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WHAT ARE HUMAN RIGHTS?

Charles Malik

STATESMEN AT LAKE SUCCESS HAVE PONDERED THAT QUESTION AND NOW OFFER THEIR ANSWER

THE first step in one of the most important tasks the United Nations has undertaken has been completed. It is the drafting of a Declaration on Human Rights. Its Preamble and 28 Articles may eventuate into mankind's greatest human document, for it seeks to expand as well as to make secure the rights of man.

This urge in mankind is neither new nor novel. The Babylonians, nearly 4,000 years ago, had their Code of Hammurabi, which established freedom within that law. Later the Greeks and the Romans contributed patterns for human conduct exemplified in the Justinian Code. Then after a few centuries, in A- D. 1215, England promulgated new liberties in the Magna Carta and toward the end of the 17th Century expanded them in the Bill of Rights. France contributed the Napoleonic Code to the world and the "unalienable rights" of man, eloquently charted in the Declaration of Independence of the United States, gave new hope to people everywhere.

It is only since the advent of the 20th Century, however, that the peoples of the world really began to act and think collectively, perhaps as a result of cataclysmic wars, and to look beyond national or regional frontiers and take stock of their collective well being. The League of Nations Covenant marked a beginning, followed by the Atlantic Charter and the United Nations Charter, which fathered the present Commission on Human Rights.

Negotiations in the United Nations, by which international agreements are forged, are at best complicated processes. Yet it would seem to be not too difficult to reach agreement upon matters of non-political or moral nature, such as human rights. But it took 18 months of debate and nearly 100 meetings to bring forth this draft.

It probably covers a wider range of human activity than any other similar document in history. Beginning Article 1 with the declaration that "all human beings are born free and equal in dignity and rights..." it proceeds with several Articles generally resembling the guaranties contained in the United States Constitution. Among them are the right to life and liberty, freedom from arbitrary arrest and involuntary servitude, the right to own property, the freedom of thought, conscience, and religion.

Other Articles deal with economic, social, and cultural rights, including the right to work and protection from unemployment; the right to an adequate standard of living, including food, clothing, housing, medical care, and provisions against sickness, disability, and old age; the right to an education, to rest, and to leisure; and the right to participate in the cultural life of the community.

The meeting of the Commission on Human Rights, ably presided over by Mrs. Franklin D. Roosevelt, was devoted for the most part to the detailed considerations of human rights drawn from national constitutions, from national institutes, and from texts furnished by certain delegations. The final draft that emerged will be submitted to the Economic and Social Council, then to the United Nations General Assembly, meeting at Pan's in September, before it can become a part of the final Covenant on Human Rights, or specific law, which nations may incorporate in their own legislation.

This intricate, lengthy process of consideration and reconsideration, of submission and resubmission by one Principal Organ of the United Nations to another is inviolable because the principle of the sovereign equality of States, large and small, is enshrined in the Charter of San Francisco. Moreover, the 58 sovereign States in the United Nations have a bewildering variety of cultures, histories, racial origins, religions, systems of government, and legal practices.

It was in such a setting that the Commission on Human Rights went to work on its task as outlined in the Preamble of the U. N. Charter. This, it will be recalled, declared that "We the peoples of the United Nations" are determined, first, "to save succeeding generations from the scourge of war" and, secondly, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." Only the question of war precedes the mandate to declare human rights.

Supplying content and meaning for the phrase "the dignity and worth of the human person" quite naturally brought into relief the differences in ideologies of the nations represented. For this is an age of ideologies, of passionate fundamental beliefs about the nature of things, and especially the nature of man and of society. It is no exaggeration to say that there is no fundamental question shaking the world to its depths today which was not somehow, directly or indirectly, reflected in the

deliberations and decisions of the Commission on Human Rights. Agreement had to be reached on four basic issues concerning the nature of man.

The first was whether man is simply an animal, so that his rights are just those of an animal. All those who stress the elemental economic rights and needs of man are for the most part impressed by his sheer animal existence. This is materialism, whatever else it may be called. Materialism is a popular philosophy of our times, making it difficult to champion the cause of the spirit and mind of man; and to impress on the international community the point that even after man is fully secure in his so-called "economic rights" he may still be not-man. But unless man's proper nature, unless his mind and spirit are brought out, set apart, protected, and promoted, the struggle for human rights is a sham and a mockery.

The second question is to determine the place of the individual human person in modern society. This is the great problem of personal freedom. How is my personal freedom limited by society? May I freely examine any issue, may I criticize, may I express my criticism, may I rebel and oppose and say No! to my group or government or nation? Or am I wholly determined by my social relations so that I have no right to rebel, no right to ask questions, no right to look around and seek, no right to lift my head above the crowd and reach forth to the light and truth?

In this age of spreading socialism it is difficult to champion the cause of freedom; it is difficult to shout from the housetops that man cannot be absorbed by society, that he is by nature free to think, free to choose, free to rebel against his own society, or indeed against the whole world, if it is in the wrong. But unless we succeed in preserving and promoting man's inalienable freedom, we shall have traded away his dignity, and we shall have destroyed his worth.

The third fundamental question raised in the relationship between man and the State, between the individual and law. This is the great problem of statism. The question here is not whether man ought to obey the law, or whether he ought to be subject to his State. The question rather is this: Which is more ultimate, which is prior to the other, which is for the sake of the other—the individual human person or the State?

And as regards the law, the question is whether it is arbitrary, accidental, imposed on me by force, coming from the outside, merely pragmatic, ungrounded, and blind; or whether it is grounded in the nature of things and above all in my own rational nature, so that it is the best external guaranty for the development of my freedom.

In this age of advancing governmental control, of national consciousness and sovereignty, it is difficult to convince man that he is not meant to be the slave of his Government; it is difficult to establish in his mind the right scale of values whereby he can see clearly that the State exists ultimately for his sake and in his service and not conversely. But unless we reject the total subordination of man to the State; unless, that is, we succeed not only in limiting the claims of the State on man, but also in ensuring the State's recognition of his claims on it, the battle for the fundamental rights and freedoms will have been virtually lost.

The fourth ultimate issue is the question of man's ultimate loyalties. Does man have by nature other loyalties than his loyalty to the State?

Is his loyalty to the State all-embracing, absolute, unconditional, intolerant of every other loyalty and attachment? Or is he allowed to develop loyalties at least side by side with his loyalty to the State? Is it in harmony with his natural rights as a man to allow the State to determine for him all his beliefs and ideas and even hopes, all the material basis of his existence, all the patterns of his life?

What about the family, the church, the intimate circle of friends, the independent pursuit of science and truth, the sustaining folk songs and folkways which are utterly independent in their origin of any Government and any State? What about this whole plenum of intermediate institutions spanning the entire chasm between the individual and the State?

We speak of fundamental freedoms and of human rights; but, actually, where and when are we really free and human? Is it in the street, is it in our direct relations to our State? Is it not rather the case that we enjoy our deepest and truest freedom and humanity in our family, in the church, in our intimate circle of friends, when we are immersed in the joyful ways of life of our own people, when we seek, find, see, and acknowledge the truth?

These intermediate institutions between the State and the individual are, I am convinced, the real sources of our freedom and our rights. The tragedy of the modern world is that these real grounds of freedom are in danger of decay. The family is subject to terrible strains, the church is on the defensive, modern man has no friends, truth has become a matter of pragmatic convenience. But unless the proposed Bill of Rights can create conditions which will allow man to develop ultimate loyalties with respect to these intermediate sources of freedom, over and above his loyalty to the State, we shall have legislated not for man's freedom but for his virtual enslavement.

Thus, to recapitulate, the Commission faced and wrestled with these four basic issues: (1) the nature of man; (2) the place of the individual in society; (3) the relation of man and State; (4) man's ultimate loyalties. It is, I believe, noteworthy as grounds for great hope that by majority vote we should have been able to agree on conclusions now stated in the draft Declaration on Human Rights. It is a document which should be read with profound thought by all who envisage the reign of a just peace on this earth.

The need is above everything else for courageous and sustained moral leadership. It is for some one nation so to put its own house in order and so to be fired by a genuine sense of mission as to have its words on fundamental human rights ring with authority.

There is everything in the background and fundamental outlook of certain nations to entitle them to take a bold lead concerning the ultimate emancipation of man; and yet such a lead has not always been forthcoming. Fatigued by the stupendous exertions of the war; preoccupied with self-interest and sheer politics; distracted by the sheer multiplicity and pressure of events in this rapidly shrinking world; undermined by friction and disorder from within; blunted by the prevalent International fear and

suspicion: some nations royally destined in themselves to sound the clarion call, present yet an unconvincing and faltering style.

Nor do the ordinary processes of the emergence of responsible leadership in the democratic world seem to be tossing up at present leaders of the requisite moral stature. By the time a man reaches the top he has usually expended his soul in compromise and appeasement. The result of all this is divided and enfeebled counsel.

The Commission has endeavored to fulfill the expectations of the Charter. But something has happened in the international situation which has somehow weakened the original hold of the Charter on the member nations. One must face this tragic fact in all honesty. The distressing impression is often gained that really only lip service is paid the cause of human rights. It is as though the provisions of the Charter on this question were not meant seriously. Despite the solemn enshrinement of human rights as one of the fundamental reasons for the existence of the United Nations itself, despite the fact that the member nations, by signing the Charter, are legally bound to all its provisions including the promotion and observance of human rights and consequently and necessarily their precise definition, I have observed a certain degree of inordinate caution, nay perhaps even of cynicism, with regard to the carrying out of the mandate. It is as though the real will to achieve and ensure human rights were lacking.

We need endless rational debate and discussion; we need the bracing touch of moral leadership; but without the real political will to discover and promulgate and enforce these rights, debate and leadership will avail nothing. The will is the agency of realization. A man may know all the truth and may know it even with passion, but unless he also wills it, it is not likely to pass into actuality.

But if peoples are patient with one another in full debate until agreement is reached, or at least until the issues have become perfectly clear; if nations are granted the boon of a vigorous, understanding, and moral leadership; if the genuine will to achieve human rights is restored and enhanced; if the nations which signed the Charter and are therefore legally and morally bound by it are willing not to retreat from but to advance beyond its terms; if in this advance necessary safeguards are introduced against the excesses of materialism, nationalism, and statism in favor of the real freedom and dignity of man; and if the intermediate soil of freedom is watered with care and protection and love: if we are wise enough, and courageous enough, and true enough, and free enough to do all this, then, I am confident, the dawn of a new day will come upon us.

"What Are Human Rights " was originally published in August 1948 by The Rotarian.



HUMAN DIGNITY, HUMAN RIGHTS

Michael Novak

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Fifty years ago, a tangle of intellectual and diplomatic puzzles blocked the world from agreeing on a universal code of human rights. In the years 1945-1948 the world was emerging only slowly from the devastation of the war that had burned through Asia and Europe. The largest nation of all, China, was in the midst of a bitter civil war, and Communists both there and in the Soviet Union harbored worldwide ambitions. Although consciences on all sides had been shocked by the bloodshed, the newly discovered death camps, and the tens of millions of displaced persons and refugees, no one way of thinking about moral issues commanded consensus. People seemed more divided about right and wrong after the war than they had seemed before it. How, then, could they come to agreement on a short list of the rights of all men? That was the first puzzle. It might be called the conundrum of pluralism.

The second conundrum had a different origin. One side in the great war claimed to be defending the individual, whereas two of the other great protagonists—the defeated National Socialists and the triumphant International Socialists (or Communists)—marched under the banner of community, the collective, and especially the state. These two visions of the future were antagonistic—or so it seemed. How could the opposing sides possibly agree about common principles, when the principles dearest to each were to the other anathema? Still, some thought, there must be some way to protect the rights of individual persons while recognizing at the same time the many communities in which all persons are concretely embodied. This might be called the conundrum of the individual or the state.

The drafters of the Universal Declaration of Human Rights (1948) did manage to cut both these Gordian knots. While protecting the ability of diverse consciences to disagree radically about the premises and principles of ethical theory, they found a way to emphasize a number of basic findings of practical reason, to which a sufficient majority of peoples around the world had been driven, whether by the terrors of the first half of the twentieth century or the wisdom of the previous three millennia. Many had been led, under the pressure of extreme suffering, down a sort of *via negativa*.

Having seen the awful consequences of a world without universal standards, they were now ready to agree about certain practices that must not be done, not ever again. Where agreement about the whys and wherefores was still not possible, agreement about a few practical "don'ts" was almost universally sustained. Some of these standards might be stated as goals to be striven for in societies not yet fully developed, and thus be worded in positive terms. But virtually every one of the thirty principles of the final draft rested on bitter memories of recent abuses.

Similarly, East and West were not at all in agreement about the individual and the state. Nonetheless, there are some down-to-earth social institutions, such as the family, in which all humans function. Could not a way be found to bridge the gap between the Anglo-American zeal for the term *individual* and the Soviet insistence on the *state*? And between the Western predilection for *liberty* and the Asian (especially Chinese) emphasis on *duty*?

Once it was decided that the Universal Declaration could not possibly formulate a common theory about human nature and destiny, nor a common creed, but only declare, instead, a limited but quite clear practical code, the two recently fashioned keys suggested above began to turn in the locks.

One key was to notice the sharp difference between the universality reached through the workings of *practical* reason and the universality possible through the work of the *theoretical* reason. The second key was to notice that the term person has connotations lacking in the term *individual*, and that such terms as *social* and *community* attach to many other referents besides *state*.

The next task was to find a "symphonic theme" that would make each measure of the Declaration more powerful and more meaningful by belonging to a whole, of which each was a partial but essential element. The actual drafters of the Declaration preferred to speak of finding an "architecture," a metaphor easier to visualize; its preamble as portico, its four "pillars" or axial principles, its four "rooms." But I believe the metaphor taken from music better expresses the way in which each principle of the code is intended to express harmonies, echoes, and motifs amplified by later principles. The farce of the whole adds considerable meaning to each part.

The final task was to formulate each proposition of this code in a form most likely both to attract universal consent and to hold up under the pressure of events. Its drafters did not want the Universal Declaration to be discredited by subsequent events; on the contrary, they wanted its value to be enhanced by at least a modicum of prescience. Practicality in both senses was the key.

Even though the Declaration might come to be phrased positively, in terms of "rights" rather than in terms of "don'ts," one could think of these rights as reverse descriptions of practical actions that ought not to be taken. Concrete prescriptions have a more practical ring than theoretical affirmations. Besides, they are far more readily agreed to (and more difficult to oppose). This focus on practicality commended itself to diplomats,

political leaders, and the public itself, and it was greatly strengthened by recent horrific memories and still-abiding fears.

Let us look more closely at the solutions to these philosophical logjams at the United Nations. In those years, there were not quite sixty countries in the United Nations, compared to today's 185. They still had radically opposed moral visions, though, and these quickly became apparent to the committee in charge of drafting the charter of UNESCO. On this commission the philosopher Jacques Maritain did especially useful work on the particular problem of pluralism. That work was in turn appropriated by those working on the Universal Declaration.

Like others. Maritain recognized quickly that agreement on common principles—a common philosophy of human nature and destiny—was out of the question. Among representatives of different faiths, worldviews, philosophies, and ideologies, there was no one theory that all of them shared. On the other hand, Maritain knew from his long studies of St. Thomas Aquinas, who had written at a time when various European cultures were meeting more mature and vital Muslim and Jewish cultures, that practice and theory are activities of two different habits of mind, and operate under different laws and constraints. This point requires a brief excursus.

Sometimes, people do quite well in practice what they cannot explain in theory, even as people who are excellent in theory often fail in practice. Theory is curiously impersonal; anyone, from any point of view, should be able to examine a theory, and to falsify or verify it in an objective way. But practice is incurably personal; the batting grip that works for one baseball player does not work for another. In practice, coaches, not theoreticians, are the most help. (Theory may be useful to coaches, but it is not enough.) Moreover, three or four persons can engage in the same practice although each has a different reason for doing so, and a different theory underlying his practice. This observation provided the clue Maritain was looking for:

How is an agreement conceivable among men assembled for the purpose of jointly accomplishing a task dealing with the future of the mind, who come from the four corners of the earth and who belong not only to different cultures and civilizations, but to different spiritual families and antagonistic schools of thought? Since the aim of UNESCO is a practical aim, agreement among its members can be spontaneously achieved, not on common speculative notions, but on common practical notions, not on the affirmation of the same conception of the world, man, and knowledge, but on the affirmation of the same set of convictions concerning action. This is doubtless very little, it is the last refuge of intellectual agreement among men. It is, however, enough to undertake a great work; and it would mean a great deal to become aware of this body of common practical convictions.

Maritain restated the question before the committee. Instead of, How can such disparate intellectual positions be reconciled?, he asked, Now much agreement can we reach regarding practices even while remaining incurably divided regarding the underlying theory for such practices? Maritain then raised two further questions that suggested an answer: Are there not some things so terrible in practice that no one will publicly approve of them? Are there not some things so good in practice that no one

will want to seem opposed to them? Since the answer to both questions likely was "yes," the relatively simple yet overlooked distinction between agreement in theory and agreement in practice broke the logjam.

This distinction-taken over from the UNESCO experience by those working on the Universal Declaration- allows people to stand firm on all points of principle, avoiding the trap of moral indifferentism or relativism. A Muslim need not surrender one iota of Muslim faith or a Christian of Christian faith. Nor need a Communist abandon Communist theory. Maritain's approach was to ask one question only 'Do you agree that the support of *this practice* and the prohibition of *that other practice* is a worthy criterion for the world community?' 'Do you agree to declare that your nation will live under this code of practices?' In the event, the Soviet Union did not sign the Declaration, but neither did it veto the action of putting it forward.

There were obvious weaknesses in the Declaration. Like the U.S. Constitution, the UN Declaration cannot of itself prevent behavior radically at odds with its principles. On the other hand, after 1975, with the publication of an extension of the Declaration in the Helsinki Accords, the Universal Declaration proved of inestimable importance to human rights activists behind the Iron Curtain. Indeed, these "mere words" were credited with being one of the most useful of all tools in the final discrediting and dismantling of the Soviet Union. The failure of the USSR to live up to this simple and elementary code of practice played a decisive role in delegitimizing the regime, even in the eyes of serious Communists; during the turbulent period 1989-91. It worked much as Maritain had hoped it would.

For Maritain, *whether* it would work was in a sense a testable hypothesis. Even people who deny the existence of the natural law cannot help exemplifying it, he knew, because they are human beings who use practical reason every time they act. Maritain had learned from Aquinas that "natural law" is only the name for the actual working principles of practical reason. (Natural law presents no concrete ordinances, but does make principled demands regarding methods of practical inquiry.)

Charles Malik, head of the Commission writing the Declaration of Human Rights, played a role similar to Maritain's on pluralism with regard to the concepts of person and society. The Soviet delegation was allergic to the Western use of the term individual, and the U.S. representative, Eleanor Roosevelt, was firm in insisting that the individual is prior to the state. Other delegations had difficulties with both those terms. It seemed for a time that the impasse between rival political philosophies could not be broken. However, from various quarters Malik had become familiar with interesting possibilities in the word person, employed as a substitute for *individual*. The Anglo-Americans could live with the substitution, and Malik was careful to point out to others all the social reverberations of the term. He made *person* a far more attractive term to those who feared the radical separatism and potential lawlessness suggested by *individual*.

A cat or a dog, even a tree, can be an individual, but only a human being (or God and the angels) can be a person. Person is far more specific to the human race; it is a far

more humanistic term. What makes a person a person, rather more than merely an individual, is a spiritual capacity: the capacity to reflect and choose, to be imaginative and creative, to be an originating source of action. We have two cats at home, and they merely behave. They can do no other than follow their own instincts. Our children, by contrast, do not merely follow the law of their own natures; they improvise, they think of new and crazy things, they create new *personae* for themselves.

Moreover, persons are reared over long years in families, and it is in families that their identities, habits, and character are established. Families further participate in whole networks of kin, neighborhood, religious tradition, and other intermediate associations, natural and civil, and in and through those relations live out a thick social identity. In this sense, societies take shape long before states do. Persons are social beings before they are aware of having their own distinctive personalities. Persons come to fulfillment only in community, and communities have as their end and purpose the raising of persons worthy of their inherent dignity. Dignity inheres in them because they are destined to be free to reflect and to choose, and thus to be provident over the course of their own lives, responsible for their own actions. A person is capable of insight, love, and long-term commitment. Such creatures are deserving of respect from other rational creatures. Their inherent nature makes civilization possible, since civilization is constituted by conversation, the art of persuasion through reason, mutual respect. Civilized persons argue respectfully. Barbarians use clubs.

These characteristics of *person* give rise, in turn, to the four main principles whose force is felt in every one of the thirty principles of the Declaration: Every human being without exception is worthy of dignity, liberty, equality, and brotherhood. In other words, the very term *person* implies a vision of a universal *society*, which for reasons of practicality and local autonomy, and by the natural workings of culture and history, is organized through countless *local* associations of varying sizes and horizons. Among these latter, of course, are states-but not the most important and not the primary social forms. Even the Soviet Union found it difficult to object to this language entirely, although its representatives did in fact object. For the USSR presented itself to the world through four different social forms: It was (it said) a union, of republics, formed by soviets (local communities), in a socialist project-the USSR. Whatever its declared differences, even in the Soviet Union smaller layers of societies, in theory at least, formed the Communist state.

From the very first words of the Preamble, then, the Universal Declaration avoids the term *individual* and takes care to surround the term *person* with references to the expanding circles of communities and associations in which, in the real world, actual persons become aware of their own capacities, responsibilities, rights, and obligations; and in which they find information about their human possibilities and their rights, in addition to moral and institutional support in vindicating them. In the Declaration are articles about the person and courts, the person and the family, the person and intermediate institutions, the person and religious or cultural traditions, the person and ethnic groups, the person and the state, the person and the international order. Very neatly, in other words, the Universal Declaration represented concerns expressed by Latin American delegates, Asians, Africans, Middle Easterners, and

others, and avoided boxing itself into the rather more partisan language of *individual* and *state* that figure so largely in both Anglo-American and Marxist discourse.

Moreover, the Universal Declaration deftly avoided another East-West pitfall by the way in which it treated the economic and social "rights" that the Soviets were most eager to get into the document, to offset the individual rights that they saw as false consciousness. The drafting committee took care to include the economic and social rights (articles 23-27). But they also took care to point out in a kind of preamble to them (article 22), and in a highly discernible change of tone and of sense, that the term "rights" was now being used in the document in a different sense. In the earlier set of rights, the state does not really have to *do* anything, except follow the law and otherwise stay out of the way, avoiding abuses.

In the case of the social and economic rights, by contrast, the role of the state is vastly expanded, some might say to an almost infinite degree. These rights are not spoken of as *immunities* from oppression *by* the state but as *entitlements* to goods and benefits *from* the state. Further, these goods and benefits are stated in the vague language of moving targets, as in the locution (article 22) "in accordance with the organization and resources of each state." The assumption seems to be that these are not, precisely, *rights* (in the way the American Bill of Rights speaks of rights) but., rather, *goods*--or even *goals* to be striven toward.

It is only a fairly rich and developed state that can provide its people the high standard of living, securities, and benefits held out as goods ("rights" in this new sense) in articles 23-26. Most nations in history have failed that test.

A small band of intrepid thinkers and doers succeeded, fifty years ago, in doing what many thought impossible, formulating a document to which all nations on earth might repair, and a document that was as responsible as anything for the "Helsinki process," which many credit with undermining the legitimacy of Communist governments in Eastern Europe. For here were official documents, signed by their own government officials and proudly published (at first) in official Communist newspapers, that informed dissidents of rights they didn't know they had. Waving these newspaper clippings, they embarrassed their leaders and put them on the defensive.

The small band led by Charles Malik succeeded only through stubborn persistence and an infinite capacity for explanation and patient instruction, as well as brilliant tactical diplomacy in the arts of running meetings, conducting public arguments, and corraling crucial votes. The sheer human patience and generosity of spirit required to conduct this wearisome political work is awe-inspiring. (Having served as U.S. Ambassador to the Human Rights Commission twice, and once to the Bern round of the Helsinki Commission for a period of about eight weeks each, I can testify how supremely demanding such work can be.) Yet at the distance of fifty years, what is most impressive is the penetrating intelligence and rich practical wisdom of the architects of the Universal Declaration. Not least impressive was their discovery of the two hidden keys--the key to the problem of irreducible pluralism, and the key to the conundrum of the individual and the state--that unlocked age-old chains.

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The Ongoing Struggle for Human Rights

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

- Early Codes associated with such names as Menes, Hammurabi, Moses, Draco, Solon and Civilization
- Manu outline standards of conduct for fairly homogenous groups within limited territorial jurisdictions; international law not yet born. Many great religions are precursors of human rights in their requirements to treat fellow humans with dignity and help provide for each other's needs as the basis for a good community.
- Greek city- Political rights (and duties) are conferred upon free male states citizens.
- 27 B.C.- 476 Roman Empire develops natural law; rights of citizens.
- 476-1453 Medieval theology holds that infidels and barbarians are not entitled to humanistic considerations.
- 1215 Britain's King John is forced by his lords to sign the Magna Carta acknowledging that free men are entitled to judgment by their peers and that even a sovereign is not above the law.
- 1492-1537 Colonization of Western Hemisphere culminates in massacre of the Incas by the Spanish Conquistadors causing some theologians to challenge the means employed to enforce God's laws.
- 1583-1645 Hugo Grotius, Dutch jurist credited with the birth of international law, speaks of brotherhood of humankind and the need to treat all people fairly.
- 1628 British Petition of Rights is adopted.
- 1634 Maryland is founded as a Catholic colony with religious tolerance.
- 1647 Rhode Island assembly drafts constitution established freedom of conscience, separating church and state.
- 1648 Treaty of Westphalia ends Thirty Years' War, which split Germany into hostile religious camps. Europe reorganizes into a pluralistic, secular society of states.

- 1689 British Bill of Rights is adopted; John Locke sets forth the notion of natural rights of life, liberty and property.
- 1776 U.S. Declaration of Independence proclaims that "all men are created equal" and endowed with certain inalienable rights.
- 1783 The Massachusetts Supreme Court outlaws slavery in that state, citing the state's bill of rights that "all men are born free and equal."
- 1785 Virginia Statute of Religious Freedom written by Thomas Jefferson passes Virginia House of Burgesses. (Jefferson ranked this along with Declaration of Independence and founding University of Virginia as one of his most significant accomplishments).
- 1787 The delegates of the Constitutional Convention adopt the United States Constitution. Nine states ratify it the following year.
- 1789 French Declaration of the Rights of Man and the Citizen is adopted.
- 1791 U.S. Bill of Rights incorporates notions of freedom of speech, press, and fair trial into the new U.S. Constitution.
- 1793 Henri Gregoire, Bishop of Blois, proposes a code of immutable principles whereby "the private interest of one nation would be subordinated to the general interest of the human family." (Proposal defeated.)
- 1807 The United States Congress outlaws the importation of African slaves into the United States. Nevertheless, some 250,000 slaves are illegally imported between 1808 and 1860.
- 1815 The Congress of Vienna is held by states that defeated Napoleon. International concern for human rights is demonstrated for first time in modern history. Freedom of religion is proclaimed, civil and political rights discussed, slave trade condemned.
- 1830 Congress passes the Indian Removal Act in order to free land for settlement, forcing 70,000 Native Americans to relocate in what came to be known as the "Trail of Tears." Many Native Americans died on the long treks westward.
- 1833 Great Britain passes Abolition Act, ending slavery in the British Empire.
- 1841 Russia, France, Prussia, Austria, and Great Britain sign the Treaty of London abolishing slavery.
- 1848 Some 200 women and men meet in Seneca Falls, New York, to draft a "bill of rights" outlining the social, civil, and religious rights of women.

- 1857 In the Dred Scott case, the Supreme Court ruled that African Americans could not be free nor could they be citizens. The case was later overturned in the Civil Rights Act of 1866.
- 1863 On January 1, United States President Abraham Lincoln issues the Emancipation Proclamation, declaring that "all persons held as slaves within any State, or designated part of a State, the people whereof shall be in rebellion against the United States" are "forever free."
- 1865 The Thirteenth Amendment to the United States Constitution, abolishing slavery in the United States, takes effect on December 18.
- 1868 The Fourteenth Amendment to the United States Constitution is ratified on July 28. The amendment prohibits abridgment of citizenship rights and reaffirms the principles of due process and equal protection of the law for persons born or naturalized in the United States and subject to the laws thereof.
- 1870 The Fifteenth Amendment to the Constitution, which states that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," goes into effect on March 30.
- 1885 Berlin Conference on Africa passes antislavery act.
- 1890 Brussels Conference passes antislavery act.
- 1907 Central American Peace Conference provides for the right of aliens to appeal to courts where they reside.
- 1914 Great War begins. With new weapons, civilian populations become victims of expanded warfare. As a reaction, a new sense of international morality begins to emerge.
- 1915 Massacre of Armenians perpetrated by Turks.
- 1919 At end of World War I, Treaty of Versailles requires that Kaiser Wilhelm II be placed on trial for a "supreme offense against international morality and the sanctity of treaties." He escapes, but for the first time in history, nations seriously consider imposing criminal penalties on heads of state for violations of fundamental human rights. At Versailles, other treaties stress minorities' rights, including right to life, liberty, freedom of religion, right to nationality of the state of residence, complete equality with other nationals of the same state, and exercise of civil and political rights.
- The International Labour Organization (ILO) is established to advocate human rights represented in labor law, encompassing concerns such as employment discrimination, forced labor, and worker safety.

