

**RIGHTS BASED APPROACH CAPACITY
BUILDING SEMINAR FOR THE
COMMISSION ON HUMAN RIGHTS
OFFICERS AND EMPLOYEES**

**Hotel Rembrandt, Quezon City
February 3-4, 2003**

**Commission on Human Rights
And
United Nations Development Programme**
In Consultation with:

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- Prof. Leticia Tojos, College of Social Work and Community Development, University of the Philippines, for providing much needed advice, and suggestions to improve the methodology of the Orientation Seminars; and
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This Orientation Seminar Kit could not have been produced without their unequivocal support, encouragement, and advice.

Maria Socorro I. Diokno

Consultant, Capacity Development Program

Of the Commission on Human Rights

January 28, 2003.

GENERAL INFORMATION

This Orientation Seminar is part of the first phase of the capacity development program of the Commission on Human Rights to enable the Commission to act as the catalyst to mainstream human rights in all aspects of the development process. Two other Orientation Seminars for key Commission personnel shall be held between February and March 2003.

This two-day Orientation Seminar has been especially designed for key personnel of the Commission on Human Rights, who are tasked to promote and advance a gender-responsive and human rights approach to development. The seminar course was designed in consideration of the training needs of the key Commission personnel.

The Orientation Seminar aims to:

1. Explore and enhance our understanding of human rights and the role and value of human rights in the development process.
2. Examine fundamental human rights concepts including the principles that should guide development, the definition and normative content of human rights, and the nature and levels of States' human rights obligations..
3. Introduce a framework for mainstreaming human rights in the development process.

4. Arrive at a common understanding and appreciation of the role of the Commission on Human Rights in acting as the catalyst to mainstream human rights in all aspects of the development process.

The Orientation Seminar adopts participant-centered adult education techniques. The seminar is designed to provide a guide for discussions in order to ensure that its objectives are met. There will be a combination of presentations, group games, practical exercises and plenary discussions. The resource persons will provide inputs based on their knowledge and expertise and will respond to questions.

Four interlocking modules that incorporate specially designed activities and exercises shall be utilized in each orientation seminar. Each of the modules is briefly described below.

Module I: Situational Context and Philosophical Framework. This module examines the prevailing human rights conditions in the country, and provides a framework to guide key Commission personnel to promote and advance a gender-responsive and human rights approach to development. This Module seeks to build a perspective that enables key Commission personnel to view their positions, functions, roles and responsibilities as necessary components in the pursuit of genuine and sustainable development geared towards improving the quality of human life in the country. This module consists of three parts:

Part 1. Human Rights Situation in the Philippines

Part 2. Role of CHR in Integrating Human Rights in Development

Part 3. Human Rights Approaches to Development

Module II: Human Rights in Development. This module examines basic human rights concepts and standards that are applicable to all aspects of the development process. It reviews basic human rights, and examines the right to development. It discusses the contents of selected human rights that impact on development, and highlights the nature and levels of states' human rights obligations. This module seeks to enhance the knowledge, skills and attitudes of key Commission personnel to enable them to promote and advance a gender-responsive and human rights approach to development. This module consists of five parts:

Part I . Basic Human Rights

Part 2. Right to Development

Part 3. Human Rights Principles that Guide Development

Part 4. Normative Content of Selected Human Rights that Impact on Development

Part 5. Nature and Levels of State Obligations

Module III: Applying Human Rights to Development. This module is a basic activity design module, which introduces practical ways to integrate human rights in three key areas of development: legislation, policy and planning. This module focuses on specific skills needed to integrate human rights in the three key areas of development. This module seeks to enhance the capacities of key Commission personnel to enable them to apply human rights to development.

This module has three sections, but participants shall work on only one of the three sections:

- Section A: Human Rights and Legislation
- Section B: Human Rights and Policy Analysis
- Section C: Human Rights and Development Plans

In this module, participants shall be divided into five small groups; two small groups shall work on Section A, two small groups shall work on Section B, and the last small group shall work on Section C.

With the assistance of a facilitator, the small groups working on Section A shall be provided with a sample legislation, are asked to analyze the legislation within the context of human rights, and draft a position paper outlining their analysis of the legislation.

With the assistance of a facilitator, the small groups working on Section B shall be provided with Plan 747 (government's latest development plan) and are asked to analyze a policy outlined in the plan within the context of human rights. Participants are then tasked to draft an advisory on the human rights impact of the policy and propose specific safeguards against any threats to human rights.

With the assistance of a facilitator, the small group working on Section C shall be provided with Plan 747 (government's latest development plan) and are asked to analyze the development plan within the context of human rights. Participants are then tasked to develop a set of principles and safeguards to ensure that Plan 747 is implemented fairly, equally, effectively and without discrimination.

Module IV: Action Planning. An expected outcome of the Orientation Seminar is for Commission personnel to apply the knowledge and skills they have gained from the seminar to various aspects of their work. This module is a basic activity design model, which will help participants identify the different areas of work where they can apply the knowledge and skills gained from the Orientation Seminar. CHR's Director for HR Planning and Systems Monitoring Office and the HR Information Systems Office shall review the CHR-NEDA-UNDP Framework for RTD Shell Programme of Governance Portfolio and, together with the participants, identify areas of work where human rights can be concretely integrated into different aspects of the development process.

Resource persons for this Orientation Seminar include the Chair of the Commission, Commissioners, and human rights experts. Facilitators have been specially selected from among the Commission's personnel.

This Seminar Kit is structured by module, and contains, among others, copies of relevant human rights and development related articles, exercises and tools.

MODULE I

SITUATIONAL CONTEXT

This module examines the prevailing human rights conditions in the country, and provides a framework to guide key Commission personnel promote and advance a gender-responsive and human rights approach to development. This Module seeks to build a perspective that enables key Commission personnel to view their positions, functions, roles and responsibilities as necessary components in the pursuit of genuine and sustainable development geared towards improving the quality of human life in the country.

This module consists of three parts:

Part 1: Human Rights Situation in the Philippines

Part 2: Role of CHR in Integrating Human Rights in Development

Part 3: Human Rights Approaches to Development

Part 1. Human Rights Situation in the Philippines

This session examines the situation within which Commission personnel undertake their tasks and responsibilities. It is important to understand the human rights situation in the country in order to identify problems and concerns and seek effective solutions.

Through a panel discussion with open forum, this session seeks to:

- a. examine the human rights situation in the Philippines;
- b. enhance our understanding of the human rights problems and concerns faced by the most vulnerable in Philippine society; and

- c. together seek ways to overcome these problems and concerns.

Resource persons include Honorable Dominador Calamba II, Commissioner on Human Rights, a representative of the Philippine Alliance of Human Rights Advocates and Mr. Max de Mesa of the Task Force Detainees of the Philippines. Each resource person is given 15 minutes to present their assessment of the human rights situation, identify major human rights issues and concerns, and advance proposals to address the major human rights issues and concerns. The three presentations should stimulate discussion between participants and resource persons. The duration of this session is one hour.

To prepare for this session, please review the Commission's Year-end Report, the annual reports of different human rights non-governmental organizations, and the papers of the Resource Persons.

Part 2. Role of CHR in Integrating Human Rights in Development

This session focuses on the role of the Commission in integrating human rights in development. It introduces the framework adopted by the Commission, the National Economic Development Authority and the United Nations Development Programme towards the RTD Shell Programme of the Governance Portfolio.

This session seeks to enhance our understanding of the role of the Commission on Human Rights in integrating human rights and development. Honorable Purificacion C. Valera Quisumbing, Chair of the Commission shall present the:

- a. Role of the Commission in Integrating Human Rights in

Development, in view of its Mandate, Constitutional Powers, Budget and Current Constraints

- b. Specific Programs and Services of the Commission and their Specific Contributions geared towards Integrating Human Rights in Development
- c. CHR-NEDA-UNDP Framework for the RTD Shell Programme of the Governance Portfolio

After the presentation, the Chair Quisumbing shall respond to questions, comments and suggestions from the participants.

At the end of this session, participants should have a common understanding of the role of Commission and its efforts to integrate human rights in development. Participants should also have a common understanding of the CHR-NEDAUNDP Framework for the RTD Shell Programme of the Governance Portfolio. This common understanding should motivate selected Commission personnel to undertake their functions and responsibilities with a broader perspective.

The duration of this session is 1 hour.

To prepare for this session, please review the paper of Chair Quisumbing.

Part 3. Human Rights Approaches to Development

This session examines the link between human rights and development, defines the human rights approach to development, and stresses why it is important to integrate human rights in the development process. It also

introduces the different human rights approaches to development, currently adopted and/or endorsed by the United Nations Office of the High Commissioner for Human Rights, and international and national human rights non-governmental organizations.

This session seeks to:

- a. clarify the link between human rights and development;
- b. enhance our appreciation of the role and value of human right; in development;
- c. explain why it is important to integrate human rights in development; and
- d. introduce the different human rights approaches to development.

Ms. Maria Socorro I. Diokno, Consultant to the Commission's Capacity Development Program, shall discuss the following:

- a. Link between Human Rights and Development
- b. Human Rights Approach to Development Defined
- c. Different Human Rights Approaches to Development
- d. Common Elements of the Different Human Rights Approaches
- e. "Value Added" by Integrating Human Rights in Development

After the presentation, the Ms. Diokno shall respond to questions and comments from the participants.

The duration of this session is 1 hour and 15 minutes.

To prepare for this session, please review the "Primer on Human Rights in Development: Rights-based Approaches," produced by the United Nations Office of the High Commissioner for Human Rights.

Primer on Human Rights in Development: Rights-based Approaches

(United Nations Office of the High Commissioner for Human Rights)

Human rights in development -- What is it all about?

