

Speak Up, Speak Out: A Toolkit for Reporting on Human Rights Issues



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About Internews

Internews is an international non-profit organization whose mission is to empower local media worldwide to give people the news and information they need, the ability to connect and the means to make their voices heard.

Internews provides communities the resources to produce local news and information with integrity and independence.

With global expertise and reach, Internews trains both media professionals and citizen journalists, introduces innovative media solutions, increases coverage of vital issues and helps establish policies needed for open access to information.

Internews programs create platforms for dialogue and enable informed debate, which bring about social and economic progress. Internews' commitment to research and evaluation creates effective and sustainable programs, even in the most challenging environments.

Formed in 1982, Internews is a 501(c)(3) organization headquartered in California. Internews has worked in more than 70 countries, and currently has offices in Africa, Asia, Europe, the Middle East, Latin America and North America.

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List of abbreviations

AU	African Union (formerly the Organization of African Unity, or OAU)	ICJ	International Court of Justice
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	ICT	Information and communication technology
CED	International Convention for the Protection of All Persons from Enforced Disappearance	ICTR	International Criminal Tribunal for Rwanda
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	ICTY	International Criminal Tribunal for Former Yugoslavia
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	NGO	Nongovernmental organization
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, also referred to as the International Migration Convention or the Convention on Migrant Workers	OAS	Organization of American States
CRC	Convention on the Rights of the Child	OAU	Organization of African Unity (now the African Union, or AU)
CRPD	Convention on the Rights of Persons with Disabilities	OHCHR	(UN) Office of the High Commissioner for Human Rights
ECHR	European Convention on Human Rights	UDHR	Universal Declaration of Human Rights
ECOSOC	UN Economic and Social Council	UK	United Kingdom
FAO	Food and Agriculture Organization	UN	United Nations
IACHR	Inter-American Commission on Human Rights	UNESCO	United Nations Educational, Scientific and Cultural Organization
ICC	International Criminal Court	UNHRC	UN Human Rights Council
ICCPR	International Covenant on Civil and Political Rights	UNICEF	UN Children's Fund
ICESCR	International Covenant on Economic, Social and Cultural Rights	UNHCR	UN High Commissioner for Refugees
		UPR	Universal Periodic Review
		US or USA	United States or United States of America
		USSR	Union of Soviet Socialist Republics (former Soviet Union)
		WHO	World Health Organization



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Introduction

This toolkit is both a human rights reference guide and a workbook for journalists and civic activists who want to improve their ability to report on human rights issues in a fair, accurate, and sensitive way.

Internews believes that a critical first step toward ending human rights abuses is revealing them to the public through a variety of media platforms. However, we also know from experience that for journalists working in countries emerging from conflict or decades of autocratic rule, reporting on human rights can be extremely challenging. They face dangers associated with reporting on sensitive issues while also striving to protect the rights of victims and other vulnerable groups.

Over the past 30 years, Internews has worked with a variety of media professionals, including media managers, editors and journalists, in both traditional media (print, radio, TV) and online media (Web-based media, social media) spheres. We have worked in Africa, Asia, Latin America, the Middle East and Europe, and have run both general and content-based training programs through global projects focused on health, the environment, humanitarian issues, information and communication technology (ICT), governance and transparency.

This toolkit grew out of the Internews Global Human Rights Program, which aims to provide journalists in developing countries with the skills, knowledge and tools to report responsibly on human rights issues and generate innovative coverage of these topics. Through this program, professional journalists and citizen reporters in Thailand, Indonesia, Malaysia, Kenya, South Sudan, Chad, Central African Republic, Zimbabwe and Egypt participated in two- to three-week-long training courses where they learned

journalistic, thematic, technical and online skills necessary for this important work.

Citizens in each of these countries (and many others where Internews works) have a history of suffering human rights abuses. These crimes have been perpetrated by the state, religious insti-

“Both professional journalists and citizen reporters and human rights activists who do “advocacy journalism” are in a unique position to shed light on human rights violations.”

tutions, corporations or individuals within communities. Media workers all over the world continue to be intimidated, harassed, tortured and silenced as a result of their stories. It is therefore not surprising that many journalists avoid covering human rights issues or cover them superficially.



Both professional journalists and citizen reporters and human rights activists who do “advocacy journalism” are in a unique position to shed light on human rights violations. Their reporting can put pressure on governments and international organizations to take action. It can also help inform the public about their rights and how to access remedies for violations of these rights.

The brave journalists Internews works with struggle every day to tell these stories, placing themselves at grave risk and often becoming victims in the process.

While developing country governments have signed on to various international treaties and UN conventions, very few have set up independent bodies to monitor their adherence and make their findings public. Journalists who work in conflict areas and especially those who report on human rights issues find their access to stories restricted. Many are forced to rely on government public relations officers for information, sources and insight. This makes their human rights stories one-sided and lacking in credibility.

In many developing countries, numerous nongovernmental organizations specializing in monitoring human rights violations have sprung up. Often supported with funding from western democracies, they are better-resourced and staffed than government and media organizations, and many have become savvy producers of content and important players in the information marketplace. In contrast, the journalists who come to Internews for training often lack knowledge and understanding of human rights, and so can-

not provide reliable and consistent coverage.

In addition to limited thematic knowledge, another challenge Internews encounters is a lack of basic journalism skills. Internews trains journalists on multiple platforms – from the smallest rural community radio stations to large newspapers, public broadcasters and online and mobile mediums. We go out of our way to recruit trainees from rural areas and work with resource-poor media institutions, where qualifications and skills are even harder to find. Couple inadequate skills with lack of equipment and financing, and you have a powerful recipe for journalistic failure and the inability of the profession to serve as a stable pillar of democracy.

Internews also continuously adapts to the accelerated evolution of media itself. The Internet and mobile media have profoundly changed the media landscape in the last decade, and new media production tools and consumption devices introduced every year are continuously redefining consumers’ relationship to information. Accessible and convenient, these devices have led to a spectacular increase in the numbers and kinds of people breaking news and producing and disseminating information. Referred to as citizen reporters, street journalists, online journalists, social media activists, etc., they are uploading thousands of hours of user-generated content every day, making information an accessible, but often unreliable, commodity.

All these changes mean that journalists everywhere are forced to confront questions like: How do we provide consistent coverage



on human rights issues? How do we use the Internet as a resource for information? How do we make use of user-generated-content? And how do we evaluate the quality, validity and integrity of that content?

In this new media environment, Internews is increasingly working with both professional journalists and social media activists to help them learn skills necessary to produce better stories that are fair, balanced, accurate and independent – especially in places where media outlets need a lot of help.

We hope to address some of these issues and needs in this toolkit. We have designed the toolkit as a resource for journalists reporting on human rights issues, and we believe that it will be especially useful for those working in situations of war or conflict, or in post-conflict areas where human rights violations continue to occur.

The Who, What, When, Where, Why and How of this toolkit

A toolkit with universal usefulness is challenging to produce. The global human rights landscape is in a constant state of flux. The best training tools are context-specific and take trainees' journalism skills, thematic knowledge, and access to tools, platforms and

resources into account. They draw examples from local experience and rely on local as well as international expertise.

This toolkit follows Internews' tried and tested training methodology, which is hands-on, practical and links content knowledge to journalism skills and technical tools in a specific environment. At the end of each training, trainees produce media for the platform of their choice – a print piece, a radio program, a documentary, an online multimedia piece, etc.

This toolkit is not meant to be comprehensive and we suggest that trainers and students think of it as a guide. While many of the examples we provide come from Africa, their lessons can be applied to situations throughout the world. To be effective, the information and exercises should be contextualized with up-to-date examples appropriate to the local context.

Who will use the toolkit?

The toolkit's primary audience are journalists who have some experience working with human rights and media, and who want to improve their information-gathering and reporting skills. They may use it in formal trainings or download it and work through it independently.



Journalists do not work in isolation: Internews invites media owners and senior staff to encourage their journalists to use the toolkit, and hopes that it will also help owners, editors and producers increase their understanding of the value of human rights reporting in the media.

Finally, trainers can use the toolkit and an accompanying trainers' manual as a core resource to build journalists' skills to report in the human rights arena. They should complement the information provided with current examples and knowledge of the local context.

What is the toolkit?

The toolkit is both a human rights reference guide and a workbook. Much of the information it contains is not new. It draws on a variety of research, training and experience – especially that of the United Nations and the International Centre for War and Peace Reporting. (For a list of useful resources and references, please refer to page 163).

In order to tackle human rights issues, a basic knowledge of human rights is necessary. A lot of information about human rights can be found online, but Internet access is unreliable in most developing countries, media outlets around the world are under-resourced, and the legal framework and international covenants can be difficult to understand. We have therefore included an overview of key human rights principles, treaties and monitoring bodies.

The toolkit is laid out as a workbook. During training sessions, trainees will build lists of contacts, find new resources, develop story ideas and draft outlines. We include space to write these down for future reference.

When will it be used?

Both in training and after training, for as long as it is useful.

Where will it be used?

Globally. The toolkit is based on training provided in Thailand, Egypt, South Sudan, Chad, Kenya, Zimbabwe, Central African Republic, Malaysia and Indonesia, but its lessons are applicable everywhere. It focuses strongly on international human rights standards. In training, trainees will be encouraged to research human rights in their own national contexts.

Why is it important?

To contribute to journalists' knowledge, skills and capacity so they are able to provide the public with information about human rights that is accurate, reliable, truthful, useful and fair.

What's inside the toolkit

Section 1 - Human rights knowledge

The first and most important tool for journalists wanting to do good human rights reporting is knowledge about human rights, the relationship between international standards and national law, and the systems that create, promote and police human rights. Section 1 therefore introduces human rights, the UN System and the international justice system.

Section 2 - Journalism understandings, skills and tools

Here we work through the values and skills of the profession and some of the specific skills needed to tackle human rights issues.

Section 3 - Guide for practical application

Here we provide a step-by-step guide to producing a good human rights story.

Section 4 - Appendices

In the final section, we include summaries of the nine main human rights conventions as well as lists of countries that have not signed them, a calendar of days devoted to human rights issues that can be used as news hooks, and a variety of useful resources for human rights reporters.

1

Human Rights Knowledge



Speak Up, Speak Out:

**A Toolkit for Reporting
on Human Rights Issues**



Internews
Local voices. Global change.



Human rights knowledge

The world of human rights is complex and busy. For those who know how to use it, the UN is a rich source of information, learning and contacts. In Section 1 we explore the world of human rights and the UN.

The world of human rights is complex and busy. There are thousands of organizations that promote human rights and guard against abuses. There are hundreds of charters, treaties and laws. They refer to each other, asserting their “interrelatedness” and “interconnectedness.” There are universal rights, particular rights, positive rights, negative rights, first, second and third generation rights, all to ensure that we live full and free lives.

Yet there is widespread ignorance about human rights. Many people do not know what they are, how they came about, why they are there, or how to access them. There is also controversy. People with different cultures, traditions and religions interpret human rights differently. Human rights can be used to divide or to heal communities.

The main international body is the United Nations (UN). For those who know how to use it, the UN is a rich source of information, learning and contacts. In Section 1 we explore the world of human rights and the UN.

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Section 1 – Key terms

- **Article** — a clause, or section, or part of a treaty.
- **Bill of rights** — a formal declaration of rights and freedoms.
- **Charter** — a document that forms an organization and defines its guiding practices and principles.
- **Covenant, Convention, Treaty** — words used to refer to formal agreements between states (countries) that are legally binding. “Treaty” will generally be used in this toolkit to refer to such documents.
- **Gender** — socially constructed differences between men and women.
- **Human rights defender** — a term used to describe people who, individually or with others, take action to promote or protect human rights.
- **Impunity** - exemption from punishment. In international human rights law, impunity means the failure to punish perpetrators of human rights abuses and violation. Impunity is a denial of the victim’s right to justice.
- **International human rights law** — the international body of law that is designed to protect and promote human rights.
- **International law** — laws that govern and regulate relationships between states.
- **Multilateral** — between three or more parties. A multilateral treaty is therefore an agreement between three or more states.
- **Norm** — something that is usual, typical, or standard.
- **Nullify** — to nullify a signature is to revoke it, or to “unsign.”
- **Optional protocol** — an addition to a treaty, covenant or convention which a state has the option of signing.
- **Ratify, accept, approve or accede** — these all mean more or less the same thing. A state that ratifies, accepts, approves or accedes to a treaty, covenant or convention agrees to it and becomes a States Party.
- **Rights-based approach** — a way of working that ensures that the given approach is based on human rights and promotes human rights.
- **Sovereignty** — a sovereign state is an independent state with an effective government within a defined territory or geographic area.
- **States party** — once a state signs a treaty, that state agrees to, or is party to, the treaty and is called a States Party.
- **Statute** — a law.
- **Treaty** — another word, more commonly used, for convention or covenant, meaning a formal agreement between states.
- **Treaty-based** — an institution or mechanism established on the basis of an agreement signed by two or more states.
- **UN System** — all the international organizations, treaties and conventions that were created by the UN, and which the UN manages and enforces.
- **Universal** — belonging to, or affecting, all people.



What are human rights?

Human rights are a set of norms, or standards of behavior, that are intended to protect us so that we are able to live full lives, free from fear and abuse.

“Rights inherent to all human beings”

“Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”

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

Human rights are a set of norms, or standards of behavior, that are intended to protect us so that we are able to live full lives, free from fear and abuse. They are rights that belong to all people, just by virtue of being human.

Although the term “human rights” first became widely used in the 17th century in Europe, the rights themselves have their roots in ancient times. Most societies created traditions and responsibilities to protect individuals and build healthy communities by, for example, outlawing crimes like murder, rape and theft. We learn about these from oral and written histories. Some of the earliest written records are in the texts of the world’s major religions — the Muslim Quran, the Christian Bible, the Jewish Torah, the Hindu Vedas. They are also to be found in the essays of the ancient Greek, Arab and Chinese philosophers and the laws of Rome.

The language of human rights in politics came into use later, in documents like the English Bill of Rights (1689), the French Decla-

ration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791), which all speak of human rights. But these were not universal laws. They were national laws, and reflected the politics, cultures and values of their nations at those times. They discriminated against women, against certain religious and ethnic groups, and accepted slavery.

Human rights as we know them today are universal and have their history in many struggles. There were the struggles of the abolitionists in the 18th and 19th centuries to put an end to slavery in the US; the American and European suffragettes’ struggles in the 19th and 20th centuries for women’s equality; the anti-colonial struggles in America in the 18th century and in Asia and Africa in the 19th and 20th centuries; and workers’ ongoing struggles for better wages and health and safety standards in the workplace.

These struggles were often violent, and many people died fighting for their rights. But it took two world wars and mass slaughter

“Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.”

Martin Luther King Jr. (1929-1968).
Martin Luther King Jr. was a civil rights activist and leader in the African-American civil rights movement.

before human rights as we know them today came into being. The savagery of the First World War (1914-1918), in which over 40 million soldiers and civilians died on both sides, led to the creation of the League of Nations. The League tried to address human and minority rights and to regulate relationships between states to prevent war. However, the League collapsed, largely because of the failure of the major world powers to participate.

The Second World War (1939-1945) included genocide — the murder of six million European Jews and other minority groups, like Roma Gypsies — by Germany's Nazi regime led by the dictator Adolf Hitler. It also saw mass rapes by invading armies in Europe, China and Southeast Asia; indiscriminate bombings of civilians by German, UK, US and Japanese air forces; and torture and starvation of thousands of prisoners of war.

When the war ended in 1945, the victorious Allied Powers led by the US, the UK and the former Soviet Union brought the international community together to create an organization that would promote peace and human rights. This was the United Nations (UN).

The UN has four main aims:

- To keep peace in the world;
- To develop friendly relations among nations;
- To help nations work together to improve the lives of poor people, to conquer hunger, disease and illiteracy, and to encourage respect for each other's rights and freedoms;
- To be a center for harmonizing the actions of nations to achieve these goals.

Human rights and the UN Charter

The founding document of the United Nations is the UN Charter, which was signed in San Francisco on June 26, 1945. The UN Charter is a multilateral treaty, and is the highest authority in international law. This means that the UN Charter overrides any other treaties or agreements which UN member states sign. This is stated in Article 103, which says:

“In the event of conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

— *UN Charter, Article 103.*

In 1945, 51 states signed the UN Charter. Today, the UN has 193 member states — every country in the world except the Vatican City. All of these states are legally bound by the provisions of the UN Charter and recognize the UN Charter's authority in inter-

national law. Read more about the UN and its member states on page 21

Human rights for all

The UN Charter laid the foundation for the creation of international human rights for all:

- Article 55 says that the UN should promote universal rights for all;
- Article 56 says each member state should help the UN achieve these goals; and
- Article 68 called on the UN's Economic and Social Council to create a commission to promote human rights.

Troubled beginnings: the Universal Declaration of Human Rights (UDHR)

In 1947, in line with Article 68 of the UN Charter, the UN formed the Commission on Human Rights. The first task of the Commission, headed by Eleanor Roosevelt, was to reach agreement on a set of human rights that would be acceptable to all nations.

The drafting process was troubled by many disagreements. The delegates to the Commission represented the various nations of the UN and came from many different backgrounds, languages, religions and cultures. They had widely differing political and economic interests and ideologies. They were government officials and thus represented the policies of their nations.

Ideological battles

The main disagreements facing the Commission arose out of different positions taken up by the two big power groups, or “blocs” that dominated the UN. These were the Western bloc, led by the US and the UK; and the Soviet bloc, led by the Soviet Union. The end of the Second World War marked the beginning of the Cold War between capitalist countries, of which the biggest was the US, and socialist countries, represented by the Soviet Union. The two groups took fundamentally different ideological positions.

The three most controversial issues were (i) political and civil rights, (ii) social and economic rights and (iii) the question of enforcement — should human rights be legally binding in international law?

The Soviet bloc was supportive of economic and social human rights. However, because their centralized state structure included domination of minority ethnic groups within the Soviet Union, they were less enthusiastic about political and civil rights.

The Western bloc was more in favor of civil and political rights. However, the positions of the UK and other European states were



compromised because they ruled colonies in which the majority of people were denied basic human rights, including the right to vote.

Weakening the US position was the existence of widespread legal discrimination against black Americans, who were also not allowed to vote.

“All human rights for all”

– Slogan adopted to celebrate the 50th anniversary of the Universal Declaration of Human Rights in 1998.

On the question of enforcement, the two blocs agreed: both were strongly opposed to creation of an agency that would ensure that human rights for all were implemented and enforced. The main argument against creation of a binding treaty and enforcement agency was that implementation of human rights was an internal matter for each state. Enforcement would therefore infringe on a state's sovereignty.

There was a third bloc at the UN, which included developing nations. They were not united, though in general they supported both sets of rights (civil and political as well as social and economic rights) and the creation of an enforcement agency.

Birth of the Universal Declaration of Human Rights

To prevent a deadlock, the Commission's chairperson, Eleanor Roosevelt, proposed the idea of a “declaration” of general human rights principles rather than a treaty that would be binding in international law. Finally, agreement was reached, and on December 10, 1948 the General Assembly adopted and proclaimed the Universal Declaration of Human Rights (UDHR).

In adopting the UDHR, the Assembly called on all member states to publicize the text of the declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.” (The Universal Declaration of Human Rights, History of the Document www.un.org/en/documents/udhr/history.shtml)

The UDHR was the first international recognition that human rights and fundamental freedoms apply to everyone, everywhere. December 10 is celebrated every year, across the world, as International Human Rights Day. In some countries, it is a national holiday.

Many countries have included human rights based on the UDHR in their national constitutions and laws. However, what happens in practice is very different and human rights violations still take place in most parts of the world. The question of enforcement remains controversial, and one of the main criticisms of the UN, especially in relation to human rights, is that it lacks teeth. Over the

years, however, the UN has grown some teeth. [Read more about the UN's powers of enforcement on page 23.]

The UDHR

The UDHR forms the basis of over 60 international treaties, and has been translated into over 330 languages, making it the most translated document in the world.

The UDHR is the global standard for human rights. It has 30 articles that cover a wide range of political, social and economic rights, including the rights to life, liberty and security; to freedom from violence, torture and wrongful imprisonment, and the rights to freedom of movement and freedom of expression.

The UDHR laid the foundation for international human rights law, making it clear that every person has a “birthright” to fundamental human rights and is therefore not subject to the whims of the state. The 30 articles are expressed clearly and simply, and one of the main functions of the declaration is to raise awareness of human rights. Read the full text of the UDHR on page 136.

Definitions of human rights

The UN definition:

“Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”

—OHCHR website: www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx

This is how the Office of the UN High Commissioner for Human Rights (OHCHR) defines human rights. The OHCHR is the agency mandated by the UN to promote and protect human rights. The OHCHR also monitors human rights violations and has powers to recommend enforcement of human rights in countries that are members of the UN.

Here is how Amnesty International describes human rights:

“Human rights are basic rights and freedoms that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or other status.

Human rights include civil and political rights, such as the right to life, liberty and freedom of expression; and social, cultural and economic rights including the right to participate in culture, the right to food, and the right to work and receive an education. Hu-

“[The UDHR] is an educational document because it is simply a declaration that sets standards and puts down things for which we want to strive. It has no legal binding value, but it is a preparation for the coming bill of rights. When the Covenant is written, then we will have to be prepared to ask our various nations to ratify that Covenant and to accept the fact that the Covenant has legal binding value.”

- Eleanor Roosevelt, speaking at the second National Conference on UNESCO in 1949.

To read the full text of the speech, and find out more about Eleanor Roosevelt and the drafting of the Universal Declaration, visit www.udhr.org/history/biographies/bioer.htm



AMNESTY INTERNATIONAL

Amnesty International is the oldest and largest nongovernmental human rights organization in the world. It was founded in 1961 by Peter Benenson, a British lawyer, to collect information about and publicize the stories of “prisoners of conscience” (a term Benenson coined, meaning people who have been imprisoned on the basis of their opinions, race, religion, ethnicity, or political convictions). He published an “Appeal for Amnesty” on the front page of *The Observer*, calling on citizens to pressure their governments to release or at least provide these prisoners a fair trial. Newspapers in more than a dozen countries reprinted the article: public response was immediate and fierce, and a global movement was born.

Since its founding, Amnesty International has mobilized millions of citizens around the world to advocate for the release of political prisoners, rights of marginalized groups, an end to torture and the death penalty, and protection of human dignity. Its reports on human rights abuses are widely respected and consulted by international bodies, academics, NGOs and journalists.

man rights are protected and upheld by international and national laws and treaties.”

—*Amnesty International website: www.amnestyusa.org/research/human-rights-basics*

Amnesty International is one of the leading civil society organizations that promotes human rights and fights human rights abuses.

There are many different ways of defining and describing human rights. Each definition will reflect particular intentions and interests. But most will include, or imply, these four elements:

- **Human rights are universal.** We have human rights simply because we are human.
- **Protection, especially from abuse by those in power.** Human rights ensure that people can live in freedom and security.
- **Equality.** Everyone has them equally. You do not have more human rights than I do. I do not have more than you.
- **Human rights are international** and set standards for the behavior of states, groups and individuals.

Three generations of rights

The UDHR creates three generations (categories) of human rights. These are first, second and third generation rights. The generations are grouped in relation to the three slogans of the French Revolution (1789-1799), which led to the creation of a republic in France — liberté, égalité, fraternité (liberty, equality, fraternity).

First generation rights concern liberty and participation in political life. They are fundamentally civil and political in nature. They limit the power of the state over citizens and aim to prevent abuse by those in power. They are set out in Articles 2-21 of the UDHR. First generation rights include:

- Freedom from all forms of discrimination; for example, on the basis of gender and race.
- The right to life, liberty and security.
- Freedom from slavery and forced labor.
- Freedom from torture, cruel, inhuman or degrading treatment and punishment.
- Freedom from arrest without cause or judicial process, detention or exile.
- The right to a fair and public trial.
- The right to privacy.
- Freedom of movement and residence.
- The right to seek asylum from prosecution.
- Freedom of conscience, religion and thought.
- Freedom of opinion and expression.
- Freedom of peaceful assembly and association.
- The right to take part in government and to vote.
- The right to own property and not to be deprived of it arbitrarily.

Second generation rights concern social, economic and cultural equality. They include the equal rights of everyone to education, healthcare, and housing, and to take part in cultural activities. Governments are expected to take affirmative action to achieve

these rights. However, not all governments can afford universal education and healthcare, or to house all citizens, so they are incremental. This means that governments must demonstrate that they are taking positive steps to achieve them and enter into agreements with other governments and international organizations that can help them through aid.

Second generation rights are set out in Articles 22-27 of the UDHR and include:

- The right to social security.
- The right to work and to protection against unemployment.
- The right to rest and leisure, including public holidays with pay.
- The right to an adequate standard of living.
- The right to education.
- The right to take part in cultural and scientific activities and to protection of one's scientific and artistic creations.

Third generation rights concern fraternity, meaning brotherhood or solidarity, and are sometimes called “solidarity” rights. They include the right of everyone to a sustainable, clean and healthy environment, to social development and to other collective or group, rather than individual, rights. They are set out in Articles 28 and 29 of the UDHR.

Positive rights, negative rights

Human rights theory distinguishes between negative and positive rights.

A negative right is your right not to be interfered with. For example, the government may not take away your right to freedom of expression, to marry the person of your choice or to have a family. First generation rights are negative rights in that they protect individuals from state interference with their liberties.

A positive right is your right to receive goods or services; for example, welfare support, healthcare or a place to live. Second and third generation rights are positive rights.

Human rights on paper

Here we include information about how treaties are written, and the rights and duties of states and individuals in relation to treaties.



Conventions, covenants and treaties

Human rights norms are set out in international conventions, covenants or treaties. These are the formal agreements between states that set standards for the behavior of states (countries represented by governments) and individuals.

The organization responsible for adopting most international human rights treaties is the UN General Assembly. Once a treaty has been drafted, states have the option of agreeing to it. States are not obliged to sign any treaty, but when a state does sign the treaty, it is legally binding on that state.

Most human rights treaties use these key terms to describe human rights:

Inherent — human rights are natural or inborn to all human beings.

Universal — everyone has the same rights.

Inalienable — they cannot be taken away from us, except, in some circumstances, through fair legal processes. For example, the right to freedom may be restricted if a person is found guilty of a crime by a court of law, but imprisonment without trial is a violation of a person's right to freedom.

Indivisible — one cannot separate one right from another, or prioritize one right over another. For example, the right to a fair trial and the right to education are equal human rights. The right to a fair trial is not more important than the right to education.

Interrelated — all rights relate to each other; there are groups (or families) of rights; many treaties have the same rights and common characteristics and principles.

Interdependent — all rights depend on each other. For example, the right to vote depends on the right to freedom of movement; the right to life depends on the right to health care; the right to freedom of expression depends on the right of access to information.