- 1920 League of Nations Covenant requires members to "endeavor to secure and maintain fair and humane conditions of labor for men, women and children," "secure just treatment of the native inhabitants of territories under their control, "and take measures for the prevention and control of disease." Out of these provisions grows work of International Labour Organization.
- The Nineteenth Amendment to the United States Constitution, granting women the right to vote, is ratified on August 26.
- 1924 The Snyder Act is approved by the United States Congress, admitting all Native Americans born in the United States to full U.S. citizenship.
- 1926 Geneva Conference passes Slavery Convention.
- 1930 Convention Concerning Forced or Compulsory Labor (ILO) is adopted.
- 1933 In a 100-day special session, Congress passes President Franklin D. Roosevelt's "New Deal," guaranteeing social and economic measures for workers.
- 1934 The United States Congress passes the Indian Reorganization Act, which restores tribal ownership of reservation lands and establishes a credit fund for land purchases by Native Americans.
- 1933-1945 Adolph Hitler's Nazi regime comes to power in Germany on January 30, 1933. The period from this date through the end of the War in Europe (May 8, 1945) is remembered as the "Holocaust".
- 1933-1939 A series of discriminatory laws are passed in Germany (the "Laws of April" and the "Nuremberg Laws") which progressively exclude people of Jewish ancestry from employment, education, housing, healthcare, marriages of their choice, pension entitlements, professions such as law and medicine, and public accommodations such as theatres, cinemas and vacation resorts. Germany begins murdering physically and mentally disabled people by gas, lethal injection and forced starvation.
- 1939 Germany invades Poland thus beginning the Second World War.
- 1939-1945 During World War II, 6 million European Jews are exterminated by Hitler's Nazi regime. Millions of others civilians (Gypsies, Communists, Soviet POWs, Poles, Ukrainians, people with disabilities, labor unionists, "habitual" criminals, Socialists, Jehovah's Witnesses, homosexuals, Free Masons and indigent people such as vagrants and beggars) are forced into concentration camps, subjected to ghastly "medical" experiments, starved, brutalized, murdered.

1941 United States President Franklin D. Roosevelt, in a speech before the United States Congress, identifies "Four Freedoms" as essential for all people: freedom of speech and religion, freedom from want and fear.

United States President Franklin D. Roosevelt and British Prime Minister Winston Churchill adopt the Atlantic Charter, in which they state their hope, among other things, "that all men in all the lands may live out their lives in freedom from want and fear."

1942 Following the attack on the United States by Japan on December 7, 1941, the U. S. government forcibly moves some 120,000 Japanese-Americans from the western United States to detention camps; their exclusion lasts three years. Some 40 years later, the government acknowledges the injustice of its actions with payments to Japanese-Americans of that era who are still living.

Rene Cassin of France urges that an international court be created to punish those guilty of war crimes.

1945 The United Nations (UN) is established. Its Charter states that one of its main purposes is the promotion and encouragement of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." Unlike the League of Nations Covenant, the Charter underscores the principle of individual human rights.

1946 Commission on Human Rights established by the UN Economic and Social Council (ECOSOC).

Commission on the Status of Women is established by ECOSOC (where it was originally a sub-commission of the Commission on Human Rights).

1948 Convention on the Freedom of Association and Protection of the Right to Organize (ILO); Declaration of the Rights of Man by the Organization of American States (OAS); and Convention on the Prevention and Punishment of the Crime of Genocide (UN) are adopted.

UN General Assembly adopts the Universal Declaration of Human Rights 3/4 the primary international articulation of the fundamental and inalienable rights of all members of the human family, and the first comprehensive agreement among nations as to the specific rights and freedoms of all human beings.

1949 Convention on the Right to Organize and Collective Bargaining (ILO) is adopted.

Geneva Conventions provide standards for more humane treatment for prisoners of war, the wounded, and civilians. Statute of Council of

Europe asserts that human rights and fundamental freedoms are the basis of the emerging European system.

1950 European Convention on Human Rights; Convention for Suppression of Traffic in Persons and Exploitation of Prostitution of Others (UN) are adopted.

United States Senator Joseph McCarthy launches a vigorous anti-Communist campaign, charging, but not substantiating, treachery among the top ranks of the U. S. government. The United States Senate eventually condemns McCarthy for his conduct.

1951 Convention on the Status of Refugees (UN) is adopted.

1952 The Immigration and Naturalization Act ends the last racial and ethnic barriers to naturalization of aliens living in the United States.

1953 European Commission on Human Rights and Court of Human Rights are created; Convention on Political Rights of Women (UN) is adopted.

1954 The United States Supreme Court rules in *Brown v. Board of Education* that racial segregation in public schools is unconstitutional.

1957 Convention on Nationality of Married Women (UN); Convention Concerning Abolition of Forced Labor (ILO); Convention Concerning Indigenous and Tribal Populations (ILO) are adopted.

The United States Congress approves a civil rights bill, to protect voting rights for African-Americans. It is the first civil rights bill since the Reconstruction period, which immediately followed the Civil War.

1958 Convention Concerning Discrimination in Employment and Occupation (ILO) is adopted.

1960 Inter-American Commission on Human Rights is established, advisory to the Organization of American States; the Convention Against Discrimination in Education is adopted by the UN Educational, Scientific and Cultural Organization (UNESCO).

1961 European Social Charter defines economic and social rights for member States of the Council of Europe.

1962 The National Farm Workers (later known as the United Farm Workers of America) is organized by Cesar Chavez to protect migrant American farm workers, most of whom were Hispanic.

1964 The Omnibus Civil Rights Bill bans discrimination in voting, jobs, public accommodation, and other activities is adopted.

Martin Luther King, Jr. wins the Nobel Peace Prize.

1965 A new Voting Rights Act authorizes the U.S. government to appoint examiners to register voters where local officials have made African-American registration difficult.

International Convention on the Elimination of All Forms of Racial Discrimination (UN) is adopted.

1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (UN) are adopted and opened for signature. Together these documents further developed rights outlined in the Universal Declaration for Human Rights.

1967 Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (UN) is adopted.

1968 First World Conference on Human Rights is held in Tehran. The United Nations convened member States to evaluate the failures and successes of human rights promotion since the adoption of the Universal Declaration of Human Rights and to work toward the elimination of racial discrimination and apartheid.

Rene Cassin wins the Nobel Peace Prize.

1969 American Convention on Human Rights (OAS) is adopted.

1972 The United States Senate approves a constitutional amendment, the Equal Rights Amendment, banning discrimination against women because of their sex. The amendment is later defeated for lack of sufficient ratification among the states.

1973 International Convention on Suppression and Punishment of the Crime of Apartheid (UN) is adopted.

1975 Final Act of the Helsinki Conference on Security and Cooperation in Europe (CSCE) affirmed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The conference established an on-going forum for East-West communication on human rights and humanitarian issues. This framework for international communication inspired the creation of many NGOs and citizens groups that would help monitor human rights and demand compliance with standards set by the UN and member States.

Declaration on Rights of Disabled Persons (UN) is adopted.

Andrei D. Sakharov wins the Nobel Peace Prize.

- 1976 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights enter into force after sufficient ratification among UN member States.
- 1977 United States signs the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- A human rights bureau is created within the United States Department of State. Its first reports on human rights are issued that year.
- Amnesty International wins the Nobel Peace Prize.
- 1979 The Code of Conduct for Law Enforcement Officials (UN) and Convention on the Elimination of All Forms of Discrimination Against Women (UN) are adopted.
- 1980 The United States' Supreme Court orders the federal government to pay some \$120 million dollars to eight tribes of Sioux Indians in reparation for Native American land seized illegally by the government in 1877.
- United States signs the Convention on the Elimination of All Forms of Discrimination Against Women.
- 1981 African Charter of Human and People's Rights is adopted by the Organization for African Unity (OAU).
- Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief was adopted after nearly 20 years of drafting (UN).
- 1982 Principles of Medical Ethics (UN) is adopted.
- 1984 Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (UN) is adopted.
- Desmund Tutu wins the Nobel Peace Prize.
- 1985 Committee on Economic, Social, and Cultural Rights established (UN).
- International Convention against Apartheid in Sports (UN) is adopted.
- Nairobi Forward-looking Strategies for the Advancement of Women (UN) is adopted.
- The United States Senate votes to impose economic sanctions on South Africa in protest against the government's apartheid policy.
- 1986 Declaration on the Right to Development (UN) is adopted.

- 1988 After 40 years of lobbying by non-governmental organizations, the United States ratifies the Convention on the Prevention and Punishment of the Crime of Genocide (the "Genocide Convention").
- 1989 In Tiananmen Square, Chinese authorities massacre student demonstrators struggling for democracy.
- Convention on the Rights of the Child (UN) and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (UN) are adopted.
- 1989 Dalai Lama wins the Nobel Peace Prize.
- 1990 The Americans With Disabilities Act is signed into law, establishing "a clear and comprehensive prohibition of discrimination on the basis of disability."
- Adoption by the World Summit for Children of the World Declaration on the Survival, Protection and Development of Children and of the Plan of Action for Implementing the World Declaration.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN) is adopted.
- 1991 Aung San Suu Kyi wins the Nobel Peace Prize.
- 1992 United States ratifies the International Covenant on Civil and Political Rights.
- Security Council resolution to deploy the United Nations Protection Force in the former Yugoslavia (UN) is adopted.
- Security Council resolution condemns "ethnic cleansing" in Bosnia and Herzegovina (UN). Security Council resolution demands that all detention camps in Bosnia and Herzegovina be closed (UN).
- Rigoberta Menchu wins the Nobel Peace Prize.
- 1993 Criminal Tribunal on the Former Yugoslavia is established in the Hague as an ad hoc international tribunal to prosecute persons responsible for crimes against humanity and war crimes since 1991. These trials represent the first international war crimes tribunal since the Nuremberg Trials following WWII.
- The Second World Conference on Human Rights convenes in Vienna, where Vienna Declaration and Programme of Action is adopted. The UN agrees to establish a post of High Commissioner for Human Rights.

United Nations General Assembly creates post of High Commissioner for Human Rights.

1994-2005 (UN) UN Decade for Human Rights Education is declared on December 23

1994 Emergency session of the Commission on Human Rights convenes to respond to genocide in Rwanda. The first UN High Commissioner for Human Rights, Jose Ayala Laso, takes his post.

United States ratifies the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

United States signs the Convention on the Rights of the Child.

1995 Beijing Declaration at the World Conference on Women declares "Women's rights are human rights." The Platform for Action designed at the conference contains dozens of references to human rights pertaining to women.

1996 Jose Ramos Horta and Bishop Bello win the Nobel Peace Prize.

1997 Mary Robinson, former President of the Republic of Ireland, becomes the second UN High Commissioner for Human Rights.

1998 50th Anniversary of the Universal Declaration of Human Rights marks a cornerstone event in humanity's struggle to recognize, promote, and protect human rights and fundamental freedoms.

A Short History of Human Rights

The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new. Its roots, however, lie in earlier tradition and documents of many cultures; it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.

Throughout much of history, people acquired rights and responsibilities through their membership in a group - a family, indigenous nation, religion, class, community, or state. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran (Koran), and the Analects of Confucius are five of the oldest written sources which address questions of people's duties, rights, and responsibilities. In addition, the Inca and Aztec codes of conduct and justice and an Iroquois Constitution were Native American sources that existed well before the 18th century. In fact, all societies, whether in oral or written tradition, have had systems of

propriety and justice as well as ways of tending to the health and welfare of their members.

Precursors of 20th century Human Rights Documents

Documents asserting individual rights, such the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791) are the written precursors to many of today's human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of color, and members of certain social, religious, economic, and political groups. Nevertheless, oppressed people throughout the world have drawn on the principles these documents express to support revolutions that assert the right to self-determination.

Contemporary international human rights law and the establishment of the United Nations (UN) have important historical antecedents. Efforts in the 19th century to prohibit the slave trade and to limit the horrors of war are prime examples. In 1919, countries established the International Labor Organization (ILO) to oversee treaties protecting workers with respect to their rights, including their health and safety. Concern over the protection of certain minority groups was raised by the League of Nations at the end of the First World War. However, this organization for international peace and cooperation, created by the victorious European allies, never achieved its goals. The League floundered because the United States refused to join and because the League failed to prevent Japan's invasion of China and Manchuria (1931) and Italy's attack on Ethiopia (1935). It finally died with the onset of the Second World War (1939).

The Birth of the United Nations

The idea of human rights emerged stronger after World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the defeated countries were punished for committing war crimes, "crimes against peace," and "crimes against humanity."

Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. The essence of these emerging human rights principles was captured in President Franklin Delano Roosevelt's 1941 State of the Union Address when he spoke of a world founded on four essential freedoms: freedom of speech and religion and freedom from want and fear. The calls came from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. These voices played a critical role in the San Francisco meeting that drafted the United Nations Charter in 1945.

The Universal Declaration of Human Rights

Member states of the United Nations pledged to promote respect for the human rights of all. To advance this goal, the UN established a Commission on Human Rights and charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter. The Commission, guided by Eleanor Roosevelt's forceful leadership, captured the world's attention.

On December 10, 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the 56 members of the United Nations. The vote was unanimous, although eight nations chose to abstain.

The UDHR, commonly referred to as the international Magna Carta, extended the revolution in international law ushered in by the United Nations Charter--namely, that how a government treats its own citizens is now a matter of legitimate international concern, and not simply a domestic issue. It claims that all rights are interdependent and indivisible. Its Preamble eloquently asserts that:

[R]ecognition 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.

The influence of the UDHR has been substantial. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN. Although a declaration is not a legally binding document, the Universal Declaration has achieved the status of customary international law because people regard it "as a common standard of achievement for all people and all nations."

The Human Rights Covenants

With the goal of establishing mechanisms for enforcing the UDHR, the UN Commission on Human Rights proceeded to draft two treaties: the International Covenant on Civil and Political Rights (ICCPR) and its optional Protocol and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the Universal Declaration, they are commonly referred to as the International Bill of Human Rights. The ICCPR focuses on such issues as the right to life, freedom of speech, religion, and voting. The ICESCR focuses on such issues as food, education, health, and shelter. Both covenants trumpet the extension of rights to all persons and prohibit discrimination.

As of 1997, over 130 nations have ratified these covenants. The United States, however, has ratified only the ICCPR, and even that with many reservations, or formal exceptions, to its full compliance.

Subsequent Human Rights Documents

In addition to the covenants in the International Bill of Human Rights, the United Nations has adopted more than 20 principal treaties further elaborating human rights. These include conventions to prevent and prohibit specific abuses like torture and genocide and to protect especially vulnerable populations, such as refugees (Convention Relating to the Status of Refugees, 1951), women (Convention on the Elimination of All Forms of Discrimination against Women, 1979), and children (Convention on the Rights of the Child, 1989). As of 1997 the United States has ratified only these conventions:

- The Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Prevention and Punishment of the Crime of Genocide
- The Convention on the Political Rights of Women The Slavery Convention of 1926
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

In Europe, the Americas, and Africa, regional documents for the protection and promotion of human rights extend the International Bill of Human Rights. For example, African states have created their own Charter of Human and People's Rights (1981), and Muslim states have created the Cairo Declaration on Human Rights in Islam (1990). The dramatic changes in Eastern Europe, Africa, and Latin America since 1989 have powerfully demonstrated a surge in demand for respect of human rights. Popular movements in China, Korea, and other Asian nations reveal a similar commitment to these principles.

The Role of Nongovernmental Organizations

Globally the champions of human rights have most often been citizens, not government officials. In particular, nongovernmental organizations (NGOs) have played a cardinal role in focusing the international community on human rights issues. For example, NGO activities surrounding the 1995 United Nations Fourth World Conference on Women in Beijing, China, drew unprecedented attention to serious violations of the human rights of women. NGOs such as Amnesty International, the Antislavery Society, the International Commission of Jurists, the International Working Group on Indigenous Affairs, Human Rights Watch, Minnesota Advocates for Human Rights, and Survivors International monitor the actions of governments and pressure them to act according to human rights principles.

Government officials who understand the human rights framework can also effect far reaching change for freedom. Many United States Presidents such as Abraham Lincoln, Franklin Roosevelt, Lyndon B. Johnson, and Jimmy Carter have taken strong stands for human rights. In other countries leaders like Nelson Mandela and Václav Havel have brought about great changes under the banner of human rights.

Human rights is an idea whose time has come. The Universal Declaration of Human Rights is a call to freedom and justice for people throughout the world. Every day

governments that violate the rights of their citizens are challenged and called to task. Every day human beings worldwide mobilize and confront injustice and inhumanity. Like drops of water falling on a rock, they wear down the forces of oppression and move the world closer to achieving the principles expressed in the Universal Declaration of Human Rights.

Source: Adapted from David Shiman, *Teaching Human Rights*, (Denver: Center for Teaching International Relations Publications, U of Denver, 1993): 6-7

THE CREATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

by Peter Bailey OBE AM

In less than half a century, the Universal Declaration of Human Rights (the UDHR) has come to be regarded as possibly the single most important document created in the twentieth century and as the accepted world standard for human rights. The UDHR draws life-preserving messages from the past, and is seen as an essential foundation for building a world in which all human beings can, in the centuries to come, look forward to living in dignity and peace.

A CRITICAL HISTORICAL MOMENT

As the second World War began to close, the world climate was ready for a great leap forward in the recognition and observance of human rights. When representatives of the four major powers met in 1944 at Dumbarton Oaks, a stately mansion in Georgetown, Washington DC, two world wars had been fought in less than 30 years, and cruelty almost beyond belief had been inflicted on members of the Jewish race in Europe and on prisoners of war in detention in Asia and Europe. An atomic bomb was about to be set off that would show what enormous destructive power humankind could unleash in targeting nations as well as individuals, often simply because they were members of a particular race or religion.

The leaders felt there must be a better way for the nations and peoples of the world to live together and sort out their problems and laid plans for establishing what was to become the United Nations.

In late 1945, leaders of the world's nations met in San Francisco to form the United Nations. Inspired by the great South African pre-apartheid leader Field-Marshal Smuts, they included in the preamble to the Charter of the UN, an important reference to human rights. (A preamble is an important introductory section of a legal document, and explains the background to it rather than being part of its operative provisions.)

The relevant part of the preamble said:

"We the peoples of the United Nations [are] determined -

.. to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

This reference to human rights, was followed up by six references throughout the UN Charter's operative provisions to human rights and fundamental freedoms. In addition, largely as a result of pressure brought to bear on the political leaders by some 42 United States non-government organisations, Article 68 was included. It required the Economic and Social Council to set up commissions in the human rights and economic and social fields. The outcome was the establishment of a Commission on Human Rights. Thus the Commission is one of the very few bodies to draw its authority directly from the Charter of the United Nations.

PRODUCING THE FRAMEWORK FOR THE INTERNATIONAL BILL OF RIGHTS

In April 1946, Mrs. Eleanor Roosevelt, widow of President Franklin Roosevelt of the United States was appointed to chair an interim group of 9 members. By June the interim body had suggested that the new Commission should make its first task the development as soon as possible of an international bill of human rights.

Later in the year, the new Commission of Human Rights of 18 members, again chaired by Mrs Eleanor Roosevelt, was appointed, and included China's P.C. Chang, Frenchmen Rene Cassin and Dr Charles Malik of Lebanon. The Commission met for the first time in January 1947 and considered several critical issues. Its decisions have greatly influenced the human rights development since then, including action at national level. It concluded that it should work to develop first a declaration rather than a treaty. (An international declaration is a statement of importance, and has high moral and often political significance, and is more than a recommendation, but it is less than a treaty, which is binding in international law.) Perhaps most important of all, it decided that the declaration should contain both civil and political and also economic and social rights.

The Commission's view was that the declaration should be a relatively short, inspirational and energising document usable by common people. It should be the foundation and central document for the remainder of an international bill of human rights. It thus avoided the more difficult problems that had to be addressed when the binding treaty came up for consideration - just what role the state should have in enforcing the rights in its territory, and whether the mode of enforcing civil and political rights should be different from that for economic and social rights.

It was fortunate that the Commission made the decision to separate the formally legally binding covenant from the initial declaration. Although the declaration was endorsed in December 1948, the two covenants (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) that emerged to define the obligations of each state were not ready for ratification (formal approval by the governments of the world) until 1966, some 18 years later.

AN INSPIRATIONAL DOCUMENT

The Commission then turned to formulating the declaration. It decided to name it the Universal Declaration of Human Rights (UDHR). The very name emphasises the UDHR was to set a standard of rights for all people everywhere - whether male or

female, black or white, communist or capitalist, victor or vanquished, rich or poor, for members of a majority or a minority in the community. In the words of the first preamble to the UDHR, it was to reflect

"recognition of the inherent dignity and .. equal and inalienable rights of all members of the human family "... and through that recognition provide "the foundation of freedom, justice and peace in the world".

Article 1 reflects the inspirational nature of the project. It was included only after much controversy about whether it was just stating the obvious, or whether it should be included in the preamble rather than the main text. It proclaims in ringing terms that

"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".

The reason for including it in the main text is to state firmly the basis of all human rights, the rationality of human persons and their obligation to deal fairly with everyone else, regardless of race, sex, wealth and so on. Article 7 follows up this theme by saying that all are to be equal before the law and have a right to protection against any form of discrimination.

Articles 3 and 27 are probably the core of the substantive provisions in the Declaration. They give every human being the rights to life, to liberty, to security of person (Art 3) and to an adequate standard of living (Art 27). The first three are core civil and political rights, the last an economic and social right. The right to an adequate standard of living is interesting in that it specifies as part of it the right to health and well-being not only of a person but of his or her family, and also the right to necessary food, clothing, housing and medical care, and the right to social security (also covered in Art 22).

Overarching all the particular rights are Articles 28 and 29. (There are 30 Articles in the Declaration, of which 17 could be regarded as relating to civil and political rights and 8 to economic and social rights). Articles 28 and 29 have not received much discussion, and have not been given legally binding force in the two Covenants. But they are explosive in their significance. Article 28 emphasises the responsibility of the whole international community for seeking and putting into place arrangements of both a civil and political and an economic and social kind that allow for the full realisation of human rights. It would be easy to ask questions about current arrangements or plans that hardly seem to do this, such as those relating to trade and investment arrangements and perhaps some of those planning to eradicate international crimes such as genocide and war crimes.

Article 30 is also of high importance, because it underlines the responsibility all people have to their community. Notice that the Article does not talk about the state. There is danger in claiming, as so many dictators and even democratic leaders have claimed, that people owe duties of an inalienable kind to the state. They do not. But they do have obligations to their fellow human beings, as Article 1 also emphasises.

Perhaps, looking back at the UDHR after half a century, the only significant lack is in the area of the environment. It can however be implied from rights such as the right to life and to an adequate standard of living.

Tribute should be played to three different groups. Firstly, to Eleanor Roosevelt and her advisers, mainly from the US Department of State. Somehow, she was able to maintain a generally harmonious atmosphere during virtually the whole of the long meeting phase. Second, to the many prominent people who provided drafts to the Committee for its consideration. These included noted international lawyer, Professor Hersch Lauterpacht of Cambridge University, and British author H G Wells. There was also a draft based on work done in preparation for an American Declaration of the Rights and Duties of Man. Finally, there was the enormous work done by the secretariat, led by Professor J P Humphrey, that brought all this material together for the Commission to consider.

When the Commission finally took its vote on 18 June 1948, twelve of its fifteen members voted in favour. The Soviet Union, Byelorussia, the Ukraine and Yugoslavia (the Soviet bloc technically had only two members) abstained.

The draft then went to the Economic and Social Council, which did not change the text but arranged for it to go to the Third Committee of the UN General Assembly, where it struck difficulties. It was fortunate that the Committee's chairman at the time was Charles Malik. After no less than 81 long meetings, at which at least 168 amending resolutions were considered, the Committee, on 6 December 1948, at last reached agreement - just in time to be taken by the General Assembly before it concluded its meeting for the year.

On the evening of 10 December 1948, the General Assembly endorsed the text of the UDHR without amendment, only two days before it rose until the next year. There were no dissenting votes, but the six communist countries then members of the UN, and also Saudi Arabia and South Africa, abstained. The Assembly, in a rare gesture of appreciation, gave Mrs. Roosevelt a standing ovation.

THE GROWING STATURE OF THE UDHR

So, just ahead of the advent of the Cold War and the consequent slowing down of many constructive developments, the Universal Declaration managed to emerge successfully from the complex and politically hazardous processes of the United Nations to become its human rights flagship. The Declaration had not managed at that time to achieve full recognition from the communist and certain middle eastern countries, but at least they had not voted against it.

Notwithstanding the initial difficulties and resistance, the Declaration has probably achieved a stature in the world that even the most optimistic of its founders in 1948 would not have expected. First, it has become accepted (often rather reluctantly, it is true) as an influential statement of standards, even by countries that are doubtful about the whole human rights enterprise: When countries such as Burma, Argentina, China

and the former Yugoslavia feel bound to defend themselves when they are accused of being in breach of the UDHR, then it can be said to have achieved an important political and moral status.

Equally important, the UDHR has become almost an extension of the UN Charter. Although, the Charter has only a few articles that refer to human rights and fundamental freedoms, it is now usual to refer to the UDHR as setting out the content of those rights and freedoms. So it has become a part of the fabric of the UN itself, and is often referred to in resolutions of the UN General Assembly, and in its debates, for example in relation to the Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960. At the human rights conference in Teheran in 1978, to mark the 30th anniversary of the UDHR, the representatives of 84 nations unanimously declared that the UDHR states a common understanding of the inalienable rights of all people and constitutes an obligation for the members of the international community.

Third, most if not all the provisions of the UDHR have almost certainly become a part of international customary law. The view is steadily growing among international lawyers that practice (always an important source of international law) includes not only acts such as observing rules about navigation at sea but also acts such as voting for resolutions at United Nations and other international gatherings. The very large and increasing number of ratifications of the two human rights Covenants, and the fact that the rights stated in the UDHR are commonly recognised as well founded in moral and good practice terms, means that there are now virtually unchallengeable grounds for asserting that the UDHR rights have become part of international customary law. That means that, unlike treaties, which only bind a country once it has accepted the treaty obligations, all countries in the world are bound, whatever their particular view may be. A country cannot repudiate international customary law, as it can a treaty obligation.

For these three reasons, those who boldly moved to form and then approve the provisions of the UDHR have left an abiding legacy for humankind that will rank with the great religious contributions of past centuries. The UDHR is an increasingly powerful instrument for the achievement of human dignity and peace for all.



UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted and proclaimed by General Assembly resolution 217 A (III)
of 10 December 1948

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 cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

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

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

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

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

Article 14

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

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

Article 15

Everyone has the right to a nationality.

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

Article 16

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

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

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

Article 17

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

No one shall be arbitrarily deprived of his property.

Article 18

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

Article 19

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

Article 20

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

No one may be compelled to belong to an association.

Article 21

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

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

The will of the people shall be the basis of the authority of government, this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

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

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

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

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

Article 24

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

Article 25

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

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

Article 26

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

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

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

Article 27

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

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

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

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

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

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

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



The International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966

entry into force 23 March 1976, in accordance with Article 49

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 laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

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

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

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

Article 3

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

Article 4

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

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

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

Article 5

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

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

PART III

Article 6

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

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

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

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

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

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

Article 7

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

Article 8

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

2. No one shall be held in servitude.

3.

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

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

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

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

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

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

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

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

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

Article 10

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

2.

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

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

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

Article 12

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

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

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

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

Article 13

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

Article 14

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

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

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

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

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

(c) To be tried without undue delay;

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

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

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

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

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

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

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

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

Article 15

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

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

Article 16

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

Article 17

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

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

Article 18

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

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

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

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

Article 19

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

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

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

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

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

Article 20

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

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

Article 21

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

Article 22

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

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

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

Article 23

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

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

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

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

Article 24

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

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

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

Article 25

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

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

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

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

Article 26

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

Article 27

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

PART IV

Article 28

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

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

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

Article 29

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

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

3. A person shall be eligible for renomination.

Article 30

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

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

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

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

Article 31

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

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

Article 32

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

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

Article 33

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

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

Article 34

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

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

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

Article 35

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

Article 36

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

Article 37

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

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

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

Article 38

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

Article 39

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

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

(a) Twelve members shall constitute a quorum;

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

Article 40

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

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

(b) Thereafter whenever the Committee so requests.

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

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

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

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

Article 41

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

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

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

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

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

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

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

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

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

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

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

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

Article 42

1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 43

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

Article 44

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

Article 45

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

PART V

Article 46

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

Article 47

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

PART VI

Article 48

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

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

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

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

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

Article 49

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

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

Article 50

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

Article 51

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

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 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.