The links between human rights and development are illustrated by the normative and operational guidance that human rights instruments, and the mechanisms established by the United Nations to monitor their implementation, provide on the right to development, rights-based approaches to development, poverty eradication, human rights mainstreaming, good governance and globalization.

International cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations set out in Article I of the Charter. The Vienna Declaration and Programme of Action stated that "democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing."

The 1995 World Summit for Social Development and the Copenhagen Declaration it adopted established a new consensus on placing people at the centre of sustainable development, eradicating poverty, promoting full and productive employment, and fostering social integration in order to achieve stable, safe and just societies for all. The collective message of all the UN summits and conferences of the 1990s may be summed up as a call for greater recognition of human rights in development.

What are rights in development?

"Democracy, development and respect for human rights and fundamental

freedoms are interdependent and mutually reinforcing." Vienna Declaration and Programme of Action

Article 1 of the Charter of the United Nations identifies international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms as one of the purposes of the Organization.

Since the United Nations was founded, human rights have been at the centre of its activities, also in the area of development.

In 1995, the Copenhagen Declaration reaffirmed the link between human rights and development by establishing a new consensus that places people at the centre of concerns for sustainable development, and by pledging to eradicate poverty, to promote full and productive employment, and to foster social integration to achieve stable, safe and just societies for all.

What is development from a human rights perspective?

Development is people-centred, participatory and environmentally sound. It involves not just economic growth, but equitable distribution, enhancement of people's capabilities and widening of their choices. It gives top priority to poverty elimination, integration of women into the development process, self-reliance and self-determination of people and Governments, and protection of the rights of indigenous people.

The rights-based definition of development in article 1 of the Declaration on the Right to Development sees it as a comprehensive economic, social, cultural and political process. Its object is 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 resulting benefits. The human rights approach to development is therefore integrated and multidisciplinary.

What is a rights-based approach to development?

A rights-based approach to development is a conceptual framework for the process of human development that is normatively based. on international human rights standards and operationally directed to promoting and protecting human rights.

Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.

The norms and standards are those contained in the wealth of international treaties and declarations. The principles include equality and equity, accountability, empowerment and participation. A rights-based approach to development include" the following elements:

- express linkage to rights
- accountability
- empowerment
- participation
- non-discrimination and attention to vulnerable groups

Express linkage to rights

The definition of the objectives of development in terms of particular rights - as legally enforceable entitlements - is an essential ingredient of human rights approaches, as is the creation of express normative links to international, regional and national human rights instruments.

Rights-based approaches are comprehensive in their consideration of the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social. This calls for a development framework with sectors that mirror internationally guaranteed rights, thus covering, for example, health, education, housing, justice administration, personal security and political participation.

By definition, these approaches are incompatible with development policies, projects or activities that have the effect of violating rights, and they permit no "trade-offs" between development and rights.

Accountability

Rights-based approaches focus on raising levels of accountability in the development process by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations). In this regard, they look both at the positive obligations of duty-holders (to protect, promote and provide) and at their negative obligations (to abstain from violations). They take into account the duties of the full range of relevant actors, including individuals, States, local organizations and authorities, private companies, aid donors and international institutions.

Such approaches also provide for the development of adequate laws, policies, institutions, administrative procedures and practices, and mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. They call for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability'.

For all human rights, States must have both the political will and the

means to ensure their realization, and they must put in place the necessary legislative, administrative, and institutional mechanisms required to achieve that aim.

Under the International Covenant on Economic, Social and Cultural Rights, States are required to take immediate steps for the progressive realization of the rights concerned, so that a failure to take the necessary steps, or any retrogression, will flag a breach of the State's duties.

Under the International Covenant on Civil and Political Rights States are bound to respect the rights concerned, to ensure respect for them and to take the necessary steps to put them into effect. Some rights claimed in some jurisdictions may not be justiciable before a court, but all rights must be enforceable.

While primary responsibility under the human rights system lies with individual States, the international community is also duty bound to provide effective international cooperation, inter alia in response to shortages of resources and capacities in developing countries.

Empowerment

Rights-based approaches also give preference to strategies for empowerment over charitable responses. They focus on beneficiaries as the owners of rights and the directors of development, and emphasize the human person as the centre of the development process (directly, through their advocates and through organizations of civil society).

The goal is to give people the power, capacities, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies.

Participation

Rights-based approaches require a high degree of participation, including .from communities, civil. society, minorities, indigenous peoples, women. and others. According to the UN Declaration on the Right to Development, such participation must be "active, free and meaningful" so that mere formal or "ceremonial" contacts with beneficiaries are not sufficient.

Rights-based approaches give dues attention to issues of accessibility, including access to development processes, institutions, information and redress or complaints mechanisms. This also means 'situating development project mechanisms in proximity to partners and beneficiaries. Such approaches necessarily opt for process-based development methodologies and techniques, rather than externally conceived "quick fixes" and imported technical models.

Non-discrimination and attention to vulnerable groups

The human rights imperative of such approaches means that particular attention is given to discrimination, equality, equity and vulnerable groups. 'These groups include women, minorities, indigenous peoples and prisoners, but there is no universal checklist of who is most vulnerable in every given. context. Rather, rights-based approaches require that such questions be answered locally: who is vulnerable here and now? Development data need to be disaggregated, as far as possible, by race, religion, ethnicity, language, sex and other categories of human rights concern.

An important aspect of rights-based approaches is the incorporation of express safeguards in development instruments to protect against threats

to the rights and well-being of prisoners, minorities, migrants and other often domestically marginalized groups. Furthermore, all development decisions, policies and initiatives, while seeking to empower local participants, are also expressly required to guard against simply reinforcing existing power imbalances between, for example, women and men, landowners and peasants, and workers and employers.

Is there only one rights-based approach?

There is no single, universally agreed rights-based approach., although there may be an emerging consensus on the basic constituent elements.

Today, OHCHR and its partners are working to define the operational implications of such approaches, and to explain their practical "added value" more clearly to development planners and professionals.

A host of United Nations programmes, non-governmental organizations, national institutions and bilateral agencies are now cooperating and contributing to the development of rights-based approaches.

How do rights-based approaches differ and what is the value added?

In her opening statement to the General Assembly Special Session on Social Development field in Geneva in June 2000, the High Commissioner pointed out that rights-based approaches bring the promise of more effective, more sustainable, more rational and more genuine development processes.

In particular, and among others, they offer:

•

Enhanced accountability by identifying specific duties and duty-bearers in

the development process. In this way, development moves from the realm of charity to that of obligation, making it easier to monitor progress.

Higher levels of empowerment, ownership, and free, meaningful and active participation, by putting beneficiaries in charge of development. It is now widely recognized in development circles that local ownership and participation are fundamental to sustainable improvements.

Greater normative clarity and detail, provided by the international instruments and the authoritative interpretations of treaty bodies and human rights mechanisms, which list and define the content of development, including the requirements of, for example, health, education, housing and governance. International standards in the form of treaties, declarations, guidelines and bodies of principles are public and readily accessible tools describing in remarkable detail the institutional and developmental requirements of the various guaranteed rights.

Easier consensus, increased transparency and less “political baggage” in national development processes, as development objectives, indicators and plans can be based on the agreed and universal standards of the international human rights instruments rather than on imported foreign models, prescriptive solutions, partisan approaches or arbitrary policies.

A more complete and rational development framework, with development sectors mirroring the enumerated rights of the human rights framework. While some sectoral development matrices have focused exclusively on selected economic sectors, the more comprehensive human rights framework provides guidance on all areas of human development, including; health, education, housing, personal security, justice administration and political participation.

Integrated safeguards against unintentional harm try development projects. There is no shortage of examples of harm caused by development agreements, projects and activities that have taken inadequate account of human rights concerns. Rights-based approaches include measures of protection organically incorporated in development plans, policies and projects from the outset.

More effective and complete analysis: Traditional poverty analyses based their judgments on income and economic indicators alone. A human rights analysis reveals additional concerns of the poor themselves, including the phenomena of powerlessness and social exclusion, A more thorough analysis yields better responses and better results.

A more authoritative basis for advocacy and for claims on resources, with international legal obligations and national commitments empowering development advocates in their quest to have, for example, basic social services given priority over military expenditure, or sounding the alarm when "progressive realization" of economic and social rights stalls, is reversed, or is compromised by conflicting trade or adjustment agreements.

What about the gender dimension of development?

Rights-based approaches to development emphasize non-discrimination, attention to vulnerability and empowerment. Women and girls are among, the first victims of discrimination. They are the most vulnerable and the least empowered in many societies.

To protect women's rights, the international community has created specific standards. In 1979, the United Nations General Assembly adopted the convention on the Elimination of All Forms of Discrimination

against Women.

The Convention, which entered into force on 3 September 1981, establishes women's right to non-discrimination on the basis of sex and affirms equality in international law. It is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW).

Recent world conferences, including Vienna (1993), Cairo (1994) and Beijing (1995), have confirmed the strong link between the gendered nature of violations of human rights and the advancement of women's rights.

The 1993 Vienna Declaration and Programme of Action affirmed the human rights of women as an inalienable, integral and indivisible part of human rights and demanded that the equal status and human rights of women be integrated into the mainstream of United Nations system-wide activity.

Gender mainstreaming has been defined by the United Nations as the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in any area and at all levels (FCOSOC Agreed Conclusions 1997/2).

In 1998, the Economic and Social Council (ECOSOC) adopted resolution 1998/11 on mainstreaming a gender perspective into the policies and programmes of the United Nations system, and decided to pay particular attention to what has been called the "feminization" of poverty, its causes and remedies. The Organization has now committed itself to integrating a gender perspective into all areas of United Nations work, including development.

