphold and defend the rights of their individual or collective clients while attempting to meet their needs. They do this while often employed by established, sanctioned authority; and their position as agents of the State, or employees of powerful institutions or agencies, has placed many in a precarious role. The

profession's need to serve as a faithful employee has had to live alongside its obligation to serve the consumer of its practice. According to the profession's code of ethics and mission statements of schools of social work, service to people is the higher consideration.

21. Social work is concerned with the protection of individual and group differences. It is often forced to mediate between the people and the State and other authorities, to champion particular causes, and to provide protection when State action for the public good threatens the rights and freedoms of particular persons or groups (e.g. in cases of the removal of children from their families; of denial of assistance; of institutionalization of elderly or disabled people; or of housing conflicts resulting in homelessness).

22. As a bridging profession, social work has to be conscious of its values and possess a solid knowledge base, not least in the field of human rights, to guide it in many conflicting situations throughout its practice. While social workers through their actions may well reinforce the rights of clients, faulty judgement can lead them to jeopardize those rights. Viewing its work from a global human rights perspective helps the profession by providing a sense of unity and solidarity, without losing sight of the local perspectives, conditions and needs which constitute the framework within which social workers operate.

23. More than many professionals, social work educators and practitioners are conscious that their concerns are closely linked to respect for human rights. They accept the premise that human rights and fundamental freedoms are indivisible, and that the full realization of civil and political rights is impossible without enjoyment of economic, social and cultural rights. They believe that the achievement of lasting progress in the implementation of human rights depends on effective national and international policies of economic and social development. Their direct knowledge of the conditions of the vulnerable sectors of society makes social work educators and practitioners valuable in the formulation of social policies.

24. Human rights are inseparable from social work theory, values and ethics, and practice. Rights corresponding to human needs have to be upheld and fostered, and they embody the justification and motivation for social work action. Advocacy of such rights must therefore be an integral part of social work, even if in countries living under authoritarian regimes such advocacy can have serious consequences for social work professionals.

F. The context

25. Human rights and social work have to be considered within the context of conditions faced by the majority of people on Earth at the close of the twentieth century. It is estimated that, in the past decade alone, more people lost their lives as a result of economic and social deprivation than perished in the Second World War.

26. Countless people have been killed or tortured or have disappeared in a world subjected to domination and oppression. Exploitative and oppressive systems and structures give rise to dictatorships and authoritarian regimes under which millions become victims of human rights violations as the price of their struggle for freedom and survival.

27. Each year 12.9 million children from developing countries die before the age of five and, in many of these countries, almost half the adult population is illiterate.⁷ According to figures released by the World Health Organization, in the developing world alone there are over 1 billion people living in inadequate housing, with 100 million of these living in conditions classified as homelessness.⁸ Worldwide there are an estimated 17.5 million refugees and more than 25 million people displaced within their own countries because of civil strife, famine or other disaster. Close to 80 per cent of all refugees are women and children and, in some countries, women and children constitute 90 per cent of the refugee population.⁹

28. Women are prominent in the statistics of poverty and deprivation. Two-thirds of the world's illiterate people are women.¹⁰ Maternal mortality rates are high in most developing countries: an African woman, for example, has one chance in 20 of dying in childbirth; an Asian woman, one chance in 54; a South American woman, one chance in 73. In contrast, a North American woman has one chance in over 10,000.¹¹

29. While there are a few signs of progress following the end of the cold war, on the whole the crisis continues unabated, and in some parts of the world it has escalated. Almost one third of the total population in developing countries, or 1.3 billion people, live in absolute poverty, while nearly 1 billion are illiterate.¹² Mili-

tary spending is about 15 per cent of gross national product in the industrialized countries as well as in the developing countries. However, whereas military spending in the industrialized countries is about half the spending on health and education combined, the two figures are about the same in developing countries.¹³ In 1993, the developing world must devote 20 per cent of its export earnings to servicing its debts. Each year, capital and interest repayments of \$143 billion fall due.¹⁴ Even partial repayments made by the poorer nations jeopardize their social and economic development and cause great hardship to the poorest segments of their populations. According to World Bank estimates, the staggering debt burden of the developing countries (including the debts of Eastern Europe), amounting to \$1.3 trillion,¹⁵ is likely to increase further.

30. Bilateral and multilateral aid programmes serve to stave off some of the nefarious effects of the world recession on low-income countries. However, the World Bank predicts a "limited aid pie" in real terms throughout the 1990s.¹⁶ On the positive side, the Bank notes changed donor considerations, including environmental protection, efficient economic management, reduced military spending and the observance of human rights and the rule of law.¹⁷ The fact that global military expenditures have declined by about \$240 billion since 1987, and that defence industries are expected to have cut their workforce by one quarter by 1998, are similarly hopeful signs.¹⁸

31. Facts and figures cited above are likely to remain accurate for a number of years. Attitudes, however, are changing. Ultimately, hope for improvement lies in human rights instruments and their implementation, and in ever-growing international consciousness and solidarity. Social workers have a role to play in strengthening such solidarity and ensuring that the principles enshrined in the texts of human rights instruments are gradually translated into reality, paving the way for a world in which people's most urgent and legitimate needs are satisfied.

⁷ UNICEF, *The State of the World's Children, 1993*.

⁸ WHO, *Decade Assessment Report, 1990*.

⁹ *Refugee Women: In the Spirit of Survival (United Nations Focus, March 1991)*, p. 1.

¹⁰ Preamble to the World Declaration on Education for All (World Conference on Education for All, Jomtien, Thailand, 1990).

¹¹ "From Crisis to Consensus: The United Nations and the Challenge to Development", keynote speech by Thérèse Sévigny, United Nations Under-Secretary-General for Public Information, at the inaugural conference, University of Ottawa, Institute for International Development, 14 November 1990.

¹² *Human Development Report, 1993* (Oxford University Press), p. 12.

¹³ World Bank, *World Development Report, 1991* (Oxford University Press), p. 25.

¹⁴ UNICEF, *The State of the World's Children, 1993*; World Bank, *World Debt Tables*.

¹⁵ See footnote 13 above.

¹⁶ World Bank, *Global Economic Prospects and the Developing Countries, 1993*.

¹⁷ *Ibid.*

¹⁸ *Human Development Report, 1993*, p. 2.

II. HISTORICAL DEVELOPMENTS AND PHILOSOPHICAL VALUES

A. Conceptual development of human rights

32. The historical development of the current concept of human rights is often traced from the eighteenth century, culminating in the American Declaration of Independence and the French Declaration of the Rights of Man. It is important, however, to recognize that many of the core elements of human rights were present and enforced in western and non-western cultures and societies from ancient times. What the eighteenth century brought was a conceptualization of human rights based on the individual rights to life and liberty. This conceptualization arose from foundations and traditions inherited from the great civilizations of the past.

33. The development of human rights has been one of evolution. A concern for civil and political rights, which was the initial spur to the conceptualization of human rights in the eighteenth century, was gradually matched by a demand for economic, social and cultural rights. Now a third generation of rights is increasingly recognized as a legitimate universal aspiration for humankind—rights to peace, development and a clean environment protected from destruction.

34. Economic, social and cultural rights progressed more slowly than civil and political rights. The extension of participation in democratic structures through suffrage, first to members of the middle and working classes, and subsequently to women, was seen as the expression of rights which would now be termed "civil and political". The consequences of the Industrial Revolution—urbanization, exploitation of labour, particularly child labour, and the grinding poverty of the working classes—first drew the attention of social reformers.

35. Initially, that response was influenced by philanthropy and individual charity. The development of any acknowledgement of collective responsibility for social ills followed those initiatives and took the form of transfer payments with the evolution of insurance schemes. Yet while the first signs of a collective responsibility can be seen in legislative developments in Western Europe in the late nineteenth century, at the same time Western Europe was extending its colonial grip on the West Indies, Asia and Africa. The impact of colonialism has been well documented. The subjugation of peoples and countries led to the destruction of social systems and structures. Social relations of traditional societies were disrupted, and the human rights of communities were ignored by the ruling powers.

36. The development of an organized concept of social welfare came as social activists recognized the inadequacy of an individual response to a collective problem. Social workers began to join together, to share ideas

and experience, to develop their practice, and to express a collective response to the issues they encountered. Parallel to this development, the First World War and its aftermath focused worldwide attention on the interdependence of humankind. There was a shared desire to condemn warfare and to develop an institutional framework for international cooperation.

37. The establishment of the League of Nations and the International Labour Organisation and the inception of social welfare organizations such as the International Conference of Social Welfare, the International Committee of Schools of Social Work and the International Permanent Secretariat of Social Workers in the 1920s were evidence of this new mood of international, regional and national collaboration. Social work organizations focused their attention on the establishment of the profession and its value base in individual countries. While human rights underpinned the value base of social work, increasingly finding formal expression in codes of ethics adopted by national professional associations, there was no formal teaching on human rights issues.

38. Ironically, it was another global conflict—the Second World War—which was to be the stimulus for the next great stage of development in human rights. The Second World War led countries throughout the world to adopt a new framework for international cooperation. There was a recognition that norms of international behaviour needed to be expressed as rights. The Universal Declaration of Human Rights has sustained progress and development since 1948. Finally, the extreme nationalism of the nineteenth century gave way to a more global consciousness where the international community would not remain silent when human rights were under threat within a given country.

39. Such new frameworks for international cooperation also had their impact on social work organizations, nationally and internationally. A global solidarity began to emerge in the profession's vision. Social work organizations grew in number, scope and geographical array across the world. They slowly came to recognize the importance of integrating human rights teaching into social work education, and that recognition has led to this Manual.

B. Philosophical values

40. The values identified in this section of the Manual, though illustrative rather than exhaustive, are central to the role of social workers and schools of social work in pressing for values education at all levels in society, and in training for professionals. The values also underpin the human rights dimension in training for social workers and others. Many of the problems encountered

by social workers at the micro, meso and macro levels in different spheres stem from an underlying crisis of values. Psychosocial or economic explanations for such problems need to be reinforced by an understanding of a different and deeper dimension and by knowledge of the interrelation of psychic, socio-economic and value structures and processes.

1. LIFE

41. Value for life is a *sine qua non* for all human rights work. The worth of life, human and non-human existence, is the fountain-head for all other ideals and values that follow. This implies not only opposing the negation of life, but also positive and affirming aspects. Wherever possible, the profession has not only to resist violations of human rights, but actively to support all life-promoting and nurturing activities. This is so that there can be fulfilment of human existence. Life is intrinsically connected and interdependent in all its parts and forms, human and non-human. Disruption of any of its aspects affects the social fabric or thread of life, thereby injuring humankind. Value of life implies that suffering and death are not just individual phenomena; they touch others just as joy, happiness and life do.

42. Physical health is an important aspect of the value and quality of life. Environmental deterioration, the water crisis, including pollution, and the non-existence and curtailment of health programmes are some of the major life-threatening factors.

43. In many countries social workers have to work with clients affected by these factors. They are also confronted with serious dilemmas in their practice relating to matters such as contraception, abortion, or their clients' management of terminal illness. The value and quality of life will be among the considerations which can assist them in their counselling activities.

2. FREEDOM AND LIBERTY

44. The principle that "all human beings are born free" is contained in the first two articles of the Universal Declaration of Human Rights. The fundamental freedoms—the right to liberty; freedom from slavery and servitude; freedom from torture and cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile; freedom from arbitrary interference with privacy, family, home or correspondence; and freedom of movement and residence—are set out in the next 19 articles.

45. To be born free and having the right to liberty presupposes that each human being has the freedom of choice in the conduct of his or her life. The enjoyment of this freedom is, however, frequently curtailed by material and other constraints. Freedom is likewise restricted by the principle of not infringing the freedom of others. Yet freedom, next to life itself, is viewed as the most precious human value, closely linked to human dignity and to the worth of human life. The quest for freedom and liberty has inspired many peoples to seek release from territorial or geographical domination. The quest for spiritual and intellectual freedom has inspired heroic acts of resistance. At a personal level, freedom

from one's own emotions can be conducive to peace and harmony. Social workers are often in the forefront of the struggle for freedom. In parts of the world where freedom does not exist, they pay a heavy price in oppression for pursuing their principles.

3. EQUALITY AND NON-DISCRIMINATION

46. The fundamental principle of equality of all human beings is set out in article 1 of the Universal Declaration of Human Rights. It is, however, imperfectly applied in everyday life, not least in the manifold aspects of interpersonal relations. For social workers it is a crucial concept for personal and professional attitudes. It is also the cornerstone for the all-important principle of justice, requiring serious consideration of just and unjust equality and inequality based on biological factors, on psychic, social, cultural and spiritual needs, and on individual contributions to the welfare of others.

47. Once the principle of equality is accepted, it becomes impossible to discriminate against any person or group of persons. Non-discrimination is, in fact, based on the twin principles of equality and dignity. It also implies the wholeness of the human being as discrimination defines a person in terms of particularity, be it of gender, race, colour, religion or other. Discrimination can reduce a human being to a function, a quality, an opinion, whereby a person is no longer perceived in his or her unique diversity and wholeness.

48. Discrimination can be said to be the denial of the fundamental and universally accepted rights of all human beings to persons or groups of persons who are excluded. Discrimination takes various forms. The grounds for discrimination set out in all relevant international instruments: "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" are not exhaustive. New grounds for discrimination appear constantly in a changing world (e.g. sexual orientation, HIV/AIDS infection) as additional freedoms are recognized, problems arise, and technological and other developments create changes in lifestyles and working traditions. The principle of resistance to such new grounds for discrimination means that social workers need to be constantly self-aware in respect of their own beliefs, attitudes and grounds for action.

4. JUSTICE

49. Various aspects of justice have to be taken into consideration: the legal, judicial, social, economic and other aspects which constitute the basis of a society upholding the dignity of its members, and ensuring security and integrity of persons. In its international instruments, the United Nations has provided valuable principles and binding commitments against, *inter alia*, arbitrary deprivation of freedom and interference with privacy, and for protection under the law. In cases of violations of the law, persons are to be assured of a prompt and fair trial by an objective judicial authority. If found guilty, they should be entitled to humane treatment whose purpose is the reform and social integration of the individual. The importance of an independent judiciary is stressed throughout.

50. Social workers have long promoted such principles and are conscious of the fact that human rights are best upheld by a law-abiding State. Impartiality in the administration of justice is an important tool to safeguard the rights of the vulnerable members of society who make up the majority of social work clients.