International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966
entry into force 3 January 1976, in accordance with article 27

Preamble

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

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

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

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

PART II

Article 2

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

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

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

Article 3

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

Article 4

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

Article 5

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

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

PART III

Article 6

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

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

Article 7

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

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

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

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

(b) Safe and healthy working conditions;

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

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

Article 8

I. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

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

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

Article 9

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

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or

dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

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

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

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

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

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

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding,

tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

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

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

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

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 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 fulfillment of obligations under the present Covenant.

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

Article 18

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

Article 19

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

Article 20

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

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

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

Article 23

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

Article 24

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

Article 25

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

PART V

Article 26

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

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

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

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

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

Article 27

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

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

Article 28

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

Article 29

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

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

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

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 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.

HUMAN RIGHTS AS A BASIS FOR GOOD GOVERNANCE

ARTICLE II

DECLARATION OF PRINCIPLES AND STATE POLICIES

PRINCIPLES

Section 1. The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.

XXXX

Section 4. The prime duty of the Government is to serve and protect the people...

STATE POLICIES

XXXX

Section 9. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate services, promote full employment, a rising standard of living, and an improved quality of life for all.

Section 10. The State shall promote social justice in all phases of national development.

Section 11. The State values the dignity of every human person and guarantees full respect for human rights.

XXXX

- The 1987 Philippine Constitution

GOOD GOVERNANCE

What is good governance?

Governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. The true test of "good" governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights. The key question is: are the institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, fair Justice and personal security?

The Work of the Commission on Human Rights

The concept of good governance has been clarified by the work of the Commission on Human Rights. In its resolution 2000/64 the Commission Identified the key attributes of good governance as:

- transparency
- responsibility
- accountability

- participation
- responsiveness (to the needs of the people)

Resolution 2000/64 expressly linked good governance to an enabling environment conducive to the enjoyment of human rights and "prompting growth and sustainable human development." In underscoring the importance of development cooperation for securing good governance in countries in need of external support, the resolution recognized the value of partnership approaches to development cooperation and the inappropriateness of prescriptive approaches.

By linking good governance to sustainable human development, emphasizing principles such as accountability, participation and the enjoyment of human rights, and rejecting prescriptive approaches to development assistance, the resolution stands as an implicit endorsement of the rights-based approach to development.

The Commission also requested the High Commissioner to invite States to provide practical examples of activities that have been effective in promoting good governance, including through development cooperation. Their input is to be included in a compilation of indicative ideas and practices. The process began in 2000.

In its resolution 2001/72, the Commission on Human Rights reaffirmed its earlier resolution by consensus.

The Millennium Report and Declaration

In his Millennium Report, *We the Peoples*, the Secretary-General emphasized that "better governance means greater participation, coupled with accountability. Therefore, the international public domain - including the United Nations - must be opened up further to the participation of the many actors whose contributions are essential to managing the path of globalization ... For the United Nations, success in meeting the challenges of globalization ultimately comes down to meeting the needs of peoples. It is in their name that the Charter was written; realizing their aspirations remains our vision for the twenty-first century."

In the Millennium Declaration, adopted by consensus, the States Members of the United Nations resolved to create an environment - at the national and global levels alike - that is conducive to development and the elimination of poverty. They stated that meeting this objective "depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems."

Good governance at the national level

There is a wealth of United Nations human rights standards of direct relevance and applicability to questions of good governance.

The International Covenant on Civil and Political Rights requires its 148 States parties "to respect and to ensure ... the rights recognized" in the Covenant and "to take the necessary steps ... to give effect to the rights". State parties are required, among other things, to ensure that an effective remedy for violations is available; to provide for determination of claims by competent judicial, administrative or legislative authorities; and to enforce remedies when granted (art. 2).

Similarly, in ratifying the International Covenant on Economic, Social and Cultural Rights, 143 States have undertaken "to take steps ... with a view to achieving progressively the full realization of the rights recognized ... by all appropriate means" (art. 2).

The Declaration on the Right to Development further clarifies the nature of these obligations, setting forth important objectives for governance. It mandates States "to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting there from".

States are expected to "undertake, at the national level, all necessary measures for the realization of the right to development" and to "ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income."

"Effective measures" are to be undertaken to ensure that women have an active role in the development process, and "appropriate economic and social reforms" are to be carried out with a view to eradicating all social injustices. In sum, the Declaration requires States to take steps "to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels."

Good governance at the international level

International human rights standards also entail responsibilities for good governance at the international level.

Examples include Commission on Human Rights resolution 2001/72, which is to be read together with the legal obligations of international cooperation contained in:

- the Charter of the United Nations (arts. 1(3), 55, 56)
- the International Covenant on Civil and Political Rights (art. 1(2))
- the International Covenant on Economic, Social and Cultural Rights (art. 1(2))
- the Convention on the Rights of the Child (art. 4)
- the Universal Declaration of Human Rights
- the Declaration on the Right to Development
- the Vienna Declaration

In a globalizing world, national and international governance are inextricably linked. International institutions of governance will be in a better position to respond to the

needs of the developing world once national institutions meet the test of good governance. The demands of governments in the international arena are only legitimate to the extent that they reflect the will of the people.

Similarly, national institutions will be able to respond more effectively to the will of the people where there are international institutions based on principles of good governance. At the national level this necessarily implies transparent, responsible, accountable, participatory and responsive governance, which is respectful of the rule of law and the protection of human rights. At the international level, transparency, equity, fairness and international cooperation are equally necessary.

OHCHR and good governance

Since 1955 the United Nations programme of technical cooperation in the field of human rights, administered by OHCHR, has provided rights-based assistance to developing countries seeking to strengthen institutions of governance. It has focused on the domestic implementation of international human rights standard-, since its inception. There has been a persistently strong trend of programme growth (61 projects in 2000 compared with 2 activities in 1984).

Today, the technical cooperation programme operates as a complement to OHCHR's mainstreaming role, as the Office increasingly positions itself to serve principally as a catalyst (encouraging all United Nations agencies and programmes to adopt rights-based approaches) and a conduit (channelling the outputs of United Nations human rights mechanisms and experts to the operational agencies).

As mandated by the General Assembly, OHCHR is the UN's system-Wide focal point for human rights, democracy and the rule of law. Under the Secretary-General's reform programme launched in 1997, OHCHR has also been charged with facilitating the mainstreaming of human rights, in United Nations development programming.

OHCHR advocates a rights-based approach to development as a conceptual framework for the process of human development that is normatively based on International human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development. The norms and standards are those contained in the wealth of international treaties and declarations. The principles include those of participation, accountability, nondiscrimination, attention to vulnerability, empowerment and express linkage to international human rights instruments. Each of these is crucial to effective and rights-based governance for development.

The Office has also devoted resources and energy to assisting interested Governments in establishing or strengthening independent national institutions designed to promote and protect human rights. Over the past five years, the Office has supported the establishment of independent human rights commissions in countries such as Uganda, Rwanda, Malawi and Nepal. In all cases, Of ICHR is working in close

cooperation with other United Nations agencies and, in some cases, other multilateral organizations.

Assistance for good governance

In September 2000, the UN Consultative Committee on Programme and Operational Questions (CCPOQ) approved, on behalf of the Administrative Committee on Coordination (ACC), the ACC Matrix of Governance, setting out policy measures, core elements and areas of programmatic collaboration for the United Nations system.

The policy measures are democracy and participation, equity, environmental protection and management, human rights, the rule of law, public administration and service delivery, transparency and accountability, security, peace-building and conflict management, informed citizenry, and electronic governance (e-governance).

The core elements and areas of programmatic collaboration draw on human rights concepts such as participation, accountability, non-discrimination, empowerment and express-linkage to human rights.

Source: UN-OHCHR/human rights in development



UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS



The role of good governance in the promotion of human rights

Commission on Human Rights resolution 2000/64

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level, rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights;
2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;
3. *Requests* the United Nations High Commissioner for Human Rights to invite all States to provide practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by the interested States when required;
4. *Decides* to continue consideration of the question of the role of good governance in the promotion of human rights at its fifty-seventh session under the same agenda item.

66th meeting
26 April 2000

[Adopted by a roll-call vote of 50 votes to none, with 2 abstentions.]



UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS



The role of good governance in the promotion of human rights

Commission on Human Rights resolution 2001/72

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting the growing recognition of the importance of good governance in the promotion of human rights, and in particular in the United Nations Millennium Declaration adopted by the General Assembly at the Millennium Summit of the United Nations, which brought together heads of State and Government,

Noting also that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level, rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights, including the right to development,

2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. *Welcomes* the provision by States of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and

practices that could be consulted by the interested States when required, in response to the invitation of the United Nations High Commissioner for Human Rights issued pursuant to paragraph 3 of Commission resolution 2000/64 of 26 April 2000, and requests the High Commissioner to reiterate this invitation to States and to extend it to United Nations and other relevant international bodies;

4. *Invites* the High Commissioner, where appropriate and relevant, to draw on her work on the material provided in response to the invitations issued pursuant to paragraph 3 of the present resolution and paragraph 3 of resolution 2000/64 and to inform the Commission of the utility of the material in this respect;

5. *Decides* to continue consideration of the question of the role of good governance in the promotion of human rights at its fifty-eighth session under the same agenda item.

78th meeting
25 April 2001
[Adopted without a vote.]

UNITED NATIONS MILLENNIUM DECLARATION

Resolution adopted by the General Assembly
[without reference to a Main Committee (A/55/L.2)]

The General Assembly

Adopts the following Declaration:

United Nations Millennium Declaration

I. Values and principles

1. We, heads of State and Government, have gathered at United Nations Headquarters in New York from 6 to 8 September 2000, at the dawn of a new millennium, to reaffirm our faith in the Organization and its Charter as indispensable foundations of a more peaceful, prosperous and just world.

2. We recognize that, in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs.

3. We reaffirm our commitment to the purposes and principles of the Charter of the United Nations, which have proved timeless and universal. Indeed, their relevance and capacity to inspire have increased, as nations and peoples have become increasingly interconnected and interdependent.

4. We are determined to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

5. We believe that the central challenge we face today is to ensure that globalization becomes a positive force for all the world's people. For while globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed. We recognize that developing countries and countries with economies in transition face special difficulties in responding to this central challenge. Thus, only through broad and sustained efforts to create a shared future, based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable. These efforts must include policies and measures, at the global level, which correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation.

6. We consider certain fundamental values to be essential to international relations in the twenty-first century. These include:

- **Freedom.** Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.

- **Equality.** No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.

- **Solidarity.** Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.

- **Tolerance.** Human beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.

- **Respect for nature.** Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.

- **Shared responsibility.** Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role.

7. In order to translate these shared values into actions, we have identified key objectives to which we assign special significance.

II. Peace, security and disarmament

8. We will spare no effort to free our peoples from the scourge of war, whether within or between States, which has claimed more than 5 million lives in the past decade. We will also seek to eliminate the dangers posed by weapons of mass destruction.

9. We resolve therefore:

- To strengthen respect for the rule of law in international as in national affairs and, in particular, to ensure compliance by Member States with the decisions of the International Court of Justice, in compliance with the Charter of the United Nations, in cases to which they are parties.

- To make the United Nations more effective in maintaining peace and security by giving it the resources and tools it needs for conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peace-building and reconstruction. In this context, we take note of the report of the Panel on United Nations Peace Operations and request the General Assembly to consider its recommendations expeditiously.

- To strengthen cooperation between the United Nations and regional organizations, in accordance with the provisions of Chapter VIII of the Charter.

- To ensure the implementation, by States Parties, of treaties in areas such as arms control and disarmament and of international humanitarian law and human rights law, and call upon all States to consider signing and ratifying the Rome Statute of the International Criminal Court.

- To take concerted action against international terrorism, and to accede as soon as possible to all the relevant international conventions.

- To redouble our efforts to implement our commitment to counter the world drug problem.
- To intensify our efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money laundering.
- To minimize the adverse effects of United Nations economic sanctions on innocent populations, to subject such sanctions regimes to regular reviews and to eliminate the adverse effects of sanctions on third parties.
- To strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers.
- To take concerted action to end illicit traffic in small arms and light weapons, especially by making arms transfers more transparent and supporting regional disarmament measures, taking account of all the recommendations of the forthcoming United Nations Conference on Illicit Trade in Small Arms and Light Weapons.
- To call on all States to consider acceding to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, as well as the amended mines protocol to the Convention on conventional weapons.

10. We urge Member States to observe the Olympic Truce, individually and collectively, now and in the future, and to support the International Olympic Committee in its efforts to promote peace and human understanding through sport and the Olympic Ideal.

III. Development and poverty eradication

11. We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are committed to making the right to development a reality for everyone and to freeing the entire human race from want.

12. We resolve therefore to create an environment - at the national and global levels alike - which is conducive to development and to the elimination of poverty.

13. Success in meeting these objectives depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems. We are committed to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system.

14. We are concerned about the obstacles developing countries face in mobilizing the resources needed to finance their sustained development. We will therefore make

every effort to ensure the success of the High-level International and Intergovernmental Event on Financing for Development, to be held in 2001.

15. We also undertake to address the special needs of the least developed countries. In this context, we welcome the Third United Nations Conference on the Least Developed Countries to be held in May 2001 and will endeavour to ensure its success. We call on the industrialized countries:

- To adopt, preferably by the time of that Conference, a policy of duty- and quota-free access for essentially all exports from the least developed countries;
- To implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction; and
- To grant more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction.

16. We are also determined to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries, through various national and international measures designed to make their debt sustainable in the long term.

17. We also resolve to address the special needs of small island developing States, by implementing the Barbados Programme of Action and the outcome of the twenty-second special session of the General Assembly rapidly and in full. We urge the international community to ensure that, in the development of a vulnerability index, the special needs of small island developing States are taken into account.

18. We recognize the special needs and problems of the landlocked developing countries, and urge both bilateral and multilateral donors to increase financial and technical assistance to this group of countries to meet their special development needs and to help them overcome the impediments of geography by improving their transit transport systems.

19. We resolve further:

- To halve, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger and, by the same date, to halve the proportion of people who are unable to reach or to afford safe drinking water.
- To ensure that, by the same date, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education.
- By the same date, to have reduced maternal mortality by three quarters, and under-five child mortality by two thirds, of their current rates.

- To have, by then, halted, and begun to reverse, the spread of HIV/AIDS, the scourge of malaria and other major diseases that afflict humanity.
- To provide special assistance to children orphaned by HIV/AIDS.
- By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the "Cities Without Slums" initiative.

20. We also resolve:

- To promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.
- To develop and implement strategies that give young people everywhere a real chance to find decent and productive work.
- To encourage the pharmaceutical industry to make essential drugs more widely available and affordable by all who need them in developing countries.
- To develop strong partnerships with the private sector and with civil society organizations in pursuit of development and poverty eradication.
- To ensure that the benefits of new technologies, especially information and communication technologies, in conformity with recommendations contained in the ECOSOC 2000 Ministerial Declaration, are available to all.

IV. Protecting our common environment

21. We must spare no effort to free all of humanity, and above all our children and grandchildren, from the threat of living on a planet irredeemably spoilt by human activities, and whose resources would no longer be sufficient for their needs.

22. We reaffirm our support for the principles of sustainable development, including those set out in Agenda 21, agreed upon at the United Nations Conference on Environment and Development.

23. We resolve therefore to adopt in all our environmental actions a new ethic of conservation and stewardship and, as first steps, we resolve:

- To make every effort to ensure the entry into force of the Kyoto Protocol, preferably by the tenth anniversary of the United Nations Conference on Environment and

Development in 2002, and to embark on the required reduction in emissions of greenhouse gases.

- To intensify our collective efforts for the management, conservation and sustainable development of all types of forests.
- To press for the full implementation of the Convention on Biological Diversity and the Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.
- To stop the unsustainable exploitation of water resources by developing water management strategies at the regional, national and local levels, which promote both equitable access and adequate supplies.
- To intensify cooperation to reduce the number and effects of natural and man-made disasters.
- To ensure free access to information on the human genome sequence.

V. Human rights, democracy and good governance

24. We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.

25. We resolve therefore:

- To respectfully and uphold the Universal Declaration of Human Rights.
- To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all.
- To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights.
- To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.
- To take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies.
- To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.

- To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

VI. Protecting the vulnerable

26. We will spare no effort to ensure that children and all civilian populations that suffer disproportionately the consequences of natural disasters, genocide, armed conflicts and other humanitarian emergencies are given every assistance and protection so that they can resume normal life as soon as possible.

We resolve therefore:

- To expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law.
- To strengthen international cooperation, including burden sharing in, and the coordination of humanitarian assistance to, countries hosting refugees and to help all refugees and displaced persons to return voluntarily to their homes, in safety and dignity and to be smoothly reintegrated into their societies.
- To encourage the ratification and full implementation of the- Convention on the Rights of the Child and its optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

VII. Meeting the special needs of Africa

27. We will support the consolidation of democracy in Africa and assist Africans in their struggle for lasting peace, poverty eradication and sustainable development, thereby bringing Africa into the mainstream of the world economy.

28. We resolve therefore:

- To give full support to the political and institutional structures of emerging democracies in Africa.
- To encourage and sustain regional and subregional mechanisms for preventing conflict and promoting political stability, and to ensure a reliable flow of resources for peacekeeping operations on the continent.
- To take special measures to address the challenges of poverty eradication and sustainable development in Africa, including debt cancellation, improved market access, enhanced Official Development Assistance and increased flows of Foreign Direct Investment, as well as transfers of technology.
- To help Africa build up its capacity to tackle the spread of the HIV/AIDS pandemic and other infectious diseases.

VIII. Strengthening the United Nations

29. We will spare no effort to make the United Nations a more effective instrument for pursuing all of these priorities: the fight for development for all the peoples of the world, the fight against poverty, ignorance and disease; the fight against injustice; the fight against violence, terror and crime; and the fight against the degradation and destruction of our common home.

30. We resolve therefore:

- To reaffirm the central position of the General Assembly as the chief deliberative, policy-making and representative organ of the United Nations, and to enable it to play that role effectively.
- To intensify our efforts to achieve a comprehensive reform of the Security Council in all its aspects.
- To strengthen further the Economic and Social Council, building on its recent achievements, to help it fulfill the role ascribed to it in the Charter.
- To strengthen the International Court of Justice, in order to ensure justice and the rule of law in international affairs.
- To encourage regular consultations and coordination among the principal organs of the United Nations in pursuit of their functions.
- To ensure that the Organization is provided on a timely and predictable basis with the resources it needs to carry out its mandates.
- To urge the Secretariat to make the best use of those resources, in accordance with clear rules and procedures agreed by the General Assembly, in the interests of all Member States, by adopting the best management practices and technologies available and by concentrating on those tasks that reflect the agreed priorities of Member States.
- To promote adherence to the Convention on the Safety of United Nations and Associated Personnel.
- To ensure greater policy coherence and better cooperation between the United Nations, its agencies, the Bretton Woods Institutions and the World Trade Organization, as well as other multilateral bodies, with a view to achieving a fully coordinated approach to the problems of peace and development.
- To strengthen further cooperation between the United Nations and national parliaments through their world organization, the Inter-Parliamentary Union, in various fields, including peace and security, economic and social development, international law and human rights and democracy and gender issues.

- To give greater opportunities to the private sector, non-governmental organizations and civil society, in general, to contribute to the realization of the Organization's goals and programmes.

31. We request the General Assembly to review on a regular basis the progress made in implementing the provisions of this Declaration, and ask the Secretary-General to issue periodic reports for consideration by the General Assembly and as a basis for further action.

32. We solemnly reaffirm, on this historic occasion, that the United Nations is the indispensable common house of the entire human family, through which we will seek to realize our universal aspirations for peace, cooperation and development. We therefore pledge our unstinting support for these common objectives and our determination to achieve them.

8th plenary meeting
8 September 2000

Excerpts From the "Millennium Report"

II. Globalization and Governance

18. In the early years of the United Nations, the General Assembly's timely adjournment could be predicted with precision: its absolute limit was fixed by the year's last voyage of the Queen Mary. That world, clearly, was a very different place from today's.

19. Indeed, when the United Nations was founded two thirds of the current Members did not exist as sovereign states, their people still living under colonial rule. The planet hosted a total population of fewer than 2.5 billion, compared to 6 billion today. Trade barriers were high, trade flows minuscule and capital controls firmly in place. Most big companies operated within a single country and produced for their home market. The cost of transoceanic telephone calls was prohibitive for the average person and limited even business use to exceptional circumstances. The annual output of steel was a

prized symbol of national economic prowess. The world's first computer had just been constructed; it filled a large room, bristled with 18,000 electron tubes and half a million solder joints, and had to be physically rewired for each new task. Ecology was a subject confined to the study of biology, and references to cyberspace would not have been found even in science fiction.

20. We know how profoundly things have changed. World exports have increased tenfold since 1950, even after adjusting for inflation, consistently growing faster than world GDP. Foreign investment has risen more rapidly; sales by multinational firms exceed world exports by a growing margin, and transactions among corporate affiliates are a rapidly expanding segment of world trade. Foreign exchange flows have soared to more than \$1.5 trillion daily, up from \$15 billion in 1973 when the regime of fixed exchange rates collapsed. A recent transnational telecommunications takeover created a firm whose market value exceeds the GDP of nearly half of all United Nations Members, though it ranks only as the world's fourth most valuable company. Today rushed General Assembly delegates can cross the Atlantic in less than four hours - and, if they so wish, conduct affairs of state on the Internet or telephone all the way.

21. This is the world of globalization - a new context for and a new connectivity among economic actors and activities throughout the world. Globalization has been made possible by the progressive dismantling of barriers to trade and capital mobility, together with fundamental technological advances and steadily declining costs of transportation, communication and computing. Its integrative logic seems inexorable, its momentum irresistible. The benefits of globalization are plain to see: faster economic growth, higher living standards, accelerated innovation and diffusion of technology and management skills, new economic opportunities for individuals and countries alike.

22. Why, then, has globalization begun to generate a backlash, of which the events surrounding last November's World Trade Organization meeting in Seattle were but the most recent and highly visible manifestation?

23. Few people, groups or governments oppose globalization as such. They protest against its disparities. First, the benefits and opportunities of globalization remain highly concentrated among a relatively small number of countries and are spread unevenly within them. Second, in recent decades an imbalance has emerged between successful efforts to craft strong and well-enforced rules facilitating the expansion of global markets, while support for equally valid social objectives, be they labour standards, the environment, human rights or poverty reduction, has lagged behind.

24. More broadly, for many people globalization has come to mean greater vulnerability to unfamiliar and unpredictable forces that can bring on economic instability and social dislocation, sometimes at lightning speed. The Asian financial crisis of 1997-1998 was such a force -- the fifth serious international monetary and financial crisis in just two decades. There is mounting anxiety that the integrity of cultures and the sovereignty of states may be at stake. Even in the most powerful

countries, people wonder who is in charge, worry for their jobs and fear that their voices are drowned out in globalization's sweep.

25. Underlying these diverse expressions of concern is a single, powerful message: globalization must mean more than creating bigger markets. The economic sphere cannot be separated from the more complex fabric of social and political life, and sent shooting off on its own trajectory. To survive and thrive, a global economy must have a more solid foundation in shared values and institutional practices -- it must advance broader, and more inclusive, social purposes.

A. The challenge in 1945

26. This view was firmly embraced by the world's leaders who gathered in the waning days of the Second World War to rebuild a viable international order. They knew fully how an earlier era of economic globalization, in some respects as economically interdependent as ours, eroded steadily before collapsing completely under the shock of 1914. That global era rested on a political structure of imperialism, denying subject peoples and territories the right of self-rule.

27. Moreover, the major powers lacked adequate means for international political adjustment and peaceful change. To stabilize the European balance of power, for example, those powers resorted to carving up the African continent. In the economic sphere, the best they could do to achieve international financial stability was to hold levels of domestic economic activity hostage to shifts, in their external balance of payments--contracting when in deficit, expanding when in surplus. This practice became untenable once the franchise was extended to ordinary people and governments began to respond gradually--and at first grudgingly--to people's needs for steady jobs and stable prices.

28. From the 20 years' crisis between the wars, however, the architects of the post-1945 world learned how utterly destructive it was for countries to turn their backs altogether on economic interdependence. Unrestrained economic nationalism and "beggar-my-neighbour" policies took root almost everywhere in the 1930s, spilling over into political revanchism, totalitarianism and militarism in some countries, isolationism in others. The League of Nations was critically wounded from the start, and in the face of those forces it stood no chance.

29. Our predecessors, therefore, wisely chose a course of openness and cooperation. They established the United Nations, the Bretton Woods institutions, the General Agreement on Tariffs and Trade (later subsumed into the World Trade Organization) and a host of other organizations whose job it was to make the overall system work. Some supported decolonization. though the struggle for independence, which the United Nations was proud to promote, took too many years and cost too many lives. (In the industrialized countries, domestic support for open markets was secured by constructing social safety nets and providing adjustment assistance to adversely affected groups and industries. We benefit from that legacy still.

30. Here, however, is the crux of our problem today: while the post-war multilateral system made it possible for the new globalization to emerge and flourish, globalization, in turn, has progressively rendered its designs antiquated. Simply put, our post-war institutions were built for an inter-national world, but we now live in a global world. Responding effectively to this shift is the core institutional challenge for world leaders today. The Millennium Summit can help show the way.

B. The challenge today

31. How far we have moved from a strictly international world is evidenced by the changed nature of threats to peace and security faced by the world's people today. The provisions of the Charter presupposed that external aggression, an attack by one state against another, would constitute the most serious threat; but in recent decades far more people have been killed in civil wars, ethnic cleansing and acts of genocide, fuelled by weapons widely available in the global arms bazaar. Technologies of mass destruction circulate in a netherworld of illicit markets, and terrorism casts shadows on stable rule. We have not yet adapted our institutions to this new reality.

32. Much the same is true in the economic realm. Here, the post-war institutional arrangements were premised on a world made up of separate national economies, engaged in external transactions, conducted at arms length. Globalization contradicts each of these expectations. It is hardly surprising, therefore, that the trade regime is under such stress -- it increasingly deals with traditionally "domestic" matters rather than border barriers. Nor are we surprised that calls for a new financial architecture are so insistent.

33. Globalization constrains the ability of industrialized countries to cushion the adverse domestic effects of further market opening. The developing countries had never enjoyed that privilege to begin with. As a result, the public in both now feels exposed and insecure.

34. Globalization has also created new vulnerabilities to old threats. Criminal networks take advantage of the most advanced technologies to traffic around the world in drugs, arms, precious metals and stones - even people. Indeed, these elements of "uncivil society" are constructing global conglomerates of illicit activities.

35. Diseases have shaped history for millennia, spread by traders, invaders and natural carriers. But the most recent upsurge in the global transmission of pathogens, above all HIV/AIDS, has hit with a velocity and scope made possible only by open borders and unprecedented mobility.

36. Entirely new dimensions of globalization have emerged as well. While transborder pollution has been on the international agenda for decades, once the cumulative effects of industrialization were understood to affect global climate change, the world entered - - literally. became enveloped by - a wholly new context in which conventional institutional remedies fare poorly.

37. The revolution in global communications has created new expectations that humanitarian suffering will be alleviated and fundamental rights vindicated. Neither governments nor international institutions have yet sorted out either the full implications of these expectations or how to meet them.

38. The communications revolution is being felt in other ways, too. The Internet is the fastest growing instrument of communication in the history of civilization, and it may be the most rapidly disseminating tool of any kind ever. The convergence of information technology, the Internet and e-commerce may well become as transformative as the industrial revolution. They will continue to alter the world's economic landscape and reconfigure organizational structures. They will change the way many people work and live. They already make it possible to leapfrog existing barriers to development, as entrepreneurs from Bangalore to Guadalajara and Sao Paulo will testify, and the range of such opportunities can be vastly expanded.

39. Perhaps most important, these technologies enable people to be connected directly who otherwise might remain divided by distance, culture and economic stratification, potentially creating, thereby, a better understanding of who we, the peoples, are. But none of these possibilities exists for those without access to the technology, either because the necessary infrastructure or capital is lacking, or because regulatory environments stand in the way.

40. And so the challenge is clear: if we are to capture the promises of globalization while managing its adverse effects, we must learn to govern better, and we must learn how better to govern together. The Millennium Summit, therefore, takes place at a compelling moment, not merely in symbolic but also in practical terms.

C. Governing better together

41. What do we mean by "governance" when applied to the international realm? What are some of its desirable attributes if our aim is to successfully manage the transition from an international to a global world?

42. In the minds of some, the term still conjures up images of world government, of centralized bureaucratic behemoths trampling on the rights of people and states. Nothing is less desirable. Weak states are one of the main impediments to effective governance today, at national and international levels alike. For the good of their own people and for the sake of our common aims, we must help to strengthen the capacity of those states to govern, not undermine them further. Moreover, the very notion of centralizing hierarchies is itself an anachronism in our fluid, highly dynamic and extensively networked world--an outmoded remnant of nineteenth century mindsets.