In resolution 2000/5 the Commission on Human Rights affirmed the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process. It emphasized that the empowerment of women and their full participation on the basis of equality in all spheres of society is fundamental for society.

At its fifty-fifth session, the Commission requested all human rights treaty bodies, special procedures and the Sub-Commission on the Promotion and Protection of Human Rights to adopt a systematic gender perspective when implementing their mandates (E/CN.4/RES/1999/41).

In accordance with this resolution, OHCHR is endeavouring to mainstream gender issues both within and outside the Office. Gender concerns will be reflected in the conceptualization, implementation and evaluation of human rights policies, strategic planning, and the setting of priorities, and objectives.

Mainstreaming human rights

Mainstreaming human rights refers to the concept of enhancing the human rights programme and integrating it into the broad range of United Nations activities, also in the areas of development and humanitarian action.

How is OHCHR mainstreaming human rights?

The key responsibilities of the High Commissioner for Human Rights include promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system to that end.

What is the United Nations' system-wide strategy for halving extreme poverty?

The document entitled "Halving extreme poverty: An action strategy for the United Nations" comprises a strategy and an action plan containing guidelines and options for United Nations interventions at the operational level.

What are the UNDAF and the CCA?

UNDAF stands for the United Nations Development Assistance Framework, a common programme and resource framework for UN development agencies and programmes. The UNDAF process in each country is based on a Common Country Assessment (CCA).

What is the CDF?

Recognizing that economic growth may, all too often have been pursued at the expense of social development, and that open, transparent, participatory processes play an important role in sustainable Development, the World Bank proposed the Comprehensive Development Framework in 1999.

What is PRSP?

Poverty reduction strategy papers (PRSPs) are prepared by national Governments with broad civil society participation and in collaboration with staff of the World Bank and the International Monetary Fund, and other development partners, including the United Nations system.

What is the role of international cooperation?

Development cooperation is not charity. It is an investment in a safer, healthier, more just and amore peaceful world for all.

MODULE II

HUMAN RIGHTS IN DEVELOPMENT

This module examines basic human rights concepts and standards that are applicable to all aspects of the development process. It reviews basic human rights, and examines the right to development. It discusses the normative content of selected human rights that impact on development, and highlights the nature and levels of states' human rights obligations. This module seeks to enhance the knowledge, skills and attitudes of key Commission personnel to enable them to promote and advance a gender-responsive and human rights approach to development.

This module consists of five parts:

Part 1. Basic Human Rights

Part 2. Right to Development

Part 3. Human Rights Principles that Guide Development

Part 4. Normative Content of Selected Human Rights that
Impact on Development

Part 5. Nature and Levels of State Obligations

Part 1.

Basic Human Rights

This session reviews the concepts, sources, and characteristics of human

rights and presents the full range of human rights. This session is based on the Universal Declaration of Human Rights and its two Covenants (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and the Philippine Constitution (Bill of Rights, Declaration of Principles, Social Justice and Human Rights).

This session seeks to:

- a. enhance our understanding of human rights; and
- b. enable us to better enforce our rights and prevent violations of our rights.

Honorable Wilhelm Soriano, Commissioner on Human Rights, shall facilitate this session, with the support and assistance of the Commission's Executive Director Jacqueline Ivleja and the Commission's Director Rosette Librea. With the use of meta-cards, Commissioner Soriano shall elicit from the participants the:

- a. Definition of Human Rights
- b. Sources of Human Rights
- c. Basics of Human Rights
 - a. Fundamental Characteristics
 - b. State Obligations
 - c. Derogable and Non-Derogable Rights
- d. Classification of Human Rights
 - a. Individual Rights
 - b. Collective Rights

e. Duties of Individuals under International Human Rights Law

During the open discussion, Commissioner Soriano shall process the participant's responses, synthesize and augment the responses and clarify whatever matters may need clarification. Following the open discussion, a group game, *Human Rights in Pantomime*, shall be conducted, to enable the participants to identify basic human rights through the use of pantomime.

- a. Participants shall be divided into five small groups.
- b. A representative from each group shall choose at random a slip of paper on which is written a human right.
- c. Each group shall act out (pantomime) the human right listed on the slip of paper that is picked at random from the jar.
- d. Any member of the other groups may guess the right acted out by the group. Each group is given only one chance to guess the right being pantomimed.
- e. Each correct guess is awarded 5 points; each wrong guess is equivalent to a 5-point deduction. The first group to receive 25 points (or more) wins the game.
- f. Prizes shall be awarded to the group that wins the game.

The duration of this session is 1 hour and 15 minutes: 40 minutes for the open discussion; and 35 minutes for the group game.

To prepare for this session, please review:

- excerpts from "Human Rights Make Man Human," Jose W. Diokno;

- "Human Rights in International Instruments," Maria Socorro I. Diokno
- "Relevant Human Rights Provisions, 1987 Constitution," Maria Socorro I. Diokno, and
- "Duties of individuals under International Human Rights Law" excerpted from Marie, Socorro J. Diokno "Human Rights Centered Development."

This session explores the right to development- a right often misunderstood yet critical to the creation of an environment that promotes an improving quality of human life in dignity. This session looks at the scope and meaning of the right to development, its normative content, and state obligations arising from the right.

This session aims to:

- a. Examine the scope and meaning of the right to development;
- b. Explore the normative content of the right to development; and
- c. Enhance our understanding of state obligations arising from the right to development.

This session will begin with a practical exercise where participants, in small groups, will examine the Declaration on the Right to Development, and shall draw a collage of specific topics relating to the Right to Development:

Group 1. Meaning of the right to development

- | | |
|----------|--|
| Group 2. | Normative content of the right to development |
| Group 3. | Obligations arising from the right to development |
| Group 4. | Human rights standards related to the right to development |
| Group 5. | Link between human rights and development |

Each group shall be given 30 minutes to work on their respective topics. Each group shall then post their collages on the wall. the Commission *en banc* shall lead the participants around the five collages (as if in an art gallery), critiquing the collages, clarifying matters relating to the right to development, and responding to any questions or concerns raised by the participants.

The duration of this session is 1 hour and 15 minutes: 30 minutes for the practical exercise, and 45 minutes for critique of the collages, synthesis and debriefing.

To prepare for this session, please review the Declaration on the Right to Development.

Declaration on *the Right to Development*

(Adopted by General Assembly resolution 41/128 of 4 December 1986)

The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefit; resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and of the international Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of, human rights and freedoms, the maintenance of international peace and security and the further promotion of friendly relations and cooperation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise; subject to the relevant

provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfillment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favorable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the following Declaration on the Right to Development:

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedom can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.
2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfillment of the human being, and they should. therefore promote and protect an appropriate political, social and economic order for development.
3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.
- 3, States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all states as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.
2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation,

aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.
2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.
3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures, are used for comprehensive development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

1. All the aspects of the development set forth in the present Declaration of the right to are indivisible and interdependent and each of them should be considered in the context of the whole.
2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights, set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at

the national and international levels.

Human Rights Principles that Guide Development

This session explores the human rights principles that guide development. These principles are: accountability, attention to vulnerable groups, empowerment, equality, equity, good governance, independence of the judiciary, indivisibility, interdependence and inter-relatedness, legislative capacity, non-discrimination, peoples participation, transparency, and universality. This session seeks to enhance our understanding of the basic principles of human rights and related standards.

Honorable Purificacion C. Valera Quisumbing, Chair of the Commission on Human Rights, shall begin by defining human rights principles and their relationship to development. Chair Quisumbing shall then ask the participants, at random, to define each of the 14 human rights principles. By responding to the participants' definitions, Chair Quisumbing can clarify the principles, and provide explanations and other inputs. Following the open discussions, a group game (*Race to Human Rights Principles*) shall be conducted, to enable the participants to identify human rights principles through a race.

1. 14 placards, each placard bearing a human rights principle shall be set up a few meters across the participants.
2. Chair Quisumbing shall read a statement and the participants shall determine which human rights principle is reflected in the statement, by racing towards the placard bearing the correct principle. Participants with incorrect responses shall be eliminated from the game.

3. The game shall continue until ten statements are read and participants win the game.
4. Prizes shall be awarded to the participants who win the game.

The duration of this session is one hour and 20 minutes: 40 minutes for the open discussion; and 40 minutes for the group game.

To prepare for this session, please review the Checklist of Human Rights Principles excerpted from "Human Rights Centered Development."

Excerpt, Checklist of Human Rights Principles

(*Maria Socorro I. Diokno*, Human Rights Centered Development, 7 July 2002, pages 125-131.)

Accountability

- Government must be answerable to those it governs.
- Government must be responsible for all its decisions and actions.

Attention to Vulnerable Groups

- Great importance must be given to the promotion and protection of the human rights of persons belonging to groups that have been rendered most vulnerable.
- States have an obligation to create and maintain adequate measures at the national level, in the fields of
 - Education,
 - Health and
 - Social support,
- for the promotion of the rights of persons in vulnerable sectors and
- to ensure their participation.¹

Empowerment

- Power to act or and on their own behalf to claim their rights.
- Emphasis on efforts of the people themselves to bring about the necessary change towards the full realization of all human rights.