51. But the pursuit of justice also has wider implications, less easily codified. Social justice encompasses satisfaction of basic human needs and the equitable sharing of material resources. It aims at universal access to fundamental services in the areas of health and education, equal opportunities at the start, protection for disadvantaged persons or groups, and a degree of moderation in the areas of retribution, consumption and profit.

52. Social reformers—social workers among them—who share the desire for a greater degree of justice consider justice and social justice as the main defence against oppression in all its forms, and the basis for a fairer mode of human development.

5. SOLIDARITY

53. Solidarity is another fundamental intrinsic value which implies not only understanding and empathy towards humankind's pain and suffering, but also identifying and taking a stand with the sufferers and their cause. Social workers are expected not only to stand by people who are struggling, but also to express their solidarity in words and deeds in the face of any form of denial of people's political, civil, social, economic, cultural or spiritual rights. Solidarity may stretch beyond individuals to families, groups, communities, populations and entire racial or ethnic groups. The social work profession must identify itself with victims of violence, torture, expulsion or curtailment of freedom anywhere in the world.

54. Solidarity can likewise be extended in natural disasters, and is essential in the many tragedies arising from want, inequitable distribution of resources, social neglect and injustice. Poverty, hunger, starvation, homelessness and denial of the means of subsistence are perhaps some of the greatest violations of human rights that are not sufficiently recognized. Solidarity is demanded all the more in these seemingly less dramatic conditions, where the suffering is intense but, though prevalent, hidden and unseen. In the final analysis, it is the firm stand of social workers and many others with sufferers and victims of human rights violations that can make a difference by strengthening the sufferers' resolve and relieving their isolation.

6. SOCIAL RESPONSIBILITY

55. Social responsibility is action undertaken on behalf of sufferers and victims: standing for them, championing their cause and helping them. It could thus be said that social responsibility is the implementation corollary of solidarity. Most religious and philosophical traditions have postulated that good thoughts and good words have to be accompanied by good action. Most religions enjoin on their followers that those who are "privileged" have an obligation to the disadvantaged. The term "privilege" does not imply wealth but is relative, and can be

taken to connote a more fortunate situation in which one is placed than that of those who are disadvantaged. Enshrined in the expression "social responsibility" is also the notion of "trusteeship" wherein all that we have is given into our care to be shared with and utilized for the betterment of others. The concept of "trusteeship" transcends the sharing of wealth to the utilization and dedication of one's intellectual talent and skill potential for the advancement of humankind. The principle of social responsibility is crucial for a profession such as social work because service and commitment to the poor and the needy are its *raison d'être*.

7. EVOLUTION, PEACE AND NON-VIOLENCE

56. The values and principles mentioned so far are not only basic values underpinning the concept of human rights, but also determining factors for the quality of interpersonal relations. Peace as a distinct value, and not simply the absence of organized conflict, is one additional value. It is to be nurtured and striven for, with the ultimate goal of achieving harmony within the self, with others, and with the environment.

57. Conflicts in human relations are unavoidable but ways to resolve them can be either peaceful or violent, constructive or destructive. The revolutionary, "raze all and build anew" approach has held fascination for people over the centuries, invariably at the cost of imposed and untold human suffering. The evolutionary approach is slower, often less immediately rewarding but, in the end, longer lasting and therefore more effective. It is an approach often chosen by social workers for the resolution of interpersonal and inter-group conflicts. Confrontation and resistance in the quest for freedom, justice and social justice are not eschewed; violence is.

58. History has shown time and again that violence and bloodshed bring about short-lived results and pave the way for more revolutions to dislodge newly enthroned power groups—the oppressed of yesterday. Hatred breeds hatred, vengeance breeds vengeance. Steady resistance or non-violent pressure, on the other hand, can achieve more lasting results.

59. While the world is not ready to abandon the use of arms, and just causes for revolution undoubtedly exist, it should be recognized that arbitration and conciliation are effective tools to overcome seemingly irreconcilable differences provided they are practised consistently and with respect, understanding and knowledge.

60. Peaceful evolution remains the aim for human striving towards freedom, justice and social justice, and a world in which conflicts can be resolved by non-violent means.

8. RELATIONS BETWEEN HUMANKIND AND NATURE

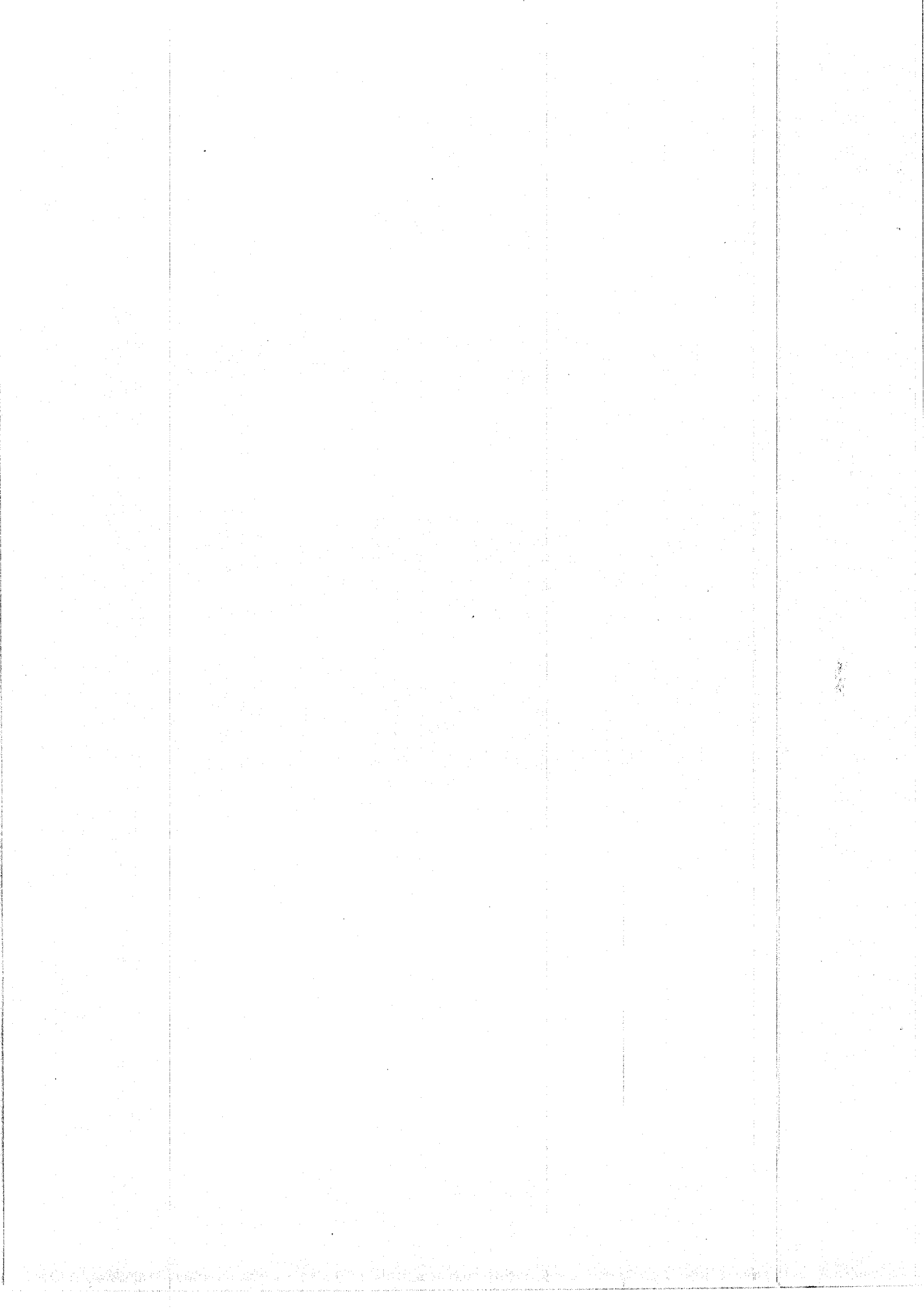
61. Respect for other species and a quest for harmony with nature are beginning to permeate human consciousness on the eve of the twenty-first century.

62. Environmental degradation is too evident to be ignored. The world economic order, faulty development models, inequality with regard to all resources, nuclear, industrial and other pollution and consumption patterns in industrialized as well as developing countries are recognized as causes of the Earth's serious plight. Excessive consumerism and extreme poverty endanger nature as well as vulnerable groups of people through greed, lack of information or need for survival.

63. Comprehensive policies to halt and, where possible, repair damage to the environment need to be complemented by comprehensive environmental education programmes, both formal and informal, as well as advocacy campaigns. Social workers have an important role in this process by linking with other groups. They need to become conscious of this all-important challenge to humanity and its habitat.

Part two

BASIC HUMAN RIGHTS INSTRUMENTS



I. INTRODUCTION

1. Part two of the Manual offers a guide to existing, often legally binding, international instruments. It includes a description of such instruments and is intended as a first point of reference for faculty, students and social workers who may need to pursue further details elsewhere. Analysis and use of these instruments, including combinations of the instruments where appropriate, can enable social workers and others to respond to human rights deficits or infringements by reviewing existing national standards and setting them against international norms.

II. UNITED NATIONS STANDARD-SETTING: DECLARATIONS AND CONVENTIONS

2. United Nations bodies formulate international standards in the field of human rights by adopting or proclaiming recommendations called "declarations" or by preparing and opening for signature, ratification and accession multilateral treaties called "conventions".

3. A declaration is a formal and solemn instrument enunciating general principles and broad obligations. It is not a binding instrument and does not impose specific obligations on Member States. However, depending on the solemnity and significance of a declaration, it may be expected that members of the international community will abide by it. Consequently, a declaration may by custom become recognized as laying down rules binding upon States (e.g. the Universal Declaration of Human Rights).

4. In addition to the declaration, the United Nations soon developed international agreements (conventions) containing provisions to promote or protect specific human rights or fundamental freedoms. A convention enters into force only after having been ratified by a number of States as specified in the text and is legally binding upon those States which have become parties to it by ratification or accession.

5. In the field of human rights, United Nations bodies frequently adopt both declarations and conventions on a particular subject. In such a case, the declaration sets out general principles or general standards of human rights while the convention defines specific rights and limitations or restrictions on the use thereof, and sets out the obligations to be assumed by States which ratify or accede to it.

III. BASIC INSTRUMENTS CONCERNING HUMAN RIGHTS¹

A. Instruments providing general protection

1. CHARTER OF THE UNITED NATIONS (1945)

6. Born as the Second World War came to an end, the United Nations symbolized the determination of the world community to fashion new instruments to promote peace. Explicit for the first time was a desire to move beyond international cooperation to a framework of international law and regulation which would limit the sovereignty of individual States.

7. The international community accepted an obligation to establish guarantees for human rights which would afford protection to individuals, groups and communities whose rights were threatened by governmental action. Domestic jurisdictions were subordinated to the primacy of international jurisdiction in these key areas, and a framework developed to secure international protection.

2. UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

8. The ringing phrases of the Universal Declaration represented the highest aspirations of humankind. It was expressed in terms that are non-political and set out the treatment that everyone in the world would be able to expect as a member of the human family. The instrument drew together for the first time ideas shared by many political, cultural and religious traditions.

9. The Universal Declaration sets out in its 30 articles the basic rules and freedoms for all peoples, covering civil, political, economic, social and cultural rights. Yet, in itself, the Declaration has no legal force. It is a set of moral rules. The power and impact of these moral rules, and their applicability, may be judged by their widespread acceptance and incorporation into domestic jurisdiction.

3. INTERNATIONAL COVENANTS ON HUMAN RIGHTS (1966)

10. The two Covenants derived from the Universal Declaration set out an internationally recognized standard against which human rights violations can be judged. The Covenants (one dealing with civil and political rights, the other with economic, social and cultural rights) were adopted in 1966. The need for further work to secure the adherence of Member States to the principles set out in the Universal Declaration had long been recognized, but it took 18 years before the United Nations adopted the two Covenants and the implementation mechanisms attached to them.

11. The Covenants are of critical importance. They have three common elements: (a) the right to self-determination, a right which has led to decolonization and to many new States joining the United Nations; (b) the principle of equality between men and women, and non-discrimination on grounds of gender, race or religion; (c) the principle of indivisibility—the essential interdependence of civil and political freedoms with economic, social and cultural standards.

(a) *International Covenant on Civil and Political Rights (1966)*

12. This instrument came into force in 1976. The rights set out therein include:

- (a) the right to life, liberty and security (art. 6);
- (b) the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (art. 7);
- (c) the prohibition of slavery (art. 8);
- (d) the right not to be arbitrarily detained (art. 9);
- (e) the rights to freedom of expression (art. 19), religion (art. 18), assembly (art. 21) and association (art. 22), including trade union membership;
- (f) the right to freedom of movement and residence (art. 12);
- (g) the right to vote through universal suffrage (art. 25);
- (h) the right to a fair trial (art. 14); and
- (i) the rights of minorities to protection (art. 27).

(b) *International Covenant on Economic, Social and Cultural Rights (1966)*

13. This instrument came into force in 1976. The rights set out therein include:

- (a) the right to work (arts. 6 and 7);
- (b) the right to social security (art. 9);
- (c) the right to protection of the family (art. 10);
- (d) the right to an adequate standard of living (art. 11);
- (e) the right to education (art. 13);
- (f) the right to health (art. 12); and
- (g) the right to join trade unions (art. 8).

14. What are the key elements for social workers in these three international instruments? The threat to civil and political freedoms is recognized in the work of the IFSW Human Rights Commission, which seeks to protect social workers threatened by political oppression. The parallel IASSW Committee on the Protection of Hu-

¹ Dates refer to the adoption of the international instrument by the United Nations General Assembly.

man Rights seeks to promote a proactive stance by social workers against political oppression. But virtually every article of the three instruments raises issues relevant to social workers. The case studies in part three of this Manual are related to specific articles.

B. Instruments providing particular protection

1. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (1965)

15. The full enjoyment by everyone of the principle of equality and non-discrimination is assured by the International Convention on the Elimination of All Forms of Racial Discrimination, which contains provisions for eliminating racial discrimination in all its forms and manifestations, for preventing and combating racist doctrines and practices and for building an international community free from all forms of racial segregation and discrimination.

16. The States parties to the Convention undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of a long list of human rights and fundamental freedoms. The Convention lists specifically among these the right to work, the right to join trade unions and the right to housing. Measures for the implementation of the Convention include the establishment of the Committee on the Elimination of Racial Discrimination (see subject. G, "Implementation mechanisms", below).

2. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)

17. From 1974 to 1979, the competent bodies of the United Nations led by the Commission on the Status of Women worked together for the elaboration of an international convention that would forbid all forms of discrimination against women. The Commission drafted a convention which was adopted on 18 December 1979 and entered into force in 1981.

18. In article 1, the Convention defines discrimination against women as meaning

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economical, social, cultural, civil or any other field.

19. Under article 2, States that become parties to the Convention agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women, and to that end undertake:

- (a) to embody the principle of equality of men and women in their national constitutions and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) to establish legal protection of the rights of women on an equal basis with men and to ensure, through competent national tribunals, the effective protection of women against any act of discrimination;

(d) to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(e) to modify consequently or abolish laws, regulations, customs and practices which constitute discrimination against women.

In part V, the Convention establishes the Committee on the Elimination of Discrimination against Women (see subject. G, "Implementation mechanisms", below).

3. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)

20. The Convention not only provides that the States parties will outlaw torture in their national legislation, but also notes explicitly that no order from a superior or exceptional circumstance may be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment. The Convention also introduces two new elements of particular importance to combat torture. The first is that, henceforth, a torturer may be prosecuted wherever he is found in the territory of any State party, since the Convention specifies that persons alleged to have committed acts of torture may be tried in any State party or be extradited for trial in the State party where they have committed their crimes. The other new element is that the Convention contains a provision allowing for an international inquiry if there is reliable information indicating that torture is being systematically practised in the territory of a State party. Such an inquiry may include a visit to the State party concerned, with its agreement.

21. The States parties to the Convention also pledge to take effective legislative, administrative, judicial and other measures to prevent acts of torture in any territory under their jurisdiction. No exceptional circumstances whatever, whether a state of war, internal political instability or any other public emergency, may be invoked as a justification of torture. The implementation of the Convention is monitored by the Committee against Torture (see subject. G, "Implementation mechanisms", below).

4. CONVENTION ON THE RIGHTS OF THE CHILD (1989)

22. The Convention is the result of long negotiations between representatives of countries with different social and economic systems and various cultural, ethical and religious approaches; non-governmental organizations; and United Nations agencies. It has as its guiding spirit the best interests of the child and calls on States which ratify it to create conditions in which children may take an active and creative part in the social and political life of their countries.

23. In the Convention, a child is defined as a person under the age of 18, unless national laws determine an earlier age of majority. Encompassing the whole range

of human rights—civil, political, economic, social and cultural—the Convention recognizes that the enjoyment of a given right cannot be separated from the enjoyment of others. It demonstrates that the freedom a child needs to develop his or her intellectual, moral and spiritual capacities is dependent on a healthy and safe environment, access to care, and minimum standards of food, clothing and shelter, among other things. Non-discrimination is an important principle of the Convention: children shall enjoy all their rights without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, origin, property, disability, birth or other status.

24. The Convention enlarges the legal coverage of human rights by protecting children from all forms of exploitation in dealing with the question of children of minority and indigenous groups and the problems of drug abuse and neglect. Specific provision is made for protection of the human rights of children involved in the criminal justice system. The Convention acknowledges the primary role of the family and parents in the care and protection of children, and the obligation of the State to help them carry out these duties. The implementation of the Convention is entrusted to the Committee on the Rights of the Child (see subsect. G, "Implementation mechanisms", below).

5. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (1990)

25. Migrant workers and their families who are usually not citizens of the country in which they live and work have for some years been of particular concern to the United Nations and specialized agencies. In 1979, the General Assembly decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. The Convention is applicable to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, age, economic position, property, marital status, birth or other status. The Convention repeats a wide range of existing rights covered by the Covenants. The monitoring of the application of the Convention, when it enters into force, will be entrusted to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

C. Rules regarding detention and treatment of offenders

1. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

26. In 1955, the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a set of standard minimum rules for the treatment of prisoners and the management of penal institutions. In 1971, the General Assembly recommended that the rules be effectively implemented in the administration of penal and correctional institutions and that fa-

vourable consideration be given to their incorporation into national legislation.

2. PRINCIPLES OF MEDICAL ETHICS (1982)

27. In 1976, the General Assembly invited the World Health Organization to draft a code of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment. With the assistance of WHO, the Council for International Organizations of Medical Sciences and the World Medical Assembly, the General Assembly formulated and adopted in 1982 a set of Principles of Medical Ethics against torture and other cruel, inhuman or degrading treatment or punishment relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees. In 1983, the General Assembly urged all Governments to promote the application of those principles by health personnel and government officers, particularly those employed in institutions of detention or imprisonment.

3. UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE (1985)

28. In 1985, the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders prepared and recommended to the General Assembly for adoption the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, or the "Beijing Rules". The rules relate to such matters as the minimum age of criminal responsibility, the objectives of juvenile justice, the features of effective, fair and humane juvenile justice administration and the human rights principles to be applied. They also cover matters relating to investigation and prosecution of crimes committed by juveniles, including the question of detention pending trial. In general, they recommend the least possible use of institutionalization. They also lay down essential protection covering juvenile offenders placed in institutions. The General Assembly adopted the rules in 1985 and invited States to apply them wherever necessary and bring them to the attention of the relevant authorities and the public in general.

D. Specialized agencies

1. INTERNATIONAL LABOUR ORGANISATION

29. The International Labour Organisation was established in 1919 as an autonomous institution to promote programmes to achieve full employment and raise standards of living. The organization is concerned with both economic and social rights, such as the right to work, the right to the enjoyment of just and favourable conditions of work, the right to form trade unions and join the trade union of one's choice, the right to social security and the right to an adequate standard of living. It is also concerned with civil and political rights such as freedom of expression, freedom of association and the right of peaceful assembly. It endeavours to implement the principles of its Constitution by laying down standards, supervising their application and assisting Governments to achieve ILO objectives.

30. Among the more than 170 conventions adopted by ILO, the following is a representative list of instruments with a strong human rights component:

- Forced labour, adopted in 1930
- Equal remuneration (1951)
- Abolition of forced labour (1957)
- Discrimination (1958)
- Employment policy (1964)
- Minimum age for employment and work (1973)
- Rural workers' organizations (1975)
- Migrant workers (1975)
- Workers with family responsibilities (1981)
- Indigenous and tribal peoples (1989).

2. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

31. The United Nations Educational, Scientific and Cultural Organization has for many years taken the lead in giving concrete meaning to the right to participate in cultural life enshrined in article 27 of the Universal Declaration of Human Rights. Thus, in 1966, the General Conference of UNESCO adopted and proclaimed the Declaration of the Principles of International Cultural Cooperation, which sets out a series of principles to serve as guidelines for Governments, authorities, organizations, associations and institutions responsible for cultural activities. Some of these principles are set out below:

- (a) Each culture has a dignity and value which must be respected and preserved;
- (b) Every people has the right and the duty to develop its culture;
- (c) Nations shall endeavour to develop the various branches of culture side by side, and as far as possible simultaneously, so as to establish a harmonious balance between technical progress and the intellectual and moral advancement of mankind;
- (d) International cultural cooperation shall cover all aspects of intellectual and creative activities relating to education, science and culture;
- (e) Cultural cooperation is a right and a duty for all peoples and all nations, which should share with one another their knowledge and skills;
- (f) International cooperation, while promoting the enrichment of all cultures through its beneficent action, shall respect the distinctive character of each.

32. In education, its main activity, UNESCO combines literacy programmes with a drive to make primary education universal, thereby attacking the root causes of illiteracy. It also trains teachers, educational planners and administrators to encourage local building and equipping of schools. This action is based on the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms adopted by the General Conference in 1974. In the natural sciences, UNESCO initiatives include the Man and the Biosphere programme. In the social sciences, the

organization has produced studies on subjects such as tensions leading to war, racism, the socio-economic factors of development and the relationship between mankind and the environment. In communication, it surveys needs and assists developing countries, through its international programme for the development of communication, to set up infrastructure in that field.

3. WORLD HEALTH ORGANIZATION

33. The World Health Organization is a specialized agency which cooperates closely with the other competent bodies in the United Nations system in dealing with matters relating to the right to health as proclaimed in article 25, paragraph 1, of the Universal Declaration of Human Rights.

34. The Constitution of WHO, adopted in 1946, states that "the enjoyment of the highest available standard of health is one of the fundamental rights of every human being without distinction as to race, religion, political belief, economic or social situation". It defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity".

35. WHO carries out important campaigns to combat communicable diseases. In developing countries, it also carries out an extensive technical assistance programme covering every aspect of public health, as well as teaching and training health personnel. It also adopts sanitary regulations. Since February 1987, WHO, through its Global Programme on AIDs, has been directing and coordinating a massive programme to prevent and control acquired immunodeficiency syndrome (AIDS). Since 1989, WHO has developed a programme on AIDS and human rights in cooperation with the United Nations Centre for Human Rights.

E. United Nations bodies

1. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

36. The United Nations has been concerned since its inception with the situation of refugees, displaced persons, stateless persons and returnees and has adopted a number of measures to protect their human rights and find appropriate and lasting solutions to their problems. Consequently, at its fourth session, in 1949, the General Assembly established the Office of the United Nations High Commissioner for Refugees, which replaced the International Refugee Organization set up after the Second World War. In accordance with paragraph 1 of the statute of UNHCR, the High Commissioner, acting under the authority of the General Assembly, is to provide international protection under the auspices of the United Nations to refugees falling within the scope of the statute.

37. Such protection activity is developed in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Convention sets out in article 1 a definition of the term "refugee". Articles 2 to 11 contain general provisions and provide for non-

discrimination as to race, religion or country of origin; religious freedom at least to the extent granted to nationals; safeguarding of rights granted apart from the Convention; and equal treatment with nationals unless the Convention contains more favourable provisions. Articles 12 to 16 pertain to the juridical status of the refugee. Articles 17 to 19 concern the rights of refugees to engage in gainful employment. Articles 20 to 24 concern the welfare of the refugee in regard to such matters as rationing, housing, public education, public relief, labour legislation and social security.

38. Article 25 deals with the provision of administrative assistance to refugees and of documents to enable them to travel outside their country of lawful residence. Articles 31 to 33 contain important provisions relating to the question of asylum. According to these articles, a refugee requesting asylum in the territory of a contracting State may not be subjected to penalties on account of his illegal entry or presence, provided he presents himself without delay to the competent authorities. Furthermore, if he has resided in the territory of a contracting State he may not be expelled except on grounds of national security or public order. In any event, he may not be expelled or returned in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.

39. Article 34 of the Convention requires contracting States as far as possible to facilitate the assimilation and naturalization of refugees and, in particular, to make every effort to expedite naturalization proceedings and reduce the charges and costs of such proceedings. Lastly, article 35 requires contracting States to cooperate with UNHCR in the exercise of its functions and, in particular, to facilitate its duty of supervising the application of the provisions of the Convention.

40. In 1967, the General Assembly also adopted the Declaration on Territorial Asylum, which lays down a series of fundamental principles in regard to territorial asylum and gives expression to the basic humanitarian principle of "non-refoulement". According to that principle, no person shall be rejected at the frontier, expelled or returned to a country where he may be subjected to persecution.

2. UNITED NATIONS CHILDREN'S FUND

41. The United Nations Children's Fund was created by the General Assembly at its first session in 1946 to meet the emergency needs of children for food, drugs and clothing in post-war Europe and China. In 1950, the Assembly changed the main emphasis of the Fund's mandate to programmes of long-range benefits to children of developing countries. Three years later, the Assembly decided that UNICEF should continue this work indefinitely.

42. Combining humanitarian and development objectives, UNICEF cooperates with developing countries in their efforts to protect children and enable them to develop their full potential. This cooperation takes place within the context of national development efforts and

has as its goal the realization of the opportunity for every child in the world to enjoy the basic rights and privileges embodied in the Convention on the Rights of the Child. In order to respond to emergency needs of children in Central and Eastern Europe and in the former Soviet Union, UNICEF is also providing assistance to some countries in that region.

43. UNICEF collaborates closely with the Committee on the Rights of the Child, which promotes children's rights, monitors the implementation of the Convention and assists States which ratify or accede to the Convention to comply with their obligations. UNICEF is guided in its activities by the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children adopted by the World Summit for Children in New York in September 1990, which was attended by 71 heads of States and Governments and 88 other senior officials.

3. UNITED NATIONS ENVIRONMENT PROGRAMME

44. The United Nations Conference on the Human Environment held at Stockholm in 1972 proclaimed the right of human beings to a healthy environment and their responsibility to protect and improve that environment for future generations.

45. Later in 1972, the General Assembly created the United Nations Environment Programme to monitor the environment and encourage sound environmental practices. UNEP's main task is to act as a catalyst for the environmental activities of all United Nations agencies. It works with Governments and the scientific and business communities, as well as with non-governmental organizations, for the protection of the environment. UNEP also plays an important role in the areas of desertification control, genetic resources and water conservation.

46. In 1989, UNEP negotiated the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The main international instruments in the field of the environment were promulgated by the United Nations Conference on Environment and Development in June 1992, namely the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, as well as Agenda 21 (a plan of action for the twenty-first century) and the Rio Declaration. The Commission on Sustainable Development set up to monitor the effective implementation of Agenda 21 started its work in June 1993.

F. United Nations bodies concerned with human rights

1. GENERAL ASSEMBLY AND SUBSIDIARY BODIES

47. Under Article 13 of the Charter of the United Nations, one of the functions of the General Assembly is to initiate studies and make recommendations for "promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language

or religion". Most items relating to human rights are referred by the General Assembly to its Third Committee, which deals with social, humanitarian and cultural questions.

2. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY BODIES

48. Under Article 62 of the Charter of the United Nations, the Economic and Social Council may "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all". It may also prepare draft conventions for submission to the General Assembly and call international conferences on human rights matters. Under Article 68, the Council "shall set up commissions in economic and social fields and for the promotion of human rights". To assist it in dealing with items relating to human rights, the Council has established the Commission on Human Rights.

(a) *Commission on Human Rights*

49. Established by the Economic and Social Council in 1946, the Commission on Human Rights, composed of representatives of 56 member States elected for three-year terms, meets each year for a period of six weeks. The Commission makes studies, prepares recommendations and drafts international instruments relating to human rights. It also undertakes special tasks assigned to it by the General Assembly and the Economic and Social Council.