43. By the same token, states need to develop a deeper awareness of their dual role in our global world. In addition to the separate responsibilities each state bears towards its own society, states are, collectively, the custodians of our common life on this planet--a life the citizens of all countries share. Notwithstanding the institutional turmoil that is often associated with globalization, there exists no other entity that competes

with or can substitute for the state. Successfully managing globalization, therefore, requires-first and foremost-that states act in a manner consistent with their dual role.

44. This implies, in turn, that decision-making structures through which governance is exercised internationally must reflect the broad realities of our times. The United Nations Security Council is an obvious case in point. Based on the distribution of power and alignments in 1945, the composition of the Council today does not fully represent either the character or the needs of our globalized world. The same holds in some major economic forums: all countries are consumers of globalization's effects; all must have a greater say in the process itself.

45. The unique role of the United Nations in the new global era derives from our universal membership and scope, and from the shared values embodied in our Charter. It is our job to ensure that globalization provides benefits, not' for some, but for all; that peace and security hold, not only for a few, but for the many; that opportunities exist, not merely for the privileged, but for every human being everywhere. More than ever, the United Nations is needed to broker differences among states in power, culture, size and interest, serving as the place where the cause of common humanity is articulated and advanced. More than ever, a robust international legal order, together with the principles and practices of multilateralism, is needed to define the ground rules of an emerging global civilization within which there will be room for the world's rich diversity to express itself fully.

46. Better governance means greater participation, coupled with accountability. Therefore, the international public domain-Including the United Nations-must be opened up further to the participation of the man,,, actors whose contributions are essential to managing the path of globalization. Depending on the issues at hand, this may include civil society organizations, the private sector, parliamentarians, local authorities, scientific associations, educational institutions and many others.

47. Global companies occupy a critical place in this new constellation. They, more than anyone, have created the single economic space in which we live; their decisions have implications for the economic prospects of people and even nations around the world. Their rights to operate globally have been greatly expanded by international agreements and national policies, but those rights must be accompanied by greater responsibilities by the concept and practice of global corporate citizenship. The marks of good citizenship may vary depending upon circumstances, but they will exhibit one common feature: the willingness by firms, wherever possible and appropriate, to pursue "good practices" as defined by the broader community, rather than taking advantage of the weaker regulatory systems or unequal bargaining positions of host countries.

48. The more integrated global context also demands a new degree of policy coherence, while important gaps must be filled. The international financial architecture needs strengthening, as does the multilateral trade regime. Greater consistency must be achieved among macroeconomic, trade, aid, financial and environmental policies, so that all support our common aim of expanding the benefits of globalization. Conflict prevention, post-conflict peace-building, humanitarian assistance and development

policies need to become more effectively integrated. In short, it is exceedingly difficult to successfully navigate the transition to a more global world with incomplete and incompatible policy fragments.

49. Formal institutional arrangements may often lack the scope, speed and informational capacity to keep up with the rapidly changing global agenda. Mobilizing the skills and other resources of diverse global actors, therefore, may increasingly involve forming loose and temporary global policy networks that cut, across national, institutional and disciplinary lines. The United Nations is well situated to nurture such informal "coalitions for change" across our various areas of responsibility. Many of the networks can be virtual, overcoming, thereby, the usual constraints imposed by distance and time. The essential role that formal governance structures must continue to play is normative: defining objectives, setting standards and monitoring compliance.

50. For the United Nations, success in meeting the challenges of globalization ultimately comes down to meeting the needs of peoples. It is in their name that the Charter was written; realizing their aspirations remains our vision for the twenty-first century.

D. The peoples' concerns

51. But who are we, the peoples" And what are our common concerns?

52. Let us imagine, for a moment, that the world really is a "global village"-taking seriously the metaphor that is often invoked to depict global interdependence. Say this village has 1,000 individuals, with all the characteristics of today's human race distributed in exactly the same proportions. What would it look like? What would we see as its main challenges?

53. Some 150 of the inhabitants live in an affluent area of the village, about 780 in poorer districts. Another 70 or so live in a neighbourhood that is in transition. The average income per person is \$6,000 a year, and there are more middle income families than in the past. But just 200 people dispose of 86 per cent of all the wealth, while nearly half of the villagers are eking out an existence on less than \$2 per day.

54. Men outnumber women by a small margin, but women make up a majority of those who live in poverty. Adult literacy has been increasing. Still, some 220 villagers - two thirds of them women - are illiterate. Of the 390 inhabitants under 20 years of age, three fourths live in the poorer districts, and many are looking desperately for jobs that do not exist. Fewer than 60 people own a computer and only 24 have access to the Internet. More than half have never made or received a telephone call.

55. Life expectancy in the affluent district is nearly 78 years, in the poorer areas 6=1 years -- and in the very poorest neighbourhoods a mere 52 years. Each marks an improvement over previous generations, but why do the poorest lag so far behind? Because in their neighbourhoods there is a far higher incidence of infectious diseases

and malnutrition, combined with an acute lack of access to safe water, sanitation, health care, adequate housing, education and work.

56. There is no predictable way to keep the peace in this village. Some districts are relatively safe while others are wracked by organized violence. The village has suffered a growing number of weather-related natural disasters in recent years, including unexpected and severe storms, as well as sudden swings from floods to droughts, while the average temperature is perceptibly warmer. More and more evidence suggests that there is a connection between these two trends, and that waning is related to the kind of fuel, and the quantities of it, that the people and businesses are using. Carbon emissions, the major cause of warming, have quadrupled in the last 50 years. The village's water table is falling precipitously, and the livelihood of one sixth of the inhabitants is threatened by soil degradation in the surrounding countryside.

57. Who among us would not wonder how long a village in this state can survive without taking steps to ensure that all its inhabitants can live free from hunger and safe from violence, drinking clean water, breathing clean air, and knowing that their children will have real chances in life?

58. That is the question we have to face in our real world of 6 billion inhabitants. Indeed, questions like it were raised by the civil society participants at hearings held by the United Nations regional commissions in preparation for the Millennium Assembly -- in Addis Ababa, Beirut, Geneva, Tokyo and Santiago.

59. Similar sentiments were expressed last autumn in the largest survey of public opinion ever conducted - of 57,000 adults in 60 countries, spread across all six continents.

60. Strikingly, the centrality of human rights to peoples' expectations about the future role of the United Nations was stressed both at the hearings and in the survey. The current level of performance, especially of governments, was judged to be unsatisfactory.

61. The respondents in the Millennium Survey expressed equally strong views about the environment. Fully two thirds of them, worldwide, said their governments had not done enough to protect the environment. In only 5 countries out of 60 was the majority satisfied with the government's efforts in this respect; people in developing countries were among the most critical.

62. The hearings and the survey alike gave the United Nations a mixed overall assessment. In the sampling of public opinion, governments received even lower ratings than the United Nations. (In most countries a majority said their elections were free and fair, but as many as two thirds of all respondents felt that their country, nevertheless, was not governed by the will of the people. Even in the world's oldest democracies many citizens expressed deep dissatisfaction.

63. Let there be no mistake. We have many success stories to tell and positive trends to report---and I shall do both throughout this report. "The United Nations global

conferences in the 1990s, for example, laid a solid foundation of goals and action plans-in the areas of environment and development, human rights, women, children, social development, population, human settlements and food security At the national level, economic restructuring, and political reforms are more widespread today than ever.

64. The world's people are nevertheless telling us that our past achievements are not enough, given the scale of the challenges we face. We must do more, and we must do it better.

65. The challenges I highlight below are not exhaustive. I have focused on strategic priority areas where, in my view, we can and must make a real difference to help people lead better lives. The challenges are clustered into three broad categories.

Two are founding aims of the United Nations whose achievement eludes us still: freedom from want, and freedom from fear. No one dreamed, when the Charter was written, that the third---leaving to successor generations an environmentally sustainable future --- would emerge as one of the most daunting challenges of all.

Box 1: Voices of the people: the world's largest ever public opinion poll survey

In 1999, Gallup International sponsored and conducted a Millennium Survey of 57,000 adults in 60 countries.

What matters most in life

- People everywhere valued good health and a happy family life more highly than anything else. Where economic performance was poor, they also stressed jobs.
- Where there was conflict, people expressed a strong desire to live without it. Where corruption was endemic, people condemned it.

Human rights

- Respondents showed widespread dissatisfaction with the level of respect for human rights.
- In one region fewer than one in 10 citizens believed that human rights were being fully respected, while one third believed they were not observed at all.
- Discrimination by race and gender were commonly expressed concerns.

Environment

- Two thirds of all the respondents said their government had done too little to redress environmental problems in their country.
- Respondents in the developing countries were among the most critical of their government's actions in this respect.

The United Nations

- The survey showed that most people around the globe consider the protection of human rights to be the most important task for the United Nations. The younger the respondents, the greater the importance assigned to this goal.
- United Nations peacekeeping and the provision of humanitarian assistance were also stressed.
- Globally, less than half of those interviewed judged the performance of the United Nations to be satisfactory, although a majority of the young were favourably inclined.

Democracy

- In most countries the majority said their elections were free and fair.
- Despite this, two thirds of all respondents considered that their country was not governed by the will of the people. This opinion held even in some of the oldest democracies in the world.

ELECTORAL PARTICIPATION IS A HUMAN RIGHT

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 to 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.

- The Universal Declaration of Human Rights (UDHR)

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.

- The International Covenant on Civil and Political Rights (ICCPR)

Article 5

SUFFRAGE

Section 1

Suffrage may be exercised by all citizens of the Philippines, not otherwise disqualified by law, who are at least 18 years of age and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the elections. No literacy, property or substantive requirement shall be imposed on the exercise of suffrage.

Section 2

The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

- The 1987 Philippine Constitution

WOMEN'S RIGHTS IN GOVERNANCE

Lahat ng **TAO** ay isinilang, na **malaya at pantay sa dignidad at karapatan.**

- Artikulo 2 ng UDHR



PULITIKA AT PAMAMAHALA



3 babae sa Senado (24 kabuohang bilang)

35 babaeng kongresista (kabuohang bilang 216)

• Mula sa datos ng NCRFW (Setyembre 2002)

4 na babae kabilang sa gabinete (22 kabuohang bilang)



318 (21.4%) **babaeng Huwes** (1,487 kabuohang bilang ng mga Husgado)

- Sa 14 na hukom sa Korte Suprema, **4** ang babae

- Mula sa datos ng NCRFW (August 2002)

GAWAING PANGKABUHAYAN



33.4 milyon kabuohang lakas pag-gawa

13.2 (39.2%) milyon – babae

20.2 (60.8%) milyon-lalaki

- datos mula sa NCRFW (Oktubre 2002)

Sex

(Kasarian) - katangian ng LALAKI at BABAE bunga o likhang kanilang pagkatao

(Biological Construct)

Gender

pagkilos, pag-gawi, pakikitungo,
pakikipagrelasyon ng BABAE at
LALAKI na itinakda ng lipunan
(Social Construct)

–
**Pantay ba ang pagkilala natin sa
karapatang pantao ng lahat?**

**Ang mga kababaihan, patas ba ang
pagtrato at pakilala natin at ng
pamahalaan sa kanilang karapatang
pantao?**

**Bakit patuloy na pinagkakaitan ng
oportunidad at ng kanilang mga
karapatan ang kababaihan?**

Ang pagkakaiba lang ng **BABAE** at **LALAKI** ay sa aspeto ng pangunahin at pangalawang katangian ng kasarian.

Dahil sa **GENDER** itinakda ng lipunan ang papel na dapat gampanan ng lalaki at babae.

3 aspeto ng

GENDER ROLES:

- **POSIYON** sa loob ng istrukturang sosyal na nagsasaad kung saan inaasahang kabilang ang babae at lalaki

- **ALITUNTUNIN** hinggil sa **PAG-AASAL** at **PAKIKISALAMUHA** na itinakda para sa babae at lalaki

- **UGNAYAN** sa pamamagitan ng mga tungkulin ng babae at lalaki

Pagkakahati ng babae at lalaki dahil sa tradisyunal na tungkuling nakabatay sa **GENDER**

- Ang **pagkait sa mga kalalakihan** sa mapagkalinga, emosyonal at iba pang aspeto ng pribadong buhay

- Ang **pagkait sa mga kababaihan** na **makilahok sa larangang publiko** ng paggawa, tagumpay, kalayaan at kapangyarihan

Hindi pagpapahalaga o mababang pagpapahalaga sa trabaho ng babae (larangang ekonomiko)

Paglagay sa babae sa mas mababang posisyon, at hindi lubos ang kakayahan sa usapin ng kapangyarihan, pagdedesisyon, at/o karapatan (larangang politika)

Katayuang maraming samut saring Gawain ang babae, at ang hindi pagkilala sa sitwasyong ito

Paglimita sa kung ano ang dapat na inaasahan sa kilos o gawi ng babae - at lalaki - ayon sa kultura o tradisyon ng lipunan

Anumang pananakit o karahasang nararanasan ng babae dahil sa babae siya, kasama na ang pananakot at pamimilit - nangyari man sa pribado o publikong larangan ng buhay ng babae

Pagkakaroon ng babae ng mababang pagtingin sa sariling halaga at kakayahan, at kakulangan ng kakayahang panindigan ang pagkabuo ng kanyang katawan

Ang katayuan ng kababaihan sa isang lipunang kapitalista:

- Ang kababaihan ibinaba sa gawaing pambahay at ito'y `di binigyang halaga
- Ang kanilang kontribusyon sa paggawa ay itinuturing na suplemento lamang o pandagdag
- Ang partisipasyon sa paggawa ay `di tuloy-tuloy at *uncommitted work-force* ang turing
- Karamihan ay makikita sa mga gawaing angkop sa kanila ayon sa pagkakahon ng lipunan
- Dahil sa *supplementary* lamang ang tingin sa kanilang pagpasok sa produksyon, mababa ang pasahod sa kanila

- Ang katayauan ng kababaihan sa istruktura ng kapitalistang lipunan ay *mediated*

MARGINALISASYON

Hindi pagpapahalaga, o mababang pagpapahalaga, sa trabaho ng babae (laranagang ekonomiko)

(MARGINALIZATION)

(Non- or under-valuation of women's productive work –

SUBORDINASYON

Paglagay sa babae sa mas mababang posisiyon; hindi lubos ang kakayahan sa usapin ng kapangyarihan, pagdedesisyon, at/ o karapatan (larangang political)

(SUBORDINATION)

(Relegation of women to a lower status, bereft of any power, decision- making and/ or right -political)

DAMI NG GAWAIN

Katayuang maraming samut-saring gawain ang babae at ang hindi pagkilala sa sitwasyong ito

(MULTIPLE BURDEN)

(Refers to women not being freed from productive responsibilities even when entering the productive sphere)

PAGKAKAHON

Paglimita sa kung ano ang dapat na inaasahan sa kilos o gawi ng babae - at lalaki - ayon sa kultura o tradisyon ng lipunan.

(GENDER STEREOTYPING)

(Confining of women and men to prescribed sex/gender roles)

PANANAKIT SA BABAE/KARAHASAN LABAN SA KABABAIHAN

Anumang pananakit o karahasang nararanasan ng babae dahil sa babae siya; kasama na ang pananakot at pamimilit - nangyayari man sa pribado o publikong larangan ng buhay ng babae

(VIOLENCE AGAINST WOMEN or VAW)

(Any act of gender based violence that results in physical, sexual or psychological harm or suffering to women including threats of such acts, coercion, or arbitrary deprivations of liberty, whether occurring in public or private life)

EPEKTO SA PAGAKATAO

Pagkakaroon ng babae ng mababang pagtingin sa sariling halaga at kakayahan, at kakulangan ng kakayahang panindigan ang pagkabuo ng kanyang katawan

(EFFECTS ON PERSONHOOD)

(Gender bias resulting in low self-esteem and lack of control over one's body)

Convention on the Elimination of All Forms of Discrimination against Women

Adopted and opened for signature, ratification and accession by
General Assembly resolution 34/180 of 18 December 1979

entry into force 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of

States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women,

of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

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

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

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

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the

maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure m women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-Formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and a11 necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

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

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

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

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

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(a) In the legislation of a State Party; or

(b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

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

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

Convention on the Political Rights of Women

Opened for signature and ratification by General Assembly resolution 640 (V(1)) of 20 December 1952

ENTRY INTO FORCE: 7 July 1954, in accordance with article VI

The Contracting Parties,

Desiring to implement the principle of equality of rights for men and women contained in the Charter of the United Nations,

Recognizing that everyone has the right to take part in the government of his country directly or indirectly through freely chosen representatives, and has the right to equal access to public service in his country, and desiring to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights,

Having resolved to conclude a Convention for this purpose,

Hereby agree as hereinafter provided:

Article I

Women shall be entitled to vote in all elections on equal terms with men; without any discrimination,

Article II

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article III

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

Article IV

1. This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the General Assembly.

2. This Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article V

1. This Convention shall be open for accession to all States referred to in paragraph 1 of article IV.

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

Article VI

1. This Convention shall come into force on the ninetieth day following the date of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article VII

In the event that any State submits a reservation to any of the articles of this Convention at the time of signature, ratification or accession, the Secretary-General shall communicate the text of the reservation to all States which are or may become Parties to this Convention. Any State which objects to the reservation may, within a period of ninety days from the date of the said communication (or upon the date of its becoming a Party to the Convention), notify the Secretary-General that it does not accept it. In such case, the Convention shall not enter into force as between such State and the State making the reservation.

Article VIII

1. Any State may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. This Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

Article IX

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of this Convention, which is not settled by negotiation, shall at the request of any one of the parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Article X

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in paragraph 1 of article IV of this Convention of the following:

- (a) Signatures and instruments of ratification received in accordance with article IV;
- (b) Instruments of accession received in accordance with article V;

(c) The date upon which this Convention enters into force in accordance with article V1;

(d) Communications and notifications received in accordance with article VII;

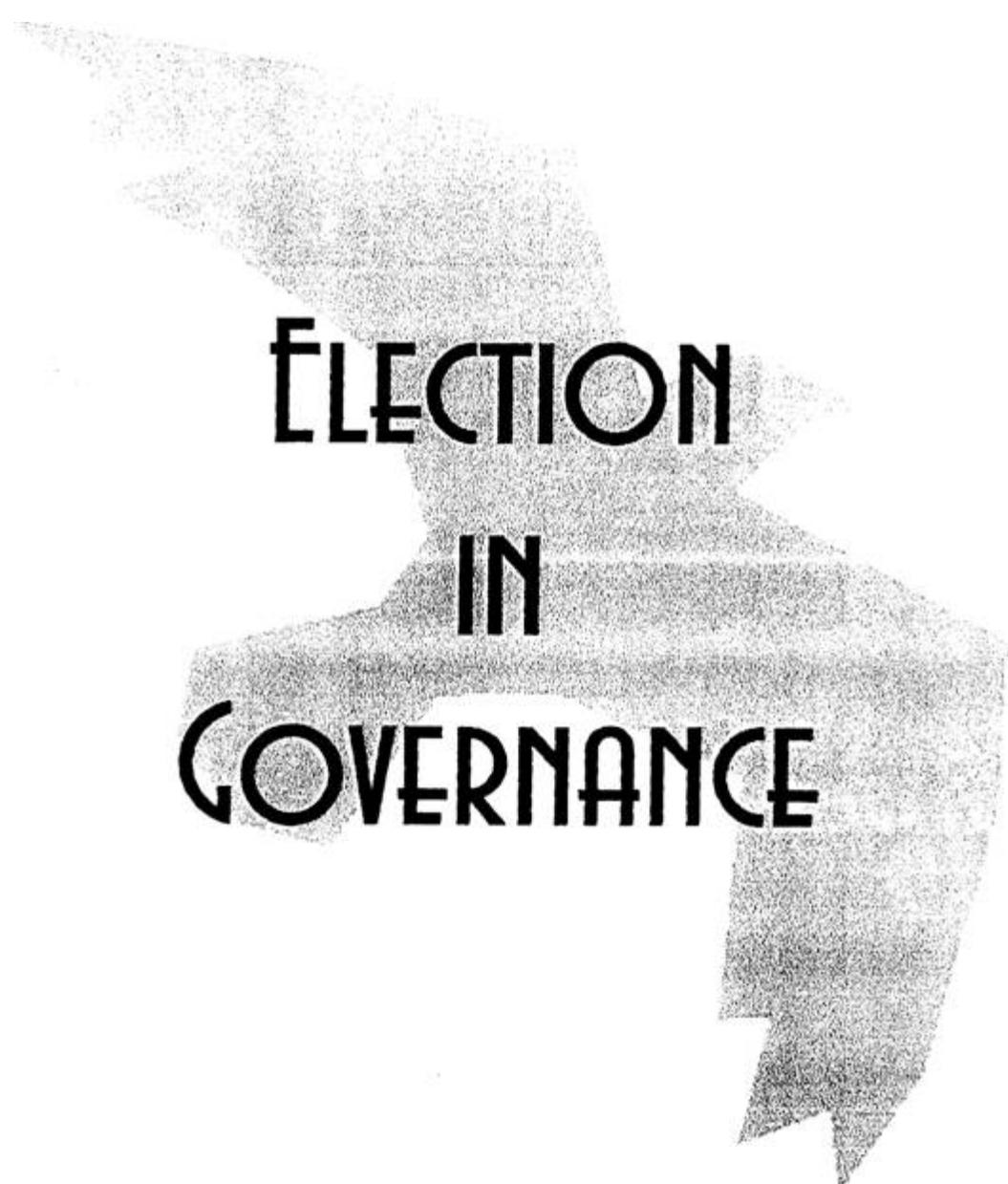
(e) Notifications of denunciation received in accordance with paragraph 1 of article VIII;

(f) Abrogation in accordance with paragraph 2 of article VIII.

Article XI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy to all Members of the United Nations and to the non-member States contemplated in paragraph 1 of article IV.



ELECTION IN GOVERNANCE

Political Timeline

A Backward Glimpse at Philippine Politics and Elections
(From the interactive CD-ROM Politico, by x-COM)

16th Century \ Spanish Revolution \ American Era
World War II \ Post War Era \ Marcos Regime
People Power Revolution

16th Century

1521 Magellan lands in the island of Homonhon, near Samar

- 1543 The Spanish officially occupy the Islands naming it later after King Phillip II of Spain.
- 1565 Spain colonizes the Philippines. First Spanish settlement founded in Cebu by Legaspi.

Spanish Revolution

- 1896 August. Beginning of Philippine revolution against Spain.
- 1897 Pact of Biak-na-Bato temporarily suspends fighting between Filipinos and Spanish
- Spain cedes the country to the United States for \$20 Million following its defeat by combined Filipino and American forces in the Spanish-American War.
- 1898 Philippine Revolution
Philippines becomes the first republic in Asia (following the Philippine Revolution)
First Filipino President proclaimed under an Independent Republic (Emilio S. Aguinaldo, in Kawit, Cavite, on June 12)
- 1899 First Philippine Elections (under American supervision, in May in the town of Baliwag, Bulacan, north of Manila)

American Era

- 1901 Aguinaldo captured.
- Pres. McKinley establishes civil government under appointed Philippine Commission headed by William Howard Taft. Three Filipinos were appointed members to this commission.
- 1902 July 1. Congressional legislation provides for colonial administration in the Philippines (First Organic Act).
- First elections of Provincial Governors.
- 1903 March 2, First Philippine Caucus taken.
- First Philippine Election Law enacted (Act 1582, by the Philippine Commission, on January 7. However, Philippine election laws go back more than 5 years earlier with the enactment of Act 502 by the Philippine Commission, by authority of the United States).
- 1907 Filipino Women's Movement for the Right to Vote started.
- First Philippine election case decided by the Supreme Court (on August 9, entitled Aguirre vs. Provincial Board of Canvassers of Negros Occidental, 3507 Phil. Reports).
- NACIONALISTA PARTY formed.
- 1916 Jones Law promises Philippine ultimate independence, elected Senate replaces appointed Commission.
- 1933 Filipino women given same political rights as men.
- 1934 Election to the Constitutional Convention held.
May 14. Plebiscite held. Philippine Constitution ratified.

1935 Election of the officers of the Commonwealth of the Philippine Islands, Manuel L. Quezon, President; Sergio Osmeña, Vice-President.

Filipino women attained right to vote (the first women in Asia to attain the right of Suffrage).

1936 Bill prescribing simpler and convenient method of registering women voters signed.

1937 Filipino women voted for the first time.

1939 League of Women Voters organized.

World War II

1941 Japan attacks the Philippines

Prominent Philippine politicians organized by Japanese into Philippine Executive Commission.

1942 People's Anti-Japanese Army set-up (Hukbalahap or Huks)

Last US forces in Philippines surrender to Japanese.

1943 Japanese establish puppet "Philippine Republic" and grant it "Independence".

US forces under General Douglas MacArthur return to the Philippine Island of Leyte.

1944 Philippine Commonwealth re-established with Osmeña as President.

Manila cleared of Japanese troops

1945 LIBERAL PARTY formed.

Post War Era

Independence Proclaimed (on July 4, by virtue of an Act passed by the US Congress in 1934).

1946 First Filipino President elected under an Independent Republic (Manuel Roxas).

First Filipino Women's Political Party Formed

1947 Election Laws First Codified (Republic Act No. 180 or the Revised Election Code on June 21).

Collaborators with Japanese pardoned .

1948 Huks declared illegal organization.
President Roxas dies in office; succeeded by Elpidio Quirino.

1949 Quirino re-elected President.

US economic survey mission finds situation in Philippines "desperate".

1950 US National Security Council authorizes "all necessary steps" to defeat insurgency.

1953 Ramon Magsaysay defeats Quirino for the presidency.

- 1954 First Filipino Woman Senator elected. (Geronima T. Pecson)
- 1955 Bell Trade Act replaced with the Laurel Langley Agreement.
Magsaysay dies in plane crash; Carlos P. Garcia succeeds him in office.
- 1957 Garcia re-elected President, defeating his traditional opponent, Claro M. Recto.
- 1959 Bohlen-Serrano agreement on military bases: US agrees to consult before using bases for non-SEATO or non-Philippine defense combat operations or before deploying long-range missiles in the Philippines.
- 1961 Diosdado Macapagal defeats Garcia for presidency.
Macapagal removes import controls.
- 1962 This date declared new Philippine Independence Day.

Marcos Regime

- 1965 Ferdinand E. Marcos defeats Macapagal for presidency; Marcos, going back on campaign promise, backs sending civic action unit (PHILCAG) to support US war in Vietnam.
- 1966 Rusk-Ramos Agreement; fixed term of military bases agreement; changed to expire in 1991.
- 1969 Marcos re-elected.
- 1970 "First Quarter Storm": massive student demonstrations in Manila against Marcos and US government.
- 1971 Grenades thrown at speakers' platform of Marcos' political opponents in Plaza Miranda; perpetrators never caught; writ of habeas corpus suspended (restored Jan. 11, 1972).
- 1972 September 21. Marcos declared Martial Law.
- 1973 Philippine Constitution ratified.
- 1974 "Parity" amendment expires.
- 1976 Tripoli Agreement signed to end fighting between government and Muslim guerillas.
- 1978 Elections for Interim National Assembly held, generally regarded as fraudulent.
- 1979 RP-US bases agreement amended: Philippine flag to fly over bases, but US guaranteed "unhampered" military use.
- 1981 January 17, Marcos lifts Martial Law.
- 1983 Prominent Political Opposition Leader Benigno S. Aquino assassinated (at the tarmac of the Manila International Airport, on August 21).
- 1984 April 30 of this Year declared Women's Suffrage Day.
Marcos announces snap elections.

- 1985 Aquino's widow Corazon announces her candidacy for the presidency.
At the deadline, Corazon Aquino and Salvador Laurel agree to run as a united opposition ticket. People Power Revolution
- 1986 Feb. 7, First Snap Presidential Elections. Feb. 22 "People Power" revolt (in EDSA).
Marcos Ousted from Power (by the Filipino people, on February 25 following the People Power Revolt).
First Filipino Woman President Elected (Corazon C. Aquino).
- 1989 First Elections in the Autonomous Region in Muslim Mindanao (ARMM).
Philippine Senate voted to terminate the US-RP MILITARY BASES
- 1991 AGREEMENT, initiating the pullout of all US military troops in the country.
- 1992 First protest contesting the results of a Philippine Presidential election filed (by Miriam Defensor-Santiago against Fidel V. Ramos, before the PET (PRESIDENTIAL ELECTORAL TRIBUNAL).
- 1996 September 9, First Election using automated counting and canvassing systems, in the Autonomous Region in Muslim Mindanao or ARMM).
- 1998 First Party-list Elections

• Reprinted from [http://codewan.com.ph/people's power/rp elections/](http://codewan.com.ph/people's%20power/rp%20elections/)

Early History of Philippine Elections

Pre-Spanish Period

Elections as we know it today was not practiced during the pre-colonial period. But our ancestors had their own way of selecting their leaders.

Because theirs was a life of constant danger and uncertainties, they chose their *datu* or *rajah*, or *lakan* or *hadji* on the basis of his or her capacity to ensure the survival of the tribe or clan.