Equality

- All persons should enjoy all human rights on an equal basis, and in their totality.
- Equality demands women and men equally enjoy and exercise all fundamental rights and freedoms.
- Equality does not mean identical treatment in every instance.
- Equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions that cause or help perpetuate discrimination.
 - Such action may involve granting certain preferential treatment for a time to part of the population

Equity

- In the guarantee of fundamental rights and freedoms, equity is
 - Fairness
 - Justice
 - Impartiality

Good Governance

- Key attributes of good governance²
 - Transparency
 - Responsibility

- Accountability
 - Participation
 - Responsiveness to the needs of the people
- Good governance linked to an enabling environment conducive to the enjoyment of human rights and promoting growth development.
 - Eight major characteristics of Good governance:
 - Participatory
 - Consensus oriented
 - Accountable
 - Transparent
 - Responsive
 - Effective and efficient
 - Equitable and Inclusive
 - Follows the rule of law
 - Good governance assures corruption and abuse are minimized.
 - Good governance assures the views of the vulnerable and marginalized. are taken into account.
 - Good governance is responsive to the present and future needs of society.
 - Good governance requires mediation of the different interests in society
 - to reach a broad consensus on what is in the best interest of the whole community
 - how this can be achieved
 - what is needed for development
 - Good governance implies that structures and processes of institutions are coherent with their public role.

- 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.
- Key question: Are the institutions of governance effectively guaranteeing the rights to health, adequate housing, sufficient food, quality education, fair justice and personal security, etc.?

Independence of the Judiciary

- The judiciary is the final arbiter of all disputes that may arise from the exercise of human rights.
- Crucial roles of judiciary:
 - Protecting human rights
 - Respecting human rights
 - Fulfilling human right
- Independence of judiciary should be guaranteed.
- The judiciary should decide all matters before them with impartiality
 - on the basis of fact,
 - in accordance with law, and
 - without any improper influence or pressure³

Indivisibility

- "Human rights [are so](#) inextricably negated the presence of the others." ⁴
- "We cannot enjoy civil and political rights unless we enjoy economic, cultural and social rights, anymore than we can insure our economic, cultural and social rights, unless we can exercise our civil and political rights. " ⁵

Interdependence and Inter-relatedness

- Our enjoyment and exercise of a particular human right are dependent on our enjoyment-or non-enjoyment-of other human rights.
- Human rights are inter-linked with one another.

Legislative capacity

- Human rights standards must be guaranteed by law.
- The legislature must enact laws that aim always and only to uphold the inherent dignity of every person.
- A fair and just legal framework - coupled with the impartial and effective implementation of law - is essential for the exercise and enjoyment of all human rights.
- Public policy that finds expression in law must be carefully scrutinized by the legislature to ensure its compatibility with human rights.
- A national budget that prioritizes public expenditures for the creation of conditions necessary for the exercise and enjoyment of human rights and that reiterates public revenues on the basis of equity and justice must be carefully reviewed by the legislature before it is enacted into law.

Non-discrimination

- All persons are entitled to human rights, without distinction of any kind, exclusion, restriction or preference based on

<ul style="list-style-type: none"> • race • color • gender • language • disability • age 	<ul style="list-style-type: none"> • religion • political or other opinion • national or social origin • property • birth • other status
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Peoples' Participation

- People, directly, or through their advocates, individually and/or collectively through organizations, must participate in and direct the course of development aimed at strengthening their claims to --- and realization of --- human rights.
- Participation is more than merely consulting people.

Transparency

- Transparency allows all persons to see openly into all activities of government.
- Transparency involves full, free and public disclosure of decisions, policies, rules, etc.
- Transparency requires effective efforts to build public understanding of the objectives of policy, nature of responsibilities of public authority and the process of governance.
- Decisions taken by government--and their enforcement--must be done in a manner that follows rules and regulations.
- Information must be freely available and directly accessible to those who will be affected by public decisions and enforcement.
- Enough information in easily understandable forms and on a timely

basis must be provided.

- Creating effective transparency requires more than just making information available about policy objectives, policy responsibilities, policy decisions and performance results; transparency dictates a high standard of the quality of information disclosed in terms of content, clarity, accessibility and data disclosed.
- Transparency involves access to important meetings and participation in such meetings, including providing input into government decisions and rule making at all levels of governance.

Universality

- Human rights belong to everyone, everywhere.
- Human rights are based on the inherent dignity of every person.

<p>¹ Paragraph 24, <u>Vienna Declaration and Action Programme</u>, 12 July 1993 [A/CONF.157/ 23].</p> <p>² Office of the United Nations High Commissioner for Human Rights, <u>What is good governance?</u> See Commission on Human Rights Resolution 2000/64.</p> <p>³ For a clearer understanding of the standards covering the independence of the judiciary, see <u>Basic Principles on the Independence of the Judiciary</u>, adopted by the Seventh Crime, Congress at Milan, from 6 August to 26 September 1985 and endorsed by the United Nations General Assembly in, resolutions 40/32.</p> <p>⁴ Jose W. Diokno, "Human Rights Make Man Human," Lecture delivered at a Convocation on Human Rights at Siliman University on its 80th Founder's Day, 31 August 1981, in <u>A Nation for Our Children</u> Claretian Publications, Quezon City, 1987, pages 1-6.</p> <p>⁵ Ibid.</p>

Excerpt, Human Rights Make Man Human

(Jose W. Diokno, Lecture delivered at a Convocation on Human Rights at Siliman University on its 80th Founder's Day, 31 August 1981, in A Nation for Our Children. Claretian Publications, Quezon City, 1987, pages 1-6.)

No cause is more worthy than the cause of human rights. Human rights are more than legal concepts. they are the essence of man. They are what make man human. That is why they are called human rights: deny there and you deny man's humanity.

Almost everywhere human rights are extolled. Yet almost everywhere they are violated, and nowhere with less shame than in our country. Here men in government, aided or abetted by foreign government, international institutions and transnational corporations; debase the cause of human rights as they devalue our currency for ignoble purposes and with pernicious results. At times, they brazenly deny that anyone's rights have been or are being violated. When their denials begin to sound hollow even to themselves, they admit with feigned sorrow that some violations have taken place, yet quickly add that the violations do not reflect policy, belt are "aberrations" caused by overzealousness in protecting national security or promoting economic development---as if Filipinos exist for the economy and the state, and not the reverse. Or they dismiss the cause of human rights with impatience, if not contempt, as an imposition of western culture alien to the Filipino soul-as if Filipinos were less human than the men and women of the West. Most often, they raise their right hand in solemn pledge to uphold human rights, but with their left hand create situations and bless policies and practice that trample upon these rights.

In truth, the distinguishing mark of government these days is not so much corruption or incompetence as a grim determination to displace the

straightforward with the devious, and to smother thought with slogans. That government succeeds partially is due not only to its power over mass media but also to our ignorance: too many of us are not aware of our rights and of the ways we can enforce them. So it is especially urgent that we restore the cause of human rights to its pristine purity and respond to the call which the United Nations has made upon "every individual and every organ of society ... [to] strive by teaching and education to promote respect for these rights and freedoms ... and to secure their universal and effective recognition and observance,"

Human rights are enumerated in five great international documents and two great national documents.

The international documents are the Universal Declaration of Human Rights, which the United Nations adopted on December 10, 1948; its two implementing covenants: the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights, both of which took effect in 1976; the Declaration and Action Programme on the Establishment of a New International Economic Order, and Economic Rights and Duties of States, both of which the United Nations adopted in 1974.

The two national documents are our Malolos Constitution of 1898 and the Philippine Constitution of 1935. The 1973 Constitution has no place on the list, not only because it is of doubtful parentage but also because it contains provisions on executive immunity [Art. VII, Sec. 15]; on the President's right to enter into treaties or agreements disregarding the constitutional requirement that natural resources be controlled by the Filipino people [Art. XIV, Sec. 16]; the provision validating martial law acts [Art. XVII, Sec. 3(2)]; and the provision granting the President power to legislate [1976 Amendment 6].

Each of the seven great documents on human rights enumerates more than twenty human rights. Because so many are listed, many of us find it hard to grasp their scope. So let us start with the basics.

First. None of us asked to be born. And regardless of who our parents are and what they own, all of us are born equally naked and helpless, yet each with his own mind, his own will and his own talents. Because of these facts, all of us have an equal right to life, and share the same inherent human dignity. The right to life is more than the right to live: it is the right to live in a manner that befits our common human dignity and enables us to bring our particular talents to full flower. So each of us individually has three basic rights: the right to life, the right to dignity and the right to develop ourselves. These are traditionally known as the rights of man.

Second. Even if we may not know who our parents are, we are never born without parents and never live outside society, a society with its own peculiar culture, history and resources. So besides our rights as persons, we have rights as society, rights which belong to each of us individually but which we can exercise only collectively as a people. These rights are known as the rights of the people. They are analogous to the rights of man, and like the latter, comprise three basic rights: to survive, to self-determination, and to develop as a people.

Third. Once a society reaches a certain degree of complexity, as almost all societies have, society can act only through government. But government always remains only an agent of society; it never becomes society itself; it never becomes the people themselves. It is always and only an instrument of the people.

Moreover, since government is composed of men, each with his own

interests and his own frailties, it usually happens --- in fact, it happens all too often --- that government doesn't seek the people's welfare: on the contrary, it oppresses the people. These facts lead to two conclusions. One is that when we speak of national security, what we refer or should refer to is the security of the people, not of the governors; and when we speak of economic development, what we are talking about or should be talking about is the improvement of the standard of living of all the people, not the enrichment of the governors. The other conclusion is that, since government is merely an agent of the people, people have the right to change both the men who run the government and the structure and system of government itself; and when the people cannot do so peacefully, they have the right, in the language of the preamble to the Universal Declaration of Human Rights, "to have recourse, as a last resort, to rebellion against tyranny and oppression."

All the rights of man and all the rights of the people stem from those three basic principles.