International treaties, regional treaties

Conventions and treaties can be global; for example, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international treaty. Or they can be regional; for example, the African Charter on Human and Peoples' Rights (also known as the Banjul Charter) is a treaty that promotes and protects human rights and freedoms on the African continent. [Find out more about the main international and regional treaties in Part 3 on page 15]

Rights, duties and responsibilities for individuals and states

Human rights entail duties and obligations for both states and individuals.

States (governments) must not interfere with human rights, either of their own citizens or the citizens of other states. They must protect citizens against human rights abuses by other states, or by any other person or people.

Very importantly, human rights treaties say that states are obliged to take positive steps to ensure that all citizens enjoy human rights. This means that, if necessary, they must change their national legal systems to comply with international human rights standards.

Individuals — either on their own or in organizations or groups — have obligations to respect the human rights of others, and must not interfere with or violate the rights of others.

Human rights in international law

International human rights law is the body of law that protects and promotes human rights. It sets out the obligations of states in regard to human rights. By signing a treaty, the state agrees to be bound by the treaty; that is, the state is legally obliged to respect, protect and fulfill the human rights set forth in the treaty.

All countries in the world, except the Vatican, are member of the United Nations and all have signed or ratified at least one of the main human rights treaties. Eighty percent of states have signed or ratified four or more of the main treaties.

Human rights in national law

Once a state has signed an international treaty, the government is obliged to take steps to ensure that the national legal system complies with the standards set out in the treaty.

For example, a state that has signed CEDAW must ensure that none of its national laws discriminates against women. The state must also take positive steps to promote gender equality.

DUTIES OF STATES

- *“to respect”* – to refrain from any measure that may deprive individuals of the enjoyment of human rights.
- *“to protect”* – to prevent violations of human rights by third parties.
- *“to fulfill”* – to take steps to ensure that citizens have opportunities to obtain satisfaction of the basic needs recognized in human rights conventions.

POSITIVE ACTION!

Human rights standards and conventions require that states take positive measures to create an environment in which all can enjoy their human rights. That means states should set limits on their own power in relation to the rights of their citizens.

Many states have included international human rights standards in their national constitutions and laws, or have changed their constitutions and laws so that they are more compliant with international human rights standards.

States do not have to sign a treaty to comply with international human rights standards. Some states include international human rights standards in their national constitutions and laws even though they have not signed a particular human rights treaty.

Human rights and power

Human rights define relationships between individuals and power structures, especially the state.

Human rights set limits on state power; for example, freedom of expression rights set limits on a state’s power to restrict media. [For more about freedom of expression, see page 49]

How to read a treaty

Most human rights covenants, conventions or treaties are laid out in the same way. They usually have:

A preamble that explains why the treaty was created and describes its main intentions and points.

A set of articles, which is the list of the rights agreed to in the treaty. Articles are mostly divided into three groups: (i) the list of rights; (ii) a description of how they will be implemented and monitored, and (iii) an explanation of how the treaty will be signed and can be amended.

Signatories — each treaty is adopted by the governing body, and then opened for signature. Once enough states have signed, the treaty enters into force.

Signing up: becoming a state party

States can sign, ratify or accede to treaties. States that have signed, ratified or acceded to a treaty are referred to as **“states parties,”** meaning they are “party” to the treaty. In other words, they have agreed to be legally bound by its articles.

How states agree

The most usual way for states to become party to a treaty is by signing it.

Most human rights treaties are multilateral treaties (agreements between three or more states) and are open for signature indefinitely. However, some are only open for signature until a certain date. Once the deadline has passed, signature is not possible, and a state may only become a party to it through accession or ratification.



Simple signature: Multilateral treaties usually provide for simple signature; that is, signature that is subject to ratification, acceptance or approval. Simple signature means that the state intends to agree to be bound by the treaty at a later date.

The aim of simple signature is to give the state time to seek approval at the national level, through parliamentary processes or a referendum of citizens, and to pass any laws needed to ensure it is in compliance with the treaty.

In the period between signature and ratification, states must not act in ways that violate the treaty.

Ratification, acceptance, approval or accession

These terms all mean more or less the same thing. They are processes of confirmation and final agreement. The processes follow “simple signature.” Once a state has ratified, accepted or approved the treaty, or informed the UN Secretary-General that it is acceding to the treaty, the treaty is legally binding on that state.

Optional protocols

These are additional legal articles that add to and are relevant to the original treaty. Optional protocols usually address something that is missing in the treaty, or a new concern.

They are “optional” because they are *not automatically binding* on states that have already ratified the original treaty. Once an optional protocol has been adopted, states may independently agree whether or not to sign.

Usually, only states that have already agreed to be bound by an original treaty are likely to ratify its optional protocols. However, there are exceptions. The Optional Protocols to the Convention on the Rights of the Child (CRC) allow non-states parties to ratify or accede to them. For example, the US has not ratified the CRC but has ratified both of the optional protocols.

Enforcement

Treaties or their subsequent protocols generally establish bodies and procedures to monitor the implementation of and compliance with the treaties and receive and investigate complaints regarding violations. These treaty-based committees are subsidiary organs of the UN General Assembly. Although international bodies often lack the ability to enforce their decisions and recommendations, states will often comply either out of a sense of obligation, as a result of diplomatic efforts, or because of the threat of shame or embarrassment if they do not.

In other cases, complaints may be lodged with a regional or international tribunal, which have jurisdiction over States Parties.

The first recourse for addressing human rights issues is the state’s national legal system, and complaining parties are generally required to exhaust national remedies before turning to international bodies for help. However, in many cases the national response is inadequate and redress impossible. In such cases international human rights bodies offer an important avenue to pursue remedies for human rights violations.

The main human rights treaties

Here we introduce several of the documents that provide the basis for human rights standards worldwide.



The Universal Declaration of Human Rights (UDHR)

As discussed in Part 1, the Universal Declaration of Human Rights (UDHR) was the first universal and fundamental statement of human rights. It forms the basis of over 60 international treaties and is the global standard for human rights. But it is not a treaty; it is a statement of principles and therefore is not legally binding.

The International Bill of Rights

After the adoption of the UDHR in 1948, the Commission on Human Rights turned its attention to drafting agreements on specific political and civil rights, and social and economic rights. They drafted two treaties:

- The International Covenant on Civil and Political Rights (ICCPR), and the
- The International Covenant on Economic, Social and Cultural Rights (ICESCR).

In an era where colonialism, although in decline, was still practiced and where racism and ethnic discrimination were common, the two treaties were politically controversial. It took almost 20 years for UN member states to reach agreement on these rights. The treaties were finally approved in 1966, 18 years after the adoption of the UDHR. It took another 10 years before these two treat-

ties were signed by enough states to ratify them, and they finally came into force in 1976.

The Universal Declaration of Human Rights, with the two conventions — the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights — form the International Bill of Rights.

The International Covenant on Civil and Political Rights

The ICCPR commits states to respect the civil and political rights of all people, including the right to self-determination, to life, freedom of speech, freedom of religion, freedom of assembly, electoral rights and rights to a fair trial. As a covenant (treaty), the ICCPR is legally binding in international law.

These are mainly first generation rights. The treaty is monitored by the Human Rights Committee. For a summary of the main articles of the ICCPR, see page 139.

CONFUSION ALERT!

Treaties and conventions are legally binding to States Parties – that is, states that have agreed to them. The UDHR is not legally binding because it is not a treaty, but a declaration of principles.



The International Covenant on Economic, Social and Cultural Rights

The ICSECR commits states to work toward achieving economic, social and cultural rights for individuals. These rights include labor rights and the right to health care, the right to education, and the right to an adequate standard of living.

These are mainly second generation rights.

The treaty is monitored by the Committee on Economic, Social and Cultural Rights.

For a summary of the main articles of the ICSECR, see page 142.

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

The CAT and its Optional Protocol outlaw torture and cruelty throughout the world. As a convention, the CAT is legally binding in international law.

The treaty is monitored by the Committee Against Torture.

For a summary of the main articles of the CAT, see page 144.

Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD protects the rights and dignity of people living with

disabilities. It is legally binding and commits states to ensure that people with disabilities have full human rights and equality under the law.

The treaty is monitored by the Committee on the Rights of Persons with Disabilities.

For a summary of the main articles of the CRPD, see page 146.

Convention on the Rights of the Child (CRC)

The CRC is the most widely signed treaty in the world. It is supported by all member states of the UN General Assembly, except the US and Somalia. The CRC draws on other treaties and brings together children's rights expressed in the other treaties. It guides the way in which all people and states should view children. The principles in the CRC apply to children and adults. Children are defined as young people up to the age of 18, and the CRC pays special attention to children belonging to minority ethnic groups. The CRC recognizes the family as the primary site of care and responsibility for children. It says states, and those who care for children, must always act in the child's best interests. As a convention, the CRC is legally binding in international law.

The treaty is monitored by the Committee on the Rights of the Child.

For a summary of the main articles of the CRC, see page 150.

International Convention on the Elimination of All Forms of Racial Discrimination

The ICERD defines and condemns racial discrimination. It calls for states to act to ensure the advancement of specific racial or ethnic groups. It outlaws dissemination of ideas based on racial superiority or inspiring racial hatred, and makes them punishable by law. As a convention, it is legally binding in international law.

The treaty is monitored by the Committee on the Elimination of Racial Discrimination (CERD).

For a summary of ICERD, see page 154.

Convention on the Elimination of All Forms of Discrimination against Women

The CEDAW promotes women's equality and sets out steps that states must take to ensure women's equality in private and public life. As a convention, CEDAW is legally binding in international law.

The treaty is monitored by the Committee on the Elimination of All Forms of Discrimination Against Women.

For more about CEDAW see Part 5, A Bill of Rights for Women, and for a summary of CEDAW, see page 155.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

This convention is also referred to as the International Migration Convention or the Convention on Migrant Workers (CMW). It protects migrant workers; promotes respect for migrants' human rights; aims to guarantee that migrants receive equal treatment to citizens under the labor laws of the state where they are working. As a convention, it is legally binding in international law.

The treaty is monitored by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

For a summary of the Convention on Migrant Workers, see page 157.

International Convention for the Protection of All Persons from Enforced Disappearance

The ICPED provides a legally binding instrument to protect individuals against enforced disappearance. It defines enforced disappearance and requires criminalization of the act and prevention and protection of victims. It entered into force on December 10, 2010.

The treaty is monitored by the Committee on Enforced Disappearances (CED).

For summary of the ICPED, see Appendix A10, page 161.

Non-UN treaties

There are also several international human rights treaties which did not originate with the UN. The most important are:

The Rome Statute

The Rome Statute defines the four most serious crimes against humanity and sets up the International Criminal Court (ICC) to try people who are accused of these crimes. The Rome Statute is binding in international law.

Read more about the Rome Statute, the four gravest crimes and the ICC on page 39.

The Geneva Conventions

The Geneva Conventions set standards in international law for humanitarian treatment of civilians during war and conflict. They also recognize the human rights of journalists during war and conflict. The Geneva Conventions and their additional protocols are binding in international law.

See page 45 for a discussion of the Geneva Conventions and a summary of the key articles.

Regional human rights systems

The Organisation of African Unity, the Council of Europe and the Organization of American States have all adopted treaties to further human rights in their regions. Countries that have signed these regional treaties are all bound by them.

There is currently no regional human rights convention in Asia. The three main regional human rights treaties are:

The American Convention on Human Rights

The Organization of American States (OAS) adopted the American Convention on Human Rights in 1969. It entered into force on July 18, 1978.

The system includes the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights.

The Commission is a permanent body which meets several times a year and monitors observance of the rights contained in the American Convention on Human Rights.

The Court's job is to interpret the Convention and to adjudicate on cases where violations are claimed. Individuals may not petition the Court directly, as with the European Court, but must first take their cases to the Commission, which decides whether their cases should be heard by the Court.

The US is a signatory of the Convention, but is not a party to the Court. Most Latin American countries are party to the Court. The Court has succeeded in ordering Latin American governments to pay compensation to families that have lost members through human rights violations. It has also persuaded governments to release the victims of unjust trials and prison sentences.

The OAS has also adopted several other treaties related to human rights, including torture, economic, social and cultural rights, the death penalty, violence against women, forced disappearances, disabilities and a declaration on principles concerning freedom of expression.

Read more at www.oas.org (click on “Documents,” then “Treaties and Conventions.”)

The European Convention on Human Rights (ECHR)

In 1953, the Council of Europe adopted the European Convention on Human Rights and Fundamental Freedoms. The European Convention on Human Rights provides for the European Court of Human Rights. The Court is in Strasbourg and adjudicates individual cases and issues between states.

All 47 member states of the Council of Europe have signed the Convention and are under the jurisdiction of the European Court of Human Rights.

Individuals who believe their rights are being violated, and who have failed to solve the problem through national courts, may submit their cases to the European Court of Human Rights. If they succeed through the European Court of Human Rights, the national rulings are usually set aside and the European Court’s ruling has the force of law.

For example, the UK government was ordered to pay damages to former army officers who had been discharged for being homosexual. Article 8 of the European Convention on Human Rights allows all citizens the right to a free and private life. The British Armed Forces may no longer fire anyone for being homosexual.

In another example, the European Court upheld the French government’s ban on Muslim girls’ wearing the hijab (headscarf) in schools. The Court’s unanimous ruling was that there had been no

violation of Article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights, because the ban was intended to uphold the principle of secularism in schools (that schools should not be affiliated to any particular religion) and was not a specific attack on the Muslim religion.

The Council of Europe has also adopted other human rights treaties involving economic, social and cultural rights, torture, national minorities, violence against women, trafficking in human beings and racism and intolerance.

Read more at www.hri.org/docs/ECHR50.html

The African Charter on Human and Peoples’ Rights

The Charter was adopted by the Organisation of African Unity (OAU, now the African Union — AU) in 1981 and entered into force on October 21, 1986. October 21 was declared “African Human Rights Day” to celebrate the occasion. The Charter has 53 signatories.

The Charter lists rights and duties covering all walks of life, from family security to African unity. It stresses that civil and political rights cannot be separated from economic, social and cultural rights.

Many clauses refer to national law, and are subsidiary to national law. The Charter has been criticized for this, because in many countries oppressive laws that limit human rights still exist.

The OAU also established the African Commission on Human and Peoples’ Rights. The Commission’s function is to promote the rights outlined in the Charter, ensure their protection and to interpret the Charter.

There previously was no court to hear cases of either states or individuals, and the Commission was criticized for being toothless.

The African Court on Human and Peoples’ Rights began operations in 2006 and has recently begun to hear cases regarding violations of the African Charter on Human and Peoples’ Rights.

The AU has also adopted conventions on the rights of children and the rights of women.

www.achpr.org/english/_info/charter_en.html

Use this space!

List the main treaties your country has signed. If necessary, refer to Appendix C “Has your country signed up?”

Which of the main treaties has your country **not** signed? Do you know why not?

What positive constitutional and legal steps has your government taken to foster gender equality?

Is your government violating any of the rights in the nine international treaties listed here? Name the rights. Say how they are being violated. What can you do about it in your professional role as a journalist?

The right	The violation	What to do – story ideas!

What rights are being violated within your community? Name the rights. What can you do about this in your professional role as a journalist?

The right	The violation	What to do – story ideas!

Getting to know the UN

To do good human rights reporting, understanding the UN and how it works is very important.



The UN is a rich source of information, learning and contacts. It has agencies focused on many different sectors and issues — like children, women, health, poverty, population, disability and education.

The UN employs thousands of human rights advocates and defenders all over the world, including an international peacekeeping force, the Blue Berets. It has research and statistics departments that churn out papers and numbers about practically every aspect of human life. It has hundreds of offices and employs thousands of people all over the world.

The main UN offices

The main offices of the UN are in New York City in the US. The UN also has offices in Geneva (Switzerland), Vienna (Austria) and Nairobi (Kenya), which perform a variety of functions.

UN headquarters and offices:

- **Headquarters in New York City**
www.un.org
- **Geneva** — UN Office in Geneva (UNOG)
www.unog.ch
- **Vienna** — UN Office in Vienna (UNOV)
www.unvienna.org/unov
- **Nairobi** — UN office in Nairobi (UNON)
www.unon.org

Who leads the UN?

The Secretary-General is the UN's leader and spokesperson. According to the UN's founding document, the UN Charter, the Secretary-General is the UN's "chief administrative officer."

The current Secretary-General is Ban Ki-moon of South Korea, who was appointed in January 2007. Each Secretary-General serves for five years, but the same person can be reappointed for several terms.

Funding and independence of the UN

The UN is funded by member states and by voluntary contributions. Each member state contributes according to its means, calculated as a percentage of gross national income. This means that the richest states pay the most. At present, the US pays the most, but to ensure that the UN does not become overly dependent on any one state, the maximum a state can contribute is 22% of the UN's total budget.

Six official languages

The UN has six official languages: Arabic, Chinese, English, French, Russian, and Spanish.

THE VATICAN CITY

The tiny Vatican City, the home of the Roman Catholic Church, is recognized as a sovereign state. The Vatican City has fewer than 1,000 citizens, including the Pope, his Cardinals, the clergy and the Swiss Guards who protect the Vatican Palace. The Vatican City has chosen not to become a member, but has permanent observer status at the UN.

The UN Charter

As discussed on page 5, the founding document of the UN is the UN Charter. The UN Charter is a multilateral treaty that serves as the UN's constitution. It is the highest authority of international law, is legally binding on all parties and overrides any other treaties or agreements that member states sign.

Member states

Any sovereign state can join the UN. The first 51 member states joined when they signed the UN Charter in 1945. Since then, membership has steadily increased and today the UN has 193 member states — every country in the world except the Vatican City. The youngest member of the UN is the Republic of South Sudan, which formally separated from Sudan on July 9, 2011 following an internationally monitored referendum held in January 2011. South Sudan was admitted as a new member state of the UN on July 14, 2011.

Human rights

Human rights are fundamental to the UN. The UN's work in human rights is carried out by many bodies and agencies. Some of these are directly concerned with particular human rights, for example, UN Women, which promotes gender equality and women's empowerment [www.unwomen.org]. Others focus on particular issues, but take a human rights approach, or a **rights-based approach**, to dealing with these issues, for example the World Health Organization [www.who.int].

The UN System

“UN System” is an umbrella term that is used to refer to all the international organizations, treaties and conventions that were created by the UN, and which the UN manages and enforces.

The main structures in the UN System

The five main UN bodies are the General Assembly, Security Council, Economic and Social Council, Secretariat and International Court of Justice.

UN General Assembly

The UN General Assembly (UNGA) is comprised of the 193 member states of the UN, represented by their delegates. Each member state is regarded as equal in the UN and each state's vote is of equal value. The General Assembly is the most representative body of the UN and ultimately approves all UN treaties and instruments. It also elects the members of the Security Council, Economic and Social Council, and the Human Rights Council. Additionally it oversees the subsidiary programs of the UN as well as the charter-based committees, treaty-based committees and other committees.

The General Assembly may also adopt resolutions. On most issues, a resolution is adopted if the majority of states vote for it. On important issues, a two-thirds majority is needed for adoption. Important issues include peace and security, election of members to other bodies of the UN System, admission, suspension and expulsion of member states, and the UN budget.

Only General Assembly resolutions related to organizational matters such as budget or subsidiary organs are binding on members. Other resolutions of the General Assembly are non-binding, which means that they are considered as recommendations to member states.

UN Security Council

The Security Council's job is to maintain world peace and security, and so it considers all matters that are likely to affect peace and security. It has the power to impose sanctions (for example, economic sanctions, bans on arms sales, or diplomatic sanctions against states). The Security Council can also authorize military action; for example, it imposed a “no-fly zone” over Libya in 2011. The “no-fly zone” enabled NATO bombers to prevent Colonel Muammar Gaddafi from deploying his air force to attack rebel positions.

The council can also deploy UN peacekeeping troops to areas where there is conflict. Peacekeepers include soldiers, civilian police officers and civilians drawn from many countries. Their role is to protect civilians and monitor the maintenance of peace and compliance with peace agreements. They also help reintegrate former combatants into society. Read more about UN peacekeeping on page 26.

The Security Council has also authorized the establishment of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

There are 15 member states of the Security Council. Of these, five states — China, France, Russia, the UK and US — are permanent members. The permanent members — known as the P5 — each have the power to veto a resolution; that is, to prevent a resolution from being passed by voting against it. The P5 states may also abstain from voting on a resolution, but abstention does not prevent the resolution from being adopted.

The other 10 nonpermanent members of the Security Council are elected by the General Assembly every two years. Decisions of the Security Council related to international peace and security are binding on member states.

UN Economic and Social Council (ECOSOC)

ECOSOC is the main forum for discussing international economic and social issues, and for drafting policy recommendations for discussion by the General Assembly and other bodies in the UN System. It also oversees several functional commissions, regional commissions and expert bodies related to economic and social issues.

UN Secretariat

Headed by the Secretary-General, and employing an international staff, the Secretariat provides support services to UN bodies for their meetings; for example, research, information, logistics and other tasks.

International Court of Justice (ICJ)

The ICJ is the judicial body of the UN. It is based in The Hague, Netherlands and acts as a world court. Its main function is to hear and rule on legal disputes between states and to provide advisory opinions on questions submitted to it by the organs of the United Nations or specialized agencies authorized to make such requests.

Human Rights Bodies within the UN System

The Office of the High Commissioner for Human Rights (OHCHR) is the main UN body dealing with human rights. It offers expertise and support to the different human rights monitoring agencies in the UN System.

The High Commissioner at the time of writing is South African lawyer Navanethem Pillay, whose four-year term began on September 1, 2008.

Human rights monitoring bodies

The UN System has two categories of human rights monitoring bodies:

CONFUSION ALERT!

It is easy to confuse the **International Court of Justice (ICJ)**, which is a UN body that rules on legal disputes between states, with the **International Criminal Court (ICC)** which tries individuals for crimes against humanity, genocide and other international crimes. The ICC is not a UN body and is not part of the UN System.

- For more about the ICJ, visit the ICJ website: www.icj-cij.org.
- For more about the ICC see page 39 and visit the ICC website: www.icc-cpi.int.

EXPULSION AND SUSPENSION FROM THE UN

Article 5 of the UN Charter says that a member state may be suspended or expelled from the UN if the UN Security Council has taken preventive or enforcement action against it. The member may be reinstated on the recommendation of the Security Council.

Article 6 of the UN Charter says that a member of the UN which has persistently violated the principles contained in the Charter may be expelled by the General Assembly on the recommendation of the Security Council.

No member states have been suspended or expelled from the UN under Articles 5 and 6. But in a few cases, states have been suspended or expelled from participating in UN activities by other means:

TAIWAN

In 1971, the UN General Assembly adopted Resolution 2758, recognizing the People's Republic of China instead of the Republic of China (Taiwan) as the legitimate representative of China in the UN. This effectively excluded Taiwan from the UN, but avoided formal expulsion by the Security Council, which would have been subject to veto by the US, which at that time recognized Taiwan.

SOUTH AFRICA

In 1974, the Security Council considered a draft resolution recommending the expulsion of South Africa from the UN in compliance with Article 6. At that time, South Africa's apartheid policies of legally entrenched racial domination of white South Africans over black South Africans violated the UN Charter's principles of equality and freedom. However, the resolution was vetoed by three permanent members of the Security Council: France, the UK and the US. In response, the General Assembly suspended South Africa from participation in the work of the General Assembly. The suspension lasted for 20 years, until 1994 when South Africa finally held democratic elections.

LIBYA

In March 2011, the General Assembly unanimously voted to suspend Libya from the UN Human Rights Council, citing the Gaddafi regime's use of violence against antigovernment protesters. In a statement, the General Assembly said that Libya had committed "gross and systematic violations of human rights." The suspension was temporary. In November 2011, the General Assembly voted overwhelmingly to reinstate Libya's membership on the Human Rights Council after its new government pledged to defend human rights and establish the rule of law.



UN HIGH COMMISSIONER FOR HUMAN RIGHTS

As of this writing, the UN High Commissioner for Human Rights is Navanethem Pillay, whose four-year term began on September 1, 2008. Pillay is a lawyer and academic from South Africa. During the apartheid era of autocratic, racist, white minority rule in South Africa,

Pillay defended many anti-apartheid activists in court.

UN System Chart: www.un.org/en/aboutun/structure/pdfs/un_system_chart_c_olour_sm.pdf

- UN Charter-based bodies and mechanisms, created based on the UN Charter.
- UN Treaty-based bodies, created under international human rights treaties and made up of independent experts who monitor states' compliance with their treaty obligations.

Charter-based bodies and mechanisms

The **UN Human Rights Council (UNHRC)** is an intergovernmental council made up of 47 states. It strengthens, promotes and protects human rights around the world.

The **Universal Periodic Review (UPR)** is a cooperative process through which the UNHRC can review human rights situations and records of all member states (193 as of as of this writing). It was initiated in 2006, and by the end of 2011 every member state had been reviewed once (with the exception of South Sudan, which became a member state in July 2011). The review cycle re-starts every four years.

It is up to each state to describe the human rights situation in their country. With support from the UNHRC, states conduct reviews and submit reports. The reports must honestly reflect the human rights situation and declare what actions the state has taken to improve human rights within their borders and to fulfill their obligations in relation to the human rights conventions they have signed. Each country is treated equally when under review.

The aim of the UPR is to remind states of their responsibilities and obligations with respect to human rights. Ultimately, the UPR intends to provide information that will enable the UN to address human rights violations across the world.

Complaint Procedures of the Human Rights Council. The UNHCR has procedures for receiving complaints regarding consistent patterns of gross and reliably attested human rights violations. Under the "1503 Procedure," as it is known in reference to the resolution under which it was adopted, a complaint is sent to the Office of the High Commissioner for Human Rights (OHCHR), which then passes it on to the Human Rights Council. The Working Group on Communications considers whether the complaint is admissible, and if so it forwards the complaint to the Working Group on Situations. After considering the complaint, the Working Group makes a report and recommendation to the Human Rights Council. The UNHCR then considers the complaint in closed sessions and decides on a course of action.

A complaint may be deemed *inadmissible* if:

- It has manifestly political motivations and is not consistent with human rights law;
- It does not contain a factual description of the alleged violations, including the rights which are alleged to be violated;
- Its language is abusive;

CONFUSION ALERT!

It is easy to confuse the **UN Human Rights Council (UNHRC)** with the **Commission on Human Rights**. The Commission on Human Rights was the original body that drafted the Universal Declaration of Human Rights. It led development and monitoring of human rights until 2006. **But it no longer exists.** To read more about the Commission and its past role in developing human rights, see page 5 in Part 2.

In 2006, the Commission was replaced by the Human Rights Council. The UN Human Rights Council has a more extensive mandate than the Commission did. Its special expanded functions include monitoring and review of states' performance, hearing complaints against states for violations of human rights and recommending action.