As they went fishing, hunting, and gathering fruits and root crops, our ancestors observed who among them had the skill and wisdom to lead. Therefore, no person who was not involved in the day-to-day community life was ever chosen as leader.

Spanish Period

The first time Filipinos were allowed to vote under the Spanish colonialism was when Maura Law of 1893 expanded the functions of *Cabeza de Barangay*. (*Cabeza de Barangay* were the *datu*s who were made tax collectors of the Spanish administration)

Cabezas de Barangay formed half of the electoral body that elected the Municipal Council.

The highest position opened to natives was *governadorcillo*, head of pueblo. But the *governadorcillo* had no real powers for it was the *kura paroko* who had the real authority in the town.

The natives had no right to vote. Only in the revolutionary movement that ordinary Filipinos (members of Katipunan) had the opportunity to choose their leader. Andres Bonifacio became *Supremo of the Katipunan* through an election on December 31, 1895.

American Period

The first municipal election recorded happened in Bulacan in 1899. Elections were used by the Americans to conceal the brutality of the war they brought to the Philippines. Holding elections in every town they captured from the *Katipuneros* made the Americans look as exemplar of democracy and good governance.

In November 10, 1902, the first municipal Election Code was enacted into law. Under such law, only the following could vote:

- Those who were male. 23 years of age, held a local position in the town government prior to the American Occupation;
- Those who owned real property valued at P500.00 or paid annual taxes worth P20.00:
- Those who could read speak and write English and Spanish.

With these provisions, only 150,081 out of 6,623,804 total population qualified as voters. This only shows that only those who accommodated American interests were allowed to vote.

Women and Suffrage

Sustained women's struggle gave birth to the women's rights to suffrage. Their persistence pushed the Philippine Legislature to pass Act 4112, which allowed women to vote. But this could only be exercised if they could gather 300,000 women signatures favoring women's suffrage.

Signatures gathered exceeded said quota. And so on November 1937, the Filipino women made their voices heard through ballots.

Peasants and Elections

1937 also marked grassroots' meaningful participation in elections. Peasants in Pampanga won their first two mayoralties and majority of council seats in two municipalities under the Popular Front Ticket.

In 1940, they again won 9 mayoralty and majority of council seats in 8 of the 9 municipalities. Six of the mayors were prominent leaders in the peasant movement.

The peasant movement joined Democratic Alliance in 1946 to field their candidates for Congress. The DA won six seats but the candidates were not allowed to hold office through machinations of the ruling administration. They were charged with fraud and terrorism.

Apparently, this was done because of the following:

- To weaken the opposition to the Ruling Administration which was led by the President-elect Roxas

The DA candidates were against the Bell Trade Act of 1946. For them, approval of the Act would mean flooding our market with American manufacturers and granting the Americans with equal rights to exploit our natural resources.

PAST PRESIDENTIAL ELECTIONS (1946-1992)

Source: [http://www.cchope.freesevers.com.CBCP History%20of%20Philippine%20Elections.htm](http://www.cchope.freesevers.com.CBCP%20History%20of%20Philippine%20Elections.htm)

" The first Presidential election was held in 1946 after the United States government granted Philippine Independence."

- 1946: Manuel Roxas (Nacionalista Party -left wing) vs. Sergio Osmeña Sr. (NP), Hilario Moncado (Modernist Party)
- 1949: Elpidio Quirino (Liberal Party) vs. Jose Laurel, Sr. (NP), Jose Avelino (LP Avelino wing)
- 1953: Ramon Magsaysay (NP) vs. Elpidio Quirino (LP)
- 1957: Carlos P. Garcia (NP) vs. Jose Yulo (LP), Manuel Manahan (Progressive Party of the Philippines), Claro M. Recto (Nationalist Citizens Party), Antonio Quirino (LP Quirino wing), Valentin Santos (Lapiang Malaya), Alfredo Abcede (Federal Party)
- 1961: Diosdado Macapagal (LP) vs. Carlos P. Garcia (NP)
- 1965: Ferdinand E. Marcos (NP) vs. Diosdado Macapagal (LP), Raul Manglapus (Party for Philippine Progress), Gaudencio Bueno (New Leaf Part), Aniceto Hidalgo (NLP), Segundo Baldove (Partido Bansa), Nic V. Garces (People's Progressive Democratic Party), German Federe Villanueva (Partyless), Guillermo M. Mercado (Laborer), Antonio Nicolas, Jr. (Allied Party), Blandino P. Ruan (independent); and Praxedes Florv (no Party)
- 1969: Ferdinand E. Marcos (NP) vs. Sergio Osmeña (LP)
- 1981: Ferdinand E. Marcos (Kilusang Bagong Lipunan) vs. Alejo Santo (NP)
- 1986: Corazon Aquino (LABAN Coalition) vs. Ferdinand Marcos (KBL)
- 1992: Fidel V. Ramos (LAKAS-National Union of Christian Democrats-) vs. Miriam Santiago (People's Reform Party), Ramon Mitra (Laban ng Demokratikong Pilipino), Eduardo Cojuangco (Nationalist People's Coalition), Imelda Marcos (KBL), Jovito Salonga (LP-PDP-LABAN), Salvador Laurel (NP)

PHILIPPINE POLITICAL SYSTEM

Attv. Luie Tito F. Guia, Xkom

The Government

The Congress of the Philippines

The Senate
The House of Representatives
The Executive Branch
The Local Governments
The Judiciary
The Constitutional Commissions
Dynamics of Philippine Politics

The Philippine Political System is aptly described in summary by a principle enunciated in the Philippine Constitution - "*The Philippines is a republican and a democratic State. Sovereignty resides in the people and all Government authority emanates from them.*"

The "*sovereignty*" of the Filipino people is exercised in elections held almost every year where the people directly choose their national and local leaders. From the President down to the last member of barangay sanggunians (village councils), all elective officials are directly elected by the people. Regular elections are held every three years but in between these schedules are barangay elections, Sangguniang Kabataan (Youth council elections, and the regional elections in the Autonomous Region in Muslim Mindanao (ARMM).

Philippine elections have become so frequent that it has become the favorite pastime of Filipinos. Election campaigns are nothing short of a "*fiesta*." At the same time, it is not uncommon to hear instances of a "*wild wild west*" atmosphere where the election is fought with guns rather than with votes. Because of the unique and interesting nature of Philippine elections and because of the enthusiasm put into it by Filipinos, the Philippines has oftentimes been called the "*noisiest democracy in Asia*."

What is the underlying political system that makes the Philippines the "*noisiest democracy in Asia*?"

Filipinos adopted the Philippine Constitution in 1987 as their "*social contract*" with the State. As sovereigns, the Filipino people crafted a Constitution that defines the basic structure of government. It created governmental organs to which the powers of government are systematically allocated. With the principle of check and balances in mind, the Constitution limits the powers and functions of each governmental organ to ensure that abuse is minimized if not completely prevented.

But conspicuous in the Philippine Constitution is the constant reference to the power of the people to directly elect their President, Vice President, the members of both Houses of Congress and the local executives. An added interesting feature in the Philippine Constitution is the power of the people to directly enact and propose laws, both at the national and local level, through a system of initiative and referendum. This power exists side by side with the legislative power granted to Congress. This vividly demonstrates the extent of "*democracy*" in the Philippines.- But more importantly, this shows the extent by which Filipinos put a premium on their right to directly participate in the affairs of the state.

The Government

The Philippine Constitution allocates governmental powers to three branches of government.

Legislative power is exercised by the Congress of the Philippines, except to the extent reserved to the people under the system of initiative and referendum.

The President of the Philippines exercises executive power.

Judicial power is vested in the Supreme Court and in such lower courts as may be established by law.

The Congress of the Philippines

The Congress has two houses - the Senate and the House of Representatives. No law shall be considered passed unless it has initially been adopted separately by the Senate and the House of Representative.

Consistent with the republican nature of the Philippine political system, the members of the two Houses of Congress, except for the party-list representatives, are all directly elected by the people.

The Senate

The Senate is composed of twenty-four senators all of whom are elected nationwide. They all have a term of office of six-years, although twelve are elected every three years. In the 1992 elections, all twenty-four senators were simultaneously elected at large. Those obtaining the first twelve highest number of votes had six-year terms while the second twelve had a term of office of only three years. In 1995, twelve senators were elected, replacing those whose three-year terms expired. From 1995 on, all elected senators have six-year term of office and can serve a maximum of two consecutive terms.

The House of Representatives

The House of Representatives is composed of members elected from each of the legislative districts apportioned all over the country on the basis of a uniform and progressive ratio, plus members under the party-list system of representation. Each of those elected by legislative districts has territorial constituency but a party-list representative has a party or sectoral constituency. All members have a term of three years and can serve a maximum of three consecutive terms.

There are presently Two Hundred and Seven (207) legislative districts. Considering, that the number of party list representatives must be at least twenty percent of the total

number of the membership of the House including the party-list members, there are presently fifty-one (51) available seats for party-list representatives.

Under the party-list system of representation, each voter nationwide elects one party. After the elections, the parties participating in the party list system of representation are ranked according to the votes they have obtained nationwide. Those obtaining at least two percent of the total votes cast under the party-list system are entitled to at least one representative. Each party is entitled to, at most, three representatives in Congress in accordance with the proportion of the votes obtained by the party vis-a-vis the other parties.

The Executive Branch

Executive Power is vested in the President. The President implements the laws passed by Congress. He or she also makes sure that his subordinates properly implement laws. He or she has the ultimate appointment power in government, limited only by civil service laws and by the power of Congress, through the Commission on Appointments, to review and confirm certain appointments. He or she is the Commander-in-Chief of the Armed Forces of the Philippines. The President exercises general supervision over local government executives.

The President executes his powers and functions through his or her cabinet members, each of whom are appointed to a specific area of governance. All said, cabinet members are his or her alter ego and act for and in the President's own behalf. Among the important cabinet departments are the Departments of Foreign Affairs, Defense, Interior and Local Government, Finance, Justice, Trade and Industry, Education Culture and Sports, Labor and Employment, Agriculture, Agrarian Reform, Environment and Natural Resources, Tourism, Health, Public Works and Highways, Transportation and Communication, Energy, and Social Welfare and Development. Under these departments are bureaus and offices whose officers are appointed by and under the authority of the President.

The President is elected at large and has a fixed term of office of six years. He must be a natural-born Filipino citizen, at least forty years of age and a resident of the Philippines for at least ten years before the day of the elections. He is not qualified for reelection in the succeeding presidential election.

There is a Vice-President who must have the same qualifications and term of office and manner of election as that of the President. He shall succeed as President for the remainder of the term of office once the incumbent President dies, resigns, or is otherwise incapacitated to perform the function of the President.

The Local Governments

The political subdivisions of the Philippines consist of the provinces, cities, municipalities and barangays. The local governments in these political subdivisions are under the general supervision of the President.

The provinces are each headed by a Provincial Governor followed by a Provincial Vice-Governor and by the members of the Sangguniang Panlalawigan (Provincial Board). The latter is the legislative body of the province.

The cities and the municipalities are each headed by a City or Municipal Mayor, followed by a City or Municipal Vice Mayor and by the members of the Sangguniang Panlungsod or Bayan (City or Municipal Council). The latter is the legislative body of the city or municipality.

The barangays are each headed by a Punong Barangay (Village Chairperson) and by a Sangguniang Barangay (Barangay Council).

The Governors, Vice Governors, the Mayors, the Vice-Mayors, and the Punong Barangays are all elected at large at their respective constituencies.

The Sangguniang Panlalawigan, Panlungsod, Bayan, and Barangay are generally composed of six to ten members depending on the size of their constituency-, except in Metro Manila and in the other big cities. The members of the Sangguniang Panlalawigan are elected by legislative district while the members of the other Sanggunian are elected at large. Their elections, except for the barangay officials, are held simultaneously with the elections of the national officials.

All of the above, are elected directly by their respective constituencies. The elective officials from the provinces, cities, and municipalities have a fixed term of three years and they may be re-elected to the same position. However, they can only serve for a maximum of three consecutive terms for each position. Nevertheless, the people may remove them from office during their term for mere loss of confidence via the system of recall.

The Autonomous Region of Muslim Mindanao comprising the southern provinces of Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi, has its own regional government. It is headed by a Regional Governor followed by a Regional Vice-Governor and by a Regional Assembly composed of Assembly persons elected from each of the member-provinces. The Governor and Vice-Governor are elected at large. All the above regional officials also have a fixed term of three-years but their elections are not held simultaneously with the regular elections of national and local officials.

The Judiciary

The Judicial Power is vested in the Supreme Court and in all other lower courts established by law. Judicial power includes the duty to settle actual controversies involving rights that are legally demandable and enforceable and to determine whether any branch or instrumentality of government has acted beyond its jurisdiction.

The hierarchy of the Courts of Justice are as follows: a) The Supreme Court; b) The Court of Appeals e) the Regional Trial Courts; and d) the Metropolitan or Municipal Trial Courts. There are special Courts of Justice like the Sandiganbayan, which hears

big-time graft cases or cases involving the performance of function of high government officials, and the Court of Tax Appeals.

All the Justices and the Judges of the regular Courts of Justice are appointed by the President of the Philippines from the nominees submitted by another constitutional body tasked for this purpose, the Judicial and Bar Council. It is, however, Congress that creates, defines and apportions the jurisdictions of all these courts.

The Constitutional Commissions

Besides the aforesaid main branches of government, the Philippine Constitution created independent Constitutional Commission to perform tasks that are supposed to be free from the interference especially of the political organs of the government, the Executive and the Legislative. These are the Civil Service Commission, the Commission on Elections, and the Commission on Audit.

The Civil Service Commission is the agency tasked to administer the whole of civil service, which, in turn, embraces all branches, subdivisions, instrumentalities, and agencies of the government, including government owned and controlled corporations.

The Commission on Elections is the agency tasked to enforce and administer all laws relative to the conduct of an election, plebiscite, initiative, referendum, and recall. It conducts elections, designs the ballots, registers political parties, accredit citizens volunteer groups, decides the qualification of candidates, and resolves election contests and controversies affecting officials other than the members of Congress and the President and Vice-President.

The Commission on Audit is the agency granted the power, authority and duty to examine, audit, and settle all accounts pertaining to revenues and receipts of and expenditures and uses of funds and properties, owned or held in trust by, or pertaining to the government.

The Chairman and the Commissioners of the Constitutional Commissions are all appointed by the President with the consent of the Commission on Appointments of Congress

Dynamics of Philippine Politics

The above discussion refers to the formal structure of the Philippine Political System. However, unseen in said structure is the contribution of various interest groups giving life to Philippine politics.

The Political Parties are the groups that should be exerting the strongest influence in shaping the direction of Philippine politics. From the two-party system during the pre-Martial Law era (or pre-September 21, 1972) and the single party administration during the Marcos regime, to the so-called multi-party system under the present time, political

parties have been the vehicle to political power. They provide the necessary organization and the support mechanism needed to assure success in elections.

The present constitutional framework encourages the development of multi-party politics where not only one or two dominant party/ies contest the presidency and the seats in the legislatures. The objective is to make available to as many people or groups the opportunity to serve in government, or at least make as many Ideas represented in policy and decision-making. One such mechanism created to encourage multi-party politics is the party-list system of representation. The aim supposedly is to encourage small parties to organize and strengthened themselves by allowing them representation in Congress not through the traditional "majority rule" election of individuals but through a scheme where representation is based on the proportion of votes obtain by political parties nationwide. Parties promoting sectoral interests are also being encouraged to develop.

Be that as it may, the influence exerted by political parties in shaping Philippine politics is, however, more artificial than substantial. The elite has always dominated politics in the Philippines. In terms, therefore, of the substance of legislations and executive policies, the balance is usually tilted in favor of the moneyed and propertied class. Of course, there are so-called social legislations but these are, more often than not, mere palliatives. And others are implemented in selective rather than in general manner.

However, the present political atmosphere sees the emergence of non-traditional influence groups. More and more Non-Governmental Organizations (NGO's) and People's Organization (PO's) are being formed advocating particular concerns ranging, from protection of environment to animal welfare. The growth of these organizations is strengthened by the emphasis given by the Constitution on their role and rights in the existing social order. It has become a formal policy of the various government organs to consult NGO's and PO's in discussions concerning policy making both in the national and the local levels. In Congress committee deliberations, the appropriate NGO's and PO's are invited. Presumably, their positions on particular issues are taken into account. The strength of these organizations rest on their ability to muster the support of their members or supporters in mass actions.

The single most influential group in Philippine politics is, indisputably, the Roman Catholic Church. About 2/3 of the entire Philippine population may be said to be practicing Catholics. The reach of the Catholic Church up to the remotest village in the country indicates the extent of their influence. That is why the Roman Catholic hierarchy in the Philippine has been heard to openly express its position in some secular concerns like the issue of Constitutional amendments, the issue of the imposition of the death penalty, the Visiting Forces Agreement With the Americans oftentimes clashing with the political leadership.

Other religious denominations have already realized their capability to influence government policy. The Iglesia Ni Cristo is said to be able to deliver the single block of votes necessary to win an election, making it the most sought after group during national and local election. The Christian protestant groups have also started to let their voices be heard.

The influence of the underground sector of the society cannot be underestimated. The socialist revolution being waged by the Communist Party of the Philippines, the New People's Army and the National Democratic Front is said to be the most enduring socialist movement in Asia. The secessionist movement in southern Philippines is still active.

The Moro Islamic Liberation Front (MILF) composed mostly of Muslim fundamentalists, recently displayed the implementation of their own criminal justice system in Philippine media, in utter mockery of the criminal jurisdiction of the Philippine state. Although many of the members of the other Muslim secessionist group, the Moro National Liberation Front (MNLF), have joined the mainstream of the society, many others who were disgruntled joined MILF.

By and large, however, the single most dominating influence in Philippine politics is the freedom of the Philippine media. Arguably, Philippine media is among the most liberated in Asia. Almost everything can be said in media. Government actions are scrutinized. Large-scale corruptions are being exposed. Truly, the media is the "Fourth Estate" in the Philippines. Even political campaigns have recognized the value of the mass media in assuring success in elections. The present debate on the Political Advertisement Ban can attest to this. Under the present law no private political advertisement can be made during election period except those that have been approved by the Commission on Elections. The idea is to equalize opportunity to avail of mass media advertising. However, the proliferation of movie and television personalities winning in elections over those believed to be more intellectually qualified led to a rethinking of the wisdom of the Political Ad Ban. The media exposure of these media personalities gave them undue advantage over the others who have lesser media exposure if at all. The discussion on the ad-ban issue is still on going at both Houses of Congress and it is one of the reform measures being monitored by the groups involved in this electoral reform website project.

The foregoing discussions on the Philippine Political System hopes to give the audience of this website a summarized but relatively comprehensive bird's eye-view of Philippine politics. The same is necessary to put discussions relative to electoral reform advocacy in it the proper context.

• Reprinted from [codewan.com-ph/people's power/rp_elections/](http://codewan.com-ph/people's%20power/rp_elections/)
ANG DALAWANG MUKHA NG PULITIKA

TRADISYUNAL AT ALTERNATIBONG PULITIKA

1. Konteksto

- Kinakailangan nating maunawaan ang halaga ng pagtangkilik sa altematibong pulitika sa pamamagitan ng paghahambing nito sa tradisyunal na pulitika. Nararapat ding maging mulat sa mga gawaing pangkultura na nagpapanatili/

nagtataguyod ng mga uri ng pulitika, at kung papaano nito ginagawang higit na mahirap/madaling makamit ang pagbabagong panlipunan.

- Dinadala ng pag-uunawa sa alternatibong pulitika ang isang pagkaunawa sa pangkalahatang kalagayan ng botanteng Pilipino.
- Hindi nalalaman ng karamihan ng mga botante kung papaano sila nabibiktima ng maraming uri ng maka-eletistang pulitika: nepotismo, pagbibigay pansin sa mga pangangailangan ng mahihirap kung panahon ng halalan lamang, sistematikong panunuba at pandaraya at pagkapanalo ng mga pulitiko sa halalan sa pamamagitan ng "kahit anong paraan".
- Madali para sa mga tradisyunal na pulitikong hikayatin ang ating mga botante na itulak ang kanilang personal na interes at mga ambisyong pampulitika.

2. Saligang kahulugan ng mga termino:

- Maaaring makita ang pulitika sa aspetong personal:
 - Ang katauhan ng mga pulitiko, tulad ng mga Senador, Alkalde, Gobernador, atbp.; ang mga botante, ang goons ng mga naturang putitiko, ang saklaw ng kanyang impluwensiya.
 - Sa nibel nito, ito ang mga makabuluhang tanong (na maaaring makapagbigay sa atin ng ideya kung anong uri ng pulitika ang ating isinasagawa): Sino ang humahawak ng kapangyarihan at impluwensiya? Sino ang nagpapatakbo ng sistemang pulitikal? Sino ang mga nasasangkot sa buhay-pulitika ng bansa?
- Maaari ring makita ang pulitika sa aspetong pang-ugnayan:
 - Tinutukoy nito ang mga sistema't balangkas na pampulitika tulad ng sistema "padrino", "palakasan", pluralismo, pagbibigay-kapangyarihan sa tao.
 - Sa nibel nito, ito ang mga makabuluhang tanong: Anong uring sistemang pulitika ang namamayani sa buhay-pulitika ng mga tao? Papaano nakikipag-ugnay ang mga pulitiko sa mga karaniwang tao? Mayroon bang pagkakapantay-pantay na umiiral?
- Mayroon ding aspetong pangkultura ang pulitika:
 - Kapag naging kaugalian ang mga karaniwang pakikipag-ugnayan ng mga tao sa isa't isa at kapag umugat ito sa kanilang paraan ng pamumuhay, maaaring sabihin na nagiging kultura ang nasabing ugnayan. Ang mga halimbawa nito ay ang personalismo, "utang na loob", "bayanihan", atbp.
 - Maaaring sabihin, bilang halimbawa, na namayani na sa ating pampulitikang kultura ang "guns, goons and gold" (sapagkat malimit na ginagamit ang mga paraang ito upang makakuha ng mga boto sa panahon ng halalan).

3. Tradisyunal laban sa Alternatibong Pulitika

- Sa aspetong personal nito:

TRADISYUNAL NA PULITIKA

- Mula sa pananaw ng tradisyunal na pulitika, ang mga pulitiko't partidong pampulitika lamang ang mga nasasangkot sa buhay-pulitika. Sila lamang ang humahawak ng kapangyarihan at sila rin ang maaaring magbahagi nito kung kanino man nila naisin.
- Sa ganitong pananaw, mayroong masasabi ang mga tao ukol sa pulitika sa panahon ng halalan lamang. Binibigyan sila ng pansin ng mga pulitiko lalung-lalo na sa panahon ng mga kampanya, at kapag natapos na ang halalan nanunumbalik sila sa kanilang nakaugaliang pamumuhay habang naiiwan ang mga pulitiko sa kanilang mga labanan para sa kapangyarihan.

ALTERNATIBONG PULITIKA

- Mula sa pananaw ng alternatibong pulitika, ang mga pampulitikang partido kasama ng mga samahang pantao at mga saligang bahagi ng lipunan ang mga punong-tagapagpakilos ng buhay-pulitika. Pinagbabahaginan ng mga tao at mga pampulitikang pinuno na kanilang hinalal ang gawain ng pamahalaan.
- Sapagkat nagbabahaginan ang mga tao sa gawain ng pamahalaan, lagi silang handa sa pagbantay sa mga gawain ng kanilang mga pinuno, at tinitiyak nila na pinahalalagan ang mga pangangailangan ng mahihirap at nakakarami ng mga batas at mga pamamalakad. Sa kanyang aspetong pang-ugnayan:

TRADISYUNAL NA PULITIKA

- Sa tradisyunal na pulitika, lumalakas ang kapangyarihan dahil sa sistemang dependency, palakasan, elitismo at mga hindi pantay na pakikipag-ugnayan.
- Sa sistemang dependency, umaasa ang mga tao sa kanilang "padrino" o "ninong" sa mga panahon ng pangangailangan, at inaasahan naman ng kanilang mga padrino ang kanilang suporta sa kanilang mga gawain at sa panahon ng pangangampanya sa halalan
- Humahantong ang kaugaliang nabanggit sa itaas sa palakasan, sapagkat "sumasakay" ang mga tao sa kapangyarihan at paghihikayat ng kanilang mga padrino at kanilang inaasahan din na makatanggap sila ng mga kaparis na pakinabang at kalamangan.

- Pinalalaganap din ng sistemang dependency ang elitismo, sapagkat pinananatili ang mga tao na umasa sa iilang humahawak ng kapangyarihan.

ALTERNATIBONG PULITIKA

- Sinusubok ng altematibong pulitika ang pagbabahagi ng kapangyarihan sa nakararami sa pamamagitan ng pluralismo, pagbibigay-kapangyarihan sa mga tao at pagkakapantay-pantay. Itinuturo nito ang sariling sikap at ang pagtayo sa sariling paa. Sa pamamagitan nito, hindi pinapatagal ang buhay ng palakasan at ng sistemang dependency. Maaaring hawakan ng kahit sino ang kapangyarihan at may pagpapalitan ng mga palagay, ideolohiya at prinsipyo. At sapagkat maaaring hawakan ng kahit sino ang kapangyarihan, mas malaki ang pagkakataon para sa pagkakapantay-pantay.
- Sa kanyang pangkultural na aspeto:

TRADISYUNAL NA PULITIKA

- May ilang pangkulturang pagpapahalaga tayo bilang sambayanan na maaaring gamitin sa Tradisyonal na Pulitika upang magsilbi sa kapakanan ng iilan. Ito ang ilang pagpapahalaga:

- Utang na Loob

Sa sistemang padrino, tinutulungan ng pulitiko ang mga tao sa mga panahon ng pangangailangan upang maramdaman nila ang kanilang mga pagkakautang sa kaniya at maaaring hilingin ng padrino bilang kapalit ang kanilang pagtangkilik sa kanyang mapansariling inaasam, lalung-lalo na sa panahon ng halalan.

- Hiya

Makakaramdam ng hiya ang isang taong nagkakautang sa padnno na tanggihan ang kahilingan ng kanyang "ninong". Dito, ginagamit ng pulitiko ang halaga ng hiya ng Pilipino upang ibagay sa kanyang sariling inaasam.

- Personalismo

Tinutukoy nito ang pagbibigay ng labis na diin sa kung sino ang humahawak ng aling posisyon sa halip na sa pananagutan at responsibilidad ng posisyon na nabanggit. Bilang halimbawa, sumasapi ang mga pampulitikang partido at nagpapalit ng mga pinuno at partido batay sa kung ano ang matatanggap nila sa larangan ng pulitika sa halip na sa mga prinsipyo, ideolohiya at mga isyu.

Hindi masama o mapanghamak ang nabanggit na mga pangkulturang pagpapahalaga. Ngunit kapag ginamit ang mga ito sa pagwawalang-bahala sa pangangailangan ng nakararami, nagiging mga haligi itong nagtataguyod sa tradisyunal na pulitika.

ALTERNATIBONG PULITIKA

- Sa kabilang banda, nagpapakita ang alternatibong pulitika ng mga sumusunod na paniniwala at pagpapahalaga:

- Ang kapangyarihan sa kamay ng lipunang sibil

Salungat sa sistemang padrino, inilalagay ang pagtuon sa pagkakapantay-pantay at pagbabahagi ng kapangyarihan sa ugnayan ng mga tao at ng kanilang mga pinuno. Sa mga pormal at di-pormal na balangkas, binibigyan ang mga tao ng mga pagkakataon at pamamaraan upang magkaroon sila ng kapangyarihan sa mga pagpapalakad ng pamahalaan. Halimbawa nito ang mga kinatawan ng mga saligang sektor sa loob ng lehislatibong sangay ng pamahalaan, at people's organizations (POs) sa mga komunidad. Tinatawag ang mga balangkas na ito na mga alternatibong sentro ng kapangyarihan.

- Pananagutan ng mga pinuno sa mga tao

Tinitingnan ng mga pinuno ang kapangyarihan bilang pananagutan at responsibilidad sa mga taong kanilang pinaglilingkuran sa halip na pribilehiyo. Tinitingnan ng mga tao, sa kabilang banda, na hindi pabaya ang kanilang mga pinuno sa kanilang mga gawain at pananagutan. Sa nabanggit na sistema, namamayani ang tungkulin ng pamamahala sa mga taong may pinanghahawakang pananagutan at sa mga taong nakikilahok sa pamamaraan ng pamamahala.

- Patuloy na pakikilahok ng mga tao sa pamamahala

Hindi itinatakda ang hangganan ng pakikilahok ng tao sa pulitika sa halalan lamang ngunit lumalawak sa kanilang patuloy na pakikisangkot sa extra-parliamentary at extra-legal na pagsisikap tulad ng lobbying para sa pagpasa ng mga batas na makamahirap, pulitikang makamaliit, atbp.