From man's first basic right - his right to life - spring our rights to health, to own property, to work, to form trade unions and to strike, to social security, to rest and leisure, to move about freely within our country and freely to leave and return to it, to marry, to establish a family and to exercise the rights of parents.

Analogously, the right of the people as a people to survive is the source of our people's rights to peace, to non-aggression, and to share in international trade, receiving a just price for our products and paying no more than is fair for the products of other countries.

Man's second basic right --- his right to human dignity --- is the source of our rights to recognition everywhere as a person, to honor and reputation,

to freedom of thought, of conscience, of religion, of opinion and expression, and to seek, receive and impart information, to peaceful assembly with our fellows to equal treatment before the law, to privacy in our family, our home, and our correspondence, to freedom from slavery, torture, and cruel, inhuman or degrading punishment, as well as from arbitrary arrest, detention or exile, to be presumed innocent of crime or wrong, to fair trial, and so forth.

The analogous right of the people to self-determination is the root of our people's rights to sovereign equality in international affairs and international organizations, to freedom from all forms of racial discrimination, to political independence and freedom from colonialism, neo-colonialism, alien domination and intervention in our national affairs, to sovereignty over our natural resources and over all economic activities, to control the activities of foreign investors and transnational corporations, and to nationalize and expropriate their assets, and freely to choose and change our political, social, cultural and economic systems.

Man's third basic right --- his right to develop --- is the source of our rights to an education, to share in the cultural life of our community, to form associations with our fellows, and to live in a national and international order that allows all of our rights to flower and be respected.

Similarly, the people's right to develop as a people implies the rights freely to choose the goals and means of development, to industrialize the economy, to implement social and economic reforms that ensure the participation of all the people in the process and benefits of development, to share in scientific and technological advances of the world, and as a former colony, to reparation and, retribution for the exploitation to which we have been subjected.

No one has ever doubted that the rights of the people are all of a piece. Equally so are the rights of man. But for convenience, the rights of man have been divided into two broad kinds: economic, social and cultural rights on the one hand, and civil and political rights on the other. This distinction has led to much argument about which kind should be given priority and whether one kind can be sacrificed for the other. My experience has convinced me that these arguments are silly. As a lawyer for small farmers, fishermen, workers, students and urban poor, many of whom have been detained, most of whom have been threatened with detention, a few of whom have been shot and wounded when they were peacefully exercising their rights of assembly, I have learned the painful lesson that we cannot enjoy civil and political rights unless we enjoy economic, cultural and social rights, any more than we can insure our economic, cultural and social rights, unless we can exercise our civil and political rights. True, a hungry man does not have much freedom of choice. But equally true, when a well-fed man does not have freedom of choice, he cannot protect himself against going hungry.

A more useful distinction than between economic and political rights is this: that some of man's individual rights are absolute, others are not. Rights which are absolute cannot be limited in any way under any circumstances, not even under the gravest of emergencies. Such are, for example, the rights to freedom of thought, of conscience, of religion, to be everywhere recognized as a person, to be free from torture and from cruel, degrading and inhuman treatment, and of course, the right not to be deprived of life arbitrarily. Not only may these rights never be denied, but nothing justifies imposing any limitation on them.

On the other hand, other rights may be and in fact must be limited to preserve social life. Such are, for example, the right to freedom of expression, freedom of assembly, and freedom of association. To be valid,

however, limitations placed on these rights must meet three conditions: first, they must be provided by law, not by executive whim; second, they must be necessary to preserve society, or protect public health, public morals, or similar rights of others and third, they must not exceed what is strictly necessary to achieve their purpose.

These rights and some others - such as for instance, the rights to be free from arbitrary detention and arrest and the right to a remedy for every violation of fundamental rights - may even be denied in times of grave emergency. But to justify such a denial, the emergency must be so grave that it truly threatens the life of the nation; the existence of the emergency must be publicly proclaimed; and the denial may go no further than is strictly required by the exigencies of the situation.

Human Rights in International Instruments

(Maria Socorro I. Diokno, 2003)

Universal Declaration of Human Right

- Equality (Article 1)
- Non Discrimination (Article 2)
- Right to life, liberty and security of person (Article 3)
- Freedom from slavery or servitude and the slave trade (Article 4)
- Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 5)
- Right to recognition everywhere as a person before the law (Article 6)
- Equality before the law; equal protection against discrimination (Article 7)
- Right to an effective remedy (Article 8)
- Freedom from arbitrary arrest, detention or exile (Article 9)
- Right to a fair and public hearing by an independent and impartial tribunal (Article 10)
- Right to be presumed innocent until proved guilty according to law in a public trial, and against *ex post facto* law (Article 11)
- Right to privacy in the family, home or correspondence, and to honor and reputation (Article 12)
- Freedom of movement and residence and right to leave any country, including his own, and to return to his country (Article 13)
- Right to seek and to enjoy asylum from persecution (Article 14)
- Right to a nationality (Article 15)
- Right to marry and found a family and equal rights as to marriage, during marriage and at its dissolution (Article 16)
- Right to own property alone and in association with others (Article 17)
- Right to freedom of thought, conscience and religion (Article 18)
- Freedom of opinion and expression and to right seek, receive and impart

information and ideas through any media and regardless of frontiers (Article 19)

- Freedom of peaceful assembly and association (Article 20)
- Right to take part in government, directly or through freely chosen representatives and to equal access to public service (Article 21)
- Right to social security and to realization of economic, social and cultural rights (Article 22)
- Right to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration, and to form and join trade unions (Article 23)
- Right to rest and leisure (Article 24)
- Right to standard of living adequate for health and well-being, 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; motherhood and childhood entitled to special care and assistance, all children, whether born in or out of wedlock entitled to same social protection (Article. 25)
- Right to education (Article 26)
- Right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; 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 27)
- Right to a social and international order in which the rights and freedoms can be fully realized (Article 28)

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

- Right of self-determination and to freely dispose of their natural wealth and resources; freedom from being deprived of own means of subsistence (Article 1)
- Non-discrimination and right to effective remedy (Article 2)
- Equal right of men and women to enjoy all civil and political rights (Article 3)
- Non-derogable rights under articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 (Article 4)
- Right to life (Article 6)
- Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 7)
- Freedom from slavery and slave-trade, servitude, or forced or compulsory labor (Article 8)
- Right to liberty and security of person; freedom from arbitrary arrest or detention; right of arrested person to be informed at the time of arrest, of the reasons for arrest and of any charges and to be brought promptly before a court to trial within a reasonable time or to release, to take proceedings before a court, to question the lawfulness of detention and order release if the detention is not lawful; enforceable right of victim of unlawful arrest or detention to compensation (Article 9)
- Right of all persons deprived of liberty to humane treatment; rights of the accused to be segregated from convicted persons and to be subject to separate treatment appropriate to their status as, unconvicted persons; Right of accused juvenile persons to be separated from adults and brought as speedily possible for adjudication (Article 10)
- Freedom from imprisonment on the ground of inability to fulfill a contractual obligation (Article 11.)
- Right to liberty of movement and. freedom to choose residence, to freely

- leave any country and to enter his/her own country (Article 12)
- Aliens lawfully in the territory may be expelled only in pursuance of a decision reached in accordance with law and are entitled to submit the reasons against expulsion and to have case reviewed by, and be represented for the purpose before, the competent authority (Article 13)
 - Equality before the courts and tribunals; rights to a fair and public hearing by a competent, independent and impartial tribunal established by laws and to be presumed innocent until proved guilty according to law; rights to following minimum guarantees, in full equality. (Article 14)
 - (a) To be informed promptly and in detail in a language which s/he understands of the nature and cause of the charge against him/her;
 - (b) To have adequate time and facilities for the preparation of defense and to communicate with counsel of choice,
 - (c) To be tried without undue delay;
 - (d) To be tried in his/her presence, and to defend him/herself in person or through legal assistance of own choice; to be informed, if s/he does not have legal assistance, of this right; and to have legal assistance assigned to him/her without payment by him/her in any such case if s/he does not have sufficient means to pay for it;
 - (e) To examine, or have examined, the witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf;
 - (f) To have free assistance of interpreter;
 - (g) Not to be compelled to testify against him/her self or to confess guilt.
 - Right of convicted persons to review of conviction and sentence by a higher tribunal according to law; Right to compensation of convicted persons whose convictions have been reversed or pardoned on ground of miscarriage of justice
 - Right against *ex post facto* law (Article 15)

- Right to recognition everywhere as a person before the law (Article 16)
- Freedom from arbitrary or unlawful interference with privacy, family, home or correspondence, and from unlawful attacks on honor and reputation; right to protection of the law against such interference or attacks (Article 17)
- Freedom of thought, conscience and religion (Article 18)
- Right to hold opinions without interference; right to freedom of expression, to seek, receive and impart information and ideas of all kinds (Article 19)
- Freedom from any propaganda for war and from any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (Article 20)
- Right of peaceful assembly (Article 21)
- Freedom of association, right to form and join trade unions (Article 22)
- Right of the family to protection by society and the State; right of men and women of marriageable age to marry and to found a family (Article 23)
- Rights of the child, without any discrimination of any kind, to measures of protection required by status as a minor, on the part of family, society and the State; right of a child to a name and nationality (Article 24)
- Right and opportunity (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected; (c) to have access, on general terms of equality, to public service (Article 25)
- Equality before the law and equal protection of the law (Article 26)
- Rights of persons belonging to ethnic, religious or linguistic minorities, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (Article 27)