For more about the UN Human Rights Council, see www2.ohchr.org/english/bodies/hrcouncil.

When you are doing background research, watch out! Many websites still refer to the Commission on Human Rights, because the UNHCR is currently undergoing an institution building process in order to incorporate and adapt the Commission's structures and functions. If you have any doubts, visit the website of the Office of the High Commissioner for Human Rights (www.ohchr.org) and go to the Human Rights Bodies dropdown menu, where you will find up-to-date information.

SHADOW REPORTS

In addition to the official report submitted to the UPR by a state's government, other bodies (e.g. UN agencies, NGOs, academic institutions, etc.) may submit their own reports, known as "shadow reports," as additional information for the committee's review. These reports may address gaps or misrepresentations in the state's official report and evaluate its assumptions and analysis for fairness and accuracy.

SPOTLIGHT ON "THE DARKEST CORNERS"

The Universal Periodic Review "has great potential to promote and protect human rights in the darkest corners of the world." – *Ban Ki-moon, UN Secretary-General.*

- It is not submitted by the victim or by a person or group with direct knowledge of the violation or with clear evidence
- It is exclusively based on reports disseminated by mass media;
- It refers to a situation already being dealt with by the UN or regional bodies; or
- Domestic remedies have not been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

Special Procedures of the Human Rights Council. From time to time, the UNHCR will research a particular theme, for example, violence against women, freedom of expression, detention without trial or human trafficking. The processes and means through which the UN conducts this research are known as "Special Procedures."

The term "Special Procedures" is also used to refer to investigations of human rights violations in particular countries. In 2011, there were Special Procedures mandates to investigate eight countries: Burundi, Cambodia, North Korea, Haiti, Myanmar (Burma), Palestine, Somalia and Sudan.

The people who carry out Special Procedures mandates are "mandate holders." They work as individuals, in which case they are titled Special Rapporteur, or Special Representative of the Secretary-General, or Independent Expert. Alternately, Special Procedures mandate holders can be a working group, usually comprised of five members — one from each global region.

It is very important for mandate-holders to be independent and impartial. Therefore, they serve in their personal capacity and do not receive any payment for their work.

Mandate holders are experts, usually prominent human rights figures from different fields. They include judges, academics, econo-

mists, leaders in the NGO sphere, former senior staff of the UN and lawyers.

When Special Procedures mandate-holders receive information about human rights violations in a particular state, they send letters to the government asking for clarification. They may carry out country visits if the government of the country in question agrees. After country visits, the mandate-holders issue a public report, called a mission report, containing their findings and recommendations.

Treaty-based bodies

When states sign treaties, they agree to improve the human rights situations in their countries in order to comply with the treaties.

The main work of the treaty bodies is to review states' reports about steps they have taken to comply with their obligations. Four committees (CCPR, CERD, CAT and CEDAW) can receive petitions from individuals who claim that their rights under the treaties have been violated. The treaty bodies also interpret and comment on the treaties, and organize discussions on themes.

There are nine human rights treaty bodies, one for each of the main international treaties, which are listed on pages 136 to 162.

The **Human Rights Committee** monitors implementation of the International Covenant on Civil and Political Rights and its optional protocols;

The **Committee on Economic, Social and Cultural Rights (CESCR)** monitors implementation of the International Covenant on Economic, Social and Cultural Rights;

The **Committee on the Elimination of Racial Discrimination (CERD)** monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

The **Committee on the Elimination of Discrimination Against Women (CEDAW)** monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its optional protocol;

The **Committee Against Torture (CAT)** monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment;

The **Committee on the Rights of the Child (CRC)** monitors implementation of the Convention on the Rights of the Child and its optional protocols;

UPDATE ALERT!

At the time of writing this toolkit, the UN was reviewing the Special Procedures system. Check the UN website for details.

KEEPING THE PEACE IN A VIOLENT WORLD

“Today, we have more than 110,000 men and women deployed in conflict zones around the world. They come from nearly 120 countries – an all-time high, reflecting confidence in United Nations peacekeeping. They come from nations large and small, rich and poor – some of them from countries recently afflicted by war themselves. They bring different cultures and experiences to the job, but they are united in their determination to foster peace. Some are in uniform but many are civilians and their activities go far beyond monitoring. They train police, disarm ex-combatants, support elections and help build state institutions. They build bridges, repair schools, assist flood victims and protect women from sexual violence. They uphold human rights and promote gender equality. Thanks to their efforts, life-saving humanitarian assistance can be delivered and economic development can begin.”

– Ban Ki-moon, Secretary-General of the UN, in a 2008 speech honoring 60 years of UN peacekeeping. (www.un.org/events/peacekeeping60/sgmessage.shtml)

WHAT IS PEACEKEEPING?

The UN defines peacekeeping as creating the conditions for lasting peace. The principles guiding peacekeepers are:

- Consent of the parties;
- Impartiality;
- Non-use of force except in self-defense and defense of the mandate.

UN peacekeepers wear distinctive blue berets or helmets for easy recognition. The first UN peacekeeping force was deployed to the Middle East in 1948, to monitor the peace brokered between Israel and neighboring Arab states. Since then, there have been 64 missions. Peacekeepers often come under fire and over 2,860 UN peacekeepers from 120 different countries have been killed while on missions.

In 2011, at the time of writing this manual, UN peacekeepers were active in Western Sahara, Sudan, Congo, Liberia, Cote d’Ivoire, Haiti, Kashmir, Afghanistan, East Timor, Cyprus, Middle East, Golan Heights, Lebanon and Kosovo.

Many Blue Berets have been killed during peacekeeping missions. Unfortunately, there have also been reports of Blue Berets committing human rights abuses, which have been investigated and publicized by national and international human rights organizations.

For more about UN peacekeeping operations, see the UN Peacekeeping website: www.un.org/en/peacekeeping.

The **Committee on Migrant Workers (CMW)** monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

The **Committee on the Rights of Persons with Disabilities (CRPD)** monitors implementation of the International Convention on the Rights of Persons with Disabilities;

The **Committee on Enforced Disappearance (CED)** monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance.

The treaty bodies are supported by the Human Rights Treaties Branch of the OHCHR, which is based in Geneva.

UN Programs

The UN has several offices and programs, established by the General Assembly, that deal with human rights issues. These include the UN High Commissioner for Refugees (UNHCR), which protects refugees, asylum seekers and stateless persons; the UN Children’s Fund (UNICEF), which protects and advances the rights of children; the UN Development Program (UNDP), which includes work on various areas of development including gender equality; the UN Office on Drugs and Crime (UNODC), which is tasked with combating human trafficking; the UN Population Fund (UNFPA), whose work is based on human rights principles and includes health and gender equality; the World Food Programme (WFP), which fights hunger; and UN Women, which works for gender equality, as discussed below.

Specialized and Other Agencies

In addition to the UN human rights treaties, bodies, procedures and programs, there are also several international organizations whose work relates to human rights. Some, though established by separate agreements and with their own governing bodies, are considered UN specialized agencies. These include the International Labor Organization, the UN Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Food and Agriculture Organization (FAO).

There are also international financial institutions such as the International Monetary Fund (IMF), the World Bank and the World Trade Organization (WTO), which are specialized agencies whose work has significant impact on human rights conditions.

Use this space!

You and the UN

The UN's agencies and operations reach every part of the world. How close are you to the UN? Have you ever met anyone from the UN? What is the UN presence in your country? Are peacekeepers active? What offices are there? What do they do?

Who is your country's delegate to the UN? _____

Name: _____

Contact details: _____

Which of the many UN agencies has an office in your country? Write a list, using the table:

Build up a UN contact list by filling in the details in the table:

Name of the agency/office	What does it do?	Address and website	Name of contact/spokesperson	Position of contact/spokesperson	Phone number and email address

Universal Periodic Review (UPR)

Has your country been reviewed under the UPR process? Can you find a copy of the report? What does it say? Or what is the current status of your country's UPR?

If your country has undergone a review, what are the main points?

Positive:

Negative:

UPR recommendations:

Do you have any ideas for stories about the UPR, or coming from the UPR, that you could write? Note your ideas here.

Are there UN peacekeepers operating in your country? If not, what is the nearest country to you where UN peacekeepers are operating? What are the UN peacekeepers doing in your country, or the country nearest to you? What stories could you write about the UN peacekeepers and their missions?

Test your knowledge

What are the five main bodies of the UN?

Where does the ICJ hear its cases?

What's the difference between the ICJ and the ICC?

Who leads the UN? (Name and position)

Where are the main offices of the UN?

How many members of the UN Security Council are there?

Which states are permanent members?

How would you recognize a UN peacekeeper?

How many member states are there in the UN General Assembly? Is your country a member?

A bill of rights for women

Women are especially vulnerable to human rights abuses because of their lesser position in many societies, so their rights are protected under a special convention known as CEDAW.



Gender is not just about women, but women are a special focus of human rights work. Due to their position of lesser power in most societies, women are especially vulnerable to human rights abuses. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is a treaty that emphasizes women's rights.

It was created because in most parts of the world, women and girls are still seen as socially inferior and are assigned to inferior roles in public life, in the family and at work. Women's access to money, property, healthcare, education and knowledge is not equal to that of men; similarly, girls often do not have the same access to school or freedom as boys.

The results of discrimination: how women's rights are violated

The rights to life, healthcare and security of person

Every minute, a woman dies in pregnancy or childbirth and another 20-30 women suffer serious injury or disability. Complications during pregnancy or childbirth are the leading cause of death for girls aged 15-19 in developing countries. Almost all of these deaths resulted from preventable or treatable complications.

—UNFPA Factsheet: *Motherhood and Human Rights*.

The right to education

64% of all illiterate adults (as measured from 1995-2004) were

women. Globally, there were 89 women who could read and write for every 100 literate men.

—UNESCO Institute for Statistics, *Factsheet*, March 2008, No. 1

The right to own property

Existing statutory and customary laws limit women's access to land and other types of property in most countries in Africa and about half the countries in Asia.

—UN Statistics Division, *The World's Women 2010: Trends and Statistics*

The right to live free from cruel, inhumane and degrading treatment

Violence against women is a universal phenomenon.

—UN Statistics Division, *The World's Women 2010: Trends and Statistics*

The right to health

Women constitute the majority of HIV-positive adults in sub-Saharan Africa, North Africa and the Middle East.

—UN Statistics Division, *The World's Women 2010: Trends and Statistics*

The right to equality with men

Only 13 of the 500 largest corporations in the world have a female Chief Executive Officer.

—UN Statistics Division, *The World's Women 2010: Trends and Statistics*



"All members of the human family"

When the UN was formed in 1945, the idea of equal rights for men and women was quite new in the international community. Only 30 of the 51 original member states of the UN allowed women to vote, and many countries believed that the issue of equality between men and women was a sovereign issue — that is, an issue for each sovereign government to decide, as part of the national laws of that country.

The UDHR was the first internationally agreed document to clearly express the principle of equal rights between men and women.

In the Preamble:

The UDHR stresses that recognition of the rights of "all members of the human family" is the foundation of a free, just and peaceful world.

"...the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women..."

Article 1 of the UDHR says:

All human beings are born free and equal in dignity and rights.

Article 2 of the UDHR says:

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

Article 16 declares that women and men are equal partners in marriage:

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

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

Although it is not a treaty, and therefore not binding in international law, the UDHR was groundbreaking for women, and since 1945 the rights and status of women have changed in country after country.

A Bill of Rights for Women

Human rights for women did not stop with the UDHR. Since 1945 women in the UN and in civil society organizations across the

world, sometimes supported by men, have continued to fight for real equality.

These struggles led to the development of a UN convention specifically focused on gender. This was the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the UN in 1979. (For a summary of the main articles of CEDAW, turn to page 155)

CEDAW is often described as an international “**Bill of Rights** for women.” It is comprehensive and addresses women’s rights to equality in political, civil, cultural, economic and social life.

Article 1 of CEDAW defines discrimination against women as any form of discrimination which hinders women’s equal rights and freedom:

“For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field...”

—CEDAW Article 1

“Gender is defined as the way in which we give people different roles, characteristics and status in society, based on their biological sex. Sex is the physical biological difference between men and women.”

Gender and sex

In the 1960s and 1970s, research and intensive debate and discussion by women academics, activists, professionals and workers in the women’s movement led to new ways of understanding the relationship between men and women. It also led to the development of new approaches to eradicating inequality between men and women.

A new theory differentiated between gender and sex.

Gender is defined as the way in which we give people different roles, characteristics and status in society, based on their biological sex. **Sex** is the physical biological difference between men and women.

Sex is the basis for gender discrimination. In other words, discrimination arises through the idea that a person’s physical biology (male or female sex) should determine their role in society.

Therefore, to say that a **woman** may not study to be a doctor represents discrimination on the basis of women’s biological difference from men (sex). Similarly, the idea that mothers are better parents than fathers and therefore should shoulder the responsibility of childcare is discrimination based on sex.

By creating unequal roles and allocating resources unequally on the basis of biological difference, we create unequal societies.

Gender is a social construction

Defined in this way, gender is something we have ourselves created. It is seen as a social issue, and referred to as a social construction. Because we have created gender constructions, we can change them. These understandings led to new approaches to addressing the problems of inequality between men and women.

Gender constructions are different in different cultures and religions. For example, in some cultures and religions, women are expected to be virgins when they marry. In others, this is not expected. In some cultures, women may inherit property. In others, they may not.

Gender is constructed differently in different classes and at different times. For example, 100 years ago, there were many working class women employed in textile and garment factories, laundries, as domestic workers and as farm laborers in the US, but it was rare to find any female professionals. Today there are many women working in professional spheres — lawyers, doctors, journalists, architects, etc.

CEDAW embraces these new concepts and understandings.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- CEDAW recognises the importance of ending discrimination based on sex for women to achieve real equality.
- It highlights culture and tradition as problems, because cultural practices and traditions all over the world define gender roles in ways that reinforce inequality; enshrine practices that restrict women’s lives, and are harmful to women.

- **CEDAW proposes an agenda for national action to end discrimination.** Countries that have ratified or acceded to CEDAW are legally bound to put its provisions into practice. By signing CEDAW, countries commit themselves to take positive steps — including policy and legal steps — to end discrimination and promote women's equality in political, civil, economic, cultural, and social life, as well as marriage and family relations. Every four years CEDAW states parties must submit national reports on steps they have taken to comply with CEDAW.
- **CEDAW affirms the reproductive rights of women.** These rights recognize the basic rights of all couples and individuals to decide the number, spacing and timing of their children, to have the right information about sex and other means of conception, and the right to high quality sexual and reproductive health services. They also include the right to make decisions about reproduction free of discrimination, coercion and violence. The UN's World Health Organization (WHO) defines and discusses sexual and reproductive health rights. Read more at www.who.int/topics/reproductive_health/en/

The Committee on the Elimination of Discrimination against Women, which is made up of 23 experts on women's issues from different UN member states, oversees the implementation of CEDAW. The Committee meets twice a year to review reports on compliance with the Convention's provisions. States Parties to the convention are required to submit reports to the Committee every four years.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force in December of 2000, grants the Committee the authority to consider complaints from individuals. The Committee may also initiate inquiries into situations of grave or systemic violations of women's rights and formulate general recommendations and suggestions.

The UN's approach to gender equality

The UN's approach is also based on the understanding of gender as a social construction.

For example, the World Health Organization (WHO) says:

“Gender refers to the socially constructed roles, behaviour, activities and attributes that a particular society considers appropriate for men and women.

The distinct roles and behaviour may give rise to gender inequalities, i.e. differences between men and women that systematically

favour one group. In turn, such inequalities can lead to inequities between men and women in both health status and access to health care.”

Gender equality means equality between men and women. **Gender perspective** means taking into account the ways in which actions or situations affect men and women differently.

Since 1997, the UN has been working to mainstream gender into all of its work; this means ensuring that gender perspectives and the goal of gender equality are incorporated into all aspects of the organization's work.

“Since 1997, the UN has been working to mainstream gender into all of its work; this means ensuring that gender perspectives and the goal of gender equality are incorporated into all aspects of the organization's work.”

UN Women

In July of 2010, the General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. UN Women is the UN organization dedicated to gender equality and the empowerment of women. UN Women was established to speed up progress on meeting the needs of women worldwide. It unites the previously distinct areas of the UN system that focused exclusively on gender issues.

The main functions of UN Women are to:

- Support intergovernmental bodies in their formulation of policies, global standards and norms
- Help Member States to implement these standards
- Establish effective partnerships with civil society
- Monitor the UN System for its progress on gender equality

UN Women offers program and technical assistance; provides grants; coordinates the UN System in the area of gender and offers information on women's issues to the UN bodies; engages in capac-



ity building and training; and holds expert group meetings. Visit www.unwomen.org to learn more about women's human rights and the UN's work.

Commission on the Status of Women

The Commission on the Status of Women (CSW) is a functional commission of the Economic and Social Council (ECOSOC) that is dedicated to advancing gender equality. It is a global policy-making body. The CSW meets every year in March at UN headquarters in New York to evaluate progress on gender equality, identify issues and formulate policy. It is attended by member states, UN agencies and ECOSOC-accredited nongovernmental organizations (NGOs) that take part in discussions, panels and roundtables.

Women, Peace and Security

Although wars have a devastating effect on all people, women increasingly suffer greater harm in contemporary conflicts. The vast majority of casualties in conflicts are civilians, with most of them being women and children. In recent years women have suffered increasingly atrocious forms of sexual assault, with rape becoming a weapon of war. Women are also greatly affected by disruptions in infrastructure during and after conflicts as they try to support their families. And even post-conflict, women continue to suffer the effects of sexual violence (such as physical and psychological trauma and pregnancies) and are excluded from peace processes.

The International Criminal Tribunals for the Former Yugoslavia and Rwanda both have considered cases of sexual violence during

times of conflict and made rulings on rape as a crime against humanity and as a form of genocide. The Rome Statute of the International Criminal Court defines rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and any other form of sexual violence as crimes against humanity and war crimes.

There is growing recognition of the importance of including women in peace processes. Women comprise 50% of the population and are a critical part of society, and without them real and sustainable peace cannot be achieved.

In October of 2000 the UN Security Council passed Resolution 1325, which formally recognized the situation of women in conflict and called for their participation in post-conflict processes. Subsequent Security Council Resolutions 1820, 1888, 1889 and 1960 have further established norms for protecting and promoting the rights of women during and after conflicts. The resolutions focus on four key goals:

- To strengthen women's participation in decision-making
- To mainstream gender perspectives into peace processes
- To end sexual violence and impunity
- To provide an accountability system

The Security Council Resolutions provide an international framework, with obligations both on the UN System as well as member states, for promoting gender equality in peace and security.

Use this space!

Has your country signed up?

By August 2009, 185 countries had ratified CEDAW. Of these, 65 have entered “reservations” that exempt them from certain legal obligations. Examples of reservations include:

- Domestic and family relations within marriage (Egypt)
- Divorce (Syria)
- Equality of opportunities for women in public office (Israel)
- Elimination of traditional forms of discriminatory practices (Niger and Singapore)

The USA is the largest country and only industrialized democracy that has not ratified CEDAW.

Has your country signed CEDAW? If your country has registered reservations, what are they?

International human rights standards have led to many other changes and today the national constitutions of many countries grant women equal rights with men — to education, health care, property ownership, choice of religion and freedom from abuse.

But discrimination today remains widespread. What has your country done to comply with its international obligations under CEDAW? List some of the constitutional guarantees of women’s rights and some of the laws that represent positive steps towards women’s equality.

Background research exercise: Why has the USA not ratified CEDAW?

Source of the information:

How credible is your source?

Check your understanding:

Gender and sex: what's the difference?

NOTES



International justice and the rise of the “super court”

Here we are concerned with the courts that deal with the most serious human rights violations, like crimes against humanity and genocide.

Photo by Alkan de Beaumont Chaglar, Flickr

We have mentioned the ICJ — the International Court of Justice (see page 23). The ICJ is the UN body which is responsible for adjudicating disputes between states. Examples include border disputes; maritime disputes (states’ rights to defense and fishing in different parts of the ocean), and some extradition hearings. It also renders advisory opinions to UN bodies and other authorized agencies.

Here we are concerned with the courts that deal with the most serious human rights violations, like crimes against humanity and genocide.

The first of these courts was set up after the Second World War, when the US, UK, France and the Soviet Union instituted the Nuremberg trials — the trials of Nazis involved in the war and in the Holocaust, in which six million Jews were murdered. An International Military Tribunal for the Far East was also established in Tokyo for the purpose of punishing the leading Second World War criminals.

The Nuremberg trials came to an end in 1946. For over 50 years during the Cold War, there was peace between European states. But in the 1990s the collapse of the former Soviet Union (USSR) and the breakup of Yugoslavia led to the creation of 20 new states. New wars erupted between ethnic groups in the new states and between the states that were created out of Yugoslavia.

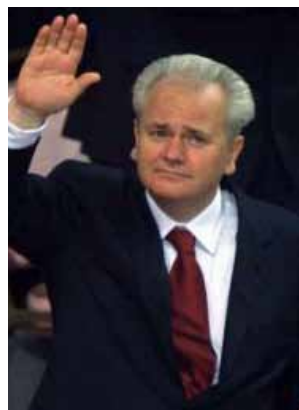
Violence in Serbia, Bosnia and Croatia was especially savage, and included mass rapes, concentration camps and genocide. These wars led to renewed consideration of an international justice body.

The International Criminal Tribunal for Former Yugoslavia

In response to the violence, the UN Security Council created the International Criminal Tribunal for Former Yugoslavia (ICTY) in 1993. This was the first war crimes court since the Second World War.

The ICTY is based in The Hague, Netherlands. It is responsible for trying people from all ethnic groups accused of committing atrocities during the wars that followed the breakup of Yugoslavia.

The ICTY has charged 161 people, including the former Yugoslav president, Slobodan Milošević. Over 130 of those accused have appeared before the court, and — at the time of writing this toolkit — 40 had been found guilty.



Slobodan Milošević was accused of over 60 counts of genocide, crimes against humanity and war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo between 1991 and 1999. These crimes affected hundreds of thousands of victims throughout the former Yugoslavia. His indictment and trial lasted several years and, in a dramatic turn of events, he died of a heart attack

in the ICTY detention center located in The Hague, Netherlands, shortly before his defense case was completed.

The International Criminal Tribunal for Rwanda

In 1994, the genocide in Rwanda prompted the UN Security Council to establish another tribunal, the International Criminal Tribunal for Rwanda (ICTR), to try people responsible for the slaughter of 900,000 Tutsis and moderate Hutus.

The ICTR has its headquarters in Arusha, Tanzania. The court has charged 59 people, including cabinet ministers, army leadership, politicians and journalists. (See textbox on page 66 for more information about the role of the media in the Rwandan genocide.) It has dealt with 26 cases and several people have been found guilty of genocide.

Other special courts

Internal conflict, oppression and mass murder in other countries have also led to creation of special courts. These courts are mixed tribunals that combine international agencies and national government structures, and are part of the countries' transition to democracy and peace.

Special courts have been set up in Sierra Leone, Kosovo, Cambodia, Timor-Leste, Bosnia-Herzegovina and Lebanon.

The International Criminal Court

The International Criminal Court (ICC) — sometimes referred to in the media as the “super court” — is the first permanent treaty-based court. The ICC's headquarters are in The Netherlands. It is an independent international organization and is not part of the UN. However, it does have formal relations with the UN and the UN Security Council plays a large role in that it may refer cases to the ICC and initiate investigations. Otherwise, it is the prosecutor of the ICC that initiates investigations.

The ICC does not replace the ICTY and ICTR, which will continue until their trials have been completed, but it is responsible for investigating and trying all cases of crimes against humanity committed since 2002.

The Rome Statute and the four gravest crimes

The treaty that created the ICC is the Rome Statute, which came into force on July 1, 2002. The aim of the Rome Statute was to end **impunity** (to ensure prosecution and punishment) for the perpetrators of the most serious crimes within the international community. It applies to individuals rather than states.

The Rome Statute defines four crimes, regarded as the gravest

crimes. These four crimes are **genocide**, **war crimes**, **crimes against humanity** and **crimes of aggression**.

The ICC does not have powers over the whole world. It only has jurisdiction over crimes committed by citizens of countries that have signed the Rome Statute. It may not try people responsible for crimes committed before it came into force on July 1, 2002. As of February 1, 2012, 120 countries have signed the Rome Statute.

The ICC tries individuals. When the ICC institutes proceedings, the countries must cooperate with the court and surrender suspects.

A court of last resort

The ICC is a court of last resort. Its jurisdiction is complementary to that of national courts. This means that the ICC will not act if the country where the crime was committed takes action against perpetrators. But if the government refuses to act, or if it reacts too slowly, or if the proceedings are biased in ways that protect perpetrators, the ICC will step in.

Most of the court's funding comes from member states. But the court can also receive voluntary additional funding from member states, or from business, foundations and individuals.

“But if the government refuses to act, or if it reacts too slowly, or if the proceedings are biased in ways that protect perpetrators, the ICC will step in.”

The four crimes

Genocide: The deliberate destruction of an ethnic, racial, religious or national group. Examples include the murder of six million Jews by the Nazi regime of Germany (1933-1945); the Rwanda genocide of 1994, and the Srebrenica genocide of July 1995 in which 8,000 Bosnian Muslim men and boys were massacred by members of the Bosnian Serb army and buried in mass graves.

Crimes against humanity: Crimes that are perpetrated by state or nonstate actors, or that result from government policy, or that are tolerated or condoned by government or others in authority, in peacetime or in conflict. They are not single events, but are systematic and widespread, and include murder, torture, rape and other sexual violence and political, racial and religious persecution.



War crimes: Crimes committed in wartime that violate the rules of war. These include murder; the ill-treatment or deportation of civilians to labor camps; killing and ill-treatment of prisoners of war; the destruction of cities, towns and villages and any other acts of destruction **not** arising out of military necessity or to protect civilians.

Crimes of aggression: When the Rome Statute was adopted in 2002, the signatories agreed that the ICC would not try crimes of aggression until they agreed on a definition and processes of justice for these crimes. In June 2010, the Review Conference of the Rome Statute amended the Statute to a definition of a crime of aggression. The crime was defined as the “the planning, preparation, initiation or execution by a person in a leadership position of an act of aggression.” They defined an act of aggression as the use of armed force by one state against another state without the justification of self-defense or authorization by the Security Council of the United Nations. Under the Kampala agreement, the ICC may not try cases involving crimes of aggression until 2017, when states activate the agreement.

Controversy

The ICC is extremely controversial, and advocacy for and against the court is ongoing.

The most powerful country that is not a signatory is the US. In

2000, US President Bill Clinton signed the Rome Statute. However, this decision was reversed by President George W. Bush, who “nullified” (or “unsigned”) in May 2002. The reason generally given for nullification is that the US constitution, which sets out the US judicial system, prevents US membership.