50. During their annual sessions, the Commission on Human Rights, the Economic and Social Council and the General Assembly discuss situations and practices involving serious and systematic violations of human rights. If a particular "country" situation or a particular practice is deemed sufficiently serious, they may decide to order an investigation by either a group of independent and objective experts (working group) or an individual (special rapporteur). In addition to reporting and making recommendations to the Commission and the General Assembly, these special bodies are also entitled to take action in relation to cases where the rights of an individual, group or community are being violated. In special cases requiring urgent attention, the special rapporteur or working group may even be able to communicate immediately with the Government concerned in an effort to protect the individual, group or community under threat.

51. The first special procedure—established in 1967—was the Ad Hoc Working Group on Human Rights in Southern Africa. This group still exists, as does the Special Committee to Investigate Israeli Practices Affecting the Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was established in 1968. Several other special procedures established by the Commission were discontinued when human rights in the countries concerned improved. As of 1993, special rapporteurs are examining and monitoring the human rights situation in Afghanistan, Cuba, El Salvador, Equatorial Guinea, Haiti, Iran, Iraq, Myanmar, Sudan, and the territories of the Former Yugoslavia.

52. Since 1980, the Commission has established special procedures to study and take action in relation to practices involving grave human rights violations all over the world. These are called "thematic mandates". At present, there are two thematic working groups: one on enforced or involuntary disappearances and the other on arbitrary detention. There are also eight thematic special rapporteurs: on extrajudicial, summary or arbitrary executions; on torture and other cruel, inhuman or degrading treatment or punishment; on sale of children, child prostitution and child pornography; on internally displaced persons; on religious intolerance; on racism, racial discrimination and xenophobia; on freedom of opinion and expression; and on the use of mercenaries as a means of impeding the right of peoples to self-determination.

53. The reports submitted to the Commission on Human Rights and to the General Assembly by the special bodies described above are discussed in public sessions and constitute an important element for any decision the Commission may take on the relevant item.

(b) *Sub-Commission on Prevention of Discrimination and Protection of Minorities*

54. In order to carry out its work more efficiently, the Commission on Human Rights established, in 1947, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, religious and linguistic minorities. Composed of 26 experts elected by the Commission who act in their personal capacity, and not as representatives of States, the Sub-Commission meets once a year for four weeks and is attended by observers from United Nations Member States and by representatives of intergovernmental organizations, non-governmental organizations, United Nations specialized agencies and national liberation movements concerned with issues on its agenda.

(c) *Commission on the Status of Women*

55. The Commission on the Status of Women was established by the Economic and Social Council in 1946. Its functions are to prepare recommendations and reports to the Council on promoting women's rights in the political, economic, civil, social and educational fields, and to make recommendations and proposals for action on urgent problems in the field of women's rights with the object of implementing the principle that women and men shall have equal rights. The Commission has been given the task of monitoring, reviewing and appraising the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women adopted by the 1985 World Conference on women. The Commission may receive communications from individuals and groups concerning discrimination against women. No action is taken on individual complaints. Instead, the procedure aims to discern emerging trends and patterns of discrimination against women in order to develop policy recommendations for solving widespread problems.

3. CENTRE FOR HUMAN RIGHTS

56. Secretariat services for United Nations bodies dealing with human rights are provided by the Centre for Human Rights, which is located at the United Nations Office at Geneva with a small liaison office at United Nations Headquarters in New York. The main functions of the Centre for Human Rights are to assist the General Assembly, the Economic and Social Council, the Commission on Human Rights and other organs of the United Nations in the promotion and protection of human rights and fundamental freedoms as envisaged in the Charter of the United Nations, the Universal Declaration of Human Rights and international conventions in the field of human rights.

57. The Centre serves as the focal point of the United Nations in the field of human rights. It carries out research and studies on human rights at the request of other organs, follows up and prepares reports on the implementation of human rights, and administers the programme of advisory services and technical assistance in the field of human rights. In addition, it coordinates liaison with non-governmental, intergovernmental and governmental organizations active in the field of human rights and with the media. It collects and disseminates information and prepares publications relating to human rights.

G. Implementation mechanisms

1. HUMAN RIGHTS COMMITTEE

58. Established in 1977, the Human Rights Committee monitors the implementation of the International Covenant on Civil and Political Rights. It is composed of 18 members, elected by States parties to the Covenant from among their nationals, who serve in their personal capacity. Under the Optional Protocol to the International Covenant on Civil and Political Rights, the Committee may consider communications or complaints of violation of rights set out in the Covenant received from individuals who are subject to the jurisdiction of a State party which has recognized the competence of the Committee. The Committee holds three sessions a year to consider reports from States parties to the Covenant on measures adopted and progress made towards achieving observance of the rights recognized in the Covenant.

2. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

59. The Committee on Economic, Social and Cultural Rights monitors the implementation of the International Covenant on Economic, Social and Cultural Rights. It held its first session in 1987 and is composed of 18 experts with recognized competence in the field of human rights who serve in their personal capacity. In accordance with article 16 of the Covenant, the Committee considers reports from States parties to the Covenant on measures adopted and progress made in achieving observance of the rights recognized in the Covenant.

3. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

60. The Committee on the Elimination of Racial Discrimination, which monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, is composed of 18 members elected by States parties to the Convention for a four-year term. The Committee examines reports submitted by States parties on measures taken and success achieved in relation to the provisions of the Convention. The Committee is also authorized to establish permanent working groups and/or ad hoc conciliation commissions to consider communications from individuals and inter-State disputes relating to obligations contained in the Convention.

4. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

61. The Committee on the Elimination of Discrimination against Women was established to oversee the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It is composed of 23 experts elected by secret ballot from a list of persons of high moral standing and competence in the field of the human rights of women nominated by States parties to the Convention. The Committee meets regularly to examine reports and any other information submitted by States parties. This examination forms the basis of suggestions and recommendations made by the Committee. The Committee may also make general recommendations on steps which might be taken by States to fulfil their obligations under the Convention.

5. COMMITTEE AGAINST TORTURE

62. The Committee against Torture is composed of 10 experts elected for a four-year term to consider reports submitted by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on measures taken to honour their undertakings under the Convention. In addition to considering these reports, investigating them and forwarding them to the States parties and to the General Assembly with comments, the Committee is authorized to make confidential inquiries. These may include on-the-spot inquiries, in agreement with the State party concerned, when the Committee receives reliable information indicating that torture is being systematically practised in the territory of that State party.

63. The United Nations Voluntary Fund for Victims of Torture was set up in 1981 to receive voluntary contributions for distribution through established channels of assistance as humanitarian, legal and financial aid to persons who have been tortured and to members of their families. The Fund depends entirely on voluntary contributions from Governments, private organizations, institutions and individuals. It is administered by the Secretary-General of the United Nations with the assistance of a board of trustees composed of a chairperson and four members with wide experience in the field of human rights. Most of the subsidies are used to finance therapy and rehabilitation projects and training projects. The purpose of these projects is to enable victims and

their families to lead productive, normal lives within their community.

6. COMMITTEE ON THE RIGHTS OF THE CHILD

64. The Committee on the Rights of the Child first met in 1991. It is composed of 10 experts and is entrusted with the task of generating a permanent dialogue involving all parties concerned with the promotion of children's rights. The Committee will identify dangers to the well-being of the world's children; look for practical answers to specific problems; mobilize the human and financial resources needed to solve them; and raise the level of public awareness and concern for the protection and promotion of the rights of the child. In this task the Committee will be open to collaboration with other organizations active in the same field. The Committee will monitor the progress made by States which ratify or accede to the 1989 Convention on the Rights of the Child to comply with their obligations. States parties to the Convention accept the duty to submit regular reports directly to the Committee on the steps they have taken to put the Convention into effect and on progress in securing the enjoyment of children's rights. These reports are to be made public and given wide national distribution.

H. Regional instruments in the field of human rights

1. AFRICA

(a) *Charter of the Organization of African Unity (1963)*

65. The OAU Charter was the first instrument of a regional organization to refer to the Universal Declaration of Human Rights. Its preamble reaffirms the attachment of the African States to the principles of the Charter of the United Nations and the Universal Declaration of Human Rights as a solid foundation for peaceful and positive cooperation among States. Article II provides for the promotion of international cooperation with regard to the United Nations Charter and the Universal Declaration. Other human rights provisions in the OAU Charter relate generally to the commitment of African States to eradicate colonialism in all its forms and manifestations, as well as to the creation of necessary economic conditions for the advancement of African peoples.

(b) *African Charter on Human and Peoples' Rights (1981)*

66. The African Charter on Human and Peoples' Rights comprises a preamble and three substantive parts containing 68 articles. Part I, dealing with rights and duties, is subdivided into two chapters on human and peoples' rights (arts. 1-26) and duties (arts. 27-29). Part II, containing measures of safeguard, is subdivided into four chapters dealing with the creation of the African Commission on Human and Peoples' Rights (arts. 30-44), the mandate of the Commission, its procedure and applicable principles.

(c) *African Commission on Human and Peoples' Rights*

67. The main functions of the Commission are promotional and standard-setting. The Commission also receives and considers inter-State and "other communications". The latter term includes communications from individuals or groups of individuals and from organizations or institutions dealing with human rights issues.

2. THE AMERICAS

(a) *Charter of the Organization of American States—American Declaration of the Rights and Duties of Man (1948)*

68. The OAS Charter, which entered into force in 1951, makes very few references to human rights. One provision of importance is article 3 (j), now article 5 (j), proclaiming the fundamental rights of the individual without distinction as to race, nationality, creed or sex among the principles to which signatories are committed. Another important reference to human rights appears in article 13, now article 16. The same Conference that adopted the OAS Charter also promulgated the American Declaration of the Rights and Duties of Man, which proclaims a list of 27 human rights and 10 duties.

(b) *American Convention on Human Rights (1969)*

69. The American Convention on Human Rights guarantees a dozen broad categories of civil and political rights, such as the right to judicial personality and the right to life, to humane treatment, to a fair trial, to property, and to freedom of association, among others. An additional protocol to the Convention, relating to economic, social and cultural rights and known as the San Salvador Protocol, was adopted in 1988.

(c) *Supervisory organs*

(i) *Inter-American Commission on Human Rights*

70. The functions of the Commission are spelled out in article 41 of the American Convention on Human Rights. It codifies the Commission's pre-existing functions as an OAS organ and mandates it "to take action on petitions and other communications pursuant to its authority" under articles 44 to 51 of the Convention. The Convention empowers the Commission to deal with individual petitions and inter-State communications. The admissibility of a petition is conditional, *inter alia*, on the exhaustion of domestic remedies, in accordance with the generally recognized principles of international law. There is a requirement that the petition be submitted to the Commission within a period of six months from the date on which the victim of the alleged violation was notified of the final domestic judgement in the case. When a complaint is admissible, the Commission examines the allegations, seeks information from the Government concerned and investigates the facts. As part of this process, the Commission may hold hearings in which the Government and the petitioner(s) participate.

(ii) *Inter-American Court of Human Rights*

71. The Court has contentious jurisdiction, which is jurisdiction to adjudicate cases involving charges that a State party has violated the American Convention on Human Rights. It also has jurisdiction to render advisory opinions concerning the Convention and certain human rights treaties. Once a case has been referred to it, the Court has the power fully to review the findings of fact and law of the Inter-American Commission on Human Rights. The Court is empowered to award money damages and render declaratory judgements specifying not only what rights have been violated, but also how States should remedy the violation.

3. EUROPE

(a) *European Convention on Human Rights*² (1950)

72. As originally adopted, the European Convention on Human Rights guaranteed a wide range of rights, such as the right to life, the right not to be subjected to torture, and freedom from slavery, among others. This range has been expanded by additional protocols to add the right to property and the right to education (first protocol). Protocols 4 and 5 expand the list further by prohibiting deprivation of liberty for failure to comply with contractual obligations and guaranteeing the right to liberty of movement. Protocol 6 requires abolition of the death penalty, and Protocol 7 requires that aliens must be accorded various due procedural safeguards in determining whether they may be expelled from a country where they are residing. This instrument also provides for the right of appeal in criminal proceedings, compensation in cases of miscarriage of justice, the right not to be subject to double jeopardy, and equal rights and responsibilities between spouses.

(b) *European Social Charter* (1961)

73. Like the European Convention, the European Social Charter was prepared under the auspices of the Council of Europe. It complements the Convention, which guarantees civil and political rights, by establishing a regional European system for the protection of economic and social rights. More than half the member States of the Council of Europe are parties to the Charter. The Charter establishes a reporting system designed to monitor whether States are complying with their obligations.

(c) *Conference on Security and Cooperation in Europe*

74. The Helsinki Final Act, signed in 1975, grew out of the Conference on Security and Cooperation in Europe (CSCE), which grouped all sovereign States of Eastern and Western Europe (then, but no longer, with the single exception of Albania), together with the United States of America and Canada. It is not binding on Governments, although it has had considerable political impact. Principle VII of the Final Act's 10 principles states that the participating States "will respect human

rights and fundamental freedoms" and will also fulfil their obligations as set forth in the international declarations and agreements in that field. Among subsequent important CSCE documents are the concluding documents of the Vienna (1989) and Copenhagen (1990) conferences, as well as the Charter of Paris for a New Europe (1990).

(d) *European Court of Human Rights*

75. Initially, the European Convention conferred only contentious jurisdiction on the European Court of Human Rights. The Court obtained advisory jurisdiction in 1970, with the entry into force of Protocol 2 to the Convention. The Convention empowers only States and the European Commission of Human Rights, not individuals, to file cases with the Court. However, the individual claimant has gradually acquired a more important status before the Court. The Court can be said to have become the constitutional court for civil liberties in Western Europe. Its case-law is vast in terms of the range of subjects the Court has addressed, and its impact is increasing.

I. Other human rights instruments

1. DECLARATION ON THE RIGHT TO DEVELOPMENT (1986)

76. In 1986, the General Assembly adopted the Declaration on the Right to Development, which proclaims that development is an inalienable human right, entitling all persons to participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized. The Declaration also states that the human person is the central subject of development and should be an active participant and beneficiary of the right to development.

2. DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (1981)

77. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was adopted by the General Assembly in 1981. It states that everyone shall have the right to freedom of thought, conscience and religion and that no one shall be subject to discrimination on the grounds of religion or other belief.

3. DECLARATION ON THE PROTECTION OF WOMEN AND CHILDREN IN EMERGENCY AND ARMED CONFLICT (1974)

78. In 1974, the General Assembly proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. The Declaration states that attacks and bombings on civilians, "especially on women and children, who are the most vulnerable members of the population", shall be prohibited and condemned, and that States involved in armed conflicts shall make all efforts "to spare women and children from the ravages of war".

² Convention for the Protection of Human Rights and Fundamental Freedoms.