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

- Right of self-determination and to freely determine their political status and freely pursue their economic, social and cultural development; right to freely dispose of natural wealth and resources; freedom from being deprived of own means of subsistence (Article 1)
- Obligation to take steps to the maximum of its available resources to achieve progressively the full realization of rights; Non-discrimination (Article 2)
- Equal right of men and women to the enjoyment of all economic, social and cultural rights (Article 3)
- Right to work, to opportunity to gain living by work freely chosen or accepted (Article 6)
- Right to enjoyment of just and favorable conditions of work which ensure, in particular: (a) Remuneration [(i) Fair wages and equal remuneration for work of equal value without distinction of any kind and (ii) a decent living]; (b) Safe and healthy working conditions; (c) Equal opportunity to be promoted; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays (Article 7)
- Right to form trade unions and join the trade union of choice; right of trade unions to establish national federations or confederations and to form or join international trade-union organizations; right of trade unions to function freely; right to strike (Article 8)
- Right to social security, including social insurance (Article 9)
- Right of family to widest possible protection and assistance; Rights of mothers to special protection particularly before and after childbirth, including paid leave or leave with adequate social security benefits; right

- of children and young persons to special measures of protection and assistance, protection from economic and social exploitation (Article 10)
- Right to adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions; fundamental right of everyone to be free from hunger (Article 11)
 - Right to the enjoyment of the highest attainable standard of physical and. mental health (Article 12)
 - Right to education that 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; liberty of parents and legal guardians to choose for their children schools; liberty of individuals and bodies to establish and direct educational institutions (Article 13)
 - Right to take part in cultural life, to enjoy the benefits of scientific progress and its applications and 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 (Article 15)

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965; entry into force 4 January 1969, in accordance with Article 19.

- "Racial discrimination" - any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life; Obligation to take special measures for sole

purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection provided that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and shall not be continued after the objectives for which they were taken have been achieved (Article 1)

- Obligation to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all forms and promoting understanding among all races: (a) obligation to engage in no act or practice of racial discrimination; (b) obligation not to sponsor, defend or support racial discrimination by any persons or organizations; (c) obligation to take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (d) Obligation to prohibit and bring to an end racial discrimination by any persons, group or organization; (e) obligation to encourage integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division. Obligation to take concrete measures in the social, economic, cultural and other fields to ensure adequate development and protection of certain racial groups or individuals, for the purpose of guaranteeing full and equal enjoyment of human rights and fundamental freedoms (Article 2)
- Obligation to prevent, prohibit and eradicate all practices of racial segregation and apartheid (Article 3)
- Obligation to adopt immediate and positive measures designed to eradicate all incitement to, or acts of all propaganda and organizations are based on ideas or theories of superiority of one race or group of

persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form; includes obligations (a) to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin, and also provision of any assistance to racist activities, including financing; (b) to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law; (c) not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination (Article 4)

- Obligation to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law, notably in the enjoyment of the following rights: (Article 5)

(a) to equal treatment before tribunals and all other organs administering justice;

(b) to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at national level and to have equal access to public service;

(d) Other civil rights, in particular: (i) to freedom of movement and

residence; (ii) to leave any country, including one's own, and to return to one's country; (iii) to nationality; (iv) to marriage and choice of spouse; (v) to own property alone and in association with others; (vi) to inherit; (vii) to freedom of thought, conscience and religion; (viii) to freedom of opinion and expression; (ix) to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights,, in particular: (i) to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration; (ii) to form and join trade unions; (iii) to housing (iv) to public health, medical care, social security and social services; (v) to education and training; (vi) to equal participation in cultural activities;

(f) access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

- Obligation to ensure effective protection and remedies *against any acts of racial discrimination* which violate human rights and fundamental freedoms, and right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination (Article 6)
- Obligation to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, to combat prejudices which lead to racial discrimination and to promote understanding, tolerance sand friendship among nations and racial or ethnical groups (Article 7)

Convention on the Elimination of All Forms of Discrimination Against

Women

- "Discrimination against women" - 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 1)
- Obligation to Pursue by all appropriate means and without delay policy of eliminating discrimination against women; obligations (a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation 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 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 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 2)
- Obligation to take all appropriate measures to ensure the full development and advancement of women (Article 3)

- Adoption of temporary special measures aimed at accelerating de facto equality between men and women not considered discrimination (Article 4)
- Obligation to take all appropriate measures (a) to modify social and cultural patterns of conduct of men and women, to eliminate prejudices and customary and all other practices based on the idea of the inferiority or the, superiority (if either sexes or on stereotyped roles for men and women; (b) to ensure that family education includes 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 (Article 5)
- Obligation to take all appropriate measures to suppress all forms of traffic in women and exploitation or prostitution of women (Article 6)
- Obligation to 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 its implementation 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 7)
- Obligation to take all appropriate measures to ensure to 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 I)

- Equal rights to acquire, change or retain own nationality and nationality of their children (Article 9)
- Equal rights in field of education, including: (a) same conditions for career and vocational guidance, for access to studies and achievement of diplomas; in preschool, general, technical, professional and higher technical education, and vocational training; (b) access to same curricula, same examinations, teaching staff with qualifications of same standard and school premises and equipment of same quality; (c) elimination of any stereotyped concept of roles of men and women at all levels and in all forms of education, (d) same opportunities to benefit from scholarships and other study grants; (e) same opportunities for access to programs of continuing education; (f) reduction of female student drop-out rates and organization of programs for girls and women who have left school prematurely; (g) same opportunities to participate actively in sports and physical education; (h) access to specific educational information to help ensure health and well-being of families, including information and advice on family planning (Article 10)
- Equal rights to (a) work; (h) same employment opportunities, including application of same criteria for selection in matters of employment; (c) free choice of profession and employment, 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) equal remuneration, including benefits, and equal treatment for work of equal value, and equality of treatment in the evaluation of the duality of work; (e) social security; (f) protection of health and to safety in working conditions (Article 11)

- Equal rights to access to health care services, including those related to family planning and to appropriate services in connection with pregnancy, confinement and post-natal period, including free services where necessary, and nutrition during pregnancy and lactation. (Article 12)
- Equal rights to (a) family benefits; (b) bank loans, mortgages and other forms of financial credit; (c) participate in recreational activities, sports and all aspects of cultural life (Article 13)
- Equal rights of rural women to: (a) participate in elaboration and implementation of development planning at all levels; (b) access to adequate health care facilities, including information, counseling and services in family planning; (c) benefit directly from social security programs; (d) obtain all types of training and education; (e) organize self-help groups and cooperatives; (f) participate in all community activities; (g) 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) enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications (Article 14)
- Equality with men before the law; right of women in civil matters to legal capacity identical to that of men and same opportunities to exercise that capacity, including equal rights to conclude contracts and administer property; Equal rights to the movement of persons and the freedom to choose residence and domicile (Article 15)
- Equal rights (a) to enter into marriage; (b) to freely choose a spouse and to enter into marriage only with free and full consent; (c) same rights

and responsibilities during marriage and at its dissolution; (d) same rights and responsibilities as parents, irrespective of marital status, in matters relating to their children; (e) same rights to decide freely and responsibly on the number and spacing of children and to access to information, education and means to enable them to exercise these rights; (f) same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children; (g) same personal rights as husband and wife, including right to choose a family name, profession and occupation; (h) same rights for both spouses with respect to ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for valuable consideration (Article 16)

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1959; entry into force 2 September 1990, in accordance with article 49.

- Child - every human being below eighteen years of age (Article 1)
- Non-discrimination (Article 2)
- Best interests of the child (Article 3)
- Obligation to respect responsibilities, rights and duties of parents or others legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of rights (Article 5)
- Right to life (Article 6)

- Right to a name, to acquire a nationality and to know and be cared for his/ her parents (Article 7)
- Right to preserve his/her identity, including nationality, name and family relations; obligation to provide appropriate assistance and protection to child illegally deprived of some or all of the elements of his/her identity (Article 8)
- Freedom from separation from parents against their will; Right to maintain personal relations and direct contact with both parents on a regular basis (Article 9)
- Obligation to deal with applications by child or parents to enter or leave a country for purpose of family reunification in positive, human, and expeditious manner; right of child whose parents reside in different States; to maintain on regular basis personal relations and direct contacts with both parents (Article 10)
- Obligation to combat the illicit transfer and non-return of children abroad. (Article, 11)
- Right to express views freely in all matters affecting child; right to be provided opportunity to be heard in any judicial and administrative proceedings affecting child, either directly, or through representative or appropriate, body, in a manner consistent with procedural rules of national law (Article 1)
- Freedom of expression; 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 the child's choice

(Article 13)

- Freedom of thought, conscience and religion.; Rights and duties of the parents and legal guardians to provide direction to child in exercise of child's right in manner consistent with the evolving capacities of child (Article 14)
- Freedom of association and peaceful assembly (Article 15)
- Freedom from arbitrary or unlawful interference with privacy, family, home or correspondence, and from unlawful attacks on honor and reputation; right to protection of the law against such interference or attacks (Article 16)
- Obligations to (a) encourage mass media to disseminate information and material of social and cultural benefit to the child; (b) encourage international cooperation in the production, exchange and dissemination of such. information and material from a diversity of cultural, national and international sources; (c) encourage production and dissemination of children's books; (d) encourage mass media to have particular regard to linguistic needs of child who belongs to minority group or is indigenous; (e) encourage development of appropriate guidelines to protect child from information and material injurious to well-being (Article 17)
- Obligation to recognize principle that both parents have common responsibilities for upbringing and development of child; Obligation to render appropriate assistance to parents and legal guardians in performance of child-rearing responsibilities and to ensure development of institutions, facilities sand services for the care of children; Obligation to take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for

which they are eligible (Article 18)