However, US politicians have also expressed concern that opponents of the US in the international community will use the ICC for “malicious” or political prosecutions of US citizens involved in military operations, for example, in Iraq and Afghanistan, and in peacekeeping missions.

Since President Barack Obama came to power in 2008, the US has entered a policy of constructive engagement with the court, and has participated in some ICC meetings. However, the US is still not a member.

The only two other states that nullified their signatures are Israel and Sudan.

Israel expressed concern that the court would invent new crimes. A particular concern for Israel was that the court might include as a war crime the creation of settlements for civilians of an occupying power in occupied territory.

In 2009, the ICC issued an arrest warrant against Sudan’s President Omar al-Bashir for crimes against humanity arising out of the murder of about 300,000 people in the Darfur region of Sudan since

2003. As the ICC does not have its own police force, it relies on the Sudanese government to hand the president over for trial.

The arrest warrant has caused controversy and some African countries, including Senegal, Djibouti and Comoros, have called on African ICC members to withdraw from the court in protest. Their argument is that the court targets Africa.

Three other powerful states that have not signed are:

China, which argues that the existence of the ICC undermines the sovereignty of states. Other concerns for China are the definition of war crimes as including internal conflict, and that the court has jurisdiction over crimes against humanity committed in peacetime.

India also objects to the broad definition of crimes against humanity and the definition of internal conflicts as war crimes.

Pakistan feels the Rome Statute should provide for reservations by countries that do not agree to all its terms. Another concern for Pakistan is that the ICC can prosecute heads of state.

Cases and trials

At the time of writing this toolkit, the ICC was involved in the following cases:

Uganda — cases against four members of the Lord's Resistance Army. Arrest warrants had been issued, but none of the four had yet been captured.

Democratic Republic of Congo (DRC) — cases against five men involved in crimes including enlisting underage children to fight, and rape. Four of the five were in custody; the other was still at large.

Sudan (Darfur) — four cases against individuals for crimes committed in Darfur. One suspect had appeared voluntarily before the court; the remaining suspects were still at large.

Sudan (Darfur) — the ICC has indicted the Sudanese president, Omar al-Bashir, on charges of genocide in Darfur, but he has refused to recognize the court. He remains in office as president of Sudan.

Central African Republic — a former politician in the Democratic Republic of Congo (DRC) and alleged leader of an armed force, Jean-Pierre Bemba Gombo is being tried for war crimes and crimes against humanity.

Kenya — the ICC was investigating cases against six Kenyan leaders for alleged crimes committed during the electoral violence in 2007-2008.

Libya — the UN Security Council referred the situation in Libya to the ICC for investigation. The ICC has opened an investigation into crimes against humanity committed by the Gaddafi regime. The court has subsequently terminated the case against Gaddafi due to his death; cases against his son and former intelligence chief are still pending.

For more about the ICC, see the ICC website: www.icc-cpi.int/Menus/ICC?lan=en-GB

The ICC's media relations section provides news and information to journalists. Visit www.icc-cpi.int/nr/exeres/13cd3142-7459-48f0-b26a-da45723f8482.htm

NOTES



Nzau Musau is a political writer employed by “The Star” newspaper in Nairobi, Kenya [www.the-star.co.ke/]. He attended the Internews Global Human Rights training in 2010.

“There were many things that I learnt from the training. One thing that stands out is the international context, looking at the broader picture. If there are violations here, we normally look at these things from our own perspectives, as Kenyans. We look at them through our laws, our Constitution. After the training my mind was very much opened to the international conventions and laws and how they relate with what we have here. Immediately after the training Kenya was coming up for Universal Periodic Review at the UN, and I remember some of the issues I was tackling, like the issue of the death penalty. I was now also looking at them from the point of international conventions and international law, and relating our local practices to what we (Kenya) had agreed to. That is one thing I learnt that was of immense benefit.”

Interview with Nzau Musau, Political Writer, “The Star,” Nairobi, Kenya

ICC and human rights reporting

Background

Violence erupted after the 2007 presidential elections in Kenya. In just two months of bloody conflict, over 1,100 people were murdered; 3,500 were injured; hundreds of women were raped; 600,000 people were forcibly displaced, and over 100,000 properties were destroyed. Thousands of Kenyans are still living as internally displaced persons, unable to return home.

This interview with journalist Nzau Musau took place on December 16, 2010, the day after ICC Prosecutor Luis Moreno-Ocampo asked ICC judges to issue summonses for six Kenyan citizens to face trials for crimes allegedly committed during the post-election violence in Kenya. At the time of writing this toolkit, the six had appeared before the court for a formal hearing of the charges against them, but a trial had not yet been confirmed.

What do you think is the main human rights issue in Kenya?

At the moment, I think it is the violations that occurred over the post-election violence of 2008. There were displacements, and people are still in the [internally displaced persons'] camps to date;

people are still seeking justice for what happened to them. There has never been a mechanism in Kenya to address the issues that arose from the violence — the displacements, the rapes, the assaults, the killings and loss of property.

The violations were very gross. They were covered all over the media; local and international. Everybody knows what happened here. So the main issue now is addressing those violations without a competent tribunal, with a wanting judiciary and a Truth Commission¹ which is equally bedevilled by serious credibility problems.

What do you think will be the benefit for Kenyan society for addressing those issues?

The main benefit lies in the country taking off in an impunity-free direction. If you look at the history of this country, it is replete with very gross human rights violations. But people have slumped to a position of taking them as normal occurrences. When journalists write about those issues — even myself — they sound like fairly normal occurrences, like things which are not gross.

But in reality they are gross human rights violations. If we address these issues now, with our new Constitution,² there is a strong chance of making sure that anyone who violates the human rights of the people will account for their actions. And then people will fear to do wrong; people will be more conscious of human rights, and the country will take a modern approach to these issues. People will then enjoy their place in the state.

¹ The reference is to the Truth, Justice and Reconciliation Commission which is investigating human rights violations, corruption, and economic crimes dating back to Kenyan independence in 1963. The Commission was appointed and began public hearings in January 2010 and is expected to publish a report in 2012.

² Kenyans voted for a new national Constitution in August 2010.

Are these the kinds of stories you are writing about?

Yes, these are the stories that I write about. Every day I seek opportunities to bring them out. Even if there is no event to give me that chance, I seek opportunities to bring them out in my reporting.

It is in my best interests and that of my country that I write about them. As journalists, I feel that we must promote human rights and make people aware of their responsibilities, so that ours is the sort of journalism that has an impact on society, and is not just writing stories to sell the paper.

“As journalists, I feel that we must promote human rights and make people aware of their responsibilities, so that ours is the sort of journalism that has an impact on society, and is not just writing stories to sell the paper.”

When you write these stories, do you use the term “human rights”?

Yes, I use it, but I go to specifics as well. For example, I will not simply say that human rights violations occurred over the post-election violence. I will instead say that crimes against humanity were committed in the country. I will further go on to list exactly what these crimes are; that is, mass rapes, displacement, mass killings, things like that. I try to break it down because “human rights” sounds like a very big phrase. After I break it down, I can then continue to broadly refer to them as human rights violations, as indeed they are.

The history of human rights violations in this country is such that these issues were not addressed for many years. It got to a point where they were not considered violations anymore. People and readers got used to the term “human rights” and it lost its meaning.

“Human rights” is a term that is associated with civil society, with people pressurizing the government, and it sounds like a very far-fetched idea. But it is actually something we relate to every day. We violate the rights of others at our own level, as ordinary people, let alone the government. But this is lost to us because of the very “high idea” of the term.

Can you give me an example?

If you say, for example, that gays have no rights and they should be arrested, looked down upon or denied opportunities because they are gays, you are actually violating human rights. The human rights of gays will be lost if we do not break the term down to say exactly what these rights are, and who they cover, which laws promote these rights and who should enforce them.

For example, our new Constitution has some aspects that address the issue of gays and lesbians. If I am writing about this, I will go directly to the part of our Constitution, the Bill of Rights which grants “everybody” equal status before the law and grants them fundamental freedoms and rights on the basis of their simply being “persons.” In other words, I go to the specifics of saying exactly what is wrong with looking down upon gays and lesbians, in terms of our own Constitution. Besides our Constitution and our statutes, I will also check international laws, any conventions that may bar that kind of treatment.

The post-election violence in Kenya was widely portrayed in the media, including the international media, as ethnic or tribal violence. Do you agree with that?

To some extent, I would agree, because most of the violence had a very ethnic dimension to it. Of course, it was politically motivated violence in the sense that one party lost the election and the other was convinced very much that they had won the election. The biggest problem — and this is where I support what came out in the media — is that we have a very weak political culture in this country, very weak political parties, which are essentially just



Photo by The Advocacy Project, Flickr



Photo by
subcomandanta,
Flickr

shells. People use them to get power, they have no ideology, they mean nothing.

That is why we have so many political parties — 47 for now. You ask them what they stand for, it is nothing, most don't even know. Because of that, politicians rely on tribes, not on political parties. Essentially, those parties are a band of ethnic groups. The more you can get the better. Of course, you must have solid backing from your own ethnic group before you go on a mission to other tribes. So I agree it was ethnic violence, but politically motivated. As a result, communities rose against each other so they could punish those they thought were not supporting their candidate.

In your work as a journalist, are you tackling the issue of ethnicity?

One of the things I feel strongly about is the issue of political parties in Kenya. As long as we have democracy we must have political parties; they are the main vehicles to get to power. Our problem has been legal. Recently we passed a Political Parties Act to try to regulate political activities, but the Act has so many weaknesses, it was not consultative enough, and politicians were not keen to make it watertight so that we would have a strong political culture.

So we find there is not much regard for parties, and people do not connect the negative ethnicity that we have in our country with

our political parties. You would expect a Political Parties Act to have safeguards against ethnic political parties, but really there are not enough safeguards. There are some checks and balances, but it is not enough to rein in negative ethnicity through political parties. I am talking about negative ethnicity — I mean the political aspect of it. So yes, I try through my political reporting to look at ethnicity from the point of political parties.

Do all your colleagues agree with your political position?

The good thing is that we have a political desk meeting every day at 8.30 a.m. and then at 9 a.m. we have the general news meeting with all the departments. But the political desk is the driving force of the paper because we have a lot of politics on our front pages. So we are the core team. In those two meetings, we argue our positions.

How open are your news editor and your subeditors, your editor, to the positions that you take up?

One benefit of the newspaper that I work for is that it is a very small organization. It is not convoluted with editors who sit high up. It is an open newsroom whereby we are in touch. And we attend these meetings, all of us. It is a very free environment. They know my positions, and they also know the right person to appoint to cover a particular issue. I would say it is an open environment.

Human rights in times of war and conflict

“In the vicious civil conflicts and undeclared cross-border battles that are increasingly the norm for full-blown shooting wars, few combatants are aware that the Geneva Conventions afford special protections to journalists.”

– William A. Orme Jr.¹



The Geneva Conventions

The Geneva Conventions set standards in international law for humanitarian treatment of wounded soldiers, prisoners of war and civilians during war and conflict and military occupation. They also recognize the human rights of journalists.

The Geneva Conventions comprise four treaties and three additional protocols, which together make up international humanitarian law.

The first three treaties were adopted between 1864 and 1931. They deal with the humane treatment of wounded and sick soldiers, sailors and prisoners of war. The fourth treaty was drafted after the Second World War. It confirms and expands the three previous treaties and includes the protection of civilians. In 1977 two additional protocols were adopted, increasing protections and in 2005, a third protocol was added establishing an additional protective sign for medical services. (For more about Protective Signs, see page 48).

The four conventions and their protocols are legally binding. Members of the armed forces who violate the rights in the conventions can be found guilty of war crimes.

Summary of the main articles

The Fourth Geneva Convention applies to the protection of civilians, including journalists.

¹ William A. Orme Jr. in “Crimes of War: What the Public Should Know.” Edited by Roy Gutman, David Rieff and Anthony Dworkin (W.W. Norton, New York, 2007).

Fourth Convention, Article 3

Article 3, which is common to all four conventions, covers the rights of civilians in enemy or occupied territory in non-international conflict. It states that all civilians must be treated humanely, without discrimination as to “race, colour, religion, faith, sex, birth or wealth, or any other similar criteria.”

It outlaws the following acts against civilians:

- Any form of violence, including murder, mutilation, cruel treatment and torture;
- Taking of hostages;
- Humiliating and degrading treatment;
- Being sentenced or executed without trial by a recognized court

Article 3 also states that the “wounded and sick shall be collected and cared for.”

Article 4

Defines who is protected by the convention. Only those who find themselves in occupied territory or are taken prisoner by a country of which they are not nationals (a foreign country or invading country) are protected.

Citizens of countries not bound by the convention are excluded — that is, they are not protected. Citizens of a neutral or allied state are also excluded if the state has normal diplomatic relations with the occupying power.

ORIGINS OF THE GENEVA CONVENTIONS

The Geneva Conventions originated with a Swiss businessman, Jean Henri Dunant, who saw the carnage caused by the Battle of Solferino in 1859. The battle, in which the French and Sardinian armies fought the Austrians, took place just outside the town of Solferino in northern Italy and involved over 300,000 soldiers. It was won by the French and Sardinians. When the gunfire stopped, some 38,000 people lay dead or wounded on the battlefield. Doctors had been captured during the battle and no one seemed to be helping wounded soldiers. Horrified at the suffering, Dunant organized local townspeople and villagers to help the soldiers, no matter which side they had fought on.

He returned to Geneva and wrote a book about what he had seen. He also led a successful advocacy campaign for establishment of a permanent body to care for those wounded in war, and for establishment of a treaty to guarantee neutrality of the body.

His ideas led to the creation of the International Committee of the Red Cross in 1863 and later, to the creation of the first Geneva Convention. Dunant received the first Nobel Peace Prize in 1901. He died in 1910.

Article 27

Describes rights of civilians:

“Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall, at all times, be humanely treated, and shall be protected, especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.”

“Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”

Protocol 2

Refers to non-international conflicts and extends the Geneva Conventions to include large-scale civil conflicts between the armed forces of a state and dissident armed forces or other organized armed groups in its territory. It excludes internal disturbances, such as riots that are isolated and sporadic, which are not categorized as armed conflicts.

Article 4 of Protocol 2

Describes how humane treatment must be extended to civilians:

Civilians (including fighters or soldiers who have put down their arms), whether they are prisoners or not, are entitled to “respect for their person, honour and convictions and religious practices” and must always be treated humanely, without discrimination.

The Protocol specifically lists and prohibits the following violations of civilian rights:

- Violence to the life, health and physical or mental well-being of the person;
- Murder and cruel treatment such as torture, mutilation or any corporal punishment;
- Collective punishments;
- Taking of hostages;
- Acts of terrorism;
- Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- Slavery and the slave trade in all their forms;

- Pillage;
- Threats to commit any of listed violations.

In 1993, the UN Security Council ruled that the Geneva Conventions had passed into the body of customary international law, making them binding on everyone — signatories and non-signatories to the Conventions — whenever they engage in armed conflicts.

The rights of journalists

The Geneva Convention categorizes journalists who are attached to armies as non-uniformed participants in the war. What this means is that under international humanitarian law, journalists who are accredited by and travel with (are “embedded” in) an army are legally part of the military force.

If captured by the enemy, they will be treated as prisoners of war.

As prisoners of war:

- Journalists have the right not to respond to interrogation (to remain silent)
- Their notes, film and equipment may be legally confiscated
- They may not be treated as spies unless there is evidence to prove that they are spies.

Journalists who are not part of the military, but are independent, are protected in the Protocol 1 of the Geneva Convention, adopted in 1977. Article 79 of Protocol 1 says that journalists who are independent of the armed forces must be protected as civilians.

GENEVA CONVENTIONS, PROTOCOL 1, ARTICLE 79:

“Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians... [and] shall be protected as such under the Conventions in this Protocol, provided they take no action adversely affecting their status as civilians...”

JOURNALISTS IN CONFLICT

“This vague civilian status is unsatisfactory and there needs to be a specific crime to deter attacks on journalists and human rights monitors or fact finders, for the simple reason that in conflict zones they are not perceived as innocent civilians but as enemies, real or potential, of those whose criminal acts they may expose.”

— Geoffrey Robertson QC, “Human Rights Fact Finding: Some Legal and Ethical Dilemmas”



“Never pretend to be what you are not or deny being what you are unless your life depends on it. Carry a camera, but never a gun. And keep that dog-eared copy of the Geneva Conventions in your breast pocket until after the shooting stops.”

— William A. Orme Jr. in “Crimes of War: What the Public Should Know.”

Like all civilians, journalists are not subject to military discipline and must not be made targets for attack or suffer reprisals carried out by any side in the conflict. However, they will lose their civilian status if they take any action which suggests or shows they support one of the sides in the conflict; for example, carrying a gun, giving information or any other help for one side or the other.

Summary of Article 79:

- Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians.
- They will be protected as civilians provided they do nothing to affect their civilian status (for example, taking part in the conflict; spying)
- They may obtain an identity card similar to the one issued by the government of their country to confirm their status as journalists, but this is not compulsory.

	Red Cross for people and objects under the protection of the Geneva Conventions
	Red Crescent for people and objects under the protection of the Geneva Conventions
	Red Crystal for people and objects under the protection of the Geneva Conventions
	International sign of civil defense (humanitarian rescue; other agencies that protect civilians)
	Marking for hospitals and safety zones
	White flag is used by unarmed negotiators asking for a ceasefire or to symbolize surrender
	Flag of the United Nations
	The mark of the Roerich Pact (a treaty on the protection of historic and cultural sites) to identify historic monuments, museums, scientific, artistic, educational and cultural institutions
	Marking of cultural property
	Marking of cultural property under special protection
	Sign for places containing dangerous materials or special hazards (like dams, nuclear power stations, electricity stations, etc.)
PG PW IC	The letters "PG" or "PW" to mark a prisoner-of-war camp and the letters "IC" to mark an internment camp for civilians

Source: www.en.wikipedia.org/wiki/Protective_sign

Protocol 3 protective signs

Protective signs are symbols on uniforms, vehicles and buildings that are used during armed conflict to draw attention to the fact that they are protected under international humanitarian law. In general, people or objects carrying protective signs may not be shot at or attacked. The form, shape and color of the signs are defined by the rules of international humanitarian law.

Use of protective signs is restricted to armed conflicts. The misuse of protective signs is a violation of international humanitarian law.

NOTES

Article 19 rights and “sunshine laws”

“... freedom of expression, and worship, of access to information and political participation – we believe they are universal rights. They should be available to all people, including ethnic and religious minorities whether they are in the United States, China, or any other nation.”

– US President Barack Obama speaking to college students in Shanghai, China about freedom of the Internet. Quoted in the Washington Post, November 16, 2009.



What the treaties say

The main rights directly affecting media are the rights to freedom of expression, opinion and information. These rights are expressed in the UDHR and in the ICCPR. They are referred to as “Article 19 rights” because they are expressed in Article 19 of both the UDHR and the ICCPR.

UDHR, Article 19:

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

ICCPR, Article 19:

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

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

Article 19 rights are, like all other rights, universal, inherent and inalienable [see page 3 for the meanings of these terms.]

Understanding Article 19 Rights

1) “Everyone shall have the right...”

The right to freedom of expression belongs to everyone; no distinctions are permitted on the basis of a person’s level of education, or race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status.

2) “...to seek, receive and impart...”

To impart is the right to tell others what you think or know, whether in a private meeting or through mass communication. To seek and receive entitles us to access as wide a range of information, viewpoints and ideas of others as possible. This includes obtaining and reading newspapers, listening to broadcasts, surfing the Internet, participating in public debates as a listener, and undertaking journalistic or academic research. It also includes the right to access records held by public authorities, obliging governments to publish important information and respond to requests from individuals to access their records.

3) “...information and ideas of any kind...”

The right to freedom of expression applies not only to information and ideas considered to be useful or correct, but to any kind of fact or opinion that can be communicated, including news and information, advertising, art, etc. It also includes controversial, false or even shocking material, and the ideas of minority groups. The fact that an idea is disliked or thought to be incorrect does not justify stopping a person from expressing it.

“Sunlight is said to be the best of disinfectants”

—Justice Louis Brandeis of the US Supreme Court, writing about the value of transparency in “Other People’s Money and How the Bankers Use It,” Chapter V: What Publicity Can Do (1914)

4) “...regardless of frontiers...”

The right to freedom of expression is not limited by national boundaries; states must allow their citizens to seek, receive and impart information to and from other countries.

5) “...through any media...”

People should be permitted to express themselves through any media, whether modern or traditional. This includes newspapers, magazines, books, pamphlets, radio, television, the Internet, works of art, public meetings and any other form of media.

Sunshine laws

Secrecy leads to rumor, a culture of conspiracy and corruption. Information is needed to hold governments to account.

One proactive measure that many states have taken in fulfillment of their Article 19 obligations is to introduce freedom of information laws. Freedom of information laws are sometimes called “sunshine laws,” referring to the quotation above by Justice Louis Brandeis.

Journalists — like everyone else — can use these laws. Sunshine laws apply to all institutions — government and the private sector. They address government transparency as well as private sector issues. For instance, without access to information from businesses and corporations about their operations, production processes, environmental impact, profits, costs, prices and many other issues, consumers and workers are open to exploitation and abuse.

Article 19 rights are recognized as the most important rights. Where Article 19 Rights are strong, other rights and freedoms will be protected:

CONFUSION ALERT!

Article 19 does not say that people have a right to media. Media are only a tool through which the basic human rights of freedom of opinion, expression and information can be achieved.

Nor does it give journalists any special rights. Journalists depend on human rights to do their job, but there are no special rights for journalists. Journalists have the same rights to freedom of expression, opinion and information as all other citizens

“... the right to freedom of opinion and expression should...be understood to be an essential instrument for the promotion and protection of other human rights. It is an important tool for combating impunity and corruption, as well.”

—Frank La Rue, *UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*.¹

Article 19 rights in the newsroom

Article 19 rights defenders argue that Article 19 rights give journalists a special role in society, because through their work journalists ensure that the general public can achieve their rights to freedom of expression and information. Without good journalism, the general public would not be able to enjoy their Article 19 rights. This argument has often been used in courts to defend journalists and media freedoms.

Journalists should therefore be able to practice freely; that is, to make decisions and choices about what stories to cover and follow, what audiences to reach, whom to interview and what facts, sounds and pictures to include, without pressure or fear.

Limitations on freedom of expression

Both the UDHR and the ICCPR put limits on freedom of expression and information.

Article 19 of the ICCPR emphasizes that the right of freedom of opinion and expression “...carries with it special duties and responsibilities. It may therefore be subject to certain restrictions.”

Article 29 of the UDHR says that everyone has “duties to the community.” All rights, including the right to freedom of expression, are limited by these duties.

The aim of these clauses is to ensure that people exercising the right of freedom of expression do not infringe on any other rights; for example, the right to privacy, the right to live free from racism, the right to good reputation and freedom from crimes like libel or defamation. They also imply a duty to give information that is factual and accurate.

The UDHR (Article 29) and the ICCPR (Article 19) say that limitations may only be imposed by law. Laws limiting freedom of expression should only be intended to ensure that people’s rights are respected, and for the protection of national security or of public order, public health or morals.

For ICCPR States Parties, Article 19 is legally binding. In other words, a state that suppresses freedom of expression for any other reason, or whose laws go beyond the limitations set out in Article 19, is violating the rights of its people.

¹ Report to the 14th Session of the Human Rights Council, April 20, 2010.



The UN Human Rights Council (UNHRC) also lists “permissible” limitations on freedom of expression.

According to the UNHRC, states may limit freedom of expression if the limitations:

- Protect people against inaccurate and offensive statements
- Protect privacy under certain circumstances
- Allow the state to protect its security
- Prevent “hate” journalism — especially where it promotes racism, ethnic or religious hatred
- Prevent propaganda for war.²

Limitations on freedom of information

Ideally, good access to information laws should enable all information held by any public body to be disclosed. However, international standards agree that governments may refuse to disclose information when they can show that disclosure would cause harm, and that this harm would be greater than the benefit of disclosure. Many governments limit freedom of information laws by arguing that disclosure of information would threaten state security.

² As summarized in McIntyre, Peter: “Human Rights Reporting: A handbook for journalists in South-eastern Europe” (International Federation of Journalists, Brussels, 2003).

Article 19 rights in the UN System

The main UN bodies concerned with Article 19 rights are:

- The Human Rights Committee, which oversees states’ compliance with the ICCPR.
- The Human Rights Council, which sponsors the work of a Special Rapporteur on freedom of opinion and expression. Special Rapporteurs are independent experts mandated to research particular human rights issues or themes as part of the Special Procedures of the UN.
- UNESCO (United Nations Educational, Scientific and Cultural Organization). UNESCO is part of the UN system, and has a special focus on freedom of information and communication and communication for development.

“...without freedom of information, freedom of expression often remains meaningless.”

– Viviane Reding (2007) Commissioner for Information Society and Media in the European Commission.

Ten threats to freedom of expression across the world

The UN and international and national civil society media monitors believe there have been vast improvements with respect to media freedom and freedom of expression in most countries. But they also say there is a long way to go.

After reviewing constitutions and national laws of states across the region, UN rapporteurs and media monitors from Africa, US, Latin America and Europe listed 10 threats to freedom of expression in the next decade:

1. **Government control, especially:**
 - Political influence or control over public media.
 - Registration requirements for the print media or to use or access the Internet.
 - Direct government control over licensing and regulation of broadcasters.
 - Abuse of state advertising or other state powers to influence editorial policy.
 - Ownership or control of the media by political leaders or parties.
 - Politically motivated legal cases being brought against independent media.
 - Keeping antiquated legal rules — such as sedition (treason) laws or rules against publishing false news — which penalize criticism of government.
2. **Criminal defamation — laws making it a crime to defame, insult, slander or libel someone or something are still in place in most countries, including:**
 - Laws that do not require the accuser to prove lies or malice.
 - Laws which penalize true statements.
 - Protection of the reputation of public bodies, of state symbols or flags, or the state itself.
 - Protection of beliefs, schools of thought, ideologies, religions, religious symbols or ideas.
 - Unduly harsh punishment, including imprisonment, fines and loss of civil rights, including the right to practice journalism.
3. **Violence against Journalists — there were more politically motivated killings of journalists in 2009 than in any other year in the past decade. Threats include:**
 - Failure by states to allocate resources to preventing and investigating attacks.
 - Lack of recognition that special measures are needed to address attacks against journalists.
4. **Limits on the Right to Information — major threats are:**
 - The majority of states have still not adopted laws guaranteeing the right to information.
 - Laws in many states are weak.
 - The challenge of implementing the right to information in practice (delays in response time; ignoring requests for information).
 - Lack of openness around elections.
5. **Discrimination in the enjoyment of the right to freedom of expression — women, minorities, refugees, indigenous peoples and sexual minorities — continue to struggle to have their voices heard.**
 - Obstacles to establishment of media by and for disadvantaged groups.
 - Misuse of hate speech laws to prevent disadvantaged groups from debating their problems and concerns.
 - Few members of disadvantaged groups are employed in mainstream media.
 - Inadequate coverage of issues of relevance to disadvantaged groups.
 - Stereotypes and derogatory information about disadvantaged groups being disseminated in society.
6. **Commercial Pressures**
 - Growing concentration of ownership of the media, with implications for content diversity.
 - Fracturing of the advertising market, and other commercial pressures, leading to cost-cutting measures such as less local content, cheap, shallow entertainment and a decrease in investigative journalism.
 - The digital switchover may favor existing broadcasters to the detriment of greater diversity and access.