SAMPUNG UTOS SA WASTONG PAGBOTO

Source: www.codewan.com.ph/peoplespower/resources

1. Bumoto ka ayon sa sinasabi ng iyong konsiyensiya.
2. Igalang mo ang kapasiyahan ng iba sa pagpili ng kandidato.
3. Kilalanin mo ang pagkatao, kakayahan at mga katangian ng mga kandidatong humihingi ng iyong boto.

4. Alamin mo ang isyu, plataporma at programa ng mga kandidato at partidong tumatakbo sa halalan.
5. Huwag mong ipagbili ang iyong boto.
6. Huwag mong iboboto ang kandidatong gumagamit ng GUNS, GOONS at GOLD.
7. Huwag mong iboboto ang kandidatong may record ng graft at corruption.
8. Huwag mong iboboto ang kandidato dahil lamang sa utang na loob, popularidad o pakikisama.
9. Huwag mong iboboto and kandidatong immoral at mabisyo sa kanyang personal na buhay.
10. Isaalang-alang mo nang una at higit sa lahat ang kapakanan ng bayan sa pagpili ng kandidatong iboboto.

PANANAMPALATAYA NG ISANG BOTANTE

ni Msgr. Bayani G. Valenzuela

Naniniwala ako sa dangal ng balota at sa karapatan at katungkulan kong bumoto.

Naniniwala ako sa malayang pagpili sa kandidatong gusto kong iboto

Naniniwala ako sa kabutihang pangmadla bilang pinakamahalagang pamantayan at sa paggamit ng konsiyensiya at talino bilang pinakamataas na gabay sa pagpili ng kandidatong iboboto ko

Naniniwala ako sa personal na integridad, kakayahang mamuno, bisyon at programa ng pamahalaan bilang mga katangiang dapat matagpuan sa mga karapat-dapat na kandidato

Naniniwala ako sa pangarap ng bawa't botanteng Pilipino na magkaroon ng mabuting pamahalaan sa pamamagitan ng paghalal ng mabuting pinuno

Naniniwala ako na maari kong maisakatuparan ang mga ito sa pamamagitan ng responsableng pagboto ayon sa mga atas ng pananampalataya ng isang botante

A VOTER'S CREED

By Msgr. Bayani G. Valenzuela

I believe in the sanctity of the ballot and in my right and duty to vote.

I believe in the freedom of choice in selecting my candidates.

I believe in the common good as the highest norm and in the dictate of conscience and use of intelligence as ultimate guide in choosing my candidates.

I believe in personal integrity, competence in leadership, vision and program of government as necessary qualities of worthy candidates.

I believe in the aspirations of every Filipino voter to have good government by electing good officials.

And I believe that I can make this happen by voting responsibly according to my voter's creeds.

THE PARTY LIST SYSTEM OF VOTING

By Armando L. Paragat

The party-list system of voting is one of the affirmative provisions of the 1987 Philippine Constitution. It is a way of electing representatives to the Lower House by voting for the party to which they belong.

Republic Act 7941 known as The Party-list System Act is the law that mandated for the election of party-list representatives through the party system. It is defined as a mechanism of proportional representation in the House of Representatives through election and not by appointment of marginalized or underrepresented sectors, parties and coalitions.

Its underlying principle is the democratization of the party system thereby allowing weak political parties, sector groups or coalitions access and balanced representation in the House. It encourages an atmosphere for developing an authentic multi party system and provides a genuine program based party. Under this method of voting, elected party officials or members are definitely accountable to their party and their constituency.

Other salient features of the Party-list System:

- Ø Candidates to be voted under the system are not individuals but either a national, regional, or sectoral party, organization or coalition.

- ∅ Vacancy in seats reserved for party-list representatives will be automatically filled by the next representative in line based on the list of nominees submitted by the same party, organization or coalition to the COMELEC.
- ∅ Party-list representatives are entitled to the same salaries and emoluments to that of a regular member of the House of Representatives.
- ∅ A party-list representative, as member of the Lower House maybe sanctioned by suspension or expulsion if proven guilty of disorderly behavior upon the concurrence of 2/3 of all its members. Suspension shall not exceed 60 days.

A Glimpse of the Party-List Elections after 1998

(Based on A Preliminary reading of the Results for be Party-List Elections"
published by Institute of Politics & Governance)

The relevance

- z Voters can choose parties representative of the more marginalized sector of society. The electorate has the chance to vote for parties whose platforms will best represent the marginalized sector and carry their agenda in Congress.
- z Its establishment (thru the passage of RA 7941 in 1995) is a direct response and serves to counteract the dominance of powerful and vested interests in the Lower House. Party-list system is for program-based politics as opposed to personality-based politics.

What really happened?

- z Low turnout of voters as was expected. Out of the 27,330, 772.00 total voter turnout (TVT) only 9,155.309 were accounted to party-list votes, which was measly 33.5% of the TVT.
- z Attributable reasons:
 - Party-list concept was new.
 - Voters were confused and did not understand the procedure.
 - Indifference of the electorate.
 - Failure to conduct massive information & dissemination campaign on the part of COMELEC despite having been earmarked PHP 110 million (thru general appropriation) for its info & dissemination budget.
 - COMELEC's Education & Information Department, which was solely created for this purpose, failed to distribute widely primers concerning the novel electoral concept.
 - Indifference, lack of awareness, training and knowledge of election canvassers (non-counting & ignoring of party-list votes in some areas).

- Confusing ballots (bad layout, vague instructions)
- Confusing COMELEC rules (poll watchers ID issuance, accreditation)

How they fair last Elections

- z Out of the 123 party-list accredited candidates, only 13 were able to get 2% of the total votes required. Highest was ARMM, which got 44.6% with a voter turnout of 355, 139 followed by Region XII that garnered 372,330 (41.4%) and NCR with 1,632,086 or an equivalent 39.6% of the total voter turnout.
- z APEC the topnotch got 503,487 votes or 5.50% (even failed to reach the million mark). Others who made it; ABA, ALAGAD, VFP, AKO, SCFO, ABANSE PINAY, AKBAYAN, BUTIL, SANLAKAS, COOP-NATCO, & COCOFED.
- z The vote drawing power of personalities (as in the case of Abanse Pinay) versus programs remains to be seen and examined in the coming election.
- z The organizations votes show that they gained substantial votes from their network or the people they service as in the case of APEC, which is composed of electric power cooperatives from all regions.
- z With the proliferation of parties, sectoral vote was fragmented.

Now the Loop Holes

- z RA 7941 fails to lay down rules ensuring only genuine representatives of the politically marginalized will be allowed to compete for party-list seats.
- z The only limiting provisions are:
 - One term ban of 5 major political parties dominating the Lower House of the 10th Congress (come may 14 elections, nothing is to prevent them from monopolizing seats in the summer elections)
 - The 3 seat cap provision seen to control domination of established political parties (has divisive effects on parties & it is not enough to gain significant representation in pushing for a legislative agenda in Congress)
- z Traditional political parties had already tested the new electoral grounds by fielding satellite parties and coalitions.
- z Parties claim that the 2% automatic seat allocation is too high and it is a moving target that will keep moving higher as more people participate in the party-list elections.
- z The 2% is an unfair demand for the politically disadvantaged sectors to gain representation. Single districts representative needs only to campaign within

their districts and capture 40,000 to 60,000 votes while party-list groups have to earn at least 190,000 votes and need to campaign nationwide.

What Awaits Us in the Coming Elections?

- z With the termination of the ban as imposed by law on the 5 major political parties in joining the party-list elections this year, expect these parties to mobilize & maximize their political machineries and dominate the electoral fray.
- z The 20% (51 seats out of the 255 seats) slot allotted for party-list representatives is indeed a token gesture and almost insignificant compared to the number of 200 congressmen who mostly represent powerful vested interests. So in reality only 51 lawmakers (minority) coming from the genuine representatives of marginalized majority are expected to advocate and rally the cause of dispossessed.
- z Based on the result of the 1998 party-list elections, we can expect that some sectors will remain unrepresented because the voting population of most sectors might be too small to garner 2% nationwide.
- z If the COMELEC through its Education & Information Department continue to remiss its duty to educate the electorate down to the poll watchers and canvassers then we can again anticipate low turnout of voters come May 14 summer elections.
- z Party-list parties joining this year's election will again experience an uphill climb as they have also to do information and education work during campaign sorties in the regions.

PARTY-LIST SYSTEM

Advantages and Disadvantages

Advantages:

1. The PLS provides the disadvantaged sectors the opportunity for genuine representation in Congress.
2. It prohibits hopping from one party to another. A PL representative can't transfer to another party, if he/she does; he/she loses his seat in the Congress automatically.
3. In the PLS, election is not a choice among men and women but among ideologies---platforms and programs. PLS diminishes personality-based voting.
4. The PLS requires the elected representatives to be accountable to their parties and their constituencies.

Disadvantages:

1. The PLS may cause bickering among sectors. For example, peasant organizations with different ideologies tend to compete against each other. This will cause formation of several

- parties running for same position. As a result the peasant vote spreads thinly diminishing the sector's chance of having even a single representative in Congress.
2. The seats intended for party-list representatives are too small compared to those allotted for district representatives. Elite and traditional politicians will still dominate the Congress.
 3. Since every voter is entitled to one party-list vote only, there is no assurance that each disadvantaged sector will be represented in Congress.
 4. The number of votes needed for a party to be able to win a seat is difficult to get. In fact it is much higher than what is required for district representatives.
 5. Banning of the 5 traditional parties doesn't ensure fair opportunity for the disadvantaged groups. Traditional politicians can still form new parties under the PLS and use them to eternalize their power.

H R CRITERIA FOR CHOOSING PUBLIC OFFICIALS

! **Personal Leadership**

1. Credibility & integrity: honest & defender, of justice
2. Competency & capacity to listen and dialogue with people
3. Decisive and responsible leadership: He/she decides for the common good
4. Commitment to genuine peace & development of people: He/she does not compromise the gospel values
5. Commitment to family values
6. Respect for political plurality & tolerance

! **Human Rights & Solidarity**

1. Respect for human rights & humanitarian law

2. Advocate against development aggression
3. Upholder of peace activities, consultation & negotiation
4. Observer of civilian supremacy & conduct military reforms
5. Repeal for the imposition of death penalty
6. Release of political prisoners & detained HR defenders
7. Push for the enactment of a law criminalizing the practice of enforced/involuntary disappearance

! Economic Development

1. Supporter of a progressive tax system
2. Promoter of food security & affordability
3. Advocate against the Pork barrel fund
4. Espouser of genuine sustainable development over globalization process: the liberalization of trade & services, deregulation of oil industry, and the privatization of MWSS, NPC, etc.
5. Sponsor of long-term solution on the currency crisis/devaluation of the Peso
6. Push for coco levy as public fund to rehabilitate the coco industry

! Social Justice/Social Reform Agenda

The candidate must push for the enactment of the following:

1. Agrarian reform and agricultural development for farmers
2. Fisheries and aquatic reforms
3. Respect, protection & management of ancestral domains
4. Socialized housing for the poor (Rural & Urban)
5. Worker's security of tenure & socialize salary
6. Women's right & equal access to employment opportunities
7. Protection of children's rights and students rights
8. Care for the elderly and the physically challenged
9. Respect for cultural practices (Tri-people and Ips)

! Political Development

The candidate is a defender & upholder of.

1. People empowerment
2. Democratic form of government
3. Review & amendments to the Local Government Code; PRA, Local Government Code, Mining Act, and other
4. Protection of progressive provisions of the 1987 Constitution
5. Legislation of electoral reforms
6. Demilitarization of civilian/government positions

! National Patrimony/Sovereignty & Foreign Relations

The candidate is:

1. Against foreign military bases. The stand should apply in the Acquisition and Cross Servicing Agreement (ACSA), and Status of Forces Agreement (SOFA)
2. Supports the repudiation of the foreign debt
3. For the protection of local industries against foreign Investment Act/Philippine Mining Act of 1995
4. For the protection of migrant workers

5. For the indemnification of toxic wastes victims (Clark & Subic Bases)
6. Push for clean up of toxic wastes

! **Criminality (speedy solution of the following problems)**

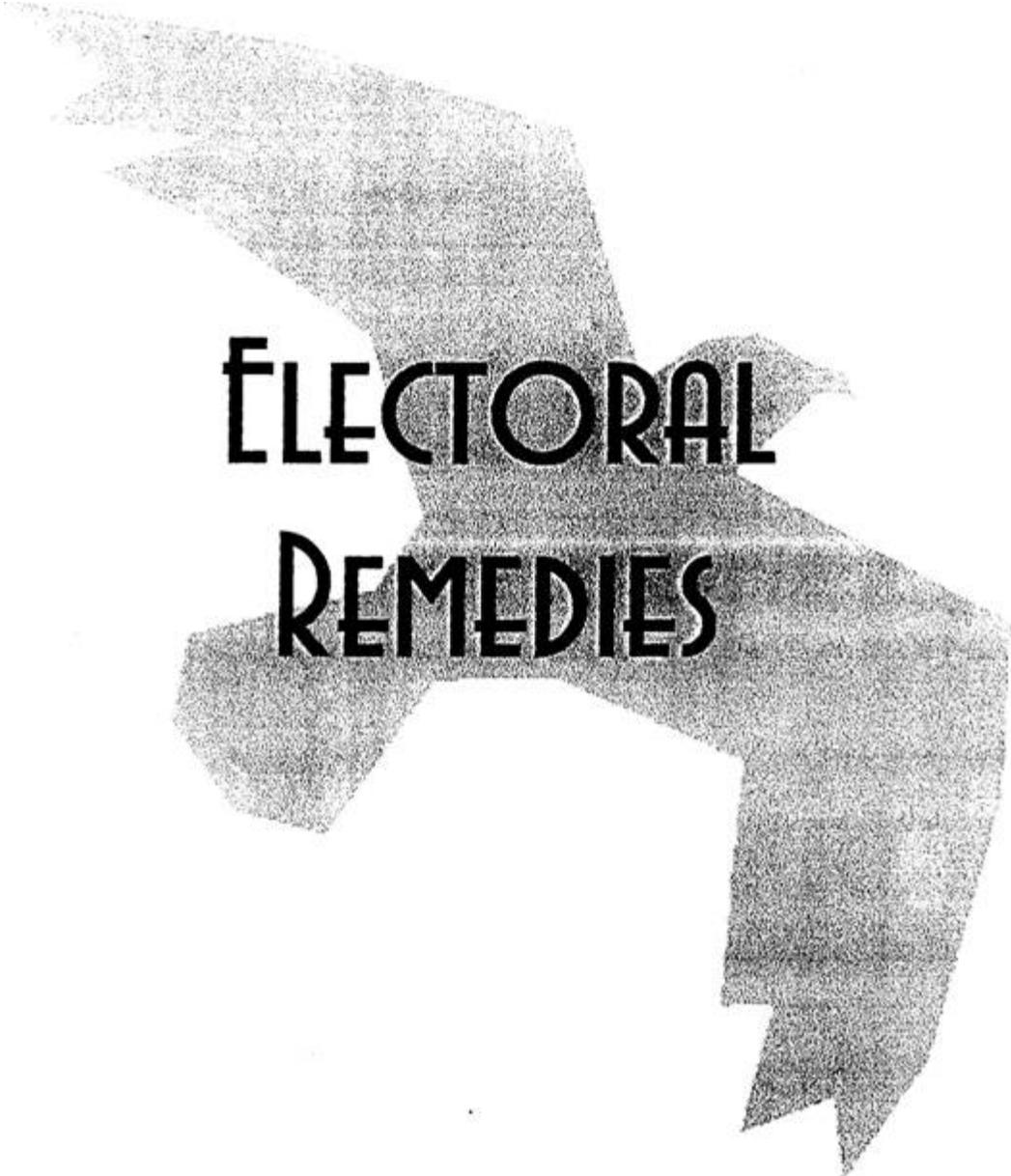
1. Kidnapping
2. Bank Robbery
3. Drug menace

! **Administration of Law and Justice**

1. Fast dispensation of cases (class suit 1081 & ERAP's plunder case)
2. No political appointee in the Judiciary
3. Persecution of corrupt government officials
4. Free legal defense for the poor

! **Integrity of God's Creation/Environment**

1. No to land conversion
2. Anti-dumping of toxic substances
3. Ban pesticide residue or the use of chemical fertilizers
4. Minimize construction of geothermal plants
5. Ban illegal fishing
6. Reforestation & log ban
7. Community's approval and resources maintenance in the construction of dams & mining operations
8. No to GMO/cloning, bio-piracy and bio-prospecting



ELECTORAL REMEDIES

REGISTRATION OF VOTERS

FREQUENTLY ASKED QUESTION (FAQ) ON CONTINUING REGISTRATION

1. What is the Continuing Registration of Voters?

Republic Act No. 8189 known as "Voter's Registration Act of 1996" mandates Comelec to undertake a system of continuing registration of voters whereby voters may register any day, (Monday to Friday) during office hours (8:00 A.M. to 5:00 P.M.) before the Election Officer (E.O.) of the city/municipality where the voter is a resident for the purpose of voting in any election (regular or special), referenda or plebiscite.

REMEMBER - No registration shall be allowed one hundred twenty (120) days before a regular election and ninety (90) days before a special election.

2. When will the Continuing Registration resume after the May 14, 2001 National and Local Elections.

The continuing registration resumed on July 2, 2001 after the May 14, 2001 National and Local Elections.

3. Who are qualified to register as a voter?

Those who are:

- a. Filipino citizens;
- b. 18 years old and above;
- c. Not disqualified by law;
- d. Residents of the Philippines for at least one (1) year;
- e. Residents of the place where they intend to vote for six (6) months immediately preceding the election, referendum or plebiscite; and
- f. Qualified illiterate or disabled persons to be assisted by:
 1. The Election Officer (EO) of the municipality/city where he resides;
 2. Any relative within the 4' civil degree of consanguinity or affinity; or
 3. Any member of the accredited citizens' arms of the Commission.

Any person who, on the day of registration may not have reached the required age or period of residence but, on the day of the election shall possess such qualifications, may register.

4. Who are not allowed to Registers?

A person:

- a. Who has been sentenced by final judgment to suffer imprisonment of not less than one (1) year, unless such person is granted amnesty or plenary pardon;
- b. Convicted of any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the firearms laws or any crime against national security;

REMEMBER - He can reacquire his right to vote upon expiration of five (5) years after service of sentence

- c. Declared insane or incompetent by competent authority;

REMEMBER - He can reacquire his right to vote ' when he is declared no longer insane or incompetent by competent authority

- d. Those who are already registered voters.

5. How will one register?

One has to:

- a. Go personally to the office of the EO in his city or municipality any day during office hours (Monday to Fridays from 8:00 A.M. to 5:00 P.M.)
- b. Bring any of the following for identification:
 - 1. driver's license;
 - 2. school ID;
 - 3. employee ID;
 - 4. NBI/PNP clearance with picture;
 - 5. postal ID;
 - 6. passport; or
 - 7. any authentic documents

In the absence of valid ID, qualified voter may be identified by any member of the ERB or any voter of the precinct.

REMEMBER - Barangay certification or Community Tax certificate (CEDULA) will not be honored,

- c. Personally accomplish the Voter's Registration Record (VRR) in three (3) copies;
- d. Supply the necessary personal information/data;
- e. Affix three (3) specimen signature;
- f. Affix clear and legible prints of his right and left thumbprints.

REMEMBER - Any deliberate imprinting of blurred, smudged or faint thumbprints on any copy of the VRR is an election offense punishable by law.

6. When one has already accomplished a VRR is he already a registered voter?

No, registration is not merely the act of filling up of VRR. It is only the first step.

7. What happens after one has filed for registration?

a. The ERB through the EO shall set the hearing on applications for registration. At least one (1) week before the hearing, notice thereof shall be posted in the bulleting board of the city/municipal hall and the OEO.

REMEMBER - An Election Registry Board (ERB) is composed of the EO as Chairman, the most senior public school official and the local civil registrar, or in his absence, the city/municipal treasurer as members

b. The EO shall notify the applicant of the date of the hearing and whether or not there is an objection to his application.

REMEMBER - If there is no objection to the application, the applicant need not appear in the hearing. But if there is sworn written objection, his presence is mandatory during the hearing to rebut or refute the evidence presented in opposition to his application,

c. The ERB shall convene on the 3rd Monday of April, July, October and January of every calendar year to approve or disapprove applications for registration or transfer of registration records (in case of transfer of residence to another city/municipality).

d. The ERB shall post the list of names and addresses of applicants, dates of the applications and action taken thereon in the bulletin board of the city/municipal hall and the OEO.

A copy of said list shall be furnished to the applicants and heads of representatives of registered political parties in the city/municipality.

e. Upon approval of application, the EO shall assign the applicant his Voter's Identification Number (VIN).

f. Thereafter, his name shall be included in the certified list of registered voters.

REMEMBER - It is only after one's application has been favorably acted upon by the ERB and one's name is included in the certified list of registered voters is one considered officially REGISTERED.

8. What is the remedy if the application for registration has been disapproved?

One may file at any time a sworn petition for inclusion with the proper Municipal or Metropolitan Trial Court, attaching thereto the certificate of disapproval of his application and proof of service of notice of his petition to the ERB.

REMEMBER - Petition for inclusion shall be decided within fifteen (15) days after its filing. Not petition for inclusion shall be filed one hundred five days (105) days prior to a regular election and seventy-five (75) days prior to a special election.

9. What does one do in case of transfer of residence?

1. If the transfer of residence is to another city or municipality one has to apply with the EO of his new residence for transfer to his VRR.

Said transfer is subject to the same requirements such as notice, hearing and approval by the ERB of the new residence.

Upon approval by the ERB, the EO of the former residence will be notified, who in turn shall transmit, by registered mail, the corresponding VRR to the EO of the new residence.

2. If the transfer of residence is within the same city or municipality, one shall immediately notify in writing the EO of the city/municipality.

If the change in address involves a change in the voter's precinct, the ER8 shall transfer his VRR to the Book of Voters of his new precinct. The voter will be notified of his new precinct.

REMEMBER - A person does not lose his original residence if he temporarily resides in another city/municipality or country solely by reason of his occupation or employment, or confinement or detention in a government institution in accordance with law.

Inclusion in the voters' List

Petition for inclusion of voters in the list. Any person whose application for registration has been disapproved by the Board or whose name has been stricken out from the list may file with the court a petition to include his name in the permanent list of voters in his precinct at any time except one hundred five (105) days prior to a regular election or seventy-five (75) days prior to a special election. It shall be supported by a certificate of disapproval of his application and proof of service of notice of his petition upon the Board. The petition shall be decided within fifteen (15) days after its filing.

If the decision is for the inclusion of voters in the permanent list of voters, the Board shall place the application for registration previously disapproved in the corresponding book of voters and indicate in the application for registration the date of the order of inclusion and the court which issued the same.

Petition for Exclusion of Voters from the List. Any registered voter, representative of a political party or the Election Officer, may file with the court a sworn petition for the exclusion of a voter from the permanent list of voters giving the name, address and the precinct of the challenged voter at any time except one hundred (100) days prior to a regular election or sixty-five (65) days before a special election. The petition shall be accompanied by proof of notice to the Board and to the challenged voter and shall be decided within ten (10) days from its filing.

If the decision is for the exclusion of the voter from the list, the Board shall, upon receipt of the final decision, remove the voter's registration record from the corresponding book of voters, enter the order of exclusion therein, and thereafter place the record in the inactive file.

Voters excluded through inadvertence or registered with an erroneous or misspelled name. Any registered voter who has not been included in the precinct certified list of voters or who has been included therein with a wrong or misspelled name may file with the board an application for reinstatement or correction of name. If it is denied or not acted upon, he may file on any date with the proper Municipal Circuit, Municipal or Metropolitan Trial Court a petition for an order directing that his name be entered or corrected in the list. He shall attach to the petition a certified copy of his registration record or identification card or the entry of his name in the certified list of voters used in the preceding election, together with the proof that his application was denied or not acted upon by the Board and that he has served notice to the Board.

Petition to Annul Permanent List of Voters and to File Opposition

Any voters, election registrar, or duly registered political party, organization or coalition of political parties may file with the Law Department of the Commission a petition to annul a permanent list of voters.

Grounds. Any book of voters not prepared in accordance with the provisions of law, or the preparation of which has been effected with fraud, bribery, forgery, impersonation, intimidation, force, or any other similar irregularity, or which list is statistically improbable, may be annulled by the Commission.

Petition to Deny Due Course to or Cancel Certificates of Candidacy

Grounds for Denial of Certificate of Candidacy. A petition to deny due course to or cancel a certificate of candidacy for any elective office may be filed with the law Department of the Commission by any citizen of voting age or a duly registered political party, organization, or coalition of political parties on the exclusive ground that any material representation contained therein as required by law is false.

Period to File Petition. The petition must be filed within five (5) days following the last day for the filing of certificates of candidacy.

Disqualification of Candidates

Grounds for Disqualification. Any candidate who does not possess all the qualifications of a candidate as provided for by the Constitution or by existing law or who commits any act declared by law to be grounds for disqualification may be disqualified from continuing as a candidate.

Who May File Petition for Disqualification. Any citizen of voting age, or duly registered political party, organization or coalition of political parties may file with the Law Department of the Commission a petition to disqualify a candidate on grounds provided by law.

Petition for Postponement of Election or to File Opposition

Postponement of Election. When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, force majeure, and other analogous causes of such nature that the holding of a free, orderly, honest, peaceful and credible election should become impossible in any political subdivision, the Commission, motu proprio, or upon a verified petition by any interested party, and after due notice and hearing whereby all interested parties are afforded equal opportunity to be heard, may postpone the election therein to a date which should be reasonably close to the date of the election not held, suspended, or which resulted in a failure of election, but not later than thirty (30) days after the cessation of the cause of such postponement or suspension of the election or failure to elect.

Failure of Election. If, on account of force majeure, violence, terrorism, fraud or other analogous causes the election in any precinct has not been held on the date fixed, or had been suspended before the hour fixed by law for the closing of the voting, or after the voting and during the preparation and the transmission of the election returns or in the custody of canvass thereof, such election results in a failure to elect, and in any of such cases the failure or suspension of election would affect the result of the election, the Commission shall, on the basis of a verified petition by any interested party and after due notice and hearing, call for the holding or continuation of the election not held suspended or which resulted in a failure to elect but not later than thirty (30) days after the cessation of the cause of such postponement or suspension of the election or failure to elect.

Time to File Opposition. Unless a shorter period is deemed necessary by the circumstances, within two (2) days from receipt of the notice of hearing, any interested party may file an opposition with the Law Department of the Commission.

Opposition to Petition for Accreditation of a Citizens' Arm of the Commission

Who May Be Accredited as Citizens' Arms of the Commission. Any bona fide nonpartisan group, association or organization from the civic, youth, professional, educational, business or labor sectors with identifiable leadership, membership and structure, and with demonstrated capacity to promote the public interest and assist the Commission in the performance of its functions and activities as mandated by the Constitution and by law, may be accredited as citizens' arms of the Commission.

Petition to be Accredited. The group, association or organization mentioned hereof may file a petition for accreditation duly verified by its President, Chairman of the Board of Directors, or any of its duly authorized officer.

Contents of the Petition. The petition shall state the following:

- i. The constituency to which petitioner seeks accreditation;
- ii. That it is not supporting any candidate, political party, organization or coalition of political parties, in the constituency where it seeks accreditation;
- iii. Nature of its membership (whether civic, youth etc.); names of its officers or organizers, location of principal office or place of business and an assurance of its capability to undertake a coordinated operation and activity to assist the Commission.
- iv. That it shall submit itself to the direct and immediate control and supervision and comply with the orders of the Commission in the performance of its specific functions and activities provided by law, and such other functions and activities provided by law, and such other functions and activities which the Commission may assign;
- v. That it shall strictly remain non-partisan and impartial during the registration and election periods;
- vi. That it is not supported by or under the influence of any foreign government or any of its agencies or instrumentalities; or of any foreigner, whether natural or juridical person;
- vii. That it shall not solicit or receive, directly or indirectly, any contribution or aid of whatever form or nature from, any foreign government, or any of its agencies or instrumentalities, or from any foreigner, a natural or juridical person;
- viii. That it does not seek to achieve its objectives, goals or program through violence or other unlawful means, nor aim to propagate any ideology opposed to the principles of a republican and democratic government; and
- ix. That it undertakes to police its ranks and prevent infiltration by persons or groups of persons who may, directly or indirectly, destroy its character of non-partisanship and impartiality.
- x.

Opposition. Any person, group, association or organization, political party or coalition of political parties possessing relevant information or evidence against the petitioner may oppose its accreditation by filing a verified opposition.

Notwithstanding the absence of any opposition, the Commission may motu proprio require the petitioner to present evidence to support its petition.

ELECTION

Casting of votes

Challenge of illegal voters

Any voter, or watcher may challenge any person offering to vote for not being registered, for using the name of another or suffering from existing disqualification. In such case, the board of election inspectors shall satisfy itself as to whether or not the ground for the challenge is true by requiring proof of registration or the identity of the voter; and

No voter shall be required to present his voter's affidavit on election day unless his identity is challenged. His failure or inability to produce his voter's affidavit upon being challenged, shall not preclude him from voting if his identity be shown from the photograph, fingerprints, or specimen signatures in his approved application in the book of voters or if he is identified under oath by a member of the board of election inspectors and such identification shall be reflected in the minutes of the board.