4. DECLARATION ON THE RIGHTS OF MENTALLY RETARDED PERSONS (1971)

79. In 1971, the General Assembly proclaimed the Declaration on the Rights of Mentally Retarded Persons and called for national and international action to ensure that the Declaration would be used as a common basis and frame of reference for the protection of the rights set forth therein. In doing so, the Assembly bore in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activity, and of promoting their integration as far as possible in normal life.

J. Legal instruments not promulgated by the United Nations

80. Other instruments not promulgated by the United Nations which have an impact on the rights of families and children and which are therefore of great interest to social work professionals are those developed

under the auspices of the Hague Conference on Private International Law: *inter alia*, the Convention on Civil Aspects of International Child Abduction (1980) and the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993).

K. Instruments in preparation

81. In addition to the instruments described above, there are several relevant instruments in the process of being elaborated. These include the draft declaration on the rights of indigenous peoples, entrusted to the United Nations Working Group on Indigenous Populations. At its 1993 session, the Working Group completed its final reading of the draft declaration, which was transmitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for consideration. Another instrument is the convention on the rights of disabled persons, the elaboration of which was postponed by the General Assembly at its forty-second session in 1987.

Part three

ISSUES FOR PRACTICE REALITY

I. INTRODUCTION

Part three of the Manual discusses general “themes” important in analysing and responding to human rights issues in social work and social work education. First we identify an analytical framework, then some specific themes are viewed in the light of the framework. To promote discussion and learning, large portions of this part are put in the form of questions.

II. PROBLEMS: IDENTIFICATION AND RESPONSE

A. Problem identification

1. What is the incidence of the problem and what possible data exist?
2. What elements/proportion of the population are affected?
3. How is the problem manifested in various segments of the population?
4. What national instruments exist to safeguard human rights in respect of the problem, and how far do they match international instruments?
5. What existing government and non-governmental organizations' programmes are aimed at responding to the problem?

B. Response to problems

1. Guiding the response by social workers should be the awareness of micro, meso and macro levels of analysis and response (individual, group, region, nation, international).
2. Social workers use the elements of remedial, preventive and developmental work as a framework for analysis of tasks in relation to human rights.
3. A question, therefore, would be: what are the scope for, and the limitations of, social work intervention at the different levels (micro, meso, macro) and with the different orientations (remedial, preventive, developmental)?
4. The reasons for constraints and limitations need to be analysed, and ways of overcoming them explored. For example: what can be the role of the professional association of social workers and schools of social work in pursuing and enhancing human rights?

III. EXAMPLES OF THE USE OF THE CONCEPTUAL FRAMEWORK

The conceptual tools referred to above are vital for both learning and practice. The following examples of conceptual dichotomies can supplement the general framework of analysis and response to human rights issues.

A. Examples of conceptual dichotomies

Needs	◄►	Wants
Satisfaction	◄►	Deprivation
Rights	◄►	Discretion
Justice	◄►	Injustice
Individual	◄►	Collective
Solidarity	◄►	Individualization
Power	◄►	Lack of power
Responsibility	◄►	Non-responsibility
Conflict	◄►	Resolution
Autonomy	◄►	Control

Although these are expressed as dichotomies, they could be regarded as points on a continuum, in which a given problem can be located.

B. Questions for student discussion

1. Analyse specific problem situations known to you, and place them in the conceptual framework suggested. What points are they at on the spectrum in each dimension?
2. How can you envisage changing the positions of individuals and groups in these dimensions (e.g. from injustice to justice)?
3. What relationships are there between these different concepts (e.g. between individualism and solidarity); and how can the positions of individuals or groups be reconceptualized (e.g. needs and fulfilment)?

IV. THEMES

The following themes can be considered using the analytical framework described in section II above. Another useful approach might be the analysis of causes, symptoms, shortfalls and the potential of the population for action and solutions. It is proposed, in every case, to build on existing analyses of political, economic, psychosocial, cultural, geographical and religious aspects of problems within countries from a perspective of respect or non-respect of human rights.

The 12 sample themes proposed below are illustrative rather than exhaustive and address general as well as specific aspects of human existence. They have been divided into two groups, generic themes and vulnerable groups, and many are interconnected.

<i>Generic themes</i>	<i>Vulnerable groups</i>
Poverty	Children
Gender discrimination	Women
Racism	Elderly persons
Religion	Disabled persons
Environment and development	Prisoners, including restricted persons
	Refugees
	Migrants

A. Generic themes

1. POVERTY

(a) *Aspects*

- Quality of life
- Food
- Employment
- Housing
- Health
- Education
- Environment
- Access to property (land, housing)
- Other aspects, including structural adjustment

(b) *Analysis*

- (i) *Causes*
e.g. inequality in global resource distribution.
- (ii) *Symptoms*
e.g. street children, powerlessness.
- (iii) *Shortfalls*
e.g. in social security provision and legislation.
- (iv) *Potential for solutions*
e.g. self-help groups, bulk purchases of products, political mobilization.

Apart from the causes, symptoms, shortfalls and potential of the population for action, consideration must be given to statistical data, preventive and redistributive legislation, and the adequacy or inadequacy of social policy and social action as well as government programmes and actions of the voluntary sector, among other things.

(c) *Social work intervention*

Social work intervention has a long tradition and has spearheaded innovative action. Cooperation with poor people themselves, non-governmental organizations and other partners reinforces advocacy and a concerted thrust to combat this increasing social scourge.

(d) *International instruments*

The main international instruments addressing the theme of poverty are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Declaration on the Right to Development (1986); ILO Conventions/Recommendations.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

1.1. What particular human rights issues are linked to the issue of poverty (e.g. right to life; right to work; right to an adequate standard of living)?

1.2. What attitudes of social discrimination, marginalization, stigmatization and injustice need to be combated?

1.3. In what way can clients—individuals, families, communities—be empowered to bring about change in their own situation and in the attitudes of others towards them?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

2. GENDER DISCRIMINATION

(a) *Aspects*

- Equality/inequality: health, education, work, pay
- Role models
- Competition versus complementarity
- Cultural/traditional aspects of gender
- Marriage and other forms of shared life
- Sexual orientation
- Other aspects

(b) *Analysis*

Cultural heritage, customs and traditions as well as legislation and the evolution of a country's society might be scrutinized.

(c) *Social work intervention*

Possibilities for action by social workers in promoting gender-equitable legislation and in raising awareness of

gender-related issues could be described and studied. Other avenues could be work with self-help groups, women's groups and others.

(d) *International instruments*

The main international instruments for gender issues are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962); ILO Conventions.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

2.1. What human rights issues are raised in gender-related issues (e.g. equality before the law; equal rights to marriage and during marriage; right to choice of spouse; equal pay for equal work)?

2.2. What advocacy can be undertaken by social workers to promote change in gender-related issues and attitudes, including those concerning sexual orientation?

2.3. What gender issues can be seen within the social work profession?

2.4. How can the social work profession promote change in gender issues with respect for cultural traditions?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

3. RACISM

(a) Aspects

- Hidden and unavowed attitudes
- Open racist antagonism
- Integration: a multiracial society
- Voluntary segregation
- Imposed segregation (apartheid)
- Positive racial self- or group-image
- Racial minorities' relations with the majority population and with other minorities
- Other aspects

(b) Analysis

In the case of racism, causes, symptoms, shortfalls and the potential of the population for action can and should be analysed. Discrimination and disregard would obviously head the list of symptoms, since both are painfully present in the life and treatment of racial minorities. Deficiencies in housing, education, employment and pay, among other things, are likewise common.

Special attention should be devoted to the potential of the affected groups for attaining full enjoyment of their rights.

(c) Social work intervention

A thorough analysis of racism can best be undertaken by a multiracial group of social work educators, practitioners and students. Action will be most effective if carried out in conjunction with other groups who may benefit from social work intervention skills. Schools of social work, practitioners and the professional associations must themselves strive to be free of racial bias, and thus be convincing by their example as much as by their words and action.

(d) International instruments

The main international instruments relating to racial issues are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973); the Convention on the Rights of the Child (1989); the UNESCO Convention against Discrimination in Education (1960).

(e) Regional instruments

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

3.1. What human rights issues are raised by racism (e.g. rights of minorities; right to respect for one's own culture; right to just and favourable remuneration; right of access to any place or service intended for use by the public)?

3.2. Have social work educators, practitioners or students detected symptoms of racism and exclusion in their school or professional association?

3.3. What advocacy and/or action can be undertaken by social workers with regard to race, and how are those views reflected in their personal lives?

3.4. What is the extent of the knowledge of social work educators, practitioners and students about cultures other than their own?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

4. RELIGION

(a) Aspects

- Freedom of worship/restrictions on worship
- Development of sects and cults
- Fundamentalism and conservative trends
- Interreligious conflicts and violence

- Persecutions and expulsions
- Secular/religious States
- Conflict with national legislation
- Conflict with national/local customs
- Mixed marriages/mixed families
- Other aspects

(b) *Analysis*

Powerlessness of religious minorities and their difficulties in coexisting with predominant religious groups are symptoms of religious strife. An important parameter for the peaceful coexistence of different religions, or of believers and non-believers in a given country, is the prevailing degree of tolerance or intolerance, even under a theocratic regime. Problem areas could be legislation, the absence of a forum for interreligious dialogue, restrictions on worship, discrimination with regard to employment in the public sector and disrespect for conscientious objectors in the armed forces, among others. People's potential to counter and overcome religious discrimination, to inform and be informed about religion, and to create a climate of mutual respect for different beliefs is crucial.

(c) *Social work intervention*

Social workers could explore the potential for action by ecumenical and other organizations, such action for

specific and often social targets being one of the most effective ways to build mutual trust.

(d) *International instruments*

The main international human rights instruments addressing religious issues are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

4.1. What human rights issues are raised in religious issues (e.g. non-discrimination and equality before the law; right to freedom of thought, conscience, religion and belief; the inadmissibility of the use of religion or a belief for ends inconsistent with the Charter of the United Nations or with other international human rights instruments)?

4.2. Are denominational schools of social work and professional associations where the majority of members belong to one religion open to other religions and the manifestation of different beliefs?

4.3. Would social work intervention be more effective if social workers acquired some knowledge of the religions of their clients or client groups?

4.4. Is it difficult for social workers to be unprejudiced when faced with attitudes of clients based on their religious beliefs and practices?

4.5. In the light of the value crisis acknowledged today, would an understanding of the spiritual, humanistic and religious dimensions complementing psychosocial and economic factors lead to a more holistic view by social workers of the problems and challenges confronting them?

Devise further questions based upon reading of the instruments, especially those particular to given groups.

5. ENVIRONMENT AND DEVELOPMENT

(a) *Aspects*

- Population/demography
- Water
- Energy/fuel
- Urbanization
- Resource management
- Consumption patterns

- Toxic substances and hazardous wastes
- Environment and development education
- Other aspects

(b) *Analysis*

Several of the above-mentioned aspects of the environment and development issue are among the causes of aggressive development patterns and environmental degradation. Symptoms of that degradation are all too evident, as are shortfalls in the present management of natu-

ral resources and the damaging consequences for nature and humankind. Analysis of the issue should lay great stress on the potential for action of populations to reverse the present suicidal trend. Here again one of the aspects above (environment and development education) constitutes one preventive tool. Community involvement and commitment, technology transfer, respect for indigenous and local knowledge, approaches and practices, and popular participation in policy-making are among the many roads leading to sustainable development and to potential solutions for environmental degradation.

(c) *Social work intervention*

Environment and development is a new field for social work which is being explored. Social workers active at the grass-roots level will have an important opportunity for awareness-raising, advocacy and influence on lifestyles.

(d) *International instruments*

The International Bill of Human Rights comprising the Universal Declaration of Human Rights (1948) and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966) is relevant to the issue of environment and development. Most important, however, is Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992, whose implementation is monitored by the Commission on Sustainable Development.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

5.1. What human rights issues are raised by the environment and development issue (e.g. right to life; right to safe and healthy living and working conditions; right to acceptable environmental and industrial hygiene; right to the enjoyment of the highest attainable standard of physical and mental health)?

5.2. What action should social workers undertake to promote sustainable development and environmental protection?

5.3. What should social workers do if measures to protect the environment deprive disadvantaged persons or groups of their livelihood?

5.4. How can social workers uphold the rights of indigenous, pastoral and nomadic peoples whose lands, forest or rangelands are gradually being removed from their use, partly as a result of environmental degradation, but also for mega-development and other projects?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

B. Vulnerable groups

1. CHILDREN

(a) *Aspects*

- Child mortality
- Health
- Education
- Children and the family, including family reunification
- Institutional placement/foster care
- Adoption, including international adoption
- Gender issues
- Children of minority communities and indigenous populations
- Physically and mentally handicapped children

—Abandoned children

—Street children

—Abuse and exploitation, including sexual abuse and exploitation, pornography and prostitution

—Sale, trafficking and abduction of children

—Teenage pregnancy

—Juvenile delinquency

—Children in armed conflict

—Refugee children

—Other aspects

(b) *Analysis*

Incidence, statistical data, legislative and protective measures, loopholes in the law, governmental programmes and the responses of the voluntary sector and of the profession might be useful indicators for the study

of the various aspects listed above. Shortfalls in service provision, institutions and the standard of services for children might also be considered. Although many children are too young to stand up for their rights, older ones can do so. There is much untapped potential for their participation in the designing and delivery of services.

(c) *Social work intervention*

Social workers should be enabled to work in partnership with young people and to help in organizing young people. Schools of social work should prepare future professionals to go beyond the "child in the family" model and traditional deviancy models, and to view the child as a person with intrinsic rights which need to be upheld.