7. Support for Public Service and Community Broadcasters — threats include:

- Frequent challenges to public funding support for public broadcasters.
- Lack of a clear public service mandate for public broadcasters.
- Lack of legal recognition of the community broadcasting sector in licensing systems, and failure to reserve frequencies for community broadcasters and set up funding support agencies.

8. Security and Freedom of Expression — increase in the use of national security as a reason for restricting freedom of expression, especially since the attacks of September 2001 (on the World Trade Center) and the international “war on terror”:

- Vague and/or overbroad definitions of key terms such as security and terrorism.
- Abuse of vague terms to limit critical or offensive speech which do not constitute incitement to violence.
- Pressures on the media not to report on terrorism, on the grounds that this may promote the objectives of terrorists.
- Expanded use of surveillance techniques and reduced oversight of surveillance operations, which exert a chilling effect on freedom of expression and undermine the right of journalists to protect their confidential sources.

9. Freedom of Expression on the Internet — some governments control the Internet, for example:

- Fragmentation of the Internet through the imposition of firewalls and filters, as well as through registration requirements.
- State interventions, such as blocking of websites and Web domains which give access to user-generated content or social networking.
- Some corporations fail to make a sufficient effort to respect the rights of access the Internet without interference, for example on political grounds.

10. Access to Information and Communication Technologies

- Pricing structures make the Internet too expensive for the poor.
- Infrastructure and connectivity do not reach many places.
- Limited support for community-based ICT centers.
- Inadequate training and education particularly among poor, rural and elderly populations.

Summarized from “International Mechanisms for Promoting Freedom of Expression: Tenth Anniversary Joint Declaration: Ten Key Challenges To Freedom of Expression In The Next Decade,” by the UN Special Rapporteur on Freedom of Opinion and Expression; the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media; the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information.

To see the full text of the Declaration, visit www.article19.org/pdfs/standards/tenth-anniversary-joint-declaration-ten-key-challenges-to-freedom-of-express.pdf



Use this space!

Does your national constitution guarantee freedom of expression? What does it say?

What are the freedom of expression and information laws in your country?

Describe the ways in which the laws:

(1) Guarantee freedom of expression and right of access to information

(2) Limit freedom of expression and right of access to information

In your opinion, are your country's laws effective in guaranteeing freedom of expression and access to information?

There are many human rights organizations, journalists' associations, unions and individual human rights lawyers who specialize in protecting Article 19 rights and defending journalists. If you feel your rights to freedom of expression and information are being violated, who would you turn to in your country for support and advice?

Name of person	Name of organization	Contact details

2

Journalism understandings, skills and tools



Speak Up, Speak Out:

**A Toolkit for Reporting
on Human Rights Issues**



Internews
Local voices. Global change.

Journalism understandings, skills and tools

Here we address the nuts and bolts of good human rights reporting and provide guidelines and tips to help journalists.



In Section 1 we provided a set of tools for journalists to do high quality human rights reporting, including knowledge about human rights, the systems that create and promote them and our duties and obligations. Here we address the nuts and bolts of good human rights reporting and provide guidelines and tips to help human rights reporters.

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Media, journalism and human rights

Media are increasingly covering human rights issues, and it is crucial that journalists know how to report on them accurately, thoroughly, and in a way that does not inflame the problems.

Human rights cover everything, from the right to life and the right to live in freedom and security to the right to own property, travel and vote. They belong to everyone, from the tiniest infant to the oldest grandmother; to people of all classes, races, ethnic groups, sexual orientations and migrants. They include sickness, health and all forms of disability, education, entertainment, culture, crime and punishment.

Journalists also cover everything — politics, business, war, peace, the environment, health. It is inevitable that journalists will come across human rights issues.

For a variety of reasons, there is more and more coverage of human rights in the media. The climate for doing quality human rights reporting is good, but there are also many threats. Take a look at the list below — do these statements apply to your situation?

Working for and against good human rights journalism

For:

Human rights issues are more newsworthy than in the past.

- State control over media has decreased over the past two decades.
- There are more organizations that promote human rights and that feed the media with information.

- There are more human rights “watchdogs” that investigate human rights abuses and publish information.
- The UN’s monitoring system is more visible.
- More issues are framed as human rights issues; for example, children’s issues, HIV/AIDS, sexual and reproductive health, aging, poverty, housing.
- More governments have integrated human rights into policies and laws.
- Political parties take more account of human rights; human rights are discussed during elections.
- Technology like the Internet and mobile phones, as well as social networking platforms like Twitter and Facebook, mean there are more ways of receiving information, more sources and more alerts.
- Technology and social networks are creating new ways of reporting human rights violations.
- Some international media networks, like the BBC and CNN, now employ people living in developing countries as journalists and stringers. This creates opportunities for finding international audiences for local stories.

Against:

- Human rights often work against powerful political and economic interests, and the threat of repercussions can be great.
- Many journalists have cultural beliefs and practices that do not fit well with human rights ideals.
- In times of crisis, governments may introduce laws that violate human rights.
- Victims of human rights violations are often afraid of talking to the media.
- In developing countries, there is limited technological infrastructure, e.g. mobile phone and Internet connections. This works against journalists in a high-speed news environment.
- It is not always easy to fit breaking news into a human rights format.
- In most developing countries, journalists are under-resourced, lacking even the most basic tools — computers, cameras, transmission equipment — and finances, like money for transport and accommodation.
- Many journalists are freelancers or stringers. They struggle to “sell” human rights stories that are not headline news but which are ongoing problems — like poor health services, lack of water, inadequate education — to editors concerned with budgets.
- In some places, media are still controlled by the state.
- States still have the power to shut down the Internet or to censor Internet content.

Media’s relationship to human rights issues

- Media are producers of information for the general public. Reporters collect and present most of the information we receive about human rights.
- Media also carry stories that include information generated by human rights organizations.
- Media decide what to cover and what issues or aspects of a story to highlight. By making these decisions, media have power over what we know and do not know about human rights.
- Media also comment on issues in opinion pieces, talk shows, panel discussions, editorials and columns. Media therefore have the power to shape public morals and public opinions about human rights.

**What role should journalists play in relation to human rights?**

What are journalists’ responsibilities in relation to human rights? Do journalists have a special responsibility to report on human rights?

It is worth thinking about these questions, because how you answer them will shape your approach to human rights reporting. There are several valid answers, reflecting different viewpoints about journalism.

Here are some points of view to consider. See if you can select one or more answers that describe how you feel about your role:

- Media are a mirror. The role of journalists is to reflect back to society what they see. That will include human rights issues.
- Journalists have a moral obligation to promote human rights all the time and in every story because media are “watchdogs” whose role is to bark loudly to warn people about threats to their freedom, to their security, to their livelihoods and to their culture.

- Journalists have a special, personal interest in human rights. Good journalism dies where human rights are weak. Journalists and their families — like everyone else — also need to live free from fear of oppression and exploitation, with rights to their own religious beliefs; access to buildings if they are disabled; equality if they are women. Therefore they have a responsibility to expose abuses and to raise awareness about human rights.
- Human rights are the basis of all good journalism. You cannot be a good journalist unless you incorporate human rights.
- The role of a journalist is to report news and issues and therefore do not have a duty to pay special attention to human rights. Human rights are not more special than any other topic.
- Human rights may be newsworthy from time to time, but the real value in knowing about human rights is that human rights help you look at the world in a different way. So you start to see new stories in old issues. Human rights provide another “hook” or angle for your story.
- Human rights are a moral compass for good journalism. Knowing and understanding human rights will make you a better and more professional journalist.

How do you see yourself?

Some journalists see themselves as campaigners — actively, consciously and deliberately exposing injustices, righting wrongs, raising awareness, influencing events. They are journalists because they want to change the world.

Other journalists are closer to the “media as a mirror” position. They may also strongly believe in changing the world, but see this as an inevitable outcome of good journalism. They avoid campaigning journalism, or deliberately trying to influence events.

Your selection may also be decided by where you work:

- A community radio or TV station with a community development mission, for example, may want you to do campaigning journalism about people’s rights to housing or about poverty. A bridge over a local road could be framed as a “right to life” or “right to safety” issue.

- A public radio or TV station is more likely to want you to be more detached in your approach and report what others say, being sure to be fair to all sides of the story.
- If you are blogging, what you write will depend on your own personal values and beliefs, and on the aims of your blog.
- A commercial television or radio station might want to avoid controversy and will thus avoid campaigns that might anger advertisers.

Criticisms of human rights coverage in the media

Many observers note that although there is more human rights coverage in the media now than in the past, it is not all good. Some common criticisms are:

- Media confuse issues because journalists have an inadequate understanding of human rights: what they are, how they are created, governments’ responsibilities and how they are promoted and enforced.
- By not taking account of human rights, journalists miss stories or ways of reporting issues. This affects the quality of journalism and the public’s right to information.
- When journalists cover human rights issues, they do not present them as human rights issues, but as national or local crime or politics. They ignore the existence of international human rights standards for domestic violence, racial discrimination, treatment of migrants, child abuse, education, health, cultural freedoms and many other issues. This weakens media’s “watchdog” role, because the media do not hold their governments and other powerful institutions to account on these issues.
- Journalists present information without context or analysis. As a result, human rights violations seem to be isolated instances or new events even when they are only the latest in a history of similar violations.
- Media themselves sometimes perpetrate human rights abuses by invading privacy, perpetuating bias and stereotypes, not calling governments to account, or deepening conflict.

Use this space!

What kind of journalist are you? How will your understanding of the role of journalists in society affect your human rights reporting?

Think about your work and your media environment. What is good about human rights reporting in your environment? What is bad about it?

What's good?	How can you make it even better?
What is not good?	How can you overcome the challenges and improve?

In your context, what prevents you from doing good human rights reporting?



Human rights in the newsroom

Every decision a journalist makes has the power to do good or harm, so it's important to understand the ethical rules that should govern the choices you make in the newsroom.

The power of media

Before it goes out, every idea and story has been the subject of questioning, thought and decision-making by many people. Reporters, news editors, sub-editors, editors, producers and even media owners are involved in deciding what is finally printed or broadcast. This decision-making process can be understood as a type of “mediation.”

There may be fewer decision-makers when it comes to online media, because individuals can post news directly, without consultation. Online journalism posted by individuals is therefore sometimes referred to as “unmediated.” But even individuals publishing online make their own choices and decisions.

Journalists make decisions all the time. Sometimes they operate in a supportive environment and are guided by others — news editors, editors, other journalists. Sometimes they operate in more oppressive environments and are told what stories to cover or ignore; what angles to take; who may be interviewed. But even in oppressive newsroom environments, journalists make decisions — the decision to agree rather than opt out, for example.

When making decisions, journalists balance many issues: the standards, ethics and values of journalism; their own country's media laws; the rules and regulations operating in their newsrooms; deadlines and time; the format of stories; length and language. They also consider personal issues: the need to earn a living; the safety of their families; personal time; their own culture and values; personal ethics; what is possible to achieve in a day.

All of these issues have a bearing on the quality of a journalist's work. Every decision a journalist makes has the power to do good or harm. That is the power of the media. Most of the time, media do no harm. But unfortunately, media have also both abused their power and, through poor practice, caused unintended harm.

Values of good journalism

The values of journalism guide journalists in exercising their power, and protect the public. They are intended to guarantee good journalism.

According to the International Federation of Journalists (IFJ), there are about 400 written codes for journalists, which vary in quality and comprehensiveness. Some news organizations have their own lists of values and codes of practice. In other newsrooms, they are not written down, but learned in practice through working with more experienced colleagues.

VALUES OF JOURNALISM:

The Big Five

- Truth
- Accuracy
- Independence
- Fairness
- A commitment to minimize harm

They vary from country to country to accommodate different situations and sensitivities. But there are certain elements that are universal and recognized by all journalists. These are journalism's Big Five: truth, accuracy, independence, fairness and a commitment to minimize harm.

Other important values say that good journalism should:

- Expose crime and corruption
- Make governments work better
- Promote open debate
- Explain the impact of events
- Be inclusive
- Respect privacy
- Promote the values of freedom of expression and information

See page 67 for an international code of conduct for journalists and an example of a newspaper's code of ethics.

How do you apply these values to reporting human rights issues?

You apply these values in all your work, whether you are reporting on human rights or not.

“Reporting on human rights requires the same adherence to high standards as reporting on any other subject. But because of the great sensitivity, journalists need to be especially careful and sensitive to the possible dangers and pitfalls.”

— *Reporting for Change, A handbook for local journalists in crisis areas.* (Institute of War and Peace Reporting, London, 2004)

News values

When making decisions, journalists also consider “news values.” News values are qualities that make information newsworthy. News values have been developed over many years, through practice and experience, and are not rigidly defined. They are what the media have come to believe will attract interest and audiences. Like the values of good journalism, they vary in different media, but there is a generally agreed list:

To be newsworthy, the story must have some or all of the following values:

Impact — the story must be relevant to people's lives. For example, stories about price rises, political developments and climate change all have direct impact on people's lives.

Public interest — do people have a right to know the information? Do people need to know? Will telling the story prevent harm

CONFUSION ALERT!

The values of journalism apply to the practice of journalism.

“News values” are the qualities of a story that make it newsworthy.

or save lives? Will it inform the decisions they make?

Timeliness — the story includes information that people need to know in order to organize their lives in the present.

Proximity — close to home. A crime in your own city is more important to your community than a crime that is far away.

Currency — what's in the public focus at the time, e.g. controversial issues, cultural trends, topics of debate set in motion by recent events.

Development Goals — is approaching. Race and racism were “hot” topics when Barack Obama, America's first black president, was elected in 2008.

Novelty — events that are unexpected or surprising. The “man bites dog” story.

What are news values when it comes to human rights stories?

The same news values apply to human rights stories.

Awareness of human rights has benefits for journalists. Human rights can help you recognize a good story. Linking events to human rights standards can make the story more newsworthy.

For example, there may be several instances of child abuse in your community, but your editors might not regard them newsworthy. Try another angle – has your country signed the Convention on the Rights of the Child (CRC)? What positive steps is your government taking to eradicate child abuse? Why does child abuse persist? The story becomes more newsworthy when you bring in these angles. At the same time, it is an opportunity to raise awareness about the CRC and about what constitutes child abuse.

You can also link your story to the human rights calendar. For example, stories about domestic abuse might not be considered newsworthy most of the time. But domestic abuse is a rights violation and you might be able get it into the news on March 8, which is International Women's Day. Or you could try November 25, which is the International Day for the Elimination of Violence against Women. Take a look at the calendar of UN international human rights days in Appendix D, page 169 for dates. Mark them in your diary and list some ideas for story.



EXAMPLE: THE POWER TO DO HARM

RADIO TELEVISION LIBRE DES MILLE COLLINES AND THE RWANDAN GENOCIDE

One of the most notorious examples of media abusing its power and deliberately causing harm is Radio Television Libre des Mille Collines in Rwanda.

The station was one of a number of media outlets which played a part in the genocide, in which some 800,000 Tutsis and moderate Hutus were killed in just three months in 1994.

Three Radio Television Libre des Mille Collines' executives were later convicted by the UN's International Criminal Tribunal for Rwanda (see page 39) for being important figures in the media campaign to incite ethnic Hutus to kill Tutsis.

The radio station had called for a "final war" to "exterminate the cockroaches," and during the genocide it broadcast lists of people to be killed and instructed killers where to find them.

The ICTR sentenced two Radio Television Libre des Mille Collines executives: Jean-Bosco Barayagwiza to 35 years in prison and Ferdinand Nahimana to life imprisonment. Another media executive, Hassan Ngeze, who ran an extremist magazine called Kangura was also sentenced to life.

The role played by the media in the Rwandan genocide has had a lasting effect on the media in Rwanda. Media are tightly controlled and there are strict laws regulating content, which critics argue deny people their right to freedom of expression and information.

How do you recognize a good story?

To recognize a good story, you need good "news sense."

"News sense is recognizing the potential news value in facts that might by themselves seem unimportant, and selecting the parts that will interest people. It is finding ways to bring the audience into the story. It is making connections between facts and events and predicting the ways an audience will react."

—*"Understanding Journalism," Lynette Sheridan Burns [Sage, London, 2010, p. 53].*

We are bombarded by events and information all the time, but we are limited by deadlines and space. Having news sense means you can make quick decisions about what stories to follow and what facts to include.

Most journalists develop news sense over time. Here is a set of questions to help you develop good news sense and to choose your stories:

- Would people be interested to know about this?
- Who are the stakeholders — that is, who are the people who would be most affected by the story? Who else would be affected?
- What is the news value — is it unexpected, timely, current, "close to home"...?
- Is it in the public interest?
- How will it affect people's lives?
- What is my own relationship to the issue? To what extent am I driven by my own interests? What values / beliefs / connections do I have that may be influencing me?

THE STAR'S 10 ETHICAL GOLDEN RULES

FROM THE STAR'S STYLE GUIDE, 2010 EDITION

The Star is an independent newspaper based in Nairobi, Kenya's capital city. It is a national paper with a circulation of about 30,000. You can read The Star online at www.nairobistar.com. An interview with Nzau Musau, political writer at The Star, appears on page 42 of this toolkit.

A shortened version of The Star's Style Guide is given to all staff in the form of a pocket-sized booklet for easy reference. The "10 Ethical Golden Rules" published here are taken from this booklet.

1. Accuracy – The Star must take care not to publish inaccurate, misleading or distorted information including photographs. Whenever it is noticed that a misleading, inaccurate or distorted article has been published, it must be corrected at the earliest opportunity.
2. Privacy – Everyone is entitled to respect for his or her private and family life, home, health and correspondence except in PUBLIC places. Any news story that breaches this tenet must be justified. The identity of victims of sexual assault MUST NOT be made public unless there is sufficient justification.
3. Listening devices – Reporters/editors must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations EXCEPT in cases where there is overwhelming public interest.
4. Misrepresentation – Misrepresentation by journalists through false identity can be justified only in the public interest and only when the information cannot be obtained in any other way.
5. Discrimination – Details of a person's race, color, religion, sexual orientation, physical or mental illness or disability should be avoided unless the details are relevant to the story.
6. Confidential sources – Reporters have a moral duty/obligation to protect sources of information at all times.
7. Advertisement/Government Pressure – A story should never be killed based on the need to please an advertiser. Government requests to publish or kill a story should not, as a rule, be entertained. In cases where there is doubt about the proper course of action, the editor should make the decision.
8. Previewing stories – Interviews or sources should NEVER be shown stories ahead of publication.
9. Freebies/Gifts –
 - (a) Star staff should NEVER receive cash or payments from news sources.
 - (b) In meetings with news sources, reporters/editors should normally pay the lunch/coffee or dinner bills.
 - (c) Gifts valued at more than Sh1,000 (about \$12 US dollars) MUST be declared to the editor/supervisor and subsequently returned with a polite note.
 - (d) Invitations for junkets to foreign/local destinations MUST be approved by the editor.
 - (e) Upcountry transport to venues by news sources could be considered in remote areas where a reporter would not reach without the source getting involved. BUT ALL such offers MUST BE DISCUSSED WITH THE EDITOR BEFORE ACCEPTANCE.
 - (f) NO reporter should make private plans to acquire tickets or accreditation by using the name of The Star to any event WITHOUT the knowledge of the editor/supervisor.
10. Payment for articles – The Star will not pay sources for documents or information. An exception to the rule could ONLY be in cases where there is overwhelming public interest.



IFJ DECLARATION OF PRINCIPLES ON THE CONDUCT OF JOURNALISTS

"This international Declaration is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events.

1. Respect for truth and for the right of the public to truth is the first duty of the journalist.
2. In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right of fair comment and criticism.
3. The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.
4. The journalist shall use only fair methods to obtain news, photographs and documents.
5. The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate.
6. The journalist shall observe professional secrecy regarding the source of information obtained in confidence.
7. The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.
8. The journalist shall regard as grave professional offences the following:
 - plagiarism;
 - malicious misrepresentation;
 - calumny, slander, libel, unfounded accusations;
 - acceptance of a bribe in any form in consideration of either publication or suppression.
9. Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognise in professional matters the jurisdiction of colleagues only, to the exclusion of every kind of interference by governments or others."



(Adopted by 1954 World Congress of the IFJ. Amended by the 1986 World Congress.)

The International Federation of Journalists (IFJ) is the world's largest organization of journalists, representing about 600,000 members in more than 100 countries. The IFJ's mission is to promote international action to defend press freedom and social justice through strong, free and independent trade unions of journalists.



Use this space!

What personal values influence your work as a journalist?

Ethical dilemmas and rights issues

Here is a true story involving a political/sex scandal in Finland. Take a look at the events below. What do you think?

Politician's love affair leads to blows

Late one night, a politician came home with his girlfriend. To their shock, they found his wife at home! The wife and the girlfriend got into an argument, and this ended up in a physical fight between all three people. The police were called and the politician and his girlfriend were arrested. The next day, stories about the incident, including the names of everyone involved, were published. The media also commented on the consequences of the incident for the politician's career.

What do you think? Were the media right to cover the story?

What are the human rights and ethical issues involved?

More hot news: the girlfriend's scandalous past

A few weeks later, although there had been no further developments, the media again carried stories about the incident. This time, they gave further details about the fight and further information about the politician's troubled life and relationships.

They also published further information about the girlfriend, including where she lived, her age, the name of her workplace, her family and other relationships and her picture. They also carried more details about her relationship with the politician.

Were the journalists right to revisit the story? What are the ethical and human rights issues involved?

Journalists found guilty of invasion of privacy!

The politician and his girlfriend reacted by asking the police to conduct a criminal investigation into the journalists' methods and how they had covered the story.

This resulted in a criminal case, which the journalists lost.

The courts ordered the journalists and the media companies to pay large fines and damages for the invasion of the girlfriend's private life.

They argued that because the girlfriend was not a public figure:

- The fact that she happened to be the girlfriend of a well-known person in society was not enough to justify revealing her identity to the public.
- The fact that her identity had been revealed in the media before, during the first court case, did not justify these new invasions of her private life, the courts said.
- Dissemination of information about a person's private life was enough to cause them damage or suffering. Therefore, the absence of intention to hurt the girlfriend was irrelevant.

The courts concluded that the journalists and the media had had no right to reveal facts relating to the girlfriend's private life or to publish her picture as they did.

What do you think about the judgement? Were the courts right?

The journalists object!

The journalists, editors-in-chief and media companies complained under Article 10 (freedom of expression) of the European Convention on Human Rights about their convictions and the high amounts they had to pay in damages to the girlfriend. The European Court found that:

- The laws of the country were clearly stated.
- It was clear that the journalists had transgressed national laws and were therefore guilty.
- They were journalists of that country and so should have been aware of laws and regulations of that country.
- If they were not clear about the meaning of the law, in particular, the meaning of "private life," they should have sought advice.
- However, there had been no evidence of factual misrepresentation or bad faith on the part of the journalists.
- Nor had there been any suggestion that they had used illegal methods to obtain information about the girlfriend.
- While it had been clear that the girlfriend was not a public figure, she was involved in an incident together with a well-known public figure with whom she had been in a close relationship. Therefore, the girlfriend could have reasonably been seen as having entered the public domain.
- The disclosure of the girlfriend's identity was of clear public interest in view of the politician's conduct and his ability to continue in his post as a high-level public servant.

The court therefore found that the national courts had violated the Article 10 rights of the journalists. The court ruled that the national government had to pay the journalists damages, as well as the costs of the court case.¹

¹ Dirk Voorhoof, "Flinkkilä a.o. and four other connected cases v. Finland," European Court of Human Rights (IRIS Merlin 2010-5:1/2) www.merlin.obs.coe.int/iris/2010/5/article2.en.html



Human rights and gender-sensitive reporting

“It is often said that the media holds a mirror up to society. How often women are seen in the mirror and what they look like when they do appear or speak has been the focus of a growing movement focused on changing the stereotypical representations and portrayals of women and men in the news.”

— *Mission Possible: A Gender and Media Advocacy Toolkit*¹

On page 64, we discussed decision-making within the media and how this gives media — and journalists — power. Media do not just provide information and reports on news events and current issues, but through decision-making play a crucial role in influencing how people think and what we consider normal and acceptable.

The kinds of decisions that have an impact include selection of types of news stories, choice of words and language, choice of people to interview, pictures to illustrate stories and story placement in newspapers and radio and television news and feature programs. These decisions all send messages to audiences.

The UN’s Decade of Women (1975-1985) and later, the 1995 Beijing Platform for Action² recognized the power of media in relation to gender.

The tens of thousands of women who attended the World Conference on Women in Beijing in 1995 drew attention to the role

of media in deepening women’s oppression and gender inequality. They also argued that the media had the potential to positively address the issues of gender inequality.

A special concern raised at the Beijing Conference was the fact that there is gender inequality in media organizations.

Women seldom rise to decision-making positions;

In most places women journalists are in the minority;

Women journalists are most frequently assigned to cover “soft” news, or news that does not deal with “serious” topics (with the exception of sport!) while men cover “hard” news, the major events of the day, like politics, conflict, finance and crime.

Sexual harassment of women in the newsroom is also widespread.

CEDAW AND GENDER

CEDAW requires that states parties take measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (CEDAW, Article 5. For more about CEDAW see page 31 and Appendix A8 on page 155).

¹ “Mission Possible: A Gender and Media Advocacy Toolkit,” WACC (London): p. 4 (undated) www.fesmedia.org/fileadmin/files-fesmedia.org/Mission_Possible.pdf [accessed July 15, 2011].

² The UN’s Fourth World Conference on Women took place on September 4-15, 1995 in Beijing, China. The Beijing Platform for Action that emerged from the conference aimed at achieving greater equality and opportunity for women. The three previous UN World Conferences on Women were in Mexico City (International Women’s Year, 1975), Copenhagen (1980) and Nairobi (1985).

Tackling the problems

Male bias

Most stories in the media are about men and quote men. There are thousands of untold stories about women everywhere. The best way of finding these stories is to talk to women and to ensure that women's voices are also heard in the news. Media that carry women's voices and perspectives are more balanced and richer.

Another way of countering male bias is to look for the women's perspective in stories, i.e. to mainstream gender perspective.