Challenge based on certain illegal acts, Any voter or watcher may challenge any voter offering to vote on the ground that the challenged person has received or expects to receive, has paid, offered or promised to pay, has contributed, offered or promised to contribute money or anything of value as consideration for his vote or for the vote of another; that he has made or received a promise to influence the giving or withholding of any such vote or that he has made a bet or is interested directly or indirectly in a bet which depends upon the result of the election. The challenged person shall take a prescribed oath before the hoard of election inspectors that he has not committed any of the acts alleged in the challenge. Upon the taking of such oath, the challenge shall be dismissed and the challenged voter shall be allowed to vote, but in case of his refusal to take such oath, the challenged shall be sustained and he shall not be allowed to vote.

Admission of challenged vote immaterial in criminal proceedings. The admission of the challenged vote under the two preceding sections shall not be conclusive upon any court as to the legality of the registration of the vote challenged or his vote in a criminal action against such person for illegal registration or voting.

- Preparation of Ballots for illiterate and disabled persons.

A voter who is illiterate or physically unable to prepare the ballot by himself may be assisted in the preparation of his ballot by a relative, by affinity or consanguinity within the fourth civil degree or if he has none, by any person of his confidence who belong to the same household or any member of the board of election inspectors, except the two party members: Provided, That no voter shall be allowed to vote as illiterate or physically disabled unless it is so indicated in his registration record: Provided, further, That in no case shall an assistor assist more than three times except the non-party members of the board of election inspectors. The person thus chosen shall prepare the ballot for the illiterate or disabled voter inside the voting booth. The person assisting shall bind himself in formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election offense.

I. COUNTING AND CANVASSING

- Right to observe the counting and canvassing of votes
- Counting and canvassing to be public and without interruption

II. CRIMINAL REMEDIES FOR ELECTION OFFENSES

A. Election Offenses

Prohibited Acts. The following shall be guilty of an election offense.

- a) Vote-buying and vote-selling;
- b) Conspiracy to bribe voters;
- c) Wagering upon result of election;
- d) Coercion of subordinates;
- e) Threats, intimidation, terrorism, use of fraudulent device or other forms of coercion;
- f) Coercion of election officials and employees;
- g) Appointment of new employees, creation of new position, promotion, or giving salary increases;
- h) Transfer of officers and employees in the civil service;
- i) Intervention of public officers and employees;
- j) Undue influence;
- k) Unlawful electioneering;
- l) Prohibition against dismissal of employees, laborers, or tenants;
- m) Appointment or use of special policemen, special agents, confidential agents or the like;
- n) Illegal release of prisoners before and after election;
- o) Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign;
- p) Deadly weapons;
- q) Carrying firearms outside residence or place of business;
- r) Use of armored land, water and aircraft;
- s) Wearing of uniforms and bearing arms;

- t) Policemen and provincial guards acting as bodyguards or security guards;
- u) Organization or maintenance of reaction forces, strike forces, or other similar forces;
- v) Prohibition against release, disbursement or expenditure of public funds.

In addition to the prohibited acts and election offenses enumerated, the following shall be guilty of an election offense.

- (a) Any person who causes the printing of official ballots and election returns by any printing establishments which is not under contract with the Commission on Elections and any printing establishments which undertakes such authorized printing.
- (b) Any member of the board of election inspectors or board of canvassers who tampers, increases, or decreases the votes received by a candidate in any election or any member of the board who refuses, after proper verification and hearing, to credit the correct votes or deduct such tampered votes.
- (c) Any member of the board of election inspectors who refuses to issue to duly accredited watchers the certificate of voters.
- (d) Any person who violates Section 11 hereof regarding prohibited forms of election propaganda.
- (e) Any chairman of the board of canvassers, who fails to give notice of meetings to other members of the board, candidate or political party.

Any person declared a nuisance candidate or is otherwise disqualified, by final and executory judgment, who continues to misrepresent himself out, as a candidate, such as by continuing to campaign thereafter, and/or other public officer or private individual who knowingly induces or abets such misrepresentation, by commission or omission, shall be guilty of an election offense and subject to the penalty provided.

ELECTION OFFENSES UNDER R.A. 8189

- (a) to deliver, hand over, entrust or give, directly or indirectly, his voter's identification card to another in consideration of money or other benefit or promise; or take or accept such voter's identification card, directly or indirectly, by giving or causing the making of a promise therefore;
- (b) to fail, without cause, to post or give any of the notices or to make any of the reports required under this Act;
- (c) to issue or cause the issuance of a voter's identification number to cancel or cause the cancellation thereof in violation of the provisions of this Act; or to refuse the issuance of registered voters their voter's identification card;
- (d) to accept an appointment, to assume office and to actually serve as a member of the Election Registration Board although ineligible thereto; to appoint such ineligible person knowing him to be ineligible;
- (e) to interfere with, impede, abscond for purposes of gain or to prevent the installation or use of computers and devices and the processing, storage, generation and transmission of registration data or information;

- (f) to gain, cause access to, use, alter, destroy, or disclose any computer data, program, system software, network, or any computer-related devices, facilities, hardware or equipment, whether classified or declassified;
- (g) failure to provide certified voters and deactivated voters list to candidates and heads or representatives of political parties upon written request as provided in Section 30 hereof;
- (h) failure to include the approved application form for registration of a qualified voter in the book of voters of a particular precinct or the omission of the name of a duly registered voter in the certified list of voters of the precinct where he is duly registered resulting in his failure to cast his vote during an election, plebiscite, referendum, initiative and/or recall. The presence of the form or name in the book of voters or certified list of voters in precincts other than where he is duly registered shall not be an excuse hereof;
- (i) the posting of a list of voters outside or at the door of a precinct on the day of an election, plebiscite, referendum initiative and/or recall and which list is different in contents from the certified list of voters being used by the Board of Election Inspectors; and
- (j) violation of any of the provisions of this Act.

Penalties

Any person found guilty of any Election offense under this Act shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be deported after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than One hundred thousand pesos (P100,000) but not more that Five hundred thousand pesos (P500,000).

HOW TO CHEAT IN THE POLLS: NAMFREL LISTS 11 WAYS

This is "How Cheating Is Done During Elections," according to the National Citizens' Movement for Free Elections in a paper it distributed to its volunteers yesterday.

Bribery. Vote-buying or getting a voter to vote for a particular candidate by paying him off. "Buying abstentions" or "negative vote-buying." Here the voter who is expected to vote for the opponent is urged not to vote. There is the promise of jobs or loans, or even promotion to make a voter pick particular candidates, or for him not to cast his ballot at all.

Even members of the board of election inspectors or the teachers who man the polls may be bribed too, Namfrel said.

Intimidation. Direct threats to voters identified with a particular party not to vote. If this does not work, the voter's family is threatened, and even his business or property is included in the "threat package." Teachers may also be threatened so they would not do their poll duties or be lax in implementing election rules, Namfrel said.

Illegal use of indelible ink. Originally conceived as a check against flying voters, it may be used as a tool for cheating. It is applied to the voters' right forefinger before he goes to the polling area so that he will not be allowed to vote. Namfrel secretary general Guillermo Luz said this was used in recent elections and could again be used in the next exercise. Namfrel is still at a loss on how to prevent this.

Abduction. Voters could be abducted or held in inaccessible places so they could not vote.

Registered voters identified with a rival party are **assigned to places far from their precincts.**

They could sow fear and unrest to discourage voters from going out to vote.

Disruption of means of transportation. Political cheats could also disrupt the means of transportation to distant polling places.

Expect, too, the spread of false **reports about withdrawals or disqualifications of candidates** such that their voters would no longer cast their votes in their favor.

Changing the numbering of precincts without notice.

Changing of location of precincts. This appears to have already started, at least, in Quezon City with 1.06 million voters, which confused voters as to where they should cast their votes due to the changes in the numbering and location of polling places without notice.

Marking the ballots so these will be considered spoiled ballots.

Source: Philippine Daily Inquirer

POLL WATCHING

Vigilant citizens' action is vital to achieve meaningful elections. Accredited citizen's arms, therefore, should encourage as many citizens as possible to be involved in poll watching. Volunteers cannot guard the polls alone. There is strength and safety in numbers. All volunteers must adhere to the basic tenet of non-partisanship.

A pollwatcher must know his duties and responsibilities such as:

1. To establish rapport with the Board of Election Inspector (BEI), COMELEC representatives, and other poll watchers, etc., with support papers to identify himself (proper ID and copy of COMELEC accreditation).
2. To bring things that he can use for recording incidents and anomalies, and things he can use in case of power interruptions.

3. Also, in order to carry out his duties and responsibilities as a pollwatcher, he must be well informed of the procedures and requirements before the voting begins which is at 7:00 a.m. and after the closing time which is at 3:00 p.m.

He must also be well informed of the process of the counting of votes, seeing to it that the right procedure is observed until it is finished. Then, he must see to it that corresponding documents are sealed and put in their proper places, and delivered to the concerned agencies, including the ballot box.

The poll watcher has to be VIGILANT. Whenever he observes anomaly during actual voting and counting of votes, he must call the attention of the BEI, and if necessary, he must request the BEI to refer the matter to the representatives from legal, paralegal desk or COMELEC representatives.

PHASES OF POLLWATCHING

The task of poll watching may be easier to understand if it is divided into three phases:

Before Election Day
During Election Day (May 11, 1998)
Before the Voting (6:30 - 7:00 a.m.)
During the Voting (7:00 a.m. - 3:00 p.m.)
Counting of Votes (3:00 p.m. to completion)
After the Counting
After Election Day

Activities BEFORE Election Day

The first task of a poll watcher is to encourage as many citizens as possible to guard the polls with him. The key message is that guarding the polls is the responsibility of all citizens. Attend the briefing to be conducted by the poll watcher school chairperson (in this case, the PPCRV school chairperson) before Election Day. If possible, familiarize yourself with the Omnibus Election Code. Familiarize yourself with how cheating is done.

Activities DURING Election Day

BEFORE the Voting:

Report to your post at 6:30 a.m. wearing your pollwatcher's ID. Check that you have with you the following forms and supplies:

- a. Poll watching Manual
- b. Ball pen
- c. Notebook or paper
- d. Camera with film & flashbulb (if available)
- e. Flashlights or candles (for afternoon/evening shift)

Present yourself to the Board of Election Inspectors (BEI) Chairman. Stay in the space provided reserved for watchers. Do not talk with any BEI member (unless making a protest or challenge), or with any other watcher or voter, in a manner that may disturb the proceedings. Verify the quantity and serial numbers of the official ballots and election returns and the supply of indelible ink in the possession of the Board of Election Inspectors.

Bring to the attention of the BEI if:

-

- . any election material is destroyed, substituted or taken away
- . propaganda or campaign materials are inside the polling place or within 30 meters. Even party watchers are not allowed to wear or display campaign materials.
- . the ballot box is not opened and turned upside down to show that its two compartments are empty before being locked with three (3) padlocks.
- . the official ballots are not wrapped and sealed, and contain writings or marks.
- . the physical layout of the polling place does not allow voters to vote in privacy.

DURING the Voting

Bring to the attention of the BEI when:

- . electioneering, campaigning or influencing of voters takes place inside the polling place or within 100 meters
- . voters whose names do not appear in the certified list of voters (except those with court inclusion orders) are allowed to vote
- . persons use the name of other persons in the list of voters
- . a person whose finger is already stained with indelible ink is allowed to vote
- . a voter is allowed to leave the polling place without his finger stained with indelible ink
- . you have a reasonable ground to believe that a certain person is a flying voter

In this case, you may:

- . Request the BEI Chairperson to require the challenged voter to present his voter's ID or voter's affidavit. Make sure that serial numbers of the IDs and affidavit are in order.
- . Request the chairman to verify the voter's signature through the records
- . Make sure that the challenge is recorded regardless of what happens to the challenge form the poll clerk. Get a certificate of challenge from the poll clerk.

CLOSING of Voting

Be exceptionally vigilant when closing time is near because it is usually during this period when many flying voters will try to vote. Call the attention of the BEI when:

- . Voting is not stopped at exactly 4:00 p.m. except for voters within 30 meters who can still cast their votes after the poll clerk has listed down their names and secured their signatures.
- . If the chairman of the BEI does not publicly tear in half all unused ballots immediately after the close of voting. The unused form ballots should not be thrown but kept later in the ballot box.

COUNTING of Votes

- - . Call the attention of the BEI when:
 - . A vote written on the ballot is not read
 - . A vote other than what is written is read
 - . A ballot which contains the name of the party is counted since block voting is no longer allowed
 - . Ballots for counting are substituted
 - . Omission, substitutions, and additions in the recording of Votes on the tally board and the election returns occur.
 - . There is a deliberate misrecording in the tally sheets as the votes are read.
 - . Votes reflected in the tally sheet are miscopied in the election returns.
 - . Votes credited to a candidate in the election returns are substituted with the votes of another candidate.
 - . There is deliberate distortion of the election entries in the election returns after the counting.
 - . There is insertion in any of the election returns after the counting.
 - . There is insertion in any of the election returns a blank sheet of paper. This is done so that one or some of the election returns will be left blank or inaccurately reflected in the tally. Inconsistent tallies confuse the totals and the blanks can be improperly filled in later.

AFTER the Counting

This is a crucial stage in the election. DO NOT LEAVE the premises until you have done the following:

1. Make sure that no alterations are made on the election returns after the results are proclaimed. Corrections or alterations made before the proclamations should be initialed by all the members of the BEI.
2. Make sure that after the election returns are signed and thumb marked in full view of the public by the members of the Board all of the six copies are sealed in your presence, placed in separate envelopes which are again sealed.
3. Observe how the envelopes containing the election returns are distributed. The six copies are supposed to be distributed and designated as follows:
 - a. 1st copy - Municipal Board of Canvassers
 - b. 2nd copy - Senate President
 - c. 3rd copy - COMELEC
 - d. 4th copy - Dominant Majority Party
 - e. 5th copy - Dominant Minority Party
 - f. 6th copy - NAMFREL
 - g. 7th copy - Ballot Box

4. When all the votes are counted, check the addition of votes. In the election return, the grand totals for each candidate must be written in figures, which must match each other. After all votes are read, the ballots are then placed in an envelope which is then signed, closed and deposited in the compartment for valid ballots.
5. Make sure that the information in the election returns is correct.
6. Thank the BEI for their cooperation.
7. Submit immediately your poll watchers report to your school chairperson.

When you have done the above:

1. Accompany the two copies of election returns intended for the Municipal Board of Canvassers until they reach the proper office. Be on the lookout for attempts to substitute or steal the return. This is the most efficient way of cheating because in one stroke many votes can be changed.
2. Watch carefully when the Election Registrar puts the election returns from various polling places in a special ballot box intended for delivery to the Provincial Election Supervisor. MAKE SURE THE BALLOT BOX IS EMPTY before any return is placed therein. Do not lose sight of that ballot box.
3. In accompanying the ballot box containing the election returns as it is transported to the proper office, plan out in advance the vehicle and routes to be used. Assign specific watchers for specific boxes to watch the returns in transit.

Activities AFTER Election Day

1. Watch the room where the election returns are kept and guard against any suspicious entry and exits.
2. Attend the canvassing. Make sure that the election returns are read properly and conform to your copy. It should start and go on continuously.

Reprinted from: <http://members.tripod.com/--chapelnet/traditional.html>

Vote Early, vote often
why do people cheat in the elections?
simply because they can

By Wilhelmina Paras

ROMEO MACALINTAL KNOWS A thing or two about election fraud. He is a 50-year-old lawyer who represents candidates claiming to have been cheated out of a seat in the Senate, local assembly, town council or even school board. Let's just say that his practice is thriving. These days, he says, there are only two ways to tamper with a vote: when ballots are cast or as they are counted. But when the late Ferdinand Marcos was in power, says Macalintal, things were a lot easier. For example, when the government wanted to ratify a new Constitution in 1973, officials held informal votes around the country. At town meetings, people simply raised their hands, apparently to signal approval of the document. Government photographs of the votes appeared in newspapers and on television. But, says Macalintal: "What really transpired was that the people were asked 'Who wants a sack of rice?'" And everyone raised their hands.

Even in more democratic times, vote tampering is all too common, or all too often suspected. Resurreccion Borra recently stated that the 1992 and 1995 elections were tainted by fraud. Specifically he said that at the precinct level figures were "manufactured" or returns switched. For many the only surprise about the revelation was its source. Borra is executive director of the official Commission on Elections (Comelec). This was the first time that a poll administrator publicly admitted the practice of taking votes from one candidate and giving them to another (called dagdag-bawas, or increase-decrease).

Why do people cheat in Philippine elections? Maybe because they can. As Telebert Laoc, executive director of the National Citizens' Movement for Free Elections (Namfrel), says: "The system of manual counting allows us to cheat without much difficulty." Candidates, or campaign workers, can bribe or intimidate people to vote their way or to stay home. They can suddenly change the location of polling stations, knock voters off the registration lists, mark ballots early, fake ballots or accompany illiterate or disabled voters inside the polling booths to offer advice on whom to choose. Not only has election-rigging been too easy in the Philippines, but proving fraud has been too difficult. Many believe candidates in the coming polls will not find things to be much different.

The simplest way to swing an election is to just buy the votes. Prices vary, but the method is nearly always the same. Once candidates strike a deal, they give voters carefully folded pieces of blank paper and carbon paper so they can make a copy of their ballot. The candidates, after all, don't want to be duped. Fay Marie, a Namfrel volunteer, saw it happen during local elections in 1984 in Catmon, a town in Cebu province. She says: "In a store near the polling station there was a man who paid out the money as soon as the voter showed him a piece of carbonized paper."

Intimidation is common too. In 1986, in a town called Asturias in Cebu, the barrio captain was about to accompany a voter into the polling booth. The voter didn't need help, though, and a farmer named Juan Kabasi stopped the local chief. Several days later, Kabasi was ambushed as he was walking home. He was shot, stabbed, hacked and left for dead. But someone found him and took him to a small hospital. Later Namfrel had him transferred to Cebu's best hospital and paid his bill. He never fully recovered.

For all that, Laoc says: "Vote buying and changing numbers in precincts is only effective at the local level." Retail cheating, he calls it. The real business is at the provincial and city levels, where "wholesale" cheating can take place. Someone just has to change the numbers on the official election returns.

Macalintal's first case, in 1984, involved this kind of fraud, he says- In Nueva Vizcaya, in northern Luzon. Carlos Padilla ran for assemblyman against Leonardo Perez, a former Comelec chairman. According to Macalintal, Padilla (his client) won by more than 19,000 votes. But he says the returns were "disregarded and invalidated" by Comelec Chairman Dick Santiago. Instead, "Santiago accepted spurious returns" that apparently had no serial numbers and were printed differently than the original ballots, says Macalintal. Padilla lost his appeal, but successfully ran in the 1987 congressional elections.

Perhaps the most famous fraud charge was made by presidential hopeful Miriam Santiago in 1992. As Namfrel was counting votes from Metro Manila, the immigration commissioner was leading the favorite, Fidel Ramos. But he edged ahead as returns from the provinces came in. In the final count Ramos won 24% of the votes, Santiago about 20%. Because of her strong showing early in the polls, Santiago and her supporters believed she had been cheated out of the presidency. She filed a protest with Comelec, but the cost of recounting the ballots was prohibitive. Santiago's case was declared void when she won a Senate seat in 1995.

Not all appeals are lost causes, though. Macalintal likes to tell this story: "In 1988, my client was close to winning a mayoral race. There was one precinct's return that would ensure his win. Evidently his opponent knew this. He hired a magician, one who 'eats fire.' When a teacher opened the precinct's returns, the magician lit a match and blew fire onto the ballots. We managed to save about half of them. Then we went to Comelec, which reconstructed the returns from its copies." Macalintal's client was proclaimed the winner.

Magicians are not the only ones to use tricks either. When snap elections were called in 1986, Ricky Lopera quit his job at Colgate-Palmolive to work full-time for Namfrel. The day before the election, he had to take a large box of the organization's tally forms from a remote barrio to Butuan City. At a military checkpoint, soldiers boarded his bus looking for Namfrel people and materials, he says. While the soldiers were searching passengers, Lopera wrote "Colgate-Palmolive Products" on his box. When a soldier started to open it Lopera told him: "If you do, you are responsible to the company for the products." The soldier hesitated, then asked Lopera for proper identification, which he still had. Lopera and the tally forms got through.

Dodging trouble is one thing, seeking amends is another. In the 1995 Senate polls, Aquilino Pimentel contends that he was a victim of dagdag-bawas in the race won by Juan Ponce Enrile. Pimentel, a former senator, launched a protest. Three years and millions of pesos later, only 25% of the votes have been reviewed.

Justice is not always served, even when the case is clear-cut, says Regalado Maambong, one of Comelec's most-respected officials. He investigated a complaint about the 1995 mayoral poll in the town of Ternate in Cavite province south of Manila. The case stemmed from a discrepancy between the number of votes recorded and the number of votes obtained from the physical count of the ballots. The inconsistencies "inexorably show that electoral fraud was committed affecting the results of the election for mayor," says Maambong.

Conrado Lindo was declared the winner, but the incumbent, Rosario Velasco, filed a protest and won. Macalintal, Lindo's lawyer, says the regional trial court that first heard the case allowed Velasco to present photocopies of the ballots, "which were fake to begin with and obviously differed from the genuine in terms of the print quality." Lindo appealed.

Maambong said the matter was particularly significant because "it is a rare example of a fraudulent scheme to win an election. It also tested the commission's mettle. People could see if it would uphold the integrity of the electoral process." He was asked to write the commission's decision, and he ruled in favor of Lindo. But the other officials overturned his decision. Maambong, who retired in February "with a heavy heart" as he puts it, is running for governor of Cebu. Apparently he still has some faith in the system.

FREQUENTLY ASKED QUESTIONS ON ELECTIONS

Reprinted from the COMELEC website

What is the COMELEC?

The Commission on Elections (COMELEC) is the premier guardian of the ballot. It is an independent constitutional body charged with the exclusive power to administer and enforce all laws and regulations relative to the conduct of elections and other political exercises, such as plebiscites, initiatives, referenda and recalls. The periodic political exercises give meaning to our declaration in the Constitution that "Sovereignty resides in the people and all government authority emanates from them."

See Art. II, Sec. 1, Philippine Constitution

What is election?

Election is the means by which the people choose their officials for definite and fixed periods, to whom they entrust, for the time being as their representatives, the exercise of powers of government.

What are the different types of electoral exercises?

£ Regular elections are those held regularly over a period of time as mandated by the Constitution:

- National Elections, for President and Vice-President, every 6 years, and for Senators, every 3 years
- Local Elections, for Members of House of Representatives, Party List Representatives and Provincial, City and Municipal Officials, every 3 years
- Barangay Elections, every 6 years
- ARMM Elections, for Regional Governor, Regional Vice-Governor, and Regional Assemblymen for the Autonomous Region in Muslim Mindanao (ARMM), every 3 years
- Sangguniang Kabataan (SK) Elections

£ Special elections

- Plebiscite is the name given to a vote of the people expressing their choice for or against a proposed law or enactment submitted to them. In the Philippines, the term is applied to an election at which any proposed amendment to, or revision of, the Constitution is submitted to the people for their ratification.
- A referendum is the submission of a law passed by the national or local legislative body to the voting citizens for their ratification or rejection. Power of referendum is the right reserved to the people to adopt or reject any act or measure which has been passed by a legislative body, which would become a law without action on the part of the electors.
- An initiative is the process whereby the people directly propose and enact laws. Amendments to the Constitution may likewise be directly proposed by the people through initiative.

- Recall is a method by which a public officer may be removed from office during his tenure or before the expiration of his term by a vote of the people after registration of a petition signed by a required percentage of the qualified voters.

How often are elections held?

- National election for President and Vice-President: every six years, and for Senators: every three years, from the second Monday of May 1992
- Local elections for House of Representatives, and for provincial, city and municipal officials: every three years from the second Monday of May 1992

See Sec. 2, Republic Act No. 7166

- Barangay elections, every six years from the second Monday of May 1988
- ARMM elections every three years from March 1993
- SK elections

What is registration?

Registration refers to the act of accomplishing and filing of a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and including the same in the book of registered voters upon approval by the Election Registration Board.

See Sec. 3, par (a), Republic Act No. 8189

Is it the obligation of a citizen to register and vote?

No. Suffrage is not a duty but a right and a privilege that may or may not be exercised.

See Art V, Sec. 1, Philippine Constitution

Can a person vote without registering?

Legally, no. Doing so would constitute an election offense.

See Art. XII, Sec. 115, Batas Pambansa Blg. 881 and Art. XXII, Sec. 261, Par. z, Subpar. 3, Batas Pambansa Blg, 881

What is the election period?

The election period is that period of time with respect to a scheduled date of election when the conduct of certain political activities are regulated by election laws, and the violation of which constitute election offense subject to penalties.

How long is the election period?

The election period shall begin 90 days before the day of election and ends 30 days thereafter.

See Art I, Sec. 3, Batas Pambansa Blg. 881

What is the campaign period?

The campaign period is that period of time within the election period specified by law when bona fide candidates can legally conduct campaign activities and other election propaganda in relation to the scheduled date of election.

How long is the campaign period?

The campaign period is:

- 90 days before the day of election for Presidential and Vice- Presidential Elections
- 45 days before the day of election for Senatorial, Congressional, Provincial and City/Municipal Elections
- 15 days before the day of election for Barangay Election
- 45 days before the day of election for Special Elections

The campaign period does not include the day before and the day of the election.

See Art. I, Sec. 3, Batas Pambansa Blg. 881

What acts are considered as election offense?

! Vote buying and vote-selling

See Art. XXII, Sec. 261, Par. (a), Batas Pambansa Blg. 881

! Conspiracy to bribe voters

See Art. XXII, Sec. 261, Par. (b), Batas Pambansa Blg. 881

! Wagering upon result of election

See Art. XXII, Sec. 261, Par. (c), Batas Pambansa Blg. 881

! Coercion of subordinates

See Art. XXII, Sec. 261, Par. (d), Batas Pambansa Blg. 881

! Threats, intimidation, terrorism, use of fraudulent device or other forms of coercion

See Art. XXII, Sec. 161, Par. (e), Batas Pambansa Blg. 881

! Coercion of election officials and employees

See Art XXII, Sec. 261, Par. (t), Batas Pambansa Blg. 881

! Appointment of new employees, creation of new position, promotion, or giving salary increases

See Art XXII, Sec. 261, Par (9), Batas Pambansa Blg. 881

! Transfer of officers and employees in the civil service

See Art. XXII, Sec. 261, Par. (h), Batas Pambansa Blg. 881

! Intervention of public officers and employees

See Art. XXII, Sec. 261, Par. (i), Batas Pambansa Blg. 881

! Undue influence

See Art. XXII, Sec. 261, Par. (j), Batas Pambansa Blg. 881

! Unlawful electioneering

See Art. XXII, Sec. 261, Par. (k), Batas Pambansa Blg. 881

! Prohibition against dismissal of employees, laborers, or tenants

See Art. XXII, Sec. 261, Par. (l), Batas Pambansa Blg. 881

! Appointment or use of special policemen, special agents, confidential agents of the like

See Art. XXII, Sec. 261, Par. (m), Batas Pambansa Blg. 881

! Illegal release of prisoners before and after election

See Art. XXII, Sec. 261, Par. (n), Batas Pambansa Blg. 881

! Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign

See Art. XXII, Sec. 261, Par. (o), Batas Pambansa Blg. 881

! Deadly weapons

See Art. XXII, Sec: 261, Par. (p), Batas Pambansa Blg. 881

! Carrying firearms outside residence or place of business

See Art. XXII, Sec 261, Par. (v). Batas Pambansa Blg. 881

! Use of armored land, water or air craft

See Art. XXII, Sec 261, Par. (r), Batas Pambansa Blg. 881

! Wearing of uniforms and bearing arms

See Art. XXII, Sec. 261, Par. (s), Batas Pambansa Blg. 881

! Policemen and provincial guards acting as bodyguards or security guards

See Art. XXII, Sec. 261, Par. (t), Batas Pambansa Blg. 881

! Organization or maintenance of reaction forces, strike forces, or other similar forces

See Art. XXII, Sec. 261, Par. (U), Batas Pambansa Blg. 881

! Prohibition against release, disbursement or expenditure of public funds

See Art. XXII, Sec. 261, Par. (v), Batas Pambansa Blg. 881

! Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices

See Art. XXII, Sec. 261, Par. (w), Batas Pambansa Blg. 881

! Suspension of elective provincial, city, municipal or barangay officer

See Art. XXII, Sec. 261, Par. (x), Batas Pambansa Blg. 881

! To read the complete list of election offenses,

Art XXII, Sec. 261, Batas Pambansa Blg. 881

What is a candidate?

The term "candidate" refers to any person aspiring for or seeking an elective public office, who has filed a certificate of candidacy by himself or through an accredited party, aggroupment, or coalition of parties.