(d) *International instruments*

The main international instruments relating to children are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights

(1966); the Declaration of the Rights of the Child (1959); the Convention on the Rights of the Child (1989); the World Declaration and the Plan of Action adopted by the World Summit for Children (1990); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules") (1985); the Convention on Civil Aspects of International Child Abduction (Hague Conference on Private International Law, 1980); the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (1993); the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974); ILO Conventions/Recommendations

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

- 1.1. What human rights issues are raised in relation to children (e.g. right to life; right to health and health services; right to education; right to enjoy their own culture for children of indigenous or minority populations; protection from abuse and neglect; protection from exploitation; protection and care in armed conflicts)?
- 1.2. What would social work educators, practitioners or students consider an unjust removal of a child from his or her family and how would they respond?
- 1.3. How would social work educators, practitioners or students define the concept of "the best interest of the child"? How do they envisage the application of this criterion in the case of a child's removal from the care of his or her parents, or in other cases?
- 1.4. How can social workers ensure that children who are old enough and able to have an effective say about how their rights ought to be applied in practice are allowed to express their opinion and have it taken into consideration?
- 1.5. How can social workers intervene to improve the situation of the poorest and most disadvantaged children in any of the above categories?
- 1.6. What approach do social workers favour for their work with street children?
- 1.7. What measures would social workers recommend for the protection of children at risk of drug addiction, delinquency and other destructive behaviour?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

2. WOMEN

(a) *Aspects*

—Inequality in the eyes of the law or established custom

- Inequality in education, work, property inheritance
- Women's conditions in rural areas, including access to land ownership
- Women's conditions in poor urban areas, including access to credit facilities

- Violence in the family
- Women as heads of families
- The situation of the girl child (food, health, education)
- Women's values and aims
- Women's participation in decision-making and policy-making
- Discrimination against women
- Elderly and disabled women
- Other aspects

(b) *Analysis*

Traditional attitudes embodied in law and/or custom, powerlessness, societal and religious prejudice against women, impediments in decision-making, low status and double workloads are some of the main symptoms of the disadvantages faced by women. There are shortfalls in services for women, which are often planned without due consideration being given to women's perspectives on the way they are delivered (e.g. their availability for women who work). Potential for action concerns mainly women's (and men's) participation in awareness-raising and advocacy for the advancement of women. Consideration should also be given to women's potential in the area of policy and administration.

(c) *Social work intervention*

As a predominantly female profession, social workers have great potential for women's conscientization. They are especially well placed to impart knowledge of rights to women, although they are aware that this may lead to an increase of their women clients' conflicts with their men. Research is an important tool for the advancement of women, and one which the social work profession is well equipped to undertake. For positive and concerted action, social workers should link up with women's non-governmental organizations at the local, national and international levels, not least to keep women's issues before Governments at every level.

(d) *International instruments*

The main international instruments relating to women are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Nairobi Forward-looking Strategies for the Advancement of Women (1985); ILO Conventions/Recommendations.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

- 2.1. What human rights issues are raised in relation to women (e.g. right to life, in the case of infanticide of the girl child at birth; right to education; right to equal opportunities; protection against harmful traditional practices; equal pay for equal work?)
- 2.2. Is there any legislation in your country that discriminates against women in terms of nationality, inheritance, ownership and control of property, freedom of movement, and the custody and nationality of children?
- 2.3. Can you identify any discriminatory measures concerning career prospects for women within the social work profession (e.g. in the academic world, in social welfare agencies and others)?
- 2.4. Are social work students made aware of the vulnerability of girls and women among social work clients and of the special needs of elderly women?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

3. ELDERLY PERSONS

(a) *Aspects*

- Lack of preparations for old age—micro to macro levels
- Health aspects and expectations/income implications

- The untapped potential of elderly persons
- The shifting role of elderly persons within the family
- The shifting role of elderly persons in society
- Demographic trends and their implications
- The rights of elderly persons in institutions

- Services to facilitate an independent life
- Ongoing training, occupation, employment
- Young and old elderly persons
- Life and death with dignity
- Other aspects

(b) *Analysis*

The main symptom faced by elderly persons is that of marginalization. By tradition, old age, except in some societies, is viewed negatively. The gradual withering away of the extended family in many countries has taken from old people the comfort of a recognized place within the family. Longevity as well as a shift from rural to urban life are underlying causes of the present crisis. Elderly persons' low self-esteem, their relative poverty, their acceptance of second-rate services in institutions and tensions with offspring, among other things, compound the crisis. Shortfalls are manifold. On the one hand, the potential of the elderly population which is not a burden is not sufficiently recognized or utilized. Mass services are produced, as it were, for a homogeneous group in which elderly persons clearly are not represented. The main deficiency, however, lies in the stigmatization of age and the categorization of people by age alone.

(c) *Social work intervention*

The social work profession must not see its role as simply responding to crises but as helping to build support systems to alleviate crises. Furthermore, social workers must try to enhance old people's self-worth and knowledge of their rights. They need forcefully to reject service-delivery methods which infringe the rights of elderly persons. They should encourage and actively assist the formation of self-help groups and cooperate with them for improvement and the self-affirmation of elderly persons.

(d) *International instruments*

The main international instruments relating to elderly persons are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the International Plan of Action of the World Assembly on Ageing (1982).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

- 3.1. What human rights issues are raised in relation to elderly persons (e.g. right to economic security and to an adequate standard of living; right to health services; right to participation in the cultural life of the community; right to social security and social insurance)?
- 3.2. What training or additional training is considered necessary for improved assistance to elderly people?
- 3.3. Do social workers and social work students regard elderly people merely as clients, or could they envisage them as partners and collaborators in their work?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

4. DISABLED PERSONS

(a) *Aspects*

- Rehabilitation/self-reliance
- Integration in society
- Remedial support (e.g. prosthetic and orthoptic appliances, non-institutional treatment for mentally disabled persons)
- Lack of adequate compensation/income
- Appropriate housing for physically disabled persons

- Education/training/retraining with emphasis on community-based rehabilitation
- Employment/occupation
- Forced treatment and/or institutionalization of mentally disabled persons
- Transport/access to transport
- Other aspects

(b) *Analysis*

An improvement in early detection facilities for mental illness might go some way to diminishing mental disability. Superstition and ignorance concerning mental

impairment in some societies are serious barriers to be overcome. A negative self-image is one of the symptoms common to many disabled persons. One of the most constructive ways to analyse disability might be to concentrate on the potential of disabled persons for integration into the mainstream of education, work and life as a whole.

(c) *Social work intervention*

Advocacy for recognition of the rights of disabled persons as full members of the human family is an important role for social workers to undertake with their disabled clients. Social workers' faith in the inherent capacities of their disabled clients will help those clients attain their optimum levels of performance, a balanced self-image and, ultimately, a place in society acceptable to themselves and to others.

(d) *International instruments*

The main international instruments addressing the theme of disability are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Declaration on the Rights of Mentally Retarded Persons (1971); the Declaration on the Rights of Disabled Persons (1975); the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (1991).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

4.1. What human rights issues are raised in disability-related issues (e.g. right to economic security and a decent standard of living; right to assistance; right to protection from exploitation, abuse and degrading treatment; right to work according to capabilities; right to have disabled people's special needs taken into consideration at all stages of economic and social planning)?

4.2. What steps should social workers take in collaboration with disabled people to promote the latter's rights?

4.3. What curriculum component is considered necessary to respond more effectively to the needs of disabled clients?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

5. PRISONERS, INCLUDING RESTRICTED PERSONS

(a) *Aspects*

- Rights of offenders detained in penal institutions
- Rehabilitation/training
- Women prisoners/children born to women prisoners
- Juvenile prisoners
- Political prisoners/prisoners of conscience
- Persons restricted for political reasons
- Probation
- Capital punishment
- Other aspects

(b) *Analysis*

Poverty, anomy, a breakdown of traditional structures and support systems, and a consumer-oriented society are linked with criminality. The focus of the criminal justice system on general enforcement rather than on

consideration of the specific individual might be counter-productive for minor offences. Deficiencies can be found in detention/imprisonment facilities for the various categories of offenders. There is great potential for improvement in the prison systems of most countries to counter dehumanizing effects. There is also potential for reinforcing prisoners' bonds with their families.

(c) *Social work intervention*

Probation has long been one of the areas of social work which requires specific knowledge and skills. Social work intervention during imprisonment prepares the groundwork for a possible rehabilitation and integration of prisoners into society. Work with political prisoners requires consistent advocacy, especially under authoritarian regimes, as well as provisions for the prisoners and their families. Where permitted, it can be of great importance in morale building.

(d) *International instruments*

The main international instruments addressing the issue of protection of persons subjected to detention or im-

prisonment are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Standard Minimum Rules for the Treatment of Prisoners (1955); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Safeguards guaranteeing protection of the rights of those facing the death penalty (1984); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules")

(1985); the Basic Principles on the Independence of the Judiciary (1985).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1951).

Questions for social workers and social work students

5.1. What human rights issues are raised for prisoners (e.g. right not to be submitted to torture and other cruel, inhuman or degrading treatment or punishment; right to equitable remuneration for work performed; right to a legal adviser or free legal aid where there is provision for such aid; right to freedom of opinion and expression; right to freedom of peaceful assembly and association)?

5.2. What are social workers doing for the defence of members of the profession who are restricted or imprisoned for their religious or political beliefs, colour, sex or ethnic origin?

5.3. Should members of the profession intervene on behalf of colleagues restricted or imprisoned for their religious or political beliefs, colour, sex or ethnic origin who have either used or advocated violence?

5.4. What is your stand on the death penalty in the light of your knowledge of international instruments?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

6. REFUGEES

(a) *Aspects*

- Emergency measures in the first country of asylum/family reunion
- Morale building, psychological aspects, including post-trauma stress in refugee camps
- Special needs of refugee women
- Special needs of refugee children
- Security of person and socio-economic protection, including right to work
- Preparation for resettlement
- Integration in country of resettlement
- Voluntary repatriation
- Other aspects

(b) *Analysis*

Causes for the flight of individuals, families or large segments of the population from their country of origin are easily detectable (e.g. war, persecution, conflict be-

tween national, ethnic, racial, political, religious factions). Symptoms such as sudden uprooting, total destitution, lack of status and loss of nationality are some of the tragic burdens that refugees have to bear. Deficiencies in reception facilities in countries of first asylum are possibly unavoidable. There appears to be a growing lack of political will to admit refugees on the part of countries of first asylum and countries of intended final destination. There may be some potential for preventive, economic and other action in countries of origin, which could possibly help to ease tensions and thus avoid the exodus of nationals in search of refuge and asylum elsewhere.

(c) *Social work intervention*

In camps, in the case of mass arrivals, social workers can attempt to alleviate immediate tensions through counselling in cooperation with earlier arrivals or members of the present group. Their action is also vital in ensuring effective legal advice and in participating in relief management and humane camp administration. Social workers should be well versed in such skills and collabo-

rate with relief and other agencies on an interdisciplinary basis.

(d) *International instruments*

The main international instruments relating to refugees are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child

(1989); the Convention relating to the Status of Refugees (1951); the Protocol relating to the Status of Refugees (1967).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

6.1. What human rights issues are raised for refugees (e.g. right to life, liberty and security of person; right to seek asylum from persecution; right to freedom from arbitrary arrest or detention; right to protection against discrimination)?

6.2. What educational focus is considered necessary for effective social work intervention for/with refugees?

6.3. What can social workers do to facilitate refugees' absorption in a country of settlement?

6.4. Do social workers have a special advocacy role in promoting a favourable image of refugees?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

7. MIGRANTS

(a) *Aspects*

- Integration versus assimilation in the country of settlement
- Dual culture and cultural identity
- Racism
- Second generation
- Temporary migrants (for all or part of working life)
- Skills/training
- Work/employment
- Family reunion
- Returnees
- Other aspects

(b) *Analysis*

Among the main causes of migration are unfavourable conditions and surplus labour in the country of origin, and a lack of unskilled labour in the generally more developed country of settlement. Migrants usually, though not always, move in order to improve their social and economic position. However, there also exist religious, political and ethnic causes of migration. Shortfalls may concern, among other things, unsatisfactory reception facilities, housing, pay and social security in the receiving country. Exploitation and abuse can be severe.

Alongside such obvious deficiencies there exist other insidious, subtler ones. Social discrimination and racism turn migrants into second-class citizens. The potential of the population and of migrants themselves to change attitudes and to defeat a widespread bias against migrants is real but requires time and constant advocacy and action.

(c) *Social work intervention*

Apart from definite counselling roles for social workers in countries of emigration and immigration, their intervention is also required for internal migrations. The strategies for intervention in both cases are similar, since adjustment to the new habitat is a common problem. Social workers must challenge discriminatory treatment of migrants and acquaint them with their rights. They can put their skills at the disposal of migrants' associations and self-help groups if requested by them.

(d) *International instruments*

The main international instruments addressing migration are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); ILO Conventions/Recommendations; the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (1985); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American

Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

Questions for social workers and social work students

7.1. What human rights issues are raised for migrants (e.g. right to protection against discrimination; right to just and favourable conditions of work; right to equal pay for equal work; right to an adequate standard of living)?

7.2. Is there any prejudice against migrants in your school of social work or professional association?

7.3. What focus do you consider necessary for a more effective social service delivery to migrants?

7.4. Do social work educators, practitioners and students believe that migrants enrich their country's culture?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

V. SOME DILEMMAS FACING SOCIAL WORKERS

A. Introduction

Social workers encounter dilemmas in practice which require decisions and the determination of priorities. They are often accompanied by value conflicts. Some of these dilemmas are present in the real-life situations, from different continents, illustrated below. Faculty and students can obviously add to these. All these situations should provoke discussion and sensitize students to the human rights issues involved in individual cases and situations.

B. Questions

Some specific questions, intended to prepare for dialogue, are set out below. Some relate to individual situations, others to broader issues. However, discussion should focus on social work interventions and their implications, at micro, meso and macro levels. Furthermore, the general issues of human rights which are involved in these situations/questions should be explored, and existing international instruments and their applicability should be referred to.

Question No. 1. You are faced with a request for help from a person whose sexual orientation you do not share/find repugnant.

◆◆◆◆ How do you respond to the request? ◆◆◆◆

Question No. 2. You believe that people have a right to work; but the only cash crop in the area where you are a social worker is a narcotic drug, i.e. the basis of illegal and harmful traffic, when exported.

◆◆◆◆ What do you advise if there is a restriction on growing this substance? ◆◆◆◆

Question No. 3. Your Government has to service a large international debt and chooses to cut expenditure on social services, including the services you are working with for disadvantaged persons.

◆◆◆◆ How do you respond to this? ◆◆◆◆

Question No. 4. As a social worker in a hospital you find a conflict between legal and religious norms in your country regarding abortion and birth control. In addition, you believe the law and religious norms are not followed by significant numbers of women.

◆◆◆◆ How do you respond to requests for advice? ◆◆◆◆

Question No. 5. You have to advise childless couples about the possibility of having children by artificial insemination or adoption. Some of them have knowledge of persons who have adopted internationally, having paid large sums of money for children.

◆◆◆◆ How do you advise these couples, married or not married? ◆◆◆◆

Question No. 6. As a social worker in a social service office/agency you are asked to follow a new code of practice with clients. This requires you to:

- tell clients your name and how they can contact you;
- listen to clients explain their problems;
- seek clients' consent to investigate problems, as well as consent (which may be refused) to intervene on problems;
- give clients all information relevant to *their* choice and *your* decision-making (except where this would infringe the rights of others).