Lack of knowledge of issues

Journalists, both men and women, often lack knowledge of the issues affecting women, or of how issues affect women in different ways. This can be remedied by education on gender issues and mainstreaming the gender perspective.

The invisible woman

The media ignore certain categories of women, creating the impression that they are unimportant or worthless. Examples include elderly women, working-class women, women from certain minority ethnic groups and poor women.

Gender stereotypes

One of the most frequent criticisms of media coverage is that it portrays women in terms of gender stereotypes.

Stereotypes are simplistic generalizations attributed to groups of people without regard for accuracy or truth. For example

- Men are logical, women are emotional
- White people are arrogant
- Working class people are stupid
- People living with HIV/AIDS are promiscuous

When media reproduce these stereotypes they are shaping public opinion in ways that reinforce them and deepen inequality, stigma and prejudice.

Stereotypes prevent us from seeing people as they really are. Gender stereotypes prevent us from seeing women as they really are.

By challenging gender stereotypes, media are fulfilling their obligations under international human rights law. Media that challenge gender stereotypes are also in a stronger position to challenge governments to fulfil their obligations with respect to gender.

FREE AND FAIR?

TWO CONCLUSIONS OF A 12-COUNTRY STUDY IN SOUTHERN AFRICA IN 2003

"Women are under-represented in all media in Southern Africa, and especially in the print media. They tend to be consigned to the "soft beats" and do not predominate in any of the beats, including gender equality and gender violence although relative to their numbers in the industry they are better represented in these beats than in any other areas. Women are also under-represented in important news genres such as the creation of images, graphics and cartoons, as well as opinion pieces. The positive correlation between women reporters and women sources suggests that having higher levels of women journalists in all beats of the media would increase the extent to which women are given greater voice in the media. But the fact that a number of male reporters are writing and producing stories on gender equality and gender violence is a positive sign and should be built on through training."

"Women's voices are under-represented in the news and are virtually missing from certain topic areas. Older women are invisible in both the print and electronic media. Women's voices are not even heard in proportion to their strength in occupational categories, such as politics and agriculture. Other than on gender equality, the only areas in which women's voices predominate have to do with the body, home and beauty, rather than with the mind, economic and political challenges."

– "Gender in the media: baseline study," Media Institute of Southern Africa (MISA) and Gender Links (Johannesburg, 2003) www.misa.org/researchandpublication/gendermedia/baseline-study.pdf

Sex objects

Many studies have shown that the media most frequently represent women as sex objects for men to look at and fantasize about. In news, features, entertainment and advertising, images focus on women's bodies, their clothing and their looks. The impression is that women have nothing else to offer society and that women must live up to unrealistic and undesirable standards.

Gender stereotypes

Common stereotypes of women are that they are mothers, homemakers, weak, subservient, victims and intellectually inferior to men. The stereotype of a young girl is that she is pure and a virgin.

If a woman behaves in a way that does not fit the stereotype, she is represented as extreme. For example, a woman doctor, or a woman who leads an organization that looks after street children is likely to be portrayed as an “angel” or a “saint” rather than as a professional person. A woman who challenges a man is represented as unnatural. An unmarried woman who is sexually active is portrayed as a sinner.

Double standards

In the media, a teenage boy who has sexual relations is represented as a man. A teenage girl who has sexual relations is represented as promiscuous. A man who abandons his children is simply bad or irresponsible; a woman who abandons her children is portrayed as unnatural.

Covering sensitive issues

As mentioned, women suffer grave human rights violations that sometimes include sensitive topics such as domestic violence, rape and other sexual abuse. Media coverage is often not sensitive to these experiences or may portray women as being responsible for the crimes.

NOTES

Use this space!

Challenging stereotypes

Stereotypes are learned. They are around us everywhere — in songs, proverbs, the media, religion, culture and tradition. They are potentially very harmful. On page 64 we discussed the need for self-awareness to avoid bias and doing harm. In order to challenge gender stereotypes journalists must first confront their own stereotypes. You will only recognize stereotypes in society if you are aware of and understand your own stereotypes.

Confront your own stereotypes

What are some of the commonly held views about male and female differences in your culture that you hold to be true?

Men are:	Women are:

Discriminatory descriptions and words

The ways in which women are described are often discriminatory. For example, women are referred to as “girls.” When this happens, women are perceived as inexperienced and powerless. Stories about war and conflict tend to focus on women refugees or victims of violence. Women do suffer gross rights violations in wars, and this fact is recognized in international treaties like the Geneva Conventions and the Rome Statutes (see page 101). Yet many women also fight in armies. In humanitarian crises, women are presented as “suffering victims.” Women do suffer, but many also perform heroic acts, rescuing the elderly and children. In humanitarian situations, women’s experience and creativity can strengthen survival strategies. Women also play important roles in peacebuilding and post-conflict decision-making processes. Portraying them merely as victims minimizes their roles in society. Here are some examples from headlines. Identify the problems and make notes:

Headline	What problems are there with the language?
Blonde beauty wins song contest!	
Mother of three elopes with lover	
Woman driver crashes into fence	
Teenage virgin found strangled on path	
Top job goes to former model	

Examine your own reporting

What percentage of “experts” you have interviewed are women?



Human rights controversies

Can human rights be universal in a world with so many different identities, cultures and traditions? This question is behind many human rights controversies.

In Section 2 Part 2, page 65, we discussed news values. One of the most important news values is a commitment to minimize harm. Harm can be intended, as in the Rwandan example on page 66, or unintended. To minimize the potential for unintended harm, you will need to be able to predict how people may react to your story. This requires an understanding of your audience's culture and values. What is their level of awareness about human rights? Do people agree or disagree with the idea of human rights? Are there any issues that are especially controversial?

We also discussed news sense (page 66). We listed as one of the important questions to ask when assessing a possible story: What is my own relationship to the issue? To what extent am I driven by my own interests? What values / beliefs / connections do I have that may be influencing me?

The ability to think critically about your own values and beliefs is essential to making good news judgements and to avoid causing unintended harm.

Human rights are controversial. They were born in struggle, and the struggle has not ended.

Since the UDHR many human rights treaties have been adopted, elaborating political rights, social and economic rights, rights to freedom from torture and cruel punishment, rights to development and to seek asylum. But not all countries have signed all these treaties. Even in countries that have signed, there is disagreement about human rights. Sometimes, disagreement spills over into violence.

Here we identify some of the controversies and disagreements about human rights that you may encounter in your work. It is good to know about them so that you can address them, and so that you can minimize the risk of causing unintended harm.

Whose universe?

Can human rights be universal in a world with so many different identities, cultures and traditions? This question is behind many human rights controversies.

Broadly, there are two positions. “**Universalists**” believe that human rights should be universal; “**cultural relativists**” believe human rights should take account of cultural differences.

Cultural relativists argue that human rights were developed by Western countries and are based on Western morality. They should

“The most potent weapon in the hands of the oppressor is the mind of the oppressed.”

— South African anti-apartheid activist, Stephen Biko. In 1977, Biko was tortured to death by the South African security police.



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

- Kofi Annan, UN Secretary-General, 1997-2006

therefore not be imposed on non-Western societies that have different histories, cultures and levels of development.

In response, universalists argue that ideals like liberty and security belong to all of us. They are critical of cultural relativist arguments, which they see as an attempt to justify oppression of minorities, or to defend harmful cultural practices.

Here are some examples where universalists and cultural relativists have clashed:

- In 2010, Europe and the US put pressure on Malawi to free jailed homosexuals. This sparked widespread anger in Africa, where some people believe homosexuality is not part of African culture and so should be outlawed.
- Female genital mutilation (FGM) occurs in different cultures in Africa, Asia and South America. Arguments for FGM are sometimes religious, sometimes cultural. But FGM is considered a violation of women’s and girl’s rights by much of the international community, and is outlawed in some countries.
- In parts of the Muslim world where Shariah law is practiced, clashes with the international human rights movement are frequent. For example, in late 2000, a 13- or 14-year-old unmarried girl in Zamfara state in northern Nigeria was accused of having sexual relations. Zamfara state had adopted a very strict interpretation of Shariah, and the girl was sentenced to be flogged. The case caused international controversy over differing interpretations of whom is considered a “child” and what constitutes “cruel, unusual or degrading punishment.”

- Gender equality is controversial. In many parts of the world girls do not have the same access to education as boys.
- In some Maasai communities in Kenya and Tanzania parents do not want to send their children to school, although primary schooling is compulsory in both places. Some Maasai believe boys should be herding cattle and girls should be helping in the house, and that this is sufficient education for them. Is this a violation of the child’s right to education?
- Should people living with disability have the same rights as everyone else? Many families and communities appear to disagree, and people living with disability — especially mental disability — are hidden away and stigmatized.
- In some societies, women may not inherit or own property. Is this discrimination and a violation of women’s rights? Or is it a legitimate and acceptable part of those societies’ way of life?

Imposing human rights under the banner of universalism is often labelled “imperialist.” More particularly, it is labelled “American imperialism” or “Western imperialism.” What do you think?

Are all rights really equal?

In spite of attempts to assert the equality of rights, there are disagreements about which rights take priority.

In poorer countries, how will the government decide to allocate resources? Should more resources go to health, which is a human right, or to education, which is also a human right?

Which is more important? The public's right to information or the individual's right to privacy? Most countries have privacy laws which protect individuals from invasion of their privacy by government, business and other institutions. But the question of which takes precedence — privacy, or the right to know — remains controversial and is the subject of numerous court cases.

Tabloid newspapers, also known as the yellow press, thrive on juicy scandal and gossip. To get their stories, tabloid reporters hound celebrities and politicians, camping on their doorsteps and following them in the streets. “Paparazzi” (photographers specializing in candid photographs of well-known people) with high-power lenses climb trees and film through windows. Their defense is that their subjects are public figures and so their activities are in the public interest. Celebrities have taken out injunctions to stop journalists from hounding them, but many have been severely criticized for taking out the injunctions.

Are there enough rights to protect everyone?

Some people say there are not. Some lesbian, gay, bisexual and transgender (LGBT) organizations say there should be a separate treaty asserting a right to sexuality. It would recognize the LGBT community as different, ensure they had equal rights with everyone else, including the right to marriage, and protect LGBT communities from abuse.

Some HIV/AIDS organizations say there should be a special treaty to promote and protect the rights of people living with HIV and AIDS. Activists argue that a special treaty is necessary because of the extent and depth of the HIV/AIDS epidemic; the special nature of the illness and treatment needs of sufferers; the devastating impact on families and the role of discrimination and stigma in spreading AIDS

Proponents of the anti-abortion, “pro-life” movement believe in the rights of the unborn fetus. “Pro-choice” supporters argue that the rights of the mother to choose whether to have a child are more important.

Which takes precedence? International human rights law or national law?

On page 18 we described the true story of how the European Court of Human Rights (ECHR) overturned a ruling by national courts.

Once a treaty has been signed, international human rights laws take precedence over domestic law, and individuals have access to a higher authority if they feel they have been wronged. This often causes controversy at the national level and can cause problems with enforcement of verdicts.

NOTES

Use this space!

We have listed just some of the controversies that surround human rights. Now take a look at the summary of CEDAW on page 155. Do you agree with all the articles? Is there anything in particular that you feel strongly about or where you disagree?

Think about your community. Would everyone agree with all the articles in CEDAW? What especially might cause disagreement, or potential conflict?

Think of an example of a story you might do that would cause disagreement or a negative reaction in your community because of religion or tradition. What are the risks? What could you do to minimize the potential to cause harm?



“You have to help people understand that this is not right. Everyone has the same right to life as you do. Even though they have violated your child’s right, you have to treat them as human.”

—Elizabeth Wangari

Interview with Elizabeth Wangari

Elizabeth Wangari is a presenter and reporter with Coro FM, a local language (Kikuyu) regional station owned by Kenya’s national radio, Kenya Broadcasting Corporation. For more about Coro FM, see www.kbc.co.ke/radio.asp

Elizabeth broadcasts the early morning inspirational show on weekdays, children’s programs on Saturdays and religious programming on Sundays.

She took part in the Internews Global Human Rights training program. Since the training, she has produced stories on topics that are controversial in her community: property rights, the rights of disabled people, the rights of girls and the rights of people living with HIV/AIDS. She is proud to say that her stories have changed people’s attitudes and lives.

What do you think is the main human rights issue in Kenya?

It is the right to life, especially after the post-election violence (of 2007/8)¹. During that period we experienced people killing one another mercilessly. I think that we need to learn and understand that everyone has a right to life. Whether they have wronged you, or they have not wronged you, they have a right to life.

I think that if we can accept that, it will lead us to developing our other human rights. And so everything else will come — if it is a right to health, to shelter, to education, that will all come if we value the life.

What human rights stories have you produced?

I did a story on women and the right to property. I had a case study of a woman whose husband died. Everything was taken away from

her after he passed away. I followed the case with FIDA² [an organization that supports the rights of women]. We had an interview with the CEO and she told us how they help such women to get their rights back.

After that story, I got to know of another woman in Muranga, where Coro FM has many listeners. This woman’s husband passed away and they took the land and everything that she had, and she was left alone. But through the intervention of FIDA she was able to get back her property.

I have also worked on a story on the medical rights of children who are mentally handicapped. This was a very touching story. I met a woman who has five children. All of them are mentally and physically handicapped. So I asked, “How do you tell if this child is sick? He cannot talk.” She said: “I see them groaning in pain, or they cry.”

There was a time when she tried to carry one of them to the hospital. Because the hospital is many kilometers away from her home, she has to take a *matatu* (public bus). But with the mentality of people — nobody wants to associate with people who are physically handicapped. So she was just left at the side of the road and no *matatu* would stop. So now she carries them on her back, or she pushes them in a wheelbarrow. It is very hard for her, and you feel for those children.

What did your story say?

I recommended this angle: all children, whether they are mentally handicapped or not, have a right to medical care like anybody else. The best thing is to accept handicapped people in society, to fight stigma. Also, we should have medical professionals who can deal with them, because when they go to hospital now, they are dealt with as if they are able to talk or explain their case, which is not possible for them. If we can have professionals who are directly responsible for physically handicapped children, maybe their care would be better.

¹ Referring to the violence that followed the disputed election of 2007, in which communities turned on each other as ethnic violence erupted.

² The Federation of Women Lawyers – Kenya; www.fidakenya.org

Another angle was the accessibility of hospitals. The mother said that on one occasion, two of her children were ill at the same time. But how could she carry them to the hospital? She does not have a husband; she is a single mother. So if they can have closer places of medical care, it could help improve their lives.

How has your story changed the mother's life?

I did the story in two different ways, live and recorded. In the live show in the studio, the mother explained what she was going through, what kind of service she got. We interviewed her, and afterwards people called in expressing sympathy and giving advice. You could feel that many people felt pity for this woman.

They also appreciated the story because many people who have handicapped children hide them in the house, they don't want to come out and share their stories. They hide, fearing discrimination in the family and society. So they appreciated the story about the woman who was willing to be open.

After that, a church called me and we met and they said they had decided they would supply the woman and others like her with wheelchairs. In the interview, the mother had said if she had a wheelchair she would push the children to school. Right now, they don't even go to school. We now have a list of 25 people who are to receive wheelchairs, since I did the story.

“Most of the stories that I do are not just one episode. I do a story, and a follow-up, and another follow-up, so by the end I will have covered the issue in depth.”

Do you use the term “human rights” when you do stories like this?

Yes, we translate them into *Kikuyu*. In *Kikuyu* it is *ihotoo cia umüündü*.

Sometimes journalists might not use the term for strategic reasons, because it is a political term. Is it like that for you in Kenya?

There are times when you find it a bit complex. But when explaining, if you do it in a deep way, and narrate the story well, you can get away from possible anger.

There are people who don't understand human rights. For example, if someone kills your child, and I tell you it is a human right for your child to be alive, you might want to take revenge. You might think — if you have the right to kill my child, it is my right to kill yours.

You have to help people understand that this is not right. Everyone has the same right to life as you do. Even though they have violated your child's right, you have to treat them as human.

Some human rights are also controversial because of culture. Have you had to work rights that are controversial here?

For a *Kikuyu* [the largest ethnic group in Kenya] it is very hard to tell a man that a woman has a right to property. For a *Kikuyu*, property belongs to a man. When it comes to doing a program on woman's rights to property, not everyone will take it positively. Even if they have bought the property together, the woman may just want the man to be in control. So to bring them to understand takes time. You cannot do a story like that in one episode; you may need two, or even a third explaining the issue from different angles to make the point. Most of the stories that I do are not just one episode. I do a story, and a follow-up, and another follow-up, so by the end I will have covered the issue in depth.

Female genital mutilation (FGM) is also controversial. Have you covered that issue?

Yes, I went to Meru where they still practice FGM. Some do it forcefully to their girls and some girls do it willingly because of pressure from their parents. They believe: “This is a way of life, this is our culture and we can't do away with it.”

In Meru I met a 12-year-old girl who underwent a forced cut. It was not good for her. She was traumatized, but she was told: “This is the right way to do it!”

I interviewed her. She underwent the cut when she was 12 years old. When she was about 15, she decided to start an awareness-raising program to help other girls. She gathered a group of 24 girls who now meet every day to discuss the issues facing them in life, and even try to convince their parents and others to do away with FGM.

Did you get call-ins for that program?

Yes — after this story went on air, there was another child who called and said her grandmother had forced her to undergo the cut.

So she decided to run away to go to her aunt. But the aunt also could not accept the idea of the girl not undergoing the cut, because she did not want to be seen in society as a person who is doing away with culture.

So this girl went through a phase of visiting different relatives, until she got to one who could accept her, who said: “You are not going to undergo the cut, I am going to talk to everybody else in the family.” And so she was spared.



How to interview: the nuts and bolts of good journalism

The way you conduct your interviews will depend on your aims and what you want to find out.

Interviews are the main sources of information for journalists, for many reasons.

- Direct quotes in an article, or real voices and faces on air, give the story credibility. They are evidence of attribution: the information is not just coming from you, the journalist.
- Interviews are more lively, interesting and up-to-date than documents, and potentially more honest than press releases and other public relations material.
- Journalists work under pressure. You may get a long report about an important issue from government or a research institute, but you are not likely to have the time to read every word and understand it thoroughly. So it is easier and quicker to call someone who has deeper knowledge.
- As a journalist, you are not an expert, so you must rely on others who are experts.

The way you conduct an interview will depend on your aims and what you want to find out. You may have one or more aims, and your approach will vary according to your aims:

If you want information –

You are most likely to ask straightforward, ‘who’, ‘what’, ‘when’, ‘where’, ‘why’ questions, for example, “Who was involved?”, “How did it happen?”, “How many people were present?”, “What time did it start?” and so on.

If you are investigating, probing or challenging –

The information you want is much deeper, and interviews of this kind can become quite hostile.

For example, if you are calling government to account, you might interview an official and follow up information with more probing questions:

“Why was this allowed to happen?”

“Who was responsible for the safety regulations?”

“Is it police policy to extract information through beating suspects?”

You might ask for comment: “In your opinion, should prisoners be kept 15 to a cell?”

If you want background and contextual information

You are likely to ask questions like, “Would this normally happen?”, “Has this happened in the past?”, “What are policies are there on this?”

You might want analysis or interpretation –

Your questions will be more about meaning:

“What does this tax increase mean for the rights of older people to security of income?”

“How will the new law change girls’ rights to go to school?”

“How will the new border policy affect migrants coming to work in our country?”

Or a personal interview –

You will include questions about the person's history, character, opinions and experience. You could also include emotional questions, like, "How did you feel when it happened?"

With emotional interviews, avoid obvious questions like, "How did you feel about the death of your daughter?" And avoid being patronizing — don't say things like, "I know just how you feel..." — because you almost certainly don't! (For more about handling sensitive interviews see 98 – 105.)

The 5 Ws + H

"Who, what, when, where, why and how" are the basis for almost all interviews and stories, no matter what the situation or topic. They can be used to construct stories involving human rights and to incorporate human rights into stories.

Good human rights stories will always identify **whose** rights are being upheld, violated or threatened and **what** the rights are. They will link the events to the human rights and identify the interests of all parties.

Vox pops

These are short interviews, mostly used by radio and TV (but newspapers can do them, too) to get many voices talking about a single issue.

Vox pops are usually conducted in public places, with the journalist approaching people randomly while keeping diversity (race, gender, age) in mind. Each person is usually asked the same question(s).

For example, if a new law about the cost of primary health care is passed, you might go to the local park and ask different people how the new law will affect their lives.

Sources of information

The two main groups of sources are primary sources and secondary sources.

Primary sources	Secondary sources
Eyewitnesses	Archives
Perpetrators, survivors and victims	Internet
Official sources / Spokespeople	Books
Experts	Newspapers and other media
Activists and NGOs	Official records, reports and documents
	Press releases

Primary sources in human rights reporting

For journalists working on human rights issues, there are many different kinds of people you will interview. The same basic principles apply for human rights reporting as for any kind of reporting.

- Background research into the topic and the interviewee is essential. Never approach an interview when you haven't done background research.
- Think about your aims and prepare your questions in advance.
- Take care to phrase your questions in ways that are polite. Avoid using language that may be offensive to the interviewee.
- Think about how to dress for the interview and your manner. Some interviewees respond better to a more formal approach; others are happier in a more relaxed environment.
- After the interview, assess your source and the information. We include guidelines for assessing sources on page 85.

Who	The people in the story	Whose rights are being affected? By whom?
What	The events or actions that prompted the story	What happened / is happening? What is the situation? What human rights are involved? What is the human rights context? What treaties / laws are involved?
When	The time period	When did the event / events happen? If the rights issues (abuses, threats, challenges, struggles) are ongoing, when did they start and how long have they been going on for?
Where	The physical location	In what space/s, place/s or geographical location/s?
Why	Comment on the reasons	Why are the rights being affected? What are the interests of the different parties?
How	Further information about "what?"	In what ways are the rights being affected? Through what strategies / actions? What will happen next? If there is conflict, what are the options for the different parties?



Special sources need special approaches

Official sources

Official sources represent institutions and speak on their behalf. They may hold high positions in the institutions, which gives them a combination of knowledge (or the appearance of it) and power. As a result, people tend to believe official sources and journalists are sometimes fearful of challenging them. We include a special section on interviewing official sources on page 87.

Activists and NGOs

There are thousands of NGOs and activists working in the human rights arena. They are a rich source of information, but they have their own agendas and biases. Often, the challenge for journalists is not finding information, but assessing it for accuracy.

We include a special section on interviewing activists and NGOs on page 92.

Anonymous sources

Human rights stories are controversial. There may be risks of retaliation after a story has been published, and often interviewees will ask to remain anonymous. Many of the same principles apply to

all kinds of sources — named or anonymous, in any kind of journalism. But because you are more likely to encounter anonymous sources when doing human rights reporting, we include a special section on anonymous sources on page 96.

Trauma survivors

Often, journalists covering human rights issues will need to interview people who have survived the trauma of crimes like indiscriminate violence, rape or torture. Handling people who have suffered trauma takes special care and sensitivity.

There are many kinds of trauma. Trauma affects survivors in many ways and there are several organizations that help trauma survivors. They provide useful insights for journalists. We include some guidelines drawn from the experience of people working with trauma survivors and journalists working in the field of human rights reporting on pages 98 – 105.

Perpetrators of human rights violations

Interviewing people who are charged with committing (or are accused of committing) human rights violations can be difficult for journalists. But it is still important and necessary to do in order to

WARNING!

Be especially careful when people come to you with allegations of human rights abuses. There is a lot at stake for those making the allegations, for the alleged perpetrators and for you, as the “messenger.” **The more serious the allegation, the more careful you need to be.**

present more than one side of the story.

Many human rights violations are criminal acts and should never be excused. But interviewing perpetrators may help to present a more complex picture of a situation. The interview may help us understand what drives people to violate the rights of others. If you only interview victims, or people who have suffered human rights violations, you will present a simplistic, one-sided — albeit very important — picture.

Because of the risk of prosecution, people accused of perpetrating violations may wish to remain anonymous. As a journalist, you must decide whether to respect their wishes and, in making the decision, you will need to weigh many factors.

One of the main risks of using anonymous sources is that you could be summonsed to appear in court and ordered to disclose the name of your source. If this happens, you will have to decide what to do. If you refuse to name a perpetrator, or an alleged perpetrator, your case will be weaker because the justice system may take the position that “there is no confidence in iniquity” — that is, people accused of wrongdoing should not be protected, and information about crimes should be disclosed. (See the section on Using Anonymous Sources on page 96).

Guidelines for interviewing perpetrators of human rights violations

- Thorough preparation helps build your confidence and stay on topic throughout the interview.
- Prepare for the interview by researching the interviewee and the circumstances of the crimes s/he is accused of committing.
- Take necessary safety precautions so you can interview your source without having to worry about your and his/her safety
- Be open and honest about the fact that you are a journalist; say which newspaper, TV station or radio you are reporting for.
- Offer the option to remain anonymous; perpetrators who tell the truth may risk revenge or retribution.
- Try to interview the alleged perpetrator alone.

- Never promise favorable coverage, loyalty or understanding in exchange for the interview.
- Confront the interviewee with the allegation and explain you want to hear his or her response. Say you want to tell both sides of the story.
- Do not pretend you are asking about something else: this is both unethical and may be dangerous if you are found out.
- Encourage and allow the interviewee to tell his/her side of the story, but don't shy away from asking probing questions.
- Be direct but polite, regardless of how you feel about the crime(s) the person has committed or is accused of committing.
- Finally, remember that the line between perpetrator and victim is often blurry. Perpetrators of human rights violations may also have suffered similar violations at the hands of someone else in the past. View and treat them as human beings.

Always assess your sources!

This is one of the golden rules of journalism. Always assess your sources, no matter who they are. You can never be absolutely sure if the information you are getting from any source is accurate.

Interviewees may be telling you what they think you want to hear, or they might deliberately try to mislead you. They might be experts, or they might not know what they are talking about! There is only one way to find out — assess the source and verify the information they give you.

Tips for assessing primary sources

What is the source's track record?

Only trust sources who have given you reliable information in the past.

Do they really know?

Check if your sources are really in a position to know the information they are telling you. Were they at the scene? Do they know firsthand or are they reporting what others have said? If you aren't sure, check by asking, “Were you actually there?”

Is the source a competent observer?

In your view, is the source likely to have understood what s/he has seen? Has the source observed the right details? What is the source's age, emotional state, or possible bias?

Check for motives, interests and agendas

Sometimes, people have a personal reason for wanting information to be published. The reasons can be harmless, like wanting publicity for a legitimate cause. Or they could be intentionally manipula-

tive or harmful — an employee wanting to get revenge on an employer, or an ambitious party member wanting political advantage. The information may still be accurate, but it is important to at least know the motive and enable the public to understand so that they are not deceived.