- Obligation to take all appropriate legislative, administrative, social and educational measures to protect child from all forms of physical or mental, violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19)
- Right to special protection and assistance for child temporarily or permanently deprived of family environment; obligation to ensure alternative care for such a child (Article 20)
- Obligation to (a) ensure that adoption is authorized only by competent authorities who determine; (b) recognize that inter-country adoption may be considered as an alternative means of child's care; (c) ensure that child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in case of national adoption; (d) take all appropriate measures to ensure that, in inter-country adoption, placement does not result in improper financial gain for those involved (Article 21)
- Obligation to take appropriate measures to ensure that as child seeking refugee status or is a refugee, whether unaccompanied or accompanied by parents or any other person, receives appropriate protection and humanitarian assistance (Article 22)
- Rights of mentally or physically disabled child to enjoy full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate child's active participation in the community. Right of disabled child to special care; Obligation to extend free assistance to provide for special needs of disabled child, including effective access to and receives education, training, health care- services, rehabilitation

services, preparation for employment and recreation opportunities (Article 23)

- Right to enjoy highest attainable standard of health and to facilities for treatment of illness and rehabilitation of health (Article 24)
- Right of child placed in institution for care, protection or treatment of physical or mental health, to a periodic review of treatment and all other circumstances relevant to placement (Article 25)
- Right to benefit from social security, including social insurance; benefits should, where appropriate, be granted, taking into account resources and circumstances of child and persons responsible for child (Article 26)
- Right to standard of living adequate for child's physical, mental, spiritual, moral and social development; parent(s) or others responsible for child have primary responsibility to secure; within their abilities and financial capacities, conditions of living necessary for child's development; obligation to take appropriate measures to assist parents, and others responsible for child to implement this right and in case of need to provide material assistance and support programs, particularly for nutrition, clothing and housing (Article 27)
- Right to education (Article 28)
- Rights of child belonging to ethnic, religious or linguistic minorities or is of indigenous origin, in community with other members of group, to enjoy own culture, to profess and practice own religion, or use own language (Article 30)
- Right to rest and leisure, to engage in play and recreational activities

appropriate to age and to participate freely in cultural life and arts (Article 31)

- Right to be protected from economic exploitation and from performing any work hazardous or that interferes with the child's education, or is harmful to health or physical, mental, spiritual, moral or social development (Article 32)
- Obligation to protect children from illicit use of narcotic drugs, and psychotropic substances and to prevent use of children in illicit production and trafficking of such substances (Article 33)
- Obligation to protect child from all forms of sexual exploitation and sexual abuse; obligations to prevent: (a) inducement or coercion of child to engage in any unlawful sexual activity; (b) exploitative use of children in prostitution or other unlawful sexual practices; (c) exploitative use of children in pornographic performances and materials (Article 34)
- Obligation to prevent abduction, sale or traffic in children (Article 35)
- Obligation to protect child against all other forms of exploitation (Article 36)
- Obligation to ensure that: (a) No child is subjected to torture or other cruel, inhuman or degrading treatment or punishment and, that capital punishment nor life imprisonment without possibility of release is imposed on persons below eighteen years of age; (b) No child is unlawfully or arbitrarily deprived of liberty; (c) Right of child deprived (if liberty) to humane treatment, to be separated from adults; to maintain contact with family through correspondence and visits; (d) Right of child deprived of liberty to prompt access to legal and other appropriate

assistance, to challenge legality of deprivation of liberty before a court or other competent, independent and impartial authority, and to prompt decision on any such action (Article 37)

- Obligation to respect and ensure respect for rules of international humanitarian law in armed conflicts relevant to child; Obligation to take all feasible measures to ensure that persons below who fifteen years do not take direct part in hostilities; Obligation refrain from recruiting any person below fifteen years into armed forces; Obligation to take all feasible measures to ensure protection and care of children affected by armed conflict (Article 38)
- Obligation to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victim of any form of neglect, sexploitation, or abuse; torture or any other form of cruel, inhuman or degrading, treatment or punishment; or armed conflicts (Article 39)
- Right of child alleged as, accused of, or recognized as having infringed penal law to be treated in manner consistent with promotion of child's sense of dignity and worth, which. reinforces child's respect for human rights and fundamental freedoms of others and which takes into account child, age and desirability of promoting child's reintegration and child's assuming constructive role in society; Obligation to ensure that (a) No child shall be alleged as, be accused of, or a recognized as having infringed the penal law for acts or omissions that were not prohibited by national or international law at the time they were committed; (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: (i) To be presumed innocent until proven guilty according to law; (ii) To be informed promptly and directly of charges against him/ her, and, if appropriate, through parents or legal guardians,

and to have legal or other appropriate assistance in the preparation and presentation of defense; (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law; (iv) Not to be compelled to give testimony or confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality; (v) If considered to have infringed the penal law, to have decision and any measures imposed in consequence thereof reviewed by higher competent, independent and impartial authority or judicial buds according to law; (vi) To have free assistance of interpreter; (vii) To have privacy fully respected at all stages of the proceedings (Article 40)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 70 December 1984; entry into force 26 June 1987, in accordance with article27 (1)

- "Torture" - any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he or as third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such, pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity; does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions (Article 1)

- Obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture; freedom from torture non-derogable right (Article 2)
- Freedom from expulsion, return ("refouler") or extradition to another State where s/he would be in danger of being subjected to torture (Article 3)
- Obligation to ensure that: all acts of torture are offences under criminal law (Article 4)
- Obligation to take necessary measures as may be necessary to establish its jurisdiction over all acts of torture (Article,5)
- Obligation to take into custody a person alleged to have committed any act of torture (Article 6)
- Obligation to submit the case of person in custody for committing any act of torture to competent authorities for prosecution; right: of accused to guaranteed fair treatment at all stages of the proceedings (Article 7)
- Acts of torture included as extraditable offences (Article 8)
- Obligation of States Parties to afford one another greatest measure of assistance in connection with criminal proceedings for acts of torture, including supplying all evidence at their disposal necessary for the proceedings (Article 9)
- Obligation to ensure education and information regarding the prohibition against torture are frilly included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other

persons involved in custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment; obligation to include prohibition in rules or instructions issued in regard to the duties and functions of any such person (Article 10)

- Obligation to systematically review interrogation rules, instructions, methods and practice and arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment (Article 11)
- Obligation to conduct prompt and impartial investigation (Article 12)
- Obligation to ensure that any individual who alleges torture has the right to complain, and have case promptly and impartially examined by competent authorities; obligation to take steps to ensure that complainant and witnesses are protected against all ill-treatment or intimidation (Article 13)
- Obligation to ensure in legal system that victim of torture obtains redress and has enforceable right to fair and adequate compensation, including the means for as full rehabilitation. (Article 14)
- Obligation to ensure that any statement made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made (Article 15)
- Obligation to prevent other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (Article 16)

Relevant Human Rights Provisions, 1987 Constitution

(Maria Socorro I. Diokno)

- Sovereignty (Sec. 1, Art. II)
- Protection of life, liberty, and property and promotion of general welfare (Sec. 5, Art. II)
- Just and dynamic social order that will ensure prosperity and independence and free people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and improved quality of life for all (Sec. 9, Art. II)
- Social justice in all phases of national development (Sec. 10, Art. II)
- Values dignity of every human person and guarantees full respect for human rights (Sec. 11, Art. II)
- Right to health (Sec. 15, Art. II)
- Right of the people to balanced and healthful *ecology in accord* with rhythm and harmony of nature (Sec. 16, Art. II)
- Priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development (Sec. 17, Art. II)
- Promote comprehensive rural development and agrarian reform (Sec. 21, Art. II)
- Rights of indigenous cultural communities within framework of national

unity and development (Sec. 22, Art. 11)

- Encourage non-governmental, community-based, or sectoral organizations that promote welfare of the nation (Sec. 23, Art. II)

- Article III. Bill of Rights

- Right to life, liberty, or prosperity and equal protection of the laws (Sec. 1, Art. III)

- Right to be secure in persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose (Sec. 2, Art. III)

- Privacy of communication and correspondence (Sec. 3 (1), Art. III)

- Freedom of speech, expression, press, and right peaceably to assemble and petition government for redress of grievance (Sec. 4 Art. III)

- Freedom of religion (Sec., Art. III)

- Liberty of abode and right to travel (Sec. 6, Art. III)

- Right to information on matters of public concern. (Sec. 7, Art. III)

- Right, including those employed in public and private sectors, to form unions, associations, or societies for purposes not contrary to law (Sec. 8, Art. III)

- Right to property (Sec. 9, Art III)

- Obligation of contracts (Sec. 10, Art. III)
- Free access to the courts and quasi-judicial bodies and adequate legal assistance (Sec. 11, Art. III).
- Right to be informed of right to remain silent and to competent and independent counsel preferably of choice (Sec. 12 (1) Art. III)
- Freedom from torture, force, violence, threat, intimidation, or any other means that vitiate free will; prohibition on secret detention places, solitary, *incommunicado*, or other similar forms of detention (Sec. 12 (2), Art. III)
- Inadmissibility of any confession or admission obtained in violation of Section 12 or Section 17 (Sec. 12 (3), Art III)
- Penal and civil sanctions for violations of Section 12 and compensation to and rehabilitation of victims of torture or similar practices, and their families (Sec. 12 (4); Art III)
- Right to bail (Sec. 13, Art. III)
- Due process of law (Sec. 14(1), Art. III)
- Presumption of innocence, right to be heard by himself and counsel, to be informed of nature and cause of the accusation, to speedy, impartial, and public trial, to meet witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf (Sec. 14(2), Art. III)
- Privilege of the writ of *habeas corpus* (Sec. 15, Art. III)