◆◆◆◆ How will this enhance clients' human rights? ◆◆◆◆

◆◆◆◆ What restrictions will it put on you? ◆◆◆◆

Question No. 7. As a social worker in the field of mental illness you have responsibility for a group of ex-patients living in a community establishment. You share this responsibility with nurses and doctors. One of the ex-patients is behaving bizarrely, and the doctor (who is newly qualified) wants to take him back to hospital. You do not agree with this, and want to investigate further.

◆◆◆◆ How do you respond to the doctor? ◆◆◆◆

◆◆◆◆ What do you discuss with the patient? ◆◆◆◆

◆◆◆◆ What safeguards do existing legal norms provide, and for whom? ◆◆◆◆

Question No. 8. As a social worker in a clinic you are aware of traditional practices of mutilating the sexual organs of pubertal girls (clitorectomy). A woman seeks advice on behalf of her younger sister, who fears that she will be mutilated in this way.

◆◆◆◆ How do you respond? ◆◆◆◆

Question No. 9. You are a social worker in a city project for street children, many of whom have been abandoned or have fled institutions. The police say they are being directed to take action against these children.

◆◆◆◆ What do you say to the police
and to the children? ◆◆◆◆

◆◆◆◆ What do you do in other ways? ◆◆◆◆

Question No. 10. As a social worker working for a church-based non-governmental organization you are approached for advice by an elderly widow who is being urged to go and live in an institution for elderly people. She wants to know what it is like to be in such a place.

◆◆◆◆ What details do you find out
to give her, particularly concerning her
rights as a resident? ◆◆◆◆

Question No. 11. As a social worker with young persons you are told that a young boy in a residential home is having his mail opened by staff because they fear he is planning to flee the home.

◆◆◆◆ What do you do, and what human rights
issues do you refer to? ◆◆◆◆

Question No. 12. A development project proposes to bring irrigation and hydroelectric power to a rural area. This will benefit many farmers and other people but, by submerging existing villages, it will displace many economically and socially disadvantaged persons whose means of livelihood and culture will be destroyed. In response to criticism from social activists the Government claims that the project will raise many people's living standards and help modernization. You perceive that this will be at the cost of the village communities.

◆◆◆◆ As a social worker working in the
villages what do you try to do? ◆◆◆◆

C. Conclusion

These 12 questions, as well as others prompted by such dilemmas, can be further elaborated. It would be helpful to:

(a) analyse micro, meso and macro aspects of each dilemma;

(b) identify human-aspects issues involved in each case;

(c) determine the consistency of international human rights instruments and national legislation relevant and applicable to each situation.

VI. ISSUES IN TEACHING AND LEARNING ABOUT HUMAN RIGHTS

Teaching and learning about human rights in a social work context is not fundamentally different from other subject areas. It requires application and analysis, as well as a personal commitment to communication and understanding. This section of the Manual offers some guidance for the education process. The outline presented here is intended to illustrate elements of a framework for elaboration in the classroom and in practice.

A. Recognition of human rights issues

Many aspects of social work, and the field of social work itself, have an implicit human rights dimension. The first requirement, for teachers and students, is to train themselves to recognize and explore these dimensions—both in theory and in practice. The themes and dilemmas in earlier sections and the case-studies below are designed to provoke recognition and aid exploration by faculty, students and supervisors/field instructors.

It is helpful always to consider the three levels of analysis (micro, meso and macro) prior to goal-setting in response to issues. Thought also needs to be given to using the preventive, developmental and social-action approaches of social work intervention.

B. Analysis

One traditional approach in social work is to begin with the individual person, perhaps in a family context. In a parallel way, many basic human rights issues also have their starting-point in the fundamental rights of individuals. However, this level of analysis needs to be supplemented by analysis at further levels (meso, macro), involving understanding the root causes of individual and group problems, and formulating responses at all three levels.

Another approach to social problems, already practised in schools of social work, is to identify social problems or issues initially at the meso or macro level and explore the personal and organizational consequences as they impact on the work of social workers. For social work educators, practitioners and students, however, it is the range rather than the starting-point of analysis which is important, as is the incorporation of an ethical and human rights dimension. This implies that social workers have to understand the interaction of their own values and professional ethics with the values of others—mainly clients—and with the prevailing sociopolitical order.

C. Responding to human rights issues

Following analysis, social workers need to respond. This section identifies a framework in general terms, although particular contexts will, of course, require different specifications.

1. RECOGNITION

Social workers need to recognize that they are responding to a situation which includes a dimension of human rights. In other words, they need to conceptualize the situation by asking themselves questions such as: What human rights are at issue in this situation? What are the possible goals/means for changing this situation? Are these goals/means consistent with international declarations? Are the goals/means permitted by national laws? Are they permitted but limited in reality by attitudes or resource considerations?

2. PRIORITIZING

There may be several human rights issues, and possibly violations, involved in a given situation. Social workers may therefore have to examine relative priorities for intervention in conjunction with the persons concerned. This will lead to a process of goal-setting in a specific context and in such a way that the achievement of goals can be evaluated. Goals will thus form part of a coherent strategy for responding to the situation from a human rights perspective, while strategies will take account of target groups at different levels, extending beyond a client's immediate problem.

Questions for discussion

- (a) What guidance is or can be made available to social workers deciding how to respond practically to human rights issues?
- (b) Are social work field instructors able to support and guide students from a position of active awareness of human rights issues in practice? Are laws, codes and international legal instruments easily available to students?
- (c) How does a social worker respond or act in cases where there are different points of view between himself/herself and the client concerning priorities for intervention in human rights issues?
- (d) How can the social worker become sensitive to the understandable fears consequent upon people's pursuit of their human rights, such as victimization, eviction, loss of employment and disappearance?

D. Reference groups for the social worker

Underpinning the execution of intervention strategies there needs to be support elements for the social worker. Support may be required from individuals, organizations, groups and movements involved in similar human rights issues. They might be solidarity groups, self-help groups, trade unions, professions (such as the medical and nursing professions), law-enforcement officials, specific non-governmental organizations, political parties, the churches, or others.

Questions for discussion

- (a) How can links be established and maintained between social workers and relevant organizations? Can this be helped by placements or other educational activity during the course of social work training?
- (b) How can social workers offer their expertise to support organizations or groups so as to engender an exchange of professional awareness and support?
- (c) How far can individual clients or groups be part of the network of support: how do social workers respond to the practical limitations there may be upon the active involvement of clients (e.g. constraints of time, pressure and other limitations)?
- (d) What negotiation and promotional skills will be required of the social worker/member of the school of social work?

E. Evaluation

Intervention by social workers should be evaluated, at least in conjunction with the client and the social worker's supervisor. A specific evaluation of the action taken in response to human rights issues raised by the given situation should be built into this process. Even if there has been no immediate change, the obligation to the client and groups involved is to appraise what was possible, what has been attempted and with what results.

Questions for discussion

- (a) How can a client be involved in the evaluation?
- (b) What methods and tools would be used for the evaluation (criteria, indicators)?
- (c) How clearly were initial goals and the specification of human rights issues defined?
- (d) Are alternatives that could have been chosen also to be evaluated?
- (e) To what extent were existing national laws helpful or relevant (or unhelpful) in the light of international legal instruments in a particular case?

F. Follow-up action

After the (evaluated) outcome of the particular case, future action may need to be considered by the social worker and his or her agency in the light of the success

or failure of previous strategies. Again, such action should be conceptualized at different levels and in different contexts. Thus, for example, the social worker may need to consider how to change the agency's policy to conform more closely with international human rights instruments, or there may be a need for the social worker to encourage the agency to communicate concerns to other social work or community agencies. A practical means of promoting understanding of human rights could, *inter alia*, involve the agency's offer to train supervisors in short-, medium- or long-range planning and to facilitate data collection for future research.

Questions for discussion

- (a) Will the social work curriculum allow time for/provide training in analytical, planning, operational and evaluative skills to enable future action to be undertaken with social work participation?
- (b) How can the educational programme provide training in leadership of self and others?

G. Recognition of the consequences of human rights activity

For social workers, as for individuals, clients and groups, active engagement in promoting awareness, understanding and implementation of human rights can be harmful (because of disapproval), dangerous, or even fatal (because of criminal or military sanctions), even if successful in achieving goals or improving respect for human rights. Students should be encouraged to be realistically aware of such consequences, which in some cases can cast a threatening shadow over many aspects of their work.

At the same time, students and teachers should be encouraged to learn about responses to such dangers; for example, responding to physical danger through appropriate security precautions within agencies; self-defence; group psychological support; self-help groups; links with other persons and organizations concerned with human rights.

Students should also be encouraged to participate in national or specific committees of professional associations, or national or international non-governmental organizations in the field of human rights. Such participation will incidentally recognize the status and value of such work within this area, and counteract pressures to have it marginalized.

Questions for discussion

- (a) Is there recognition within professional associations and schools of social work of the value and importance of professional support to workers addressing human rights concerns? If not, can students and staff identify ways of enhancing awareness among the professional leadership?
- (b) What means can be envisaged for responding to threats to professional organizations or schools (financial sanctions and others) unless human rights activities cease?

H. Maintaining the profile of human rights activity in social work

It is important that human rights activity in social work and social work education is not marginalized. This requires:

- (a) Adoption of the principle of respect for human rights, and implementation in the practice of teaching human rights. This includes staff orientation and development.
- (b) Maintenance of adequate teaching materials, including international human rights instruments, case-studies, innovatory research papers and other materials in schools of social work.
- (c) Adequate funding for the human rights area of work.
- (d) Review of existing course content, and revision/additions to take account of human rights issues included in this Manual.
- (e) A programme (e.g. seminars) for teaching staff and students, including presentations by human rights activists.
- (f) Encouragement of outreach links/twinning of schools of social work with human rights organizations locally, nationally and internationally. Such links can involve reciprocal visits, placements, exchange of news, etc.
- (g) Creation of awards and other forms of recognition for work in human rights and social work, including work undertaken by students, and recognition of victims of human rights violations.
- (h) Integration of human rights concerns in action programmes of schools of social work and professional social work organizations.

Questions for discussion

- (a) What crucial elements should be adopted by a school of social work that wishes to show its commitment to the value of human rights teaching within the school?
- (b) What dilemmas could be faced by social work organizations in their decisions relating to human rights issues?

I. Field work

Field work is an integral part of social work education which affords students the opportunity of witnessing the practical application of the theory learned from literature and in the classroom. It is therefore important that field instructors help students identify human rights aspects in everyday practice during their mandatory placements. Field assignments may vary according to the level of studies (undergraduate, graduate) and are to be found in informal community settings as well as in agencies and institutions.

While it might be possible for students especially interested in human rights to be placed in human rights organizations or in activist human rights pilot projects, it

is essential, as has been stressed throughout this Manual, that they become aware of human rights implications in all areas of social work.

Conscious emphasis on the protection of the human rights of all persons with whom contacts are established during an assignment will provide depth to the learning process. Taking care to ensure that dignity and respect as well as coping skills are preserved and enhanced in clients or client groups will shape students' professional attitudes. It might therefore be worthwhile for schools to consider asking students to write reports on their field work from a human rights perspective.

The first, or in some cases renewed, involvement with social work practice is crucial. Much will depend on the knowledge and attitudes of both instructors and students. The limits and possibilities provided by social, economic and political systems; possible constraints of organizational structures; cultural traditions; and the recourse to legal protection are, among many others, elements which will have to be explored within the microcosm of a particular individual or collective problem, not in a comfortable classroom discussion, but in the reality of life and pain.

Questions for discussion

- (a) Training and learning during practice require some adaptation and compliance from students, but conflicts might arise when students believe that the rights of clients or staff have not been sufficiently respected. What should/could be the role of the supervisor?
- (b) Should innovative and creative initiatives by students be encouraged during their field assignments?
- (c) Are relations between faculty and students at schools of social work likely to influence students' attitudes to clients and colleagues during their field assignments?

J. Research

Serious academic research in the field of social work and human rights is a key element for ensuring knowledge of and respect for human rights in social work practice. This goes well beyond the evaluation of action undertaken by practitioners or students addressed earlier (see subsect. E above).

There is much research material in the field of human rights: causes of human rights violations; prevention of human rights abuses through awareness-raising, advocacy and social action, among other things; human rights education; legal measures to counter human rights abuses; sustained pressure at the political level; early-warning systems; and recognition and compensation for human rights victims are but some of the subjects which social work academics, practitioners and students could address.

Besides its scientific value, serious research could also set standards, be quoted or even be used as a yard-

stick in cases of conflict and dispute involving a human rights issue.

It is to be hoped that, in the years to come, sufficient talent and funds will be available for comprehensive research in the area of social work and human rights. As in so many other areas, its development and progress hinge on the knowledge originating from in-depth and ongoing research.

Question for discussion

How can academic research be encouraged, and academic recognition be granted to expertise, in the area of human rights activity in social work?

K. Activities within intervention strategies for those disadvantaged in respect of their human rights

The following activities may well be important in intervention:

(a) Working with local, regional and national bureaucracies or power structures for promoting, developing and implementing needed changes in policy, planning and programming on human rights issues;

(b) Discovering, involving and developing appropriate and qualified leaders from the community for the

identification, planning and implementation of programmes and services needed;

(c) Training and developing leadership among those disadvantaged in respect of their human rights;

(d) Developing self-help capacities of those disadvantaged in respect of their human rights;

(e) Developing campaign structures and methods to enhance awareness, including mass and folk media;

(f) Linking with like-minded movements;

(g) Organizing previously unorganized groups for self-help;

(h) Securing the cooperation of key persons in the community;

(i) Soliciting, mobilizing and coordinating local, national and international resources;

(j) Fund-raising;

(k) Documenting and presenting facts previously not recorded;

(l) Recognizing and adapting existing services;

(m) Promoting legislation benefiting the affected group;

(n) Assessing the impact of actions undertaken in conjunction with the persons and groups affected and associated groups and organizations.

VII. CASE VIGNETTES

To help users of this Manual, the following specific case vignettes have been included. They illustrate, from specific real-life cases, how human rights issues emerge and need to be identified in learning and in social work practice. The cases presented evidently address only an infinitesimal spectrum of situations encountered in social work practice. It is therefore hoped that schools and practitioners will add and consider many other cases known to them from their regions.

A. Case No. 1. The story of Simba

Simba is a 10-year-old boy living the life of a street child in a large African city. He is not actually homeless, but lives with his mother and eight other relatives in a two-room rented house in the high-density suburbs. Simba's father often beats him, especially when the father returns home drunk.