See Art X, Sec. 79, par. a, Batas Pambansa Blg. 881

What are the qualifications for a candidate?

For President and Vice-President, one must be:

- w a natural born citizen a a registered voter
- w able to read and write
- w at least forty years old on the day of election
- w and a resident of the Philippines for at least ten years immediately preceding such election

See Art. IX, Sec. 63, Batas Pambansa Blg. 881

For Members of the House of Representatives, one must be:

- w a natural born citizen
- w on the day of election, at least twenty-five years old A able to read and write
- w a registered voter in the constituency in which he shall be elected
- w and a resident thereof for a period of not less than six months immediately preceding the day of election

See Art. IX, Sec. 64, Batas Pambansa Blg. 881

For sectoral representative, one must be:

- w a natural born citizen
- w on the day of election, at least twenty-five years of age able to read and write
- w a bona fide member of the sector he seeks to represent
- w a resident of the Philippines for a period of not less than one year immediately preceding the day of election
- w for a representative of the agricultural or industrial sector, a registered voter
- w for a youth sectoral representative, at least eighteen and not more than twenty-five years of age on the day of election

See Art. IX, Sec. 64, Batas Pambansa Blg. 881

For elective provincial, city, municipal and barangay officials:

- z The qualifications shall be those provided for in the Local Government Code.

When should an aspiring candidate file his/her certificate of candidacy?

On any day from the commencement of the election period but not later than the day before the beginning of the campaign period.

See Art. IX, Sec. 75, Batas Pambansa Blg. 881

Where should an aspiring candidate file his/her certificate of candidacy?

For members of the House of Representatives:

- z For legislative districts of the National Capital Region (NCR): with the NCR regional election director in Manila
- z For legislative districts in cities outside of NCR which comprise one or more legislative districts: with the city election officer (EO) of said city
- z For the other legislative districts: with the provincial election supervisor (PES) of the province concerned
- z For provincial offices: with the PES concerned
- z For city or municipal offices; with the city or municipal EO concerned

See Sec. 7, Republic Act. No. 7166

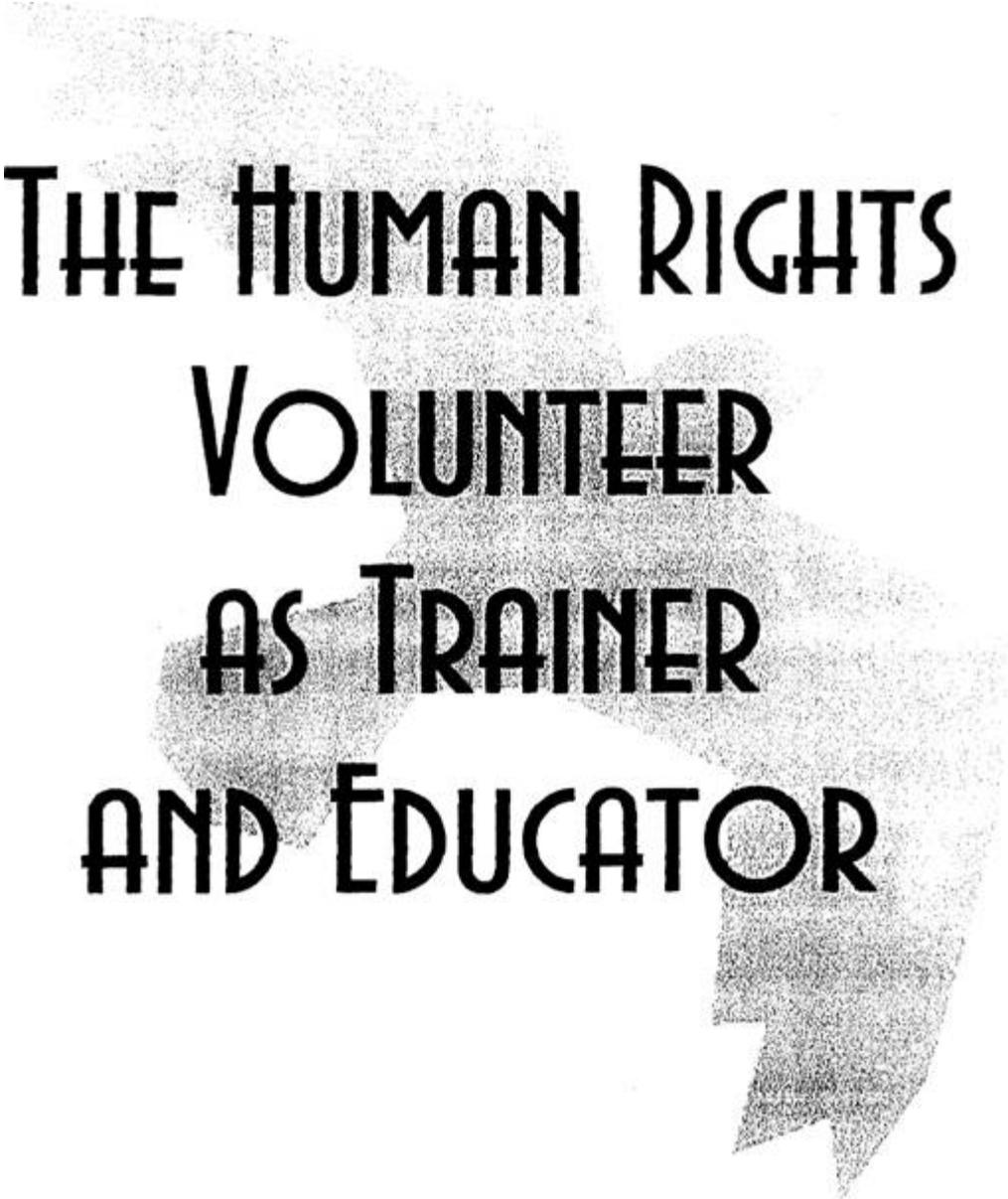
What is election campaign?

The term "election campaign" or "partisan political activity" refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office which shall include:

1. Forming organizations, associations, clubs, committees or other groups of persons for the purpose of soliciting votes and/or undertaking any campaign for or against a candidate;

2. Holding political caucuses, conferences, meetings, rallies, parades, or other similar assemblies, for the purpose of soliciting votes and/or undertaking any campaign or propaganda for or against a candidate;
3. Making speeches, announcements or commentaries, or holding interviews for or against the election of any candidate for public office;
4. Publishing or distributing campaign literature or materials designed to support or oppose the election of any candidate; or
5. Directly or indirectly soliciting votes, pledges or support for or against a candidate.

See Art. X, Sec. 79, par. B, Batas Pambansa Blg. 881



THE HUMAN RIGHTS VOLUNTEER AS TRAINER AND EDUCATOR

**MAKING COMMUNITY-BASED LEADERSHIP
WORK**

EXCERPTS FROM: *Leading with the People, A Handbook on Community-Based Leadership* by Maria Leny E. Felix

Community-based leadership in community management processes, namely: (a) situation analysis; (b) community planning; (c) implementation; and (d) monitoring and evaluation.

Situation Analysis

What is Situation Analysis?

Situation Analysis is a collective process of examining the prevailing social, political, economic, environmental, cultural conditions and spiritual conditions of a given community. It is a preparatory step to the actual planning process.

Roles of Community Leaders in Situation Analysis

Guide the community members in determining how they can improve the prevailing situation to achieve community goals;

Enable the community to collectively understand and define their own needs and problems; and

Facilitate the process of identifying change strategies and resources, and making decisions on how to implement the identified solutions.

Steps in Facilitating Situation Analysis

Step 1: Community Orientation

The First task of community leaders is to facilitate a meeting among concerned parties in the community to discuss the objectives and mechanics of situation analysis (SA). Through this meeting, the community will have a common understanding and ownership of the SA process.

During the meeting, the following questions should be addressed by the community members:

- Why do they have to undertake SA?
- What are the specific objectives of the SA?
- How would they like to participate in the SA?
- Who will compose the SA Team?
- What is the Operational plan for the SA?

In the community orientation meeting, the leaders can facilitate the following activity to guide the community members in determining the objectives of the SA and its mechanics, and the composition of the SA Team:

Activity 1: Draw Me a Picture

Purpose:

To get the community members' consensus on the SA concerning the following 1) objectives; 2) mechanics; and 3) composition of the SA Team.

Materials Needed:

Several sheets of manila paper, crayons, pentel pens, masking tape.

Procedure:

1. Explain the purpose of the activity.
2. Divide the participants into small groups. Ask each group to choose their facilitator and document or provide each group with a set of: manila papers, crayons, and pentel pen.
3. Ask each group to discuss the following questions:
 - . What is their understanding of SA?
 - . Why do they have to undertake SA?
 - . What are the specific objectives of the SA?
 - . How would they like to participate in the SA?
 - . Who will compose the SA Team?
 - . What is their operational plan for the SA?
4. Ask them to draw the results of their discussions.
5. During the plenary, ask each group to present their drawing and discuss its context.
6. Summarize the presentation in coming-up with common objectives and mechanics for the SA,
as well as in organizing the SA Team.

The SA Team is an expression of community-based leadership. Its formation aims to broaden the leadership structure and participation of community members in the SA process.

Consideration in the SA team Composition:

- Gender-based representation (equal number of women and men);
- Sector-based representation (majority sectors, e.g. farmers, fisher folks, youth, etc.);
- Area-based representation (barangay, sitio or purok levels)

Roles of the SA Team:

- Facilitate the different steps in SA;
- Coordinate related activities;
- Draw out the participation of each community members;
- Supervise the day-to-day implementation of the SA process;
- Document the process.

Step 2: Data Gathering

With the formation of the SA Team and finalization of the SA Plan, the community can now proceed with the data gathering process. The key information include the following:

Physical Features: land area, terrain, topography, soil characters, climate, mineral deposit, water resources, distribution of human settlements, transport and communication systems.

Demographic Characteristics: population size, age-sex distribution, population growth rate, migration rate and patens, ethnic and religions groups, occupation, income and educational attainment.

Social Features: cultural values and beliefs, gender relationship and community organizations.

Economic Base: chief means of production, land ownership, major crops, rural industries, technology, traditional crafts, and economic organizations.

Political Profile: systems of governance, patterns of decision-making and leadership structure.

Priority Problems: common and urgent problems affecting both the individual and community as a whole.

On the Gathering:

- Secondary data refers to available processed or semi processed data collected or compiled for a variety of purpose;
- Primary data refers to those collected firsthand by the SA Team and community members to be utilized for community planning.

The SA team can facilitate the following activities to ensure Community participation in the data gathering process:

Activity 1: Secondary Data Gathering

Purpose:

To gather secondary information which can provide preliminary understanding of the community. This is in preparation for the field data gathering.

Procedure:

1. Contact and visit agencies within and outside the community to collect secondary data. They will conduct interviews among individuals/groups responsible for the preparation of the research reports and those who have previously worked reports.
2. Analyze the data taken from maps, resource inventories, census data, case studies, and survey research reports.
3. Prepare a preliminary report based on the secondary data gathered for validation during field data gathering.

Activity 2: Doing a Transect

Purpose:

To gather information about the geography and history of the community through transect maps prepared by the community members themselves.

Materials:

Any available local materials in the community.

Procedure:

1. Identify community members who are knowledgeable, able, willing to work and participate in the activity.
2. Discuss with them aspects to be noted (soils, trees, crops, etc) and approximate route (participatory mapping can help).
3. Assign specific tasks in the team.
4. Walk the transect, including diverse conditions.
5. Observe, ask and listen (don't lecture).
6. Ask and discuss problems and opportunities.
7. Note contrasts and change, and identify zones.
8. Make a transect diagram.

Reminders to the SA Team

- . Let the community members devise their own ways of doing the transects
- . Take your time
- . Explain matters concisely
- . Be reasonably inquisitive
- . Show interest in what the community is doing

Below are examples of geographical transects and historical transects:

Geographical Transect

This is an observatory walk to study natural resources, topography, indigenous technology, soils and vegetations, farming practices, problems and opportunities.						
<u>MALAYA</u>						<u>BRGY.</u>
MUD		RED SOIL	BLACK SOIL	RED SOIL		
Crops & Trees	SANTOL AVOCADO MANGO EGGPLANT DUHAT RICE	COCONUT BAMBOO CAIMITO	BANANA MONGO CAIMITO	GUAVA CAMACHILI		
LIVESTOCK	CARABAO	PIG	CHICKEN	DUCK/ITIK	GOAT	COW
PROBLEMS						

Activity 3: Participatory Mapping

Purpose:
To gather information about a community and its problems by having community members draw their own map.

Materials Needed:
Sheets of manila paper, markers, scrap, materials, shells, twigs, chalks, seeds, buttons, clay, crayons, etc.

- Procedure:**
1. Discuss the objectives of map-making.
 2. Explain the purpose of developing a community profile. The two basic maps are: (a) resource map, and (b) social map.
 3. Provide participants with materials in making a map representation of the community.
 4. Ask some members to take the other participants on a tour of their map including the topography, demography, those things that people are proud of, and those they see as problems.
 5. Based on the map, initiate discussion of specific issues and problems, such as water supply, sanitation and particular concerns of women.
 6. Summarize the results of the discussion.

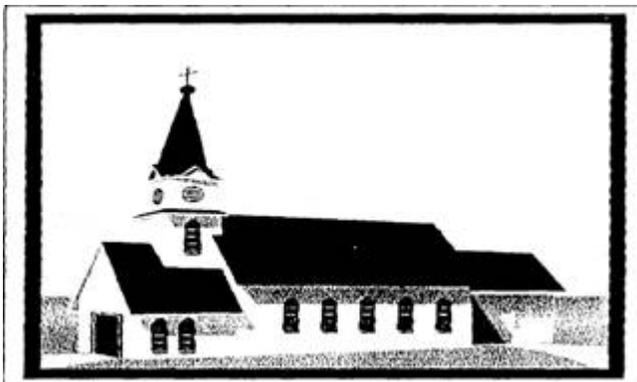
Note :
Let people create their maps with minimal interference and suggestion
from the SA core team;
Help people get started by letting them do it.

Below are examples of a) resource map and b) social map:



Resource map

This is used to present information on land, water and tree resources, land use, land and soil types, cropping patterns, land and water management, productivity, watersheds, degraded land, treatment plan, etc.



Social Map

This is used to present information on community layout, infrastructure, population, chronic health cases, handicapped, malnourished children, family planning cases, vaccinations, windows, destitute, etc.

Activity 4: Gender Analysis on Access to Resources

Purpose:

To collect information, create awareness, and explain how access and control of household and community resources varies according to gender.

Materials Needed:

Three large drawing of a man, and woman and couple; At least 15 cards depicting different resources and possessions of local community members such as: cattle, money, furniture, radio, fruit, sacks of corn, chickens, trees, huts, water pipes, donkeys, bedroom furniture, bicycle, vegetable, plans, jewelry, horse/cart, water pots.



Procedure:

1. Place the three large drawings on the ground in a row, underneath these drawings, scatter smaller cards at random. Include some blank cards.
2. Ask the community members/ participants to sort the cards by categorizing them under the three large drawings in columns, depending on who owns or controls the resources.
3. Facilitate a discussion about the reason for their choices. Be particularly sensitive on including women in the discussion. You may organize the exercise into two separate activities, one for men and another for women. Then ask them to share the results of their activities.
4. Summarize the results of the discussion.

Gender Analysis in the context of situation analysis refers to the identification of the following:

- Divisions of labor between women and men;
- Access and control over resources and benefits;
- Needs of men and women;
- Constrains and/or opportunities in the Socio-economic environment.

Activity 5: Women's Lives: Needs

Purpose:

To collect information, create awareness, and explain the needs of women based on their different tasks, concerns and priorities.

Materials Needed:

At least card that depicts women performing various daily task. Blank card should also be provide for drawing additional tasks.

Procedure:

1. Place the cards on the ground in full view of the community members/participants
2. Explain that the cards show women performing different tasks.
3. Ask them to discuss the tasks, and categorize them into three groups, as follows 1) most difficult to perform; 2) easiest to perform; and 3) most time-consuming. If consensus is not achieved, note the minority opinions.
4. As much as possible, allow them to take over the discussions. For example. In discussing the picture of a women and her child, you may discuss the problems encountered when transporting pregnant women in a safe and timely manner to the clinic, and so forth.
5. Ask them consider which problems they can solve using the resources available in the community.
6. Summarize the results of the discussion.

Note:

The same activity can be repeated focusing on men's needs by redrawing cards with male figures and activities. Cards can also be drawn to show some activities being carried out by men and some by women.

Activity 6: Task Analysis by Gender

Purpose:

To collect information, raise awareness and understand how household and community tasks are distributed according to gender.

Materials Needed:

Three large drawings of a man, a woman and couple. At least a dozen cards depicting daily household and community tasks (plowing a field, hoeing a garden, building a latrine, carrying water, cutting grass, building a well, teaching, constructing a building, basket weaving, looking after a child, growing crops, visiting a health center, riding a bicycle, and resting).

The pictures can be either male or female figures, regardless of whether its is men or women who usually perform the task in question. Blank cards should also be provided so that participants can draw tasks that are not included in the set.

Procedure:

1. Place the three large drawings on the ground, in row. Scatter the similar cards below these drawings.
2. Ask the community members/ participants to sort out the cards. Categorizing them into three large drawings in columns, according to whether the task is generally performed by a man, a woman or both.
3. Let the people take over the exercise and conduct the discussion.
4. When some degree of consensus is reached, initiate a discussion about the choices they made. Be particularly sensitive about including women in the discussion.
5. Ask the group to analyze the workload in terms of the relative amount of work invested in each task and the division of labor between men and women. Ask which of the most burdensome tasks the men and women perform. Discuss how much flexibility is exercised in changing the workload by task of men and women. Link the task and workloads in community projects/activities. Focus discussion on the constraints and opportunities for participation by women.
6. Summarize the results of the discussion.

Activity 7 : Role Playing

Purpose:

To enable the community members to identify existing problems, which they need to resolve collectively.

Materials Needed:

Role-play scripts, and other materials necessary for the presentation.

Procedure:

1. Divide the participants into small groups of four or five each.
2. Tell him to discuss what they think are the major problems confronting their community, and come-up with a play (drama/skit) which they will present as a group.
3. Get feedback from all groups after every presentation.
4. After all groups have presented their play, discuss the problems presented and try to each consensus of the community.
5. Summarize the results of the discussion.

On Survey:

In some instances, the survey may be used in data collection. When doing a survey, the SA team should:

- . Involve the people in gathering information. Be sure that studies are not about, but with the people;
- . Avoid filling in questionnaires or writing notes while people are talking to you. Listen carefully and remember a11 that you can. Write notes afterwards. Be honest in your recordings and documentation.
- . Look for ways of making the survey a learning experience far those concerned. Try to ask question that do not only seek information, but also encourage people to think and look at things in critical constructive manner.
- . Before doing the survey, here are key question to answer

Step 3: Data Processing

They key task of the SA Team after all the data needs have been gathered is data processing. This means that the team has to classify the information based on the agreed key data needs and research questions formulated, including the required information for a Community Profile. A preliminary analysis of the data shall likewise be connected.

Once the data has been processed, the team shall the initial findings into a community-levels analysis.

On Data-Tabulation

- Presenting raw data in tabular form requires to be standardized. Some computations, therefore, have to be done especially when some data are expressed in different units from one household to another. It is up to the SA Team to select the standard unit and convert the rest of the data into the designated standard.

Note: To facilitate data tabulation, the SA Team can come up with standard units for the responses during the formulation of the research tools.

Example:

Suppose respondents to the question "How much palay is harvested in their parcel of land?" gave the following answers:

Respondent 1 - 70 cavans
Respondent 2 - 2,000 kilograms

You may use kilograms as your standard unit. In this case, you have to convert the answer of Respondent from 1 cavan to kilograms.

Thus, if there are 50 kilograms in one cavan:

$$70 \text{ cavans} \times 50 \text{ kgs cavan} = 3,5000 \text{ kilograms}$$

Then you can enter in your table the following data:

HARVEST (kgs.)
Respondent 1 - 3,500 kgs.
Respondent 2 - 2,000 kgs.

- Individual responses are tabulated accordingly. Remember those researchers ask a number of questions simultaneously. Hence, dummy tables for collating individual responses are prepared earlier, based on the questionnaire or data guide.

For instance, when you ask the following questions to women:

- Are you a member of any community organization?
- What is your position in the organization?

Utilizing a prepared dummy table, the tabulation can be as follows:

Table 1. Membership and Position of Women in Community Organization

Respondent	Member of Community Organization	Position
	~	
Juana	No	None
Maria	Yes	Secretary
Felisa	Yes	Member
Corazon	Yes	Member
Antonia	No	None
Consolacion	Yes	Member
Charito	Yes	Member

Etc.	Etc.	Etc.
------	------	------

When constructing a table, be sure that the following elements are present:

1. Title and content of the table;
2. Substitute, designating the data groupings; and
3. Unit of measurement, indicating what the figures represent.

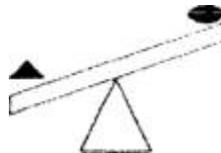
Tables are also useful for presenting summary results in comparing at least two variables.

- For Creative Data-Gathering methods, tabulation can be done in several ways;

Sample # 1:



Sample # 2:



Following are activity exercises for data analysis: 1) Nine Dots Exercise; 2) Pocket Chart; 3) Unserializes Posters; 4) Cause-Effect Analysis.

Activity 1: Nine Dots Exercise

Purpose:

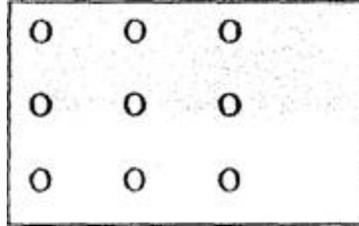
To simulate the analytical skills of the community membership/participants and to emphasize the importance of openness and critical awareness in analyzing data.

Materials Needed:

Paper, pens or pencils, and drawing of the connection of nine dots.

Procedure:

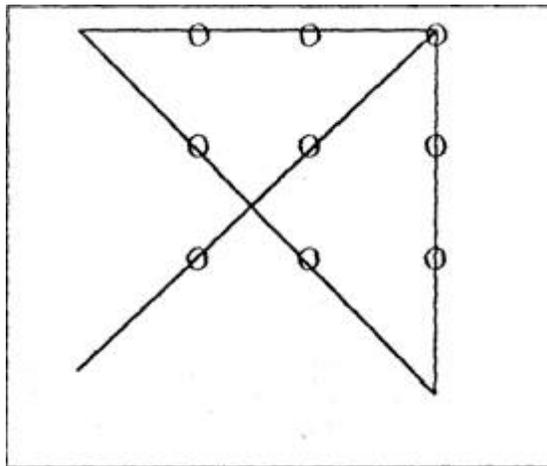
1. Pot these dots on the board.



2. Give the following instructions to the community members/participants:

- Plot these 9 dots on your own piece of paper;
- Connect all the dots, using only 4 straight lines;
- Pass a dot only once; and
- You must connect the dots without lifting the pencil or pen from the paper once you start.

3. After the participants have plotted their nine dots, illustrate the correct connection.



4. Discuss with the local researchers their responses to the questions below: • What happened?
- What did you feel?
 - What helped you performed the task?
 - What hindered you from connecting all the 9 dots?
 - What are your insights from this activity?
 - How do you think this to our present session on data analysis?
5. Explain briefly the danger involved in having a closed mind or in being "boxed-in" one's own perception.
6. Discuss how much perceptions can color our understanding and analysis of people and situations.
7. Stress the need for openness and critical awareness in doing data analysis.

Activity 2: Pocket Chart

Purpose:

To enable the community members to collect, tabulate, and analysis data on there own.

Materials Needed:

The pocket Chart in its simplest form consist of arrows of pockets, usually four to six horizontally and six to ten vertically. A set of pictures is attached above the top row of pockets. These show areas, in which data are needed, such as different sources of domestic water supply (river, pond, uncovered well,

pump). Each of these pictures is placed at the head of a vertical column. (If desired, pictures can also be attached down the left-hand side to indicate other variables, such as different population groups of men, women, children or income or social subsets who use the options); slips of paper for voting or for use by volunteers.

Procedure:

1. Explain to the community members how the pocket chart can be used in providing data on current practices, which are illustrated in the top horizontal row of pictures.
2. Invite some 5 or 6 volunteers to role-play as community members. Ask them to take one voting slip (or substitute item) each; this voting slip is to be placed in the pocket corresponding to the option, which the community members normally use.
3. Ask for their suggestions on how the voting can be kept confidential and how to do it. (One suggestion may be to turn the board, on which the chart has been placed, so as to face away from the audience).
4. When confidence has been assured, let participant "volunteers" begin voting, one by one.
5. At the end of voting, invite another set of volunteers to remove the votes carefully from each pocket in full view of the audience. "Tabulate" them, i.e. attach them to the pocket in a way that is easy for all to count the discs. This can be done, for example, with the help of a strip of paper to which the votes for that pocket can be attached.
6. When tabulation has been completed, the group should reflect on what data generated means to them, e.g. "Why do so many people (or so few) people avail of this (or that) option? Is this sample representative of most people in our community? If not, what other options do other people prefer? What is the effect of these choices on their health or well-being?"
7. Practical implications for future behavior should then be discussed.
8. Summarize the results of the discussion.

Activity 3: Unspecialized Posters

Purpose:

To encourage creativity and stimulate discussion of important family and community issues through the use of open-ended and flexible visuals.

Materials Needed:

A set of eight or more pictures of dramatic human situations depicting the issues and problems surfaced during the data gathering process. These scenes are open to varying interpretations and can be arranged in different sequences.

Procedure:

1. Divide the community members/ participants into small groups. Give each group a full set of pictures.
2. Ask each group to choose any four pictures. Weave them together into a story, giving names to the characters and to the community where the story took place. Encourage them to develop a story with a plot that has a beginning, middle and end.
3. During the plenary, invite the groups to tell their stories by using the pictures they chose. Groups may choose similar pictures but compose very different stories from them. They may choose different pictures but compose similar stories. The reasoning behind the differences and similarities in the stories should be thoroughly discussed by the group.
4. Allow time for the groups to tell, as many stories, as they want. Have one member of each group record

the themes, issues and notable points raised in the stories.
5. Summarize the results of the discussion.

Activity 4: Cause-Effect Analysis

Purpose:

To discuss and analyze the relationship of data gathered.

Materials Needed:

Tabulated data, sheets of manila paper, pentel pens, crayons, and masking tape.

Procedure:

1. Explain to the participants the importance of looking at the relationship between the causes and effects of such observation based on their experiences.
2. After each observation is cited about a particular block or data, ask the participants to discuss the causes and effects of such observation based on their experiences.

Example:

Observation	Causes	Effects
<ul style="list-style-type: none">• 60% of 0-6-year-old are malnourished	<ul style="list-style-type: none">• Intestinal parasites• No immunization/ Prone to sickness• Lack of food/low income	<ul style="list-style-type: none">• Slow learners• Increase in incidence of drop-outs

3. Summarize the results of the analysis, and present them to the participants for validation.

Activity 5: Critical Incident Analysis

Purpose:

To guide the community members in analyzing there identified problems and finding solutions.

Materials Needed:

Pictures or drawings of identified problems.

Procedure:

1. Present visuals that illustrate the problems they have identified.
2. Ask the community members/participants to analyze the problem being conveyed in the pictures, what factors might have contributed to the problem and how it could be resolved.
3. Discuss the advantages and disadvantages of different options/alternatives.
4. Summarize the results of the discussion.

Step 4: Preparation of the Community Profile

With the data already processed and analyzed, the team's task now is to put together all the relevant information about the community. This entails writing and preparation of the preliminary community profile, which will be presented in a community assembly for validation and approval.

A community profile is a general description of the community. It presents the key elements in the community environment, e.g. its physical features, demographic characteristic, social organization, economic base, political profile, and priority problem. The community profile can be represented in a creative form.

Community Planning:

Community Planning is a process where the people collectively define their priority problems, determine their development vision, sets goals and objectives, identify resources which they can utilize and develop a plan of action to achieve community goals

Roles of Community Leaders in Planning:

- Enable the community members to address their needs and problems;
- Develop their planning skills;
- Involve community members in decision making;
- Provide them with a process where they can plan their own development and
- Guide them in developing a plan of action geared towards achieving community goals

Implementation:

Implementation is a process of carrying out the projects and activities in the Community Action Plan. Its main purpose is to test the feasibility of the planned projects and activities, and institute necessary changes or modifications when necessary.

Roles of Community Leaders During Implementation:

- Oversee and direct the implementation of projects and activities;
- Conduct an information and advocacy campaign on the Community Plan;
- Motivate the community members to contribute to the projects and activities;
- Monitor the status of implementation
- Make quick adjustments when problems arise in consultation with the community members;
- Coordinate various activities, tasks and efforts of community members;
- Mobilize community resources for the projects and activities;
- Conduct regular consultation and feedbacking with community members;
- Clarify roles of each member in projects and activities;
- Manage interpersonal relationships and conflict management; and
- Facilitate team building activities



NOTES