- Right to speedy disposition of cases before all judicial, quasi-judicial, or administrative bodies (Sec. 16, Art. III).
- Right against self-incrimination (Sec. 17, Art. III)
- Freedom from arrest and detention for political beliefs and aspirations (Sec. 18(1), Art. III)
- Freedom from involuntary servitude (Sec. 18(2), Art. 11.1)
- Freedom from excessive fines, and cruel, degrading or inhuman punishment inflicted, death penalty (Sec. 19(I), Art. III)
- Freedom from employment of physical, psychological, or degrading punishment against any prisoner or detainee or use of substandard or inadequate penal facilities Under subhuman conditions (Sec. 19(2), Art. III)
- Freedom from imprisonment for debt or non-payment of poll tax (Sec. 20, Art. III)
- Double jeopardy (Sec. 21, Art. III)
- Prohibition against *ex post facto* law or bill of attainder (Sec. 22, Art. III)
- Goals national economy: more equitable distribution of opportunities, income, and wealth; sustained increase in amount of goods and services produced by the nation for benefit of people; and expanding productivity as key to raising the quality of life for all, especially the underprivileged (Sec. 1, Art. XII)

- Promote industrialization and full employment based on sound agricultural development and agrarian reform; protect Filipino enterprises against unfair foreign competition and trade practices (Sec. 1., Art. XII)
- Private enterprises, including corporations, cooperatives, collective organizations, encouraged to broaden base of ownership (Sec. 1, Art. XII)
- Use of property bears social function; right to own, establish and operate economic enterprises, subject to duty of State to promote distributive justice and to intervene when common good demands (Sec. 6, Art. XII)
- Promote preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive (Sec. 12, Art. XII)
- Pursue trade policy that serves general welfare and utilizes all forms and arrangements of exchange on basis of equality and reciprocity (Sec. 13, Art. XII)
- Highest priority to enactment of measures that protect and enhance the right to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities, by equitably diffusing wealth and political power for common good (Sec. 1, Art. XIII)
- Regulate acquisition, ownership, use, and disposition of property and its increments. (Sec. 1, Art. XIII)
- Promotion of social justice includes commitment to create economic opportunities based on freedom of initiative and self-reliance (Sec. 2, Art. XIII)

XIII)

- Full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all (Sec.), Art. XIII)
- Rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including right to strike in accordance with law; security of tenure, humane conditions of work, and living wage; right to participate in policy and decision-making processes affecting their rights and benefits (Sec. 3, Art. XIII)
- Promote principle of shared responsibility between workers and employers and preferential use of voluntary modes in settling disputes, including conciliation (Sec. 3, Art. XIII)
- Right of labor to just share in fruits of production and right of enterprises to reasonable returns on investments, and to expansion and growth (Sec. 3, Art. XIII)
- Agrarian reform program founded on right of farmers and regular farm workers to own directly or collectively lands they till or, in the case of other farm workers, to receive just fair of fruits thereof (Sec. 4, Art. XIII)
- Right of farmers, farm workers, and landowners, cooperatives and other independent farmers' organizations to participate in planning, organization, and management of program; State shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing and other support services (Sec. 5, Art. XIII)

- Apply principles of agrarian reform or stewardship in disposition or utilization, of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and rights of indigenous cultural communities to ancestral lands (Sec. 6, Art. XIII)
- Resettle landless farmers and farm workers in own agricultural estates, which shall be distributed to them in manner provided by law (Sec. (5, Art. XIII)
- Rights of subsistence fishermen to preferential use of communal marine and fishing resources, both inland and offshore. State shall provide support to fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services; protect, develop, and conserve such resources; right of fish workers to receive just share from labor in use of marine and fishing resources (Sec. 7, Art. XIII)
- Provide incentives to landowners to invest proceeds of agrarian reform program to promote industrialization, employment creation, and privatization of public sector enterprises (Sec. 8, Art. XIII)
- Undertake, in cooperation with private sector, continuing program of urban land reform and housing to make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas; promote adequate employment opportunities; rights of small property owners (Sec. 9, Art. XIII)
- Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane

manner (Sec. 10, Art. XIII)

- No resettlement of urban or rural dwellers shall be undertaken without adequate consultation (Sec. 10, Art. XIII)
- Adopt integrated and comprehensive approach to health development to make essential goods, health and other social services available to all at affordable cost; priority for needs of underprivileged sick, elderly, disabled, women, and children; provide free medical care to paupers (Sec. 11, Art. XIII)
- Establish and maintain effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to country's health needs and problems (Sec. 12, Art. XIII)
- Establish special agency for disabled persons for rehabilitation, self-development, self-reliance, and integration into society (Sec. 13, Art. XIII)
- Protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities to enhance their welfare and enable them to realize their full potential in service of the nation (Sec. 14, Art. XIII)
- Role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, legitimate and collective interests and aspirations through a peaceful and lawful means (Sec. 15, Art. XIII)
- People's organizations - *bona fide* associations of citizens with demonstrated capacity to promote public interest and with identifiable

leadership, membership, and structure (Sec. 15, Art. XIII)

- Right of people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making 16, Art. XIII)
- Commission on Human Rights (Sec. 17(1), Art. XIII)
- Composition of Commission: Chairman and four Members who are natural born citizens of Philippines and majority are members of Bar (Sec. 17(2), Art. XIII)
- Presidential Committee on Human Rights continues to exercise present functions and powers until Commission constituted (Sec. 17(3), Art. XIII)
- Automatic and regular release of approved annual appropriation of Commission (Sec. 17(4), Art. XIII)
- Powers and functions (Sec. 18, Art. XIII)
 - Investigate all forms of human rights violations involving; civil and political rights;
 - Adopt operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with Rules of Court;
 - Provide appropriate legal measures to protect human rights of all in Philippines and Filipinos residing abroad, and provide for preventive measures and legal aid service, to underprivileged whose human rights have been violated or need protection;

- Exercise visitorial powers over jails, prisons, or detention facilities;
 - Establish continuing program of research, education, and information, to enhance respect for human rights;
 - Recommend to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
 - Monitor Philippine Government's compliance with international treaty obligations on human rights;
 - Grant immunity, from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;
 - Request assistance of any department, bureau, office, or agency in performance of its functions;
 - Appoint officers and employees in accordance with law; and
 - Perform such other duties and functions as may be provided by law
- Congress may provide for other cases of violations of human rights that should fall within authority of Commission (Sec. 19, Art. XIII)

MODULE III

APPLYING HUMAN RIGHTS TO DEVELOPMENT

This module is a basic activity design module, which introduces practical ways to integrate human rights in three key areas of development: legislation, policy and planning. This module focuses on specific skills needed to integrate human rights in the three key areas of development. This module seeks to enhance the capacities of key Commission personnel to enable them to apply human rights to development,

This module has three sections, but participants shall. work on only one of the three sections:

Section A. Human Rights and Legislation

Section B. Human Rights and Policy Analysis

Section C. Human Rights and Development Plans

In this module, Ms. Maria Socorro 1. Diokno, Consultant to the Commission's Capacity Development Program, shall orient the participants to the activity, by providing a brief description of the activity, its methodology and expected outputs. Participants shall then be divided into five small groups; two small groups shall work on Section A, two small groups shall work on Section B, and the last small group shall work on Section C.

With the assistance of a facilitator, the small groups working on Section A shall, be provided with a sample legislation and are asked to analyze the legislation within the context of human. rights, and draft a position paper outlining their analysis o.f the legislation.

With the assistance of a facilitator, the small groups working on Section B shall be provided with Plan 747 (government's latest development plan) and a:re asked to analyze a policy outlined in the plan within the context of human rights.

Participants are then tasked to draft an advisory on the human rights impact of the policy and propose specific safeguards against any threats to human rights.

With the assistance of a facilitator, the small group working on Section. C shall be provided with Plan 747 (government's latest development plan) and are asked to analyze the development plan within the context of human rights. Participants are then tasked to develop a set of principles and safeguards to ensure that Plan. 747 is implemented fairly, equally, effectively and without discrimination.

All groups shall convene in plenary, where each group shall present its outputs for critiquing and debriefing by Ms. Diokno.

The duration of this session is 3 hours and 45 minutes: 2 hours and 45 minutes to undertake analysis of legislation/policy/development plan and to draft position paper/advisory/set of principles aid safeguards; and 1 hour for group presentations, critiquing and debriefing.

MODULE IV

ACTION PLANNING

An expected outcome of the Orientation Seminar is for Commission personnel to apply the knowledge and skills they have gained from the seminar to various aspects of their work in order to promote and advance a gender-responsive and human rights approach to development. This module aims to review the CHR-NEDA-UNDP Framework for RTD Shell Programme of the Governance Portfolio; identify concrete areas of the Commission's work where human rights can be integrated into different aspects of development; and discover ways to engage government and civil society to integrate human rights in development.

Director Rosette C. Librea, Director of HR Planning and Systems Monitoring Office and HR Information Systems Office, shall begin by reviewing the CHR-NEDA-UNDP Framework for RTD Shell Programme of Governance Portfolio. Together with the participants, Director Librea shall identify areas of work where human rights can be concretely integrated into different aspects of the development process. Director Librea and the participants shall then together, brainstorm on practical and concrete ways by which government and civil society may be encouraged and motivated to integrate human rights in development.

The duration of this module is 1 hour and 30 minutes.

To prepare for this session., please review the paper of Chair Purificacion C. Valera Quisunibing on the topic "Role of CHR, in Integrating Human Rights in Development" in Module 1.