Early each morning Simba walks the 5 km to the city centre where he joins other boys to make money from guarding cars in a part of the centre which is their territory. Simba prefers this life—certainly it is preferable to staying at home, and he would not go to school anyway as, even without paying fees, his mother could not fit him out or buy the necessary books. Together with the other boys Simba sniffs glue; it has the effect of taking away his hunger pains, and the dizzy feeling makes him forget his problems.

Occasionally the police harass the boys, and Simba has been rounded up and taken to the social welfare authorities more than once. Last time the authorities sent him to a probation hostel for "assessment". He did not like it. He was beaten up by some of the older boys, so he absconded and returned home. Then, once again, he returned to his group of friends and the street. When business is good he makes a few dollars; and after he has bought himself a Coke and some bread there will be a little money left for his family.

Questions

1. What human rights issues are raised by this case?
2. What would be your response as a social worker working for the city welfare authorities?

B. Case No. 2. The story of Hassan

Hassan, aged eight, was found by a social worker in a hut on the shore outside a city divided by civil war. He was one of eight siblings, and his father worked occasionally whenever there were opportunities. The mother

stayed at home. Hassan was on a mattress almost floating in the bad housing. He had never been able to sit or stand, and nobody had ever tried to help him. His hands were clenched and he had never been able to open and close them. He was not, however, intellectually limited.

His parents were ashamed of having a child with a disability and did not tell anybody about him. They were careful to hide him, but were otherwise not unkind to him. Because of lack of facilities in the community to help children with disabilities, there was nowhere to turn to for help. A civil war situation made it even more difficult for the family to cope with its daily chores.

A social worker offered the family training for Hassan in a special school, as well as physiotherapy provided by a non-governmental organization working in the area. The family was reluctant to allow Hassan to join the project but was eventually convinced. Hassan benefited greatly and the parents were very proud when he could walk, use his hands well and was subsequently able to start studying in an ordinary school.

Questions

1. What human rights issues are relevant to this case?
2. As their social worker, how would you explain these issues to Hassan's parents?

C. Case No. 3. The case of Mrs. D

Mrs. D., aged 82, lives in her own fifth-floor apartment in a city with her dog and two canaries. She has been a capable person all her life and did not want to be a burden for anybody. She was divorced more than 30 years ago and has no contact with her former husband's relatives. Most of her own family either live far away or are dead. She corresponds with two nieces.

Neighbours called welfare agencies because they heard the dog barking but had not seen Mrs. D. for a long time. She did not answer or come to the door when they tried to contact her. A social worker managed to reach her by telephone and got permission to ask the caretaker to open the door. It turned out that Mrs. D. had not been able to reach her bed for more than a week. She had been sitting in her chair, which she had also used as a toilet. She had not been able to prepare any food but had nibbled on crackers and fruit which she could reach from her chair. She was very worried that her dog had not been walked or properly fed. She wanted to stay at home or go to hospital but her health insurance was not enough to cover the hospital costs.

The social services supervisor decided that she should be given home-help service for three hours a week. Mrs. D. did not think she could afford that. It was also proposed to take the dog away, which Mrs. D. resented as he was her only company. She would rather be left to die. A compromise was finally reached in that she accepted some home help, had a hospital check-up, and later agreed to having a placement found for her which she could afford and accept.

Questions

1. How did the social workers (and supervisors) propose to enhance or restrict Mrs. D.'s human rights?
2. What are the constraints on Mrs. D.?

D. Case No. 4. A strike

Seven hundred workers at a car components manufacturing plant went on strike. The multinational company's plant is located in a region subject to martial law. Grievances were wage levels (compared with high profits), bad working conditions, oppressive employment practices (for example, one worker was refused permission to leave his machine to get medical help when he was ill; when he did, he was fired), and insufficient medical care or insurance.

The union's attempt to negotiate ended in deadlock, and a few hours after the strike started a "return to work" order from the Ministry of Labour was received. The next morning police detained 417 of the workers, holding them without food or drink for 18 hours. Eventually the military decided to release the workers because they could not handle the large number.

Questions

1. What human rights issues are raised by the strike and the response to it?
2. If you were a social worker employed by the company, how would you respond to these issues?

E. Case No. 5. Gemma's story

Justina and Ricardo are farmers living 80 km from the nearest city. Their 10-month-old daughter Gemma became seriously ill with diarrhoea, and they took her to a nearby private health clinic. Like many other impoverished people, they were turned away by the staff at the clinic because it was obvious that they could not pay the fees.

The next day, Justina took the feverish Gemma and made the long trip to the city on public transport, borrowing money from neighbours for the fare. By this time, Gemma was having convulsions because of the fever, and would not even accept water.

At the small, understaffed government hospital Justina was told that there were no beds available, and to come back the next morning. Having no relatives in the city, and no money to take a room, she found shelter at

the public market for the night. That evening, as Justina huddled with her baby on a table, Gemma died.

Questions

1. What and whose human rights were violated in this case?
2. What would be your role as a social worker in the private clinic or government hospital?

F. Case No. 6. Dealing with "defectology"

The care of mentally disabled children comes under the discipline of "defectology". Such children are placed in large institutions. According to nationally accepted views among professionals in defectology, the most severely retarded children do not respond to any treatment or stimulation. Consequently, large numbers of children with severe learning difficulties in institutions are often kept in bed all day. They are given no stimulation, nor is there any physical contact, expression of affection or emotion, or the possibility to play.

At one institution, the professional leadership decided to experiment by giving all children, including the most severely retarded, basic stimulation and possibilities for activity. The experiment was extremely successful, and within a few months the children progressed and developed in a dramatic way.

Questions

1. What human rights were violated by the former practice of defectology?
2. What would be your role as a social worker for children with learning difficulties, working in or outside such institutions?

G. Case No. 7. Ganga's story

Dowry is customary in many parts of the world, as are arranged marriages involving minors. Ganga, a 15-year-old girl from the country, was married to a man from the city, and the dowry as well as the expense of the wedding put her father, a poor farmer, heavily in debt.

The marriage was not a happy one. Physical abuse became frequent when the husband was convinced that no further dowry or presents could be collected from his in-laws. He also made it clear that he did not wish to have children. After finding out that his wife had complained to one of the neighbours, he gagged her, poured kerosene on her and lit a match. At the last minute, before calling the police, he pretended to save her and burnt his hand in the process. He told the police that Ganga had tried to commit suicide, and this was corroborated by his wife's statement to a magistrate at the hospital where she remained alive for two days.

Shortly before her death, Ganga told a social worker of the real events of her married life as described above, also disclosing the fact that her husband had been married before and that his wife had disappeared. However,

before this information could be submitted to the magistrate and the police, Ganga died and her previous statement was upheld. Thus no proceedings could be started against her husband.

Questions

1. What human rights were violated in this case?
2. What action can be taken by a social worker to prevent the occurrence of dowry deaths?

H. Case No. 8. The story of family "X"

John lives with Mary and their two children in sub-standard conditions and their marriage is far from stable. John's long-time unemployment has aggravated his drinking problem, and Mary's chronic depression makes it difficult for her to take care of her family and her household. What holds them together is their affection for their children: four-year-old daughter Anne, and two-and-a-half-year-old son Charles.

The social worker in charge of the case makes arrangements for the children to attend nursery school to take them out of their slum-like surroundings and provide them with one regular meal a day. Because they are found to be consistently listless and withdrawn, they are taken to be examined by a paediatrician and a child psychiatrist, who suspect sexual abuse (by the father).

Fearing that the removal of the children would cause the collapse of the family, the social welfare authorities decided to continue to monitor the family carefully for a few months and to concentrate on helping John find employment. Anne and Charles appear to be fond of their parents and, for the time being, the option of taking them into care is delayed.

Questions

1. What human rights issues are raised by this case for the children, the parents and the family as a whole?
2. How would you, as a social worker, act in this dilemma?

CONCLUSION

1. The end of this Manual should be envisaged as an opening and a beginning. With the world moving slowly towards a yardstick of human rights performance for popular acceptance of the legitimacy of Governments and political and socio-economic systems, no person or professional can remain within the confines of his particular skills without heeding the rights of his fellow inhabitants on the planet.

2. If the Manual raises questions, it will have achieved some of its goals; if it provokes controversy, it will have gone further. If it incites social work educators, students and practitioners to serious debate, research and action, the cause of human rights will have been well served.

3. In the formation of professionals it is crucial that practical applications of ethical concerns are taught and learned. Knowledge and professional as well as personal attitudes go hand in hand, and ultimately an acquired symbiosis of knowledge and ethics will permeate day-to-day professional practice.

4. The future of people and of humanity depends to a great extent on the education and training capacity of educational institutions, intergovernmental bodies and non-governmental organizations. This Manual is intended to help a particular professional group take a few steps forward on the road leading to universal respect for human rights. It is not the end of the road. There is a long way ahead.

ANNEXES

Annex I

INTERNATIONAL FEDERATION OF SOCIAL WORKERS

PO Box 4649, Sofienberg, N-0506 Oslo, Norway

The International Federation of Social Workers (IFSW) was created in 1956 as a successor to the International Permanent Secretariat of Social Workers founded in 1928. Its present membership includes 55 national associations or national collective bodies of two or more associations.

IFSW is an international non-governmental organization whose consultative status (category II) was granted by the United Nations Economic and Social Council in 1957. It also has an official consultative relationship with UNICEF, UNESCO, the Council of Europe and the Commission of the European Community. It is on ILO Special List of Non-Governmental Organizations and maintains a working relationship with WHO.

Its aims are:

(a) to promote social work as a profession through cooperation and action on an international basis, especially as regards professional standards, training, ethics and working conditions, and to further the establishment of national associations of social workers where they do not yet exist;

(b) to support its members in promoting the participation of social workers in social planning, and the formulation of social policies, nationally and internationally;

(c) to encourage and facilitate contacts between social workers of all countries, and to provide media for discussion and the exchange of

ideas, through meetings, study visits, research projects and other means;

(d) to present the views of the profession on an international level and to collaborate with governmental and non-governmental international organizations in social planning, social action and other fields requiring social work experience and expertise.

Since 1966, IFSW international biennial symposia/conferences have been held regularly in various parts of the world, while regional seminars take place in the intervening years. IFSW publishes an international newsletter and is the co-sponsor of the quarterly magazine *International Social Work*. It has also published 12 international policy papers on major social themes.

Among its established programme priorities, the issues of human rights, including the rights of the child, peace and disarmament, poverty relief, HIV/AIDS prevention and ecologically sustainable development are high on the list. In order to formalize its long-standing action in the area of human rights, IFSW set up a human rights commission in 1988. In 1989, the Federation was among the first "Peace Messengers" officially designated by the United Nations Secretary-General.

Recent projects and joint publications by the Federation include this Manual, *Human Rights and Social Work*; and *Beyond Medicine: The Social Work Response to the Growing Challenges of AIDS* (a study undertaken and published at the request of WHO).

Annex II

INTERNATIONAL ASSOCIATION OF SCHOOLS OF SOCIAL WORK

c/o Ralph Garber, President
Faculty of Social Work, University of Toronto
246 Bloor St. West, Toronto, Ontario, M5S 1A1, Canada

The International Association of Schools of Social Work (IASSW), established in 1928, is the sole organization for the promotion of social work education and has been recognized as the prime spokesman of social work education in every region of the world. It has an outreach to 1,800 schools of social work in over 90 countries. It holds consultative status with the United Nations Economic and Social Council, UNICEF, UNESCO, the Council of Europe and OAS. It also collaborates with the World Bank for the assessment of projects in developing countries.

Membership is open to all educational institutions offering a defined, specific course of study in social work; national and regional associations of such institutions; and institutions of advanced study and research. Social work educators may join IASSW as individual associates.

IASSW utilizes the following means to achieve its purpose of promoting and developing social work training and education: (a) provision of a permanent international forum on social work education and related matters; (b) collection and dissemination of relevant information; (c) initiation of international study courses; (d) assistance to educational institutions through consultancy, seminars, workshops, special programmes and publications; (e) representation and interaction at the international level with governmental and non-governmental bodies; (f) encouraging and facilitating the exchange of teachers and students.

A biennial IASSW world congress has been held regularly since 1950 at various places throughout the world.

IASSW's current special project areas include: training-the-trainer workshops as social development agents in rural transformation in Africa; workshops on advanced social planning for integrated socio-economic development; a World Policy Statement on Social Work Education for the United Nations Interregional Consultations on Developmental Social Welfare Policies and Programmes; case-studies and workshops on integrating women's studies in social work education, and an ongoing project on women activists struggling for social justice; training seminars on human rights and social justice in partnership with the Council of Europe; assessment of indigenous educational literature; focus and workshops on the interface of social work education and practice with macro development projects in Africa, Asia and the Pacific, and Latin America; collaboration with WHO (Geneva) and the Pan American Health Organization (Washington, D.C.) for WHO-AIDS training material for schools of social work; collaboration with UNICEF, the Canadian International Development Agency and the Canadian Save the Children Fund on action projects related to street children and children in armed conflict; a long-term project for curriculum development on street children for Botswana, the Philippines, Thailand, India and some countries in Latin America; training workshops to foster the social and economic development of women in Pakistan and in other Islamic and Asian countries; establishment of a Consortium on Social Work Education for Eastern and Central European countries; a Colloquium of Ministers Responsible for Labour, Social Welfare and Education for the development of social work education in Eastern and Central European countries; this Manual, *Human Rights and Social Work*; and a workshop and project to mobilize social support for the victims of the civil war in the Former Yugoslavia and the Balkan States.

Annex III

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

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 co-operation 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 the 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

1. 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.

2. 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

1. Everyone has the right to freedom of movement and residence within the borders of each State.

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

Article 14

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

2. 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

1. Everyone has the right to a nationality.

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

Article 16

1. 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.

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

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

Article 17

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

2. 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

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

2. No one may be compelled to belong to an association.

Article 21

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

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

3. 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

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

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

3. 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.

4. 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

1. 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.

2. 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

1. 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.

2. 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.

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

Article 27

1. 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.

2. 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

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. 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.

3. 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.

Annex IV

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all the members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Par-

ties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any

proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Annex V

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies where granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

- (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
- (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
- (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social reha-

bilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right of freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

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

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) The Committee shall hold closed meetings when examining communications under this article.

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

- (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
- (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the *ad hoc* conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreement in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies.

This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(a) Signatures, ratifications and accessions under article 8;

(b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

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