Confirm with others if the information is controversial

Always try to find other sources to confirm or corroborate controversial information, and also look for sources who may contradict it, so that you can report fairly.

How experienced is your source?

Some people are experienced in dealing with media. Others are not. Handle inexperienced sources with care so that you do not exploit them. Make sure that they know that what they tell you is going to be published, and that there could be repercussions. Be especially careful with people who have suffered human rights abuses like rape or torture. They are vulnerable. Be especially careful when interviewing children.

How safe is your source?

If you are not a member of the community, you can leave. Your sources may not be able to. So it is important to be aware of their safety.

Secondary sources in human rights reporting

Journalists rely a lot on interviews but use documents and other sources to verify and contextualize what interviewees say.

Secondary sources are also extremely useful for background research. They can help you to ask more challenging questions, because you will know more after consulting them.

The range of secondary sources is vast and use of them is limited only by access, time, and your knowledge and skill in finding and using them.

For journalists who have access to computers, the Internet gives quick access to huge numbers of resources. Search engines — the most famous is Google — allow keyword searches that quickly produce answers to your questions.

As with any other source, secondary sources need to be evaluated and checked. In addition to being a vast store of very accurate information, the Internet is full of “grey” or “dirty” information posted by amateur researchers or by people deliberately aiming to mislead.

WARNING!

Freedom of access means that anyone can post information on the Internet without the same legal and regulatory scrutiny that goes with other forms of publication.

Tips for assessing secondary sources

- Check the date of publication
- Find out about the author and the author’s qualifications. Is the author a researcher? Junior or undergraduate? Senior and expert? Is the author a journalist? Try Googling the author to establish his or her reputation.
- What are the sources of the information — who / where does it come from?
- Find out how the information was produced. Surveys? Interviews?
- What are the risks of using the information — can it harm anyone? Is it essential to the story?
- What are the agendas of the people producing the information? What are the likely biases? Is the information complete or is there anything hidden?
- Are there NGOs or researchers who can help you understand the methodology and results of published reports?

NOTES

Interviewing official sources

Official sources have – or are believed by the public to have – both power and knowledge. This presents both opportunities and challenges for journalists.



Key terms

Disinformation — inaccurate or false information that is deliberately spread.

Public relations — information put out by an institution to improve its reputation and win public goodwill.

Spin — interpretation of issues or events to persuade the public to view a certain public figure, organization, law, action or set of actions favorably. Spin usually involves deliberate manipulation of the facts. People who develop spin are referred to as “spin doctors.”

The official line — a position taken up by an institution which the public is intended to believe; the institution’s spokespeople (official sources) and messages will consistently reinforce the official line.

The voice of authority

Official sources represent social institutions and associations. They usually hold positions in these organizations and speak on behalf of institutions. For example, a member of the board of directors, a chief executive officer, a public relations officer or a senior manager may be a company’s official source on matters relating to that company; a government minister, civil servant or departmental spokesperson is an official source for a government department; a trade unionist is an official source on a matter involving workers’ rights; a police spokesperson is an official source for the police.

Information from official sources carries a lot of weight, because official sources have — or are believed by the public to have — both power and knowledge. An official source is generally a senior person in an institution and therefore someone who should know about the topic being reported, as well as about the positions, agendas and views of the institutions they represent.

Official sources are the voices of authority and legitimacy. The more senior an official source, the more likely they are to be believed. This presents both opportunities and challenges for journalists.

Interviewing official sources

Because official sources have power, they inspire awe and deference. Journalists are sometimes fearful of challenging them. In some cases, it is right to be afraid: when challenged, powerful people may take revenge. Many journalists who have challenged

CONFUSION ALERT

Journalists sometimes confuse experts with official sources. An expert on workers’ rights, religion, or education is not an official source **unless s/he represents a particular institution or association.** Similarly, an individual who witnesses a human rights violation may know a lot about the story, but is not an official source because s/he is not representing an institution, but speaking as an individual.

official sources have suffered intimidation — arrest, assault and threats; some have been murdered. Where journalists challenge powerful institutions on their human rights records, they are raising the threat of investigation and people in the institution may face arrest and prosecution. So there is a lot at stake for powerful institutions when confronted about human rights.

However, an important role of journalism is to hold the powerful to account, so it is important to challenge official sources when there is justification for doing so.

Three broad groups of official sources

Official sources who want to be interviewed.

These official sources will be quite easy to interview; they want to share information and the interview will be relaxed and friendly. However, it is important to remember that they represent the official line: be careful to verify the information and challenge their statements by asking well-researched follow-up questions.

Official sources who do not want to be interviewed.

These are official sources who have something to hide. They are much more difficult to interview, and you must be well-prepared and confident.

Official sources who want to remain anonymous

This is a complex and difficult group, and you will have to be very careful. Ask yourself — why do they want to remain anonymous? What are their agendas? Anonymous sources have different reasons for wanting to remain anonymous. The most likely reason is self-protection, but there may be other interests and agendas at play. Assess official sources who want to remain anonymous as carefully as you would any other source; especially consider their reasons for wanting to remain anonymous. Treat them as you would any other anonymous source. Ask them: “Is there anyone who would be prepared to go on the record with this information?” If there is,

be sure to interview that person. For more about using anonymous sources, see page 96.

Tips for interviewing official sources

Be prepared

Good preparation is the golden rule for all interviews. It is absolutely essential when you are interviewing official sources. It is best to cultivate relationships with official sources before an issue comes up. Of course, this is not always possible.

Before the interview, conduct as much background research as possible, about both the **source as a person** and **the issue being addressed**. What kind of a person is the source? What is his/her position in the organization? What has s/he said before about the issue? What is the official line? What facts do you know about the story? Which can you be sure of? What are you less clear about? You can only challenge an official source if you know your facts; if you make a mistake, you will look like a novice and the official source may dismiss further questions. If you are not prepared, you may be misled by your source and risk reporting half-truths and carefully “sanitized” information as facts.

Sometimes you may only have a few minutes to prepare. If this is the case, ask yourself: What do I know about the situation? Jot down notes and plan a line of questions based on what you know.

Decide your news line or angle in advance

Decide what you want the outcome of the interview to be — your news line — and pursue it. But be open to the unexpected. If something emerges during the interview, be prepared to change course.

Prepare your strategy; draft an interview guide

What kind of interviewee is the official source? Friendly? Hostile? What interests are at play? The answers to these questions will help you decide your approach and the order of your questions.

Draft a list of questions in the order you want to ask them — but remember, listen to the answers. Do not stick rigidly to your guide; think on your feet and ask follow-up questions or follow new lines of questioning as they emerge.

Your interview guide should have a logical structure that is partly determined by the topic; partly by the nature of the interviewee.

If the source is willing to be interviewed and you feel confident that you will get the information that you want easily, your plan and question guide can be relaxed.

But if you believe the official source does not want to speak to you, or will try to confuse you with spin or just toe the official line, the order of questions is very important. A good way of putting a difficult or reluctant interviewee off their guard is to start by asking for

KEY POINTS ABOUT OFFICIAL SOURCES

- They represent social institutions.
- They have power and knowledge.
- The more senior the official source, the more likely s/he is to be believed.
- Official sources will usually give you the official line — which is only one side of the story.
- An official source is just one of the sources for your story — you cannot rely only on official sources.

Questions to Minister of Police	Notes
Topic – torture and death in detention	
<p>1. What is the government’s position on torture in detention?</p> <p>2. How does this fit with the government’s report on injury in detention?</p> <p>3. Nongovernmental organizations like Amnesty International report deaths in detention. Are these reports accurate...</p>	<p>11/07/2011 Minister of Police said ‘extraordinary pressure was justified’ in interrogation.</p> <p>Government 2011 Report found 23 instances of physical injury among detainees.</p> <p>15/09/2011 Amnesty International reported 6 deaths in detention.</p>
Topic – police brutality in general	
<p>4. How many cases of police brutality have been reported directly to your office so far this year?</p> <p>5. What is your department doing about these cases?</p> <p>6. There have been accusations of a culture of impunity in our country – what is the government’s response to these charges?</p>	<p>Government 2011 report cites 98 reports of police brutality.</p> <p>16/09/2011 Human Rights Watch reports culture of impunity operating in country.</p> <p>Chief Justice warns police in court.</p>

information that you know they feel comfortable with, then switch to more difficult and probing questions.

If you have time, discuss and test your interview strategy and guide with your news editor or colleagues.

Take your notes to the interview

You will have done some background research and made notes. Bring them with you and make sure they are organized so that you can quickly refer to them if you need to challenge something your source says. Make sure your question guide and your notes work well together. For example:

Be sceptical, challenging and probing, but always be polite

Journalists hold the powerful to account and serve the public’s right to information, and therefore have a responsibility to challenge powerful institutions and people. But this does not mean being rude. Always respect your sources; be direct, but not argumentative or aggressive.

Be provocative if necessary. Do not be afraid of confronting the interviewee with other points of view. This is also a way of ensuring the other side of the story is reflected in the interview. For example:

“You say that the police attacks on the demonstrators were justified. But the opposition National Party says they were completely unprovoked. What is your response to the National Party’s point of view?”

Stay in control of the interview

You are the interviewer, therefore you are in control. Official sources may try to use their power and knowledge to take control of the interview. Guard against this. If you lose control, the interviewee has won, and you will not be able to fulfil your role as a journalist. The public will hear only public relations, spin and the official line.

Do not let the interviewee ask the questions. If this happens, politely assert your position: “Thank you, but I am conducting the interview here.” And then immediately ask another question.

Remind yourself to be strong

As you go into the interview, remind yourself to be brave and strong. You are going to have to ask difficult questions. Be prepared to do this.

Look – and be – confident

Good preparation will give you confidence. As with any interview,



you must also look confident and professional. Dress properly and be sure you have the right equipment (tape recorders; cameras) and be sure the equipment works. If you have a camera crew or any other team members, be sure that they are also professionally dressed, and well-briefed about the interviewee and the interview.

Be human

If the official source says something that shocks or surprises you, do not be afraid of showing your feelings. This will add to the interaction between you and the source, and it will help inform your audience. This is especially important for TV and radio journalists: your reactions will help shed light on the issue.

Keep your emotions in check

Official sources may tell outright lies. Challenge and probe; try to expose the lie, but do not show anger. Do not be aggressive, argumentative or rude.

Challenge the official line

Watch out for public relations, spin and disinformation, and challenge these when you recognize them. The best way to challenge these is to assert what you know. For example: “But according to the government’s own White Paper on Access for the Disabled, only 23% of hospitals have wheelchair access.” Or, you could quote other sources. For example: “But Sir, only two weeks ago the

Minister of Defense said that the army was involved in the northern part of the country...” The more you know about the issue, the more likely you will be able to ask challenging questions and get official sources to move away from the official line.

Concentrate and be quick on your feet

While you listen to answers, think about your next question or which direction you want to go next.

Rely on your instincts

If you believe what you are hearing is not true, trust your instincts. Challenge and probe.

Ask for opinions as well as information

Official sources are likely to be more comfortable with information and facts. One way of challenging is to ask for their personal opinions. They will resist, but they may also be discomfited and give information they did not intend to.

Know where you are going

Avoid asking questions when you are absolutely uncertain what the answer might be. You do not want to be caught by surprise, or put on the back foot. Official sources sometimes introduce new information into interviews in order to change difficult lines of questioning. Watch out for this.



Interviewing NGOs and activists

Many NGOs do good work and are often the most knowledgeable about situations because they are on the ground working directly with human rights issues. But they have agendas.

There are thousands of sources of information about human rights and human rights abuses. The challenge for journalists is often not finding information, but assessing it for accuracy. Some of the main sources are the UN and the many UN agencies. In general, these organizations and other international organizations like the World Bank can be trusted. They have large staffs deployed to many places.

Similarly, there are well-known NGOs that employ well-qualified and trained field staff in many countries.

Two of the best-known NGOs are Amnesty International and Human Rights Watch (see page 165). Both of these NGOs put out regular bulletins highlighting human rights issues and violations. They also conduct in-depth research and analysis.

It is worth going online and registering to receive their bulletins and alerts. It is also worth taking a look at what they say about human rights in your country.

Amnesty International and Human Rights watch take a broad, inclusive approach to human rights. But there are also many other human rights awareness raising and “watchdog” organizations at international, national and local levels that focus on specific human rights issues.

These organizations pump out reports, analyses, bulletins and appeals in the thousands, about women’s rights, children’s rights, disappearances, detentions, harassment of journalists, unlawful killings, health rights, rights to water, lesbian, gay and transgender

rights, and many other topics. They are extremely useful sources of information.

Many NGOs do good work and often are the most knowledgeable about situations because they are on the ground working directly with human rights issues. But they have agendas. They are activists and they are constantly seeking publicity. Sometimes, they have been accused of sensationalizing reports in order to gain support for campaigns, or to impress and attract funders and subscribers.

Some NGOs are funded by governments and have political agendas. Others are funded by philanthropic donors and so seem more independent, but may also have political or religious biases. Follow the money.

“DIFFERENT OBJECTIVES”

“Media organizations and advocacy groups stay independent of each other for good reason. They are pursuing different objectives. Journalists’ refusal to distribute content produced by others protects against the partisan abuse of the media space. Meanwhile, international advocacy groups are wary of drifting from their core mission into the media business.”

—Carroll Bogert, Human Rights Watch deputy executive director for external relations, in “Whose News? The Changing Media Landscape and NGOs” (Human Rights Watch, World Report 2011). Download the full report at www.hrw.org/en/world-report-2011?tr=y&aid=7674659

WARNING!

Local human rights groups are sometimes associated in the public's mind with opposition political parties. Sometimes the association is real and there are links. But sometimes even independent local human rights groups are perceived to be part of the opposition, especially if they expose government human rights abuses or failure to implement international human rights standards.

Quoting these groups may cause your audience to believe your story is biased. It is important to be clear with your audience. For example:

For an NGO that is not independent, you could say:

Youth for Human Rights, an NGO that has links to the African National Congress, said in a statement...

If you are not sure about the NGOs political links but they are perceived to be politically linked, you could say:

Youth for Human Rights, an NGO that is widely believed to be linked to the African National Congress, said in a statement....

The NGO may respond by denying the links. If this happens, you would have to publish their denial.

For an independent NGO, you could say:

Human Rights Women, an independent NGO, said in a statement....

You could also include short background information on the NGO, saying, for example, where it gets its funding from:

Clarification may not solve the problem of perceived bias, but it will help!



Human rights NGOs are normally extremely careful about protecting their sources — understandably, because of the potential risk to the people who give them information. It is essential for the NGO to be careful, but it makes their information difficult to verify and harder for journalists to use.

So, as with any other source, handle information from human rights organizations with care. Try to confirm it elsewhere. UN officials, Human Rights Watch and Amnesty International are usually willing to share their opinions about the work of local NGOs.

Always make sure you clearly attribute the information to the source, so that your readers and audiences can make up their own minds about the truthfulness of the information.

Don't dismiss NGOs. In spite of their agendas, they are useful sources of information, especially for background, context and statistics. They will also happily give you lively quotes and comments because they want publicity.

Human rights organizations also create news — organizing rallies, discussion forums, protests, and other events, so it is important to build good contacts in those organizations.

No matter how just or right you think they are, no matter how much you believe in the causes they take up, avoid becoming too closely associated with them or you will be in danger of losing your own independence. There is also the risk to your credibility. If the public associates you too closely with an NGO, your stories will be perceived as biased.

Use this space!

What civil society organizations and NGOs are there in your country that will have useful information about human rights issues? Who could you contact for background information and quotes?

Work on a comprehensive contact list, using the table below for details:

Name of organization	Issue / focus	Address and website	Name of your contact or the spokesperson	Position of contact person	Phone number; email address



Using anonymous sources

Whatever the value or amount of information, you must handle requests for anonymity with great care.

For journalists working on human rights issues, anonymous sources are a special category. Human rights stories are always political and often emotional. They will always produce strong reactions, positive and negative, and people will want to take sides. Human rights reporting can lead to further investigation and prosecution. Those in power, or perpetrators, are likely to react strongly. They may attack the media verbally or even physically. Or they may use violence to try to silence your sources. Your stories could lead to further human rights violations.

The strong reactions and violence may not be your fault. But fear of retribution will affect your work, and may prevent your sources from speaking to you. Some sources may want to remain anonymous; out of fear, they will only speak to you if you can guarantee that they will not be named.

Using anonymous sources

Anonymous sources may give you the core of a story; sometimes background or insider information; sometimes just a tip-off. Whatever the value or amount of information, you must handle requests for anonymity with great care.

Should you use anonymous sources?

This is a difficult decision that raises serious ethical issues. Some media forbid the use of anonymous sources. Others allow it, but with strict guidelines.

In general, sources who speak on the record are always the best option in any story. But sometimes, you do not have a choice. Some stories would never be published if journalists did not have the option of allowing sources to be anonymous.

Why use anonymous sources?

- To get the story out if there is no other way.
- To protect your source. Sources may risk their reputations, jobs or even their lives by speaking to journalists.
- To protect your relationship with your source. If you fail to protect a source who has asked to remain anonymous, you will lose that source.
- If you use them carefully, anonymous sources can be very useful.

Why is it better to use named sources?

- Named sources give the story credibility: they are like witnesses.
- They are more likely to tell the truth.
- They are less likely to change their story.
- The journalist is seen to be acting professionally; that is, reporting what is happening; what others see and say.
- Readers can make up their own minds about whether to believe what the source says, based on the person's reputation or position.

What are the arguments against using anonymous sources?

- Anonymous sources create an atmosphere of gossip, rumour and speculation.
- The public might think the journalist is making the story up.
- Anonymous sources may be promoting certain agendas or interests and using the journalists for their own ends, leading to bias.
- It is harder for the public to decide whether to believe what the source says, because they don't know the person's reputation, position, or connections.

What should you do if you believe a source might be at risk?

Any source in a human rights story could be at risk, whether named or anonymous. So you always have to assess the risks. Whenever you believe there are risks to sources, ask:

- Who else is working on the issue? Are there any NGOs or human rights groups who are happy to be public and who you could use as a source for the same information? There might be less of a risk for an organization with a high public profile.
- How might your story be used? Who will pick up the information and use it to further their interests?
- Are their interests good or bad?
- What are the possible results? For example:
 - Prosecutors for the ICC might use your story for the basis of investigations into individuals linked to human rights abuses. Your sources become potential witnesses and the risk to their safety is high.
 - Your story might lead to local police investigation. The risks to the safety of sources are also high.
 - Your story might lead to one or more people losing a job.
 - It may lead to stigma; for example, HIV/AIDS sufferers and women who have been raped are often stigmatized by their communities when their names are published. They may be isolated and excluded from communal resources, like wells.
 - Relatives of sources may be targeted; for example, their children may be bullied at school.

- If the source wants to be anonymous, ask the source directly: 'Why do you want to remain anonymous?'
- Carefully assess the answer. Ask yourself: Why do I think they want to remain anonymous? What are the advantages for the source? What are their interests or agendas in publicity? Are they perhaps using me to take revenge on someone? Could they deny the story afterwards?

What happens if you are challenged to identify or disclose your source?

Anyone can challenge you to identify your sources. Problems only arise if those who want to know who your informants are use force. Force can either be illegal — you could be detained or beaten up; or legal — you could be summoned to give evidence.

A summons to appear in court will cause serious problems if you have promised to protect your sources. In deciding what to do if you are on trial for refusing to disclose your sources, you will have to weigh many factors: the likely sentence (will you have to go to prison or pay a fine?); the risk to your credibility; the risk to the safety of the source; and the likelihood of being able to defend your case successfully. You could discuss the issue with the source, but if s/he absolutely refuses to be named, you will have no option but to face the consequences.

Most countries do not guarantee a journalist's right to protect sources, and journalists in many countries have been sent to jail for refusing to identify their sources in court.

ANONYMOUS SOURCES: THE GOLDEN RULES

- Once a promise of confidentiality has been given, it must be honored
- ALL sources of information must be carefully and critically assessed and checked
- The anonymous source must be reliable; the information must be accurate (as with ALL sources)
- Try to quote anonymous sources as little as possible; rather use their information as background and try to get others to go on the record
- Only use anonymous sources if they are essential to the report
- Only quote anonymous sources when you are giving information, not opinion or speculation
- Follow your outlet's ethics policies on using anonymous sources



Interviewing torture survivors

If you are working on a story that will require you to interview a torture survivor, make sure that you go well-prepared.

Torture is a human rights violation and a crime against humanity. See the summary of the Convention Against Torture (CAT) on page 144. The following list of practical “do’s and don’ts” for interviewing torture survivors was written by Miron Varouhakis, a journalist with many years’ experience interviewing and interacting with torture survivors and health professionals working to rehabilitate torture survivors.

The do’s and don’ts of interviewing torture survivors

If you are working on a story that will require you to interview a torture survivor, make sure that you go well prepared.

Conduct research beforehand about the individual’s case and the human rights situation in his or her country of origin. Try to find background information that can help you have some understanding of the details of the story. Each case is different.

Prepare your list of questions before the interview. Do not start with the difficult questions, because you may provoke a strong emotional response that may cloud the rest of the interview, or put the interviewee off. Include many open-ended questions that will allow the survivor to tell their story at their own pace.

Do not overdress for the interview. Also, make sure that you don’t wear any articles of clothing or jewellery that may raise tension or agitate the torture survivor(s). Many of the survivors have been tortured for their political and religious beliefs, race, ethnicity, na-

tionality, and other reasons. So make sure that your clothing and jewellery do not exhibit national or religious emblems, logos or statements.

Ideally, female reporters should interview female torture survivors and male reporters should interview male survivors. If this is not possible, then ask the survivor if being interviewed by a member of the opposite sex would be all right with them before you meet for the interview. Many female victims of torture have been raped and sexually abused by male torturers, which could make it difficult for them to open up to a male interviewer. Males from some cultures are not accustomed to talk about their private affairs with women.

Ask permission beforehand if you want to take photographs, audio recordings or video of a torture survivor. Don’t assume that the survivor will have no objection. Many survivors have fled their countries to escape persecution and publishing their photo would expose them to danger. Some torture survivors were forced to make false confessions, so they may fear that an electronic recording of their testimony will be used against them. You may be able to reach a compromise by agreeing to obscure their face or their voice, but you need to negotiate this in advance.

Discuss in advance an appropriate location for the interview. You want to make sure that the person feels comfortable. Avoid basements and small windowless rooms. Ask them to suggest appropriate venues.

When you meet with a torture survivor be courteous but avoid making any facial expressions or verbal comments that show pity.



Bryan Lupton via
The Advocacy
Project, Flickr

“Remain calm even when the torture survivor shares gruesome details of their torture. Try to avoid facial expression of horror or grief. Torture survivors will appreciate your empathy and concern, but extreme reactions can make them feel worse.”

Remember that torture survivors have endured and survived some of the most horrible acts you can imagine. The fact that they have survived and that they are willing to share their story with a public audience means that they are strong people. They don't want pity but they do deserve sensitivity and respect.

Before you start the interview, ask the torture survivor what name he or she would like used in the story. Using their real name might put them at risk. Also, ask the interviewee if they would like to be identified as a “torture survivor” or “torture victim” in the story. Some of the survivors may prefer to be identified as a victim.

Maintain eye contact throughout the interview and be a good listener. They are trusting you with the most painful moments of their lives, so they deserve to have your full attention.

Avoid distractions during the interview. Turn off cell phones, beepers and any other electronic communication devices that you may be carrying with you. Many survivors suffer from post-traumatic stress disorder and disruptions could trigger intrusive recollections (flashbacks).

Remain calm even when the torture survivor shares gruesome details of their torture. Try to avoid facial expression of horror or grief. Torture survivors will appreciate your empathy and concern, but extreme reactions can make them feel worse. Do not reach out to them or comfort them physically. Do not use expressions that have religious connotation (such as “Oh my God,” “Jesus,” etc.). Do not trivialize their experience (for example, by saying “that must have hurt,” or “that must have been hell.”). Don't patronize them. Don't ask invasive questions (“how do you feel?” etc.). Just listen closely and be calm and attentive. If you can't control your emotions, ask for a brief recess.

You should be ready to accept that a torture survivor may feel uncomfortable answering a particular question. Don't press. You should also be ready to accept the possibility that the person may end the interview at any stage if going further becomes too difficult.

—*Interviewing Victims of Torture A Handbook and Guide for Journalists; Victims & the Media Program*; Miron Varouhakis, Michigan State University (2008)



Interviewing people who have been raped

Because of stigma and insensitive treatment of people who have been raped, they deserve a level of privacy not afforded other crime victims.

What is rape?

Rape is sexual assault. It is forced, unwanted sexual intercourse. Rape can happen to both men and women of any age. Elderly women, baby girls, boys, teenagers, mothers have all been raped. Rape is an issue across the globe and affects all cultures. By far the majority of rapists are men. But men — especially boys — are also raped, and rape is often used as a form of torture in and outside of prison.

Rape is about power, not sex. A rapist uses violence or the threat of violence to take control over another human being. Some rapists use drugs or alcohol to prevent their victim from fighting back.

Rape can be committed by a stranger, a family member, a teacher or headmaster, a doctor or a date. Rape can be committed by anyone.

It happens in the home and outside of the home, at any time. Rape happens in times of peace and in times of war.

Armies have used rape as a way of controlling and terrorizing the communities they conquer for many centuries. Mass rapes took place during the Second World War, during the Bosnian war, in Kuwait, Indonesia, Somalia, Liberia, Rwanda and many other places. Mass rapes are still being reported from conflict zones, like the Democratic Republic of Congo, parts of Uganda and Somalia.

Rape is always a crime. Rape is always frightening, traumatizing and humiliating.

Society often blames rape survivors (the victims) for the rape, suggesting that the woman “asked for it” by dressing in a certain way or by walking alone at night. However, there is never justification for rape and media must take care not to reinforce such misperceptions.

What are the human rights standards?

Rape is a form of gender-based violence which violates a number of principles enshrined in regional and international human rights instruments.

These include Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Rome Statute of International Criminal Court (1998) and the Geneva Conventions. The UN Security Council has also passed several resolutions regarding rape and sexual violence.

CEDAW

Most countries have ratified CEDAW and the CRC. CEDAW states that women’s fundamental rights include the following:

- the right to life
- the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- the right to equal protection according to humanitarian norms in time of international or internal armed conflict;

- the right to liberty and security of person;
- the right to equal protection of the law;
- the right to equality in the family;
- the right to the highest standard attainable of physical and mental health;

The Convention on the Rights of the Child (CRC)

The CRC provides similar protections for children, including against sexual abuse.

The Geneva Conventions

The conventions state that:

“Women must be protected against any attack on their honour, including rape, enforced prostitution, or any form of indecent assault. Women must also not be adversely discriminated against because of their sex.”

—Article 27 of the Fourth Geneva Convention; also, Protocol I, Article 76, Section 1)

“Outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault is prohibited at any time and in any place whatsoever, whether committed by civilians or military personnel.”

— Geneva Convention, Protocol I, Article 75.

“Parties to a conflict must respect children, provide them with any care or aid they require, and protect them from any form of indecent assault.”

— Geneva Convention, Protocol I, Article 77, Section 1.

Protocol II makes it clear that these protections also apply in cases of internal conflict.

The International Criminal Court

The Rome Statute of the International Criminal Court recognizes rape as a crime against humanity and as a war crime. “Widespread” and “systematic” rape is included as a crime against humanity (Rome Statute, Article 7).

When rape is committed as part of a “plan” or “policy” during conflict, whether the conflict is between two or more States or happens inside a particular State (internal conflict), it is considered a war crime (Article 8).

The Rome Statute defines rape as having two key elements — invasion/penetration of the body of a person, and force or the threat of force. For further information about the definitions of rape and other sexual crimes against humanity, see the box on page 102.

Rape in war

“Rape is not an accident of war, or an incidental adjunct to armed conflict. Its widespread use in times of conflict reflects the unique terror it holds for women, the unique power it gives the rapist over his victim, and the unique contempt it displays for its victims. The use of rape in conflict reflects the inequalities women face in their everyday lives in peacetime. Until governments take responsibility for their obligations to ensure equality, and end discrimination against women, rape will continue to be a favored weapon of the aggressor.”

—Amnesty International

Some cases of rape in war

- **Bosnia:** During the Bosnian war in the 1990s, Bosniak girls and women were subject to systematic rape. Hundreds were kept in detention centers where they were repeatedly raped by Serbian soldiers and policemen. The International Criminal Tribunal for the former Yugoslavia (ICTY) declared “systematic rape” and “sexual enslavement” in time of war was a [crime against humanity](#). Several people were found guilty and sentenced to long terms in prison.
- **Sudan:** Since the humanitarian crisis began in 2003, women in the western Sudanese state of Darfur have been subjected to rape and other forms of gender-based violence perpetrated by the government-backed Janjawid militia, as well as other armed troops. In many cases, women have been publicly raped in front of their husbands, relatives or the wider community. Pregnant women have not been spared and those who have resisted rapes were reportedly beaten, stabbed or killed. Women and girls as young as eight years old have been abducted during attacks and forced into sexual slavery in the Janjawid military camps.
- **Uganda:** In northern Uganda, the Lord’s Resistance Army (LRA) abducts children, forcing girls into “marriage” and institutionalized rape. Men are “given” women and girls as rewards for “good behavior,” for example, following orders to kill prisoners of war and captured villagers.
- **Sierra Leone:** Abduction, rape, and sexual slavery were also systematic and widespread in the conflict in Sierra Leone. Rape victims often suffer extreme brutality. In one case, a 14-year-old girl was stabbed in the vagina with a knife because she refused to have sex with the rebel combatant who abducted her. In another, a 16-year-old girl was so badly injured that after her escape, she required a hysterectomy.

—Amnesty International, USA, “Rape as a Tool of War: A Fact Sheet” (2007)

ROME STATUTE – INTERNATIONAL CRIMINAL COURT – ELEMENTS OF CRIMES

Summary of what the Rome Statute says about six crimes against humanity that involve sex and reproduction.

Note: These are crimes against *humanity*. In each, the Rome Statute also includes as key elements of the crime:

- The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
- The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

CRIME AGAINST HUMANITY OF RAPE [ARTICLE 7 (1) (G)-1]

1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
2. The invasion was committed by force, or by threat of force, including fear of violence, detention and psychological oppression or abuse of power, or the invasion was committed against a person incapable of giving genuine consent (for example, a person who is disabled or too young).

CRIME AGAINST HUMANITY OF SEXUAL SLAVERY [ARTICLE 7 (1) (G)-2]

1. The perpetrator demonstrated “ownership,” such as by purchasing, selling, lending or bartering a person.
2. The perpetrator caused the “owned” person (or people) to engage in acts of a sexual nature.

CRIME AGAINST HUMANITY OF ENFORCED PROSTITUTION [ARTICLE 7 (1) (G)-3]

1. The perpetrator caused one or more people to engage in acts of a sexual nature by force, or by threat of force, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give consent.
2. The perpetrator or another person expected to obtain financial or other gain in exchange for the sexual acts.

CRIME AGAINST HUMANITY OF FORCED PREGNANCY [ARTICLE 7 (1) (G)-4]

1. The perpetrator confined one or more women forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.

CRIME AGAINST HUMANITY OF ENFORCED STERILIZATION [ARTICLE 7 (1) (G)-5]

1. The perpetrator deprived one or more persons of biological reproductive capacity.
2. The conduct not justified by medical or hospital treatment carried out with their genuine consent.

CRIME AGAINST HUMANITY OF SEXUAL VIOLENCE [ARTICLE 7 (1) (G)-6]

1. The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force.

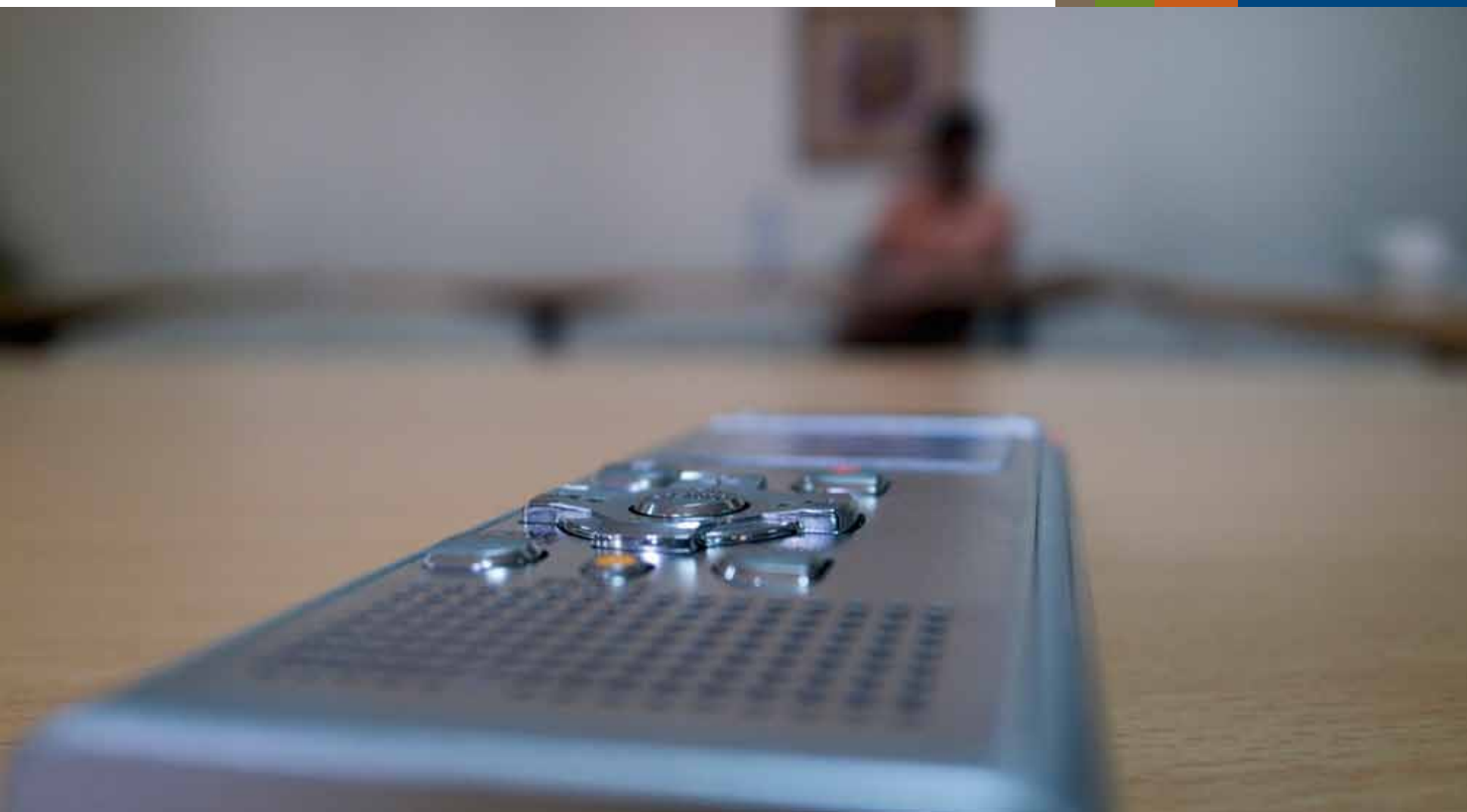


Photo by noodlepie, Flickr

Why interviewing survivors of rape is different

Many societies value virginity and expect women to be “pure.” Studies show that rape survivors suffer from the stigma of being “damaged” by the experience. Women who have been raped face divorce and abandonment. Women who have been raped sometimes commit suicide rather than live with the shame and humiliation.

Men who have been raped also suffer humiliation and stigma. They are considered lesser men.

Children born to mothers who have been raped suffer for the rest of their lives. Their mothers often reject them and they grow up in institutions. They may be stigmatized because of their father’s crime. Many never find out who their fathers are. Children of raped mothers who do find out who their fathers were suffer shame and guilt.

Rape survivors are less likely to report the crime if they know their names will be published or broadcast. Because of stigma and insensitive treatment of people who have been raped, they deserve a level of privacy not afforded other crime victims. In many places, journalists may not disclose the names of rape survivors even when reporting a court case.

Guide for interviewing rape survivors

- Do not interview anyone who is hysterical or in shock; rather, interview a friend or family member, and go back to the rape survivor later.
- It may be difficult for female survivors to tell their stories to men; likewise it may be difficult for male survivors to talk to women. If the interviewer cannot be a person of the same sex, make sure that the survivor is comfortable talking with someone of the opposite sex.
- Be sympathetic, but keep it short. You most likely *don’t know* how they are feeling. So something simple, like “I’m sorry about what happened to you” is enough. Anything more might be seen as patronizing.
- Say who you are, which media you work for and who the likely audience will be.
- Tell the rape survivor why you are there and what it is that you want. Ensure they understand that you plan to publish or broadcast a report based on the information you obtain from them.
- Explain that you will not use the rape survivor’s name unless they especially want you to. Stress that you will go to great lengths to protect his or her identity.

- Explain what *on the record* and *off the record* mean. Tell the interviewee to use that phrase at any time during the interview so that you will know what information not to publish.
- Check the interviewee's comfort with the length of the interview. Also, is the interviewee comfortable with the venue? Is s/he happy for you to use cameras or other recording equipment?
- If interviewing at a hospital, try to get permission from the hospital authorities before the interview.
- Start with an open-ended question, such as "Tell me about your experience," to give the survivor the opportunity to steer the conversation with that with which she or he is comfortable.
- Look the survivor in the eye. Do not get emotional even if the details are shocking.
- Take breaks for rest or recomposure if necessary for either party.
- Interviewing rape victims can be difficult and traumatic. Seek help or counselling if you are feeling emotionally affected by the experience.

When drafting your story, consider these questions carefully:

- Are graphic details about the nature of the rape and injuries necessary to tell the story?
- Will graphic details of violence and injury help the community?
- Will readers or viewers be offended by graphic details of the violence and injury?
- Will the rape survivors suffer more because of the details?
- Will this detail help police in solving the crime? Is it your duty to help?

WARNING! FACTS, FAIRNESS AND BALANCE

Be especially careful about fairness and balance when most information comes from the victims or survivors of sex crimes.

It usually difficult to find independent confirmation of rape survivors' stories.

Because of the nature of crime, it is difficult to avoid taking sides.

Ask the interviewee if there is someone else who would be willing to speak – a neighbor who witnessed the incident; someone who knows the suspect; police who are investigating the crime; or prosecutors.

Victim rights advocates may be able to offer thoughts and advice about the story. You may want to discuss the story privately with someone who understands trauma and can help guide you through the survivor's emotions and help you establish what is more likely to be factual and what information is more influenced by emotion.

If your interviewee wants to have a person with them during the interview, try not to allow that person to interfere, to ask questions or to take over the interviews. That person will have his or her own bias and may influence the story.

Use this space!

Here are some questions to think about when drafting a story about a woman who has been raped:

Would you include these details?

That the survivor had consensual sex with the rapist sometime before the crime?

Descriptions of the clothes and makeup the survivor was wearing?

That she was drunk?

That she was over 18?

That she was in an unsafe neighborhood late at night?

In many places, there are organizations especially focused on violence against women and rape. What organizations do you have in your country? Who would you consider the main spokespeople on violence against women and rape?

Name of organization	Address and website	Name of your contact or the spokesperson	Position of contact person	Phone number; email address

Key sources: www.concernedjournalists.org/interviewing-victims-tips-techniques



Covering elections

Fair and balanced coverage of elections at all levels of government is key to ensuring that the public has all the information it needs to make informed decisions at the ballot box.

Ensuring the right to vote

Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights enshrine the principle of the right of citizens to vote for their governments through elections that are free and fair.

Most countries have laws and regulations about what media may and may not do during elections. Mostly, the laws and regulations try to ensure that coverage of the different political parties is fair and balanced.

Here are some guidelines for covering elections that will help you meet international standards and — if your country has them — national election laws.

UDHR ARTICLE 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Guidelines for covering elections

Be fair:

- Strive to provide equal coverage of each candidate and issue.
- Place politicians' remarks in context. Quote sources accurately.
- Avoid words and descriptions that convey bias.

In reporting elections:

- Go beyond routine coverage of press conferences, speeches and rallies.
- Cover the issues as well as the candidates.
- When an issue is under debate, do your own research and call on neutral experts to explain the facts as opposed to claims of supporters or opponents.
- In the case of a candidate, do the research that will allow you to ask tough questions.
- If the candidate makes an error in fact, give him or her the chance to explain, but inform your readers of the mistake.
- Use multiple sources, supporters, opponents and experts. Give readers the information to predict what the candidate might do in office and what concrete change will happen if a ballot issue is approved.



- Follow the money: Identify who is supporting the candidate or issue financially and why. What policies are they promoting? What potential conflicts of interest do they have (the desire for government contracts on a project the candidate promotes, etc.)? Identify NGOs that track campaign finance spending and adherence to election laws: they may be able to provide you with valuable information.
- Inform the readers of the political affiliations of those you quote.

The numbers:

- Be skeptical of polls. Determine who sponsored them; whether the questions were worded to encourage certain responses, whether the sample size is adequate and reflects voter demographics. Explain polling methods and accuracy rating to readers.
- Don't trust candidates' crowd estimates. Ask police or other official sources. Better yet, estimate it yourself using the Jacobs method if you were there.
- Don't trust candidates' claims about government budgets or other financial information. Verify their arithmetic.

Source: Adapted from guidelines by the International Center for Journalists www.icfj.org/

ESTIMATING CROWD SIZE

The Jacobs method for estimating crowd size was developed in 1960 by Herbert Jacobs, a journalism professor at the University of California, Berkeley. It yields only a rough estimate but allows journalists who do not have access to helicopters or aerial photographs to approximate crowd size themselves.

1. Determine the density of the crowd:
 - A loose crowd, where each person is at arm's length from the next person, gives each person about 10 square feet (0.93 m²) of space.
 - A tight crowd, where people are more tightly packed but still have room to move around, gives each person about 4.5 square feet (0.42 m²) of space.
 - A moblike crowd, in which people may have difficulty even turning around, gives each person about 2.5 square feet (0.23 m²) of space.
2. Determine the amount of space (in square feet or meters) occupied by the crowd.
3. Divide the total area by the estimated number of square feet/meters occupied by each person.



Digital security for human rights reporters

Digital tools and technologies are making it easier for journalists to do their work – to research, verify, store, and publish information on computers, mobile phones, and the Web.

Digital tools and technologies are making it easier for journalists to do their work — to research, verify, store and publish information on computers, mobile phones and the Web.

However, these same technologies can put journalists at risk if they are not used with care. Reporters who cover human rights issues — who call public and international attention to crimes and wrongdoing — are at special risk.

Several repressive governments and powerful corporations have used sophisticated surveillance technologies to track down journalists (both professional and citizen) and punish them for their work. If journalists are not careful to “cover their tracks” when working online, anyone with an interest and a few basic hacking skills can trace the journalist’s steps, potentially putting both the reporter and his/her sources in danger.

That’s why every human rights reporter needs to know **basic digital security** precautions.

What is digital security?

“Digital security” is a combination of tools and habits that users can use to prevent others from secretly monitoring their actions online, accessing or tampering with their electronically-stored information or communications, and interfering with their electronic devices or programs.

No set of precautions or tips can fully guarantee the safety and security of you and your data, but following some basic guidelines can help keep you and your sources safer.

Evaluating your digital habits

The first step to creating a digital security plan is evaluating the environment in which you work and assessing the level of risk to which you may be exposed.

You can start your own evaluation by answering the following questions:

- Where do you usually carry out your work: in an office, at home, or in a public place like an Internet café or library?
- Who has access to this space? How much do you trust those people?
- Do you use your own computer or a shared computer?

DIGITAL SECURITY TOOLKITS

- “[Digital Security and Privacy for Human Rights Defenders](#)” PDF guide (by FrontLine)
- [Security-in-a-Box](#) online tutorial (by FrontLine and the Tactical Technology Collective)
- [SaferMobile's](#) primer

- Is the computer you use (or your account on a shared computer) protected by a password? Does anyone else know that password?
- Where do you store your sensitive data? On your computer? Phone? USB drive? Do you ever print sensitive materials?
- How do you transfer and discard information that you have stored electronically?
- What could happen if someone had access to those materials?

See Section 1.2 of FrontLine’s “Digital Security and Privacy for Human Rights Defenders” PDF guide (www.frontlinedefenders.org/files/en/eseaman.en_.pdf) for a complete set of questions you should answer to help determine your particular security needs. Then, go on to Section 1.3 for help creating a threat assessment and a reaction plan to prepare for a variety of problematic situations.

Gathering information and communicating with sources safely

Journalists’ increasing reliance on electronic tools for gathering information and communicating with sources – whether through online searches, email communications, instant messaging, Skype conversations or social media — raises digital security concerns. Most of these channels of communication can easily be monitored by people who wish to ensure that the journalist’s story never receives an audience.

As a reporter, your best defense is to become informed about the risks and vulnerabilities you face, and then modify your habits to minimize these risks. See the text box for some helpful online guides that will lead you through this process. You might also consider participating in a targeted digital security training if possible.

To maintain privacy and security as you research a story and communicate with sources:

- Browse the web anonymously using an anonymity network like Tor Browser Bundle.
 1. Visit www.torproject.org/download/download-easy.html.en. Be sure to read the usage tips and pitfalls listed on this page before downloading.
 2. Download the Tor Browser Bundle appropriate for your operating system.
 3. Extract the files and click “Run” when prompted. If Tor Browser does not open automatically, click “Start Tor Browser.exe” in the folder you’ve extracted the files to.
 4. Consult Security-in-a-Box for more tips and additional guidance (www.securityngoinbox.org/en/chapter_8_3).

STRONG PASSWORDS...

- Contain at least ten characters
- Include at least one character from each of the following categories:
 - Uppercase alphabet
 - Lowercase alphabet
 - Numbers
 - Special characters (e.g. !, @, #)
- Are never the same as – or contain any part of – your username
- Never contain personal information about you, your relatives or pets
- Never contain commonly understood sequences of letters or numbers (e.g. “1 2 3...” or “A B C”)
- Do not contain large parts that can be found in the dictionary

Extra tip: One way to make an existing password stronger – especially against automated guessing-programs – is to make it longer.

- Erase your browsing history and “cookies” (tags that websites use to identify your computer) from your Web browser after each use. Depending on your Web browser, you can usually do this by changing your “History” or “Privacy” settings under the browser’s “Options” or “Tools” menu. You can also erase your history, cookies and other browser traces with free utilities like CCleaner (www.piriform.com).
- Improve the security of your email and instant messaging services by only using those that provide a Secure Sockets Layer connection (SSL, denoted by the “s” in “HTTPS” in the URL), like Gmail or, better yet, RiseUp.
 - Most free webmail services (like Yahoo! and Hotmail, for instance) provide secure access to your inbox, but send messages openly by default, so they could be intercepted anywhere along the way. Gmail offers a secure connection even when sending and receiving messages if you access your account through <https://mail.google.com> (as opposed to <http://mail.google.com>, without the “s”). However, Google records the content of users’ messages for various purposes and has complied with demands of governments that restrict Internet freedom in the past, so it’s best not to rely on them for full security.



- RiseUp (<https://riseup.net/en>) is a free webmail service built for activists that takes the security of its users extremely seriously and has successfully defeated subpoenas by US authorities to get access to their server records. In order to create a new account on the service, you will need two invite codes from users already registered on the site, or you may have to wait up to a few weeks for RiseUp to approve your account request.
 - The email client Mozilla Thunderbird (www.mozilla.org/en-US/thunderbird/) can support advanced security features like PGP encryption, using the free Enigmail add-on and a free encryption application called GnuPG.
 - Visit Security-in-a-Box for more tips and step-by-step instructions on all of these services (www.securityngo.in-a-box.org/en/chapter_7_1).
- Increase the security of your mobile phone with tips from [Saf-eMobile](#) and [Security-in-a-Box](#). The basics include:
- Always keep your phone with you and make sure to protect it with a passcode that is not easy for others to guess. Never share this passcode with others.
 - If you are worried about maintaining anonymity, change phones and SIM cards often (making sure to wipe your phone of any data before exchanging). Changing the SIM card, alone, is not enough to protect your identity.
 - Use unregistered, prepaid SIM cards if this option is available to you. Always pay in cash for SIM cards.
 - If you are worried that your movements might be tracked, carry your phone turned off with the battery removed until you come to a safe place where you will make a call. After the call, switch the phone back on and remove the battery again. If you do this between every call, the phone cannot be used to trace your movements.

Storing information securely

Even if you are careful about covering your tracks while you browse the web and speak with sources, you will need to store the information you gather somewhere other than in your own head. The simple act of putting something “on paper,” even virtually, makes it vulnerable to discovery.

To ensure that the information you store is as secure as possible:

- Protect your computer and mobile phone with strong passwords that only you know. See the text box (below) for tips on what makes a strong password.
- Never share your passwords with anyone else, never write them down except in a secure password storage service like KeePass (www.keeppass.info/), and use different passwords for every device you use. Also, use a different password for every web account that you maintain, such as your email, Facebook and Twitter accounts.
- Never leave your computer unattended with sensitive documents open or unlocked, even for a few minutes. Instead, log out of your user account, and make sure that your computer requires a password to log back in.
- Be careful never to leave behind any device with sensitive information stored on it in a café, taxicab, etc. Don't carry your phone in your pocket or in an unzipped bag, where it could easily be stolen without you noticing. In addition, use a passcode for your phone and enable it to "lock" automatically after short periods of time. If your phone supports long passphrases, rather than just four-digit codes, choose that setting.
- Consider encrypting particularly sensitive information stored on your hard drive or USB drive. Security-in-a-Box tells you how to do this using software called TrueCrypt, which stores your files in a sort of electronic "safe" that you access with a password (www.securityngoinbox.org/en/chapter_4_1). (Do not forget this password or you will lose access to your data!)

To begin:

1. Visit www.truecrypt.org/downloads.
 2. Download the version appropriate for your operating system.
 3. Save the installer to your computer, then find it and double-click it.
 4. Read the installation instructions at www.securityngoinbox.org/en/truecrypt_main before continuing.
 5. Instructions for getting started using the software are available at www.securityngoinbox.org/en/truecrypt_standardvolumes.
- Delete your files securely. Just pressing "Delete" or emptying your Recycle Bin won't prevent someone from recovering your files later. To be sure your files can't be recovered — whether on your PC, camera, USB stick or phone — follow these directions:
 1. Download, open, and run the free, open-source tool Eraser from Security-in-a-Box. (www.securityngoinbox.org/en/eraser_main).

“No set of precautions or tips can fully guarantee the safety and security of you and your data, but following some basic guidelines can help keep you and your sources safer.”

[org/en/eraser_main](http://www.securityngoinbox.org/en/eraser_main)). (Note: newer versions are available, but they may require downloading the .Net framework, which can take a very long time for users with low bandwidth.)

2. Be sure to read the installation instructions at www.securityngoinbox.org/en/eraser_main and a step-by-step guide for use at www.securityngoinbox.org/en/using_eraser.

Publishing information anonymously

When you publish or post a story on a human rights topic, either you or your sources may wish to remain anonymous. Protecting the anonymity of your sources at this point draws on basic journalism skills of withholding identifying details and finding other ways to corroborate what sources have told you if possible. You also can publish online without revealing your identity by blogging anonymously. Global Voices has put together a step-by-step guide that will teach you how to do so (www.advocacy.globalvoicesonline.org/projects/guide/).

The basic steps include:

1. Download and install the Tor Browser Bundle (www.torproject.org/download/download-easy.html.en) and use that to surf the web and disguise your IP address. You also can run the Tor Browser Bundle from a USB key if you work on a shared computer.
2. Create a new, hard-to-trace e-mail account that does not contain personal information and is not tied to your other accounts or your mobile phone.
3. Launch Tor and, when the Aurora browser automatically opens (after Tor has started working), create a new WordPress

blog registered under your new anonymous e-mail address. (www.en.wordpress.com/signup/)

4. Write your posts offline. When you are ready to publish...
5. Log into your new Wordpress blog, edit the blog's timestamp, and post it.
6. Securely erase the rough drafts, browsing history, cookies, and passwords from your browser.
7. Repeat Steps 4-6 every time you post.

Final thoughts

Maintaining digital security is not something you can do once and forget about. It is a continuous process that requires constant awareness of potential threats and vulnerabilities and proactive work to address them. It may seem daunting, but the benefits you will gain from taking the steps to protect your own safety and that of your sources are well worth the effort.

NOTES

PHOTO CREDITS: Unless otherwise noted, all photos are drawn from Internews' own image archives.

Cover: TV journalism training, Ukraine

Pg. 59: Internews trainers during a TOT in Kyrgyzstan

Pg. 60: Kenya

Pg. 61: Nepal (Credit: Mukunda Bogati)

Pg. 64: School for Young Journalists; Crimea, Ukraine

Pg. 66: Dadaab refugee camp; Kenya (top) and activist with camera phone (bottom)

Pg. 68: Studio broadcast training at Tariq al Mahaba Radio; Nablus, West Bank

Pg. 72: Herat, Afghanistan

Pg. 76: Photo taken through a burqa, Afghanistan

Pg. 77: Reporting for an HIV program in India

Pg. 80: Elizabeth Wangari, Coro FM; Kenya

Pg. 82: Community radio journalists, Kenya

Pg. 84: Trainees shoot footage during Orange Revolution, Ukraine

Pg. 87: Trainee from Radio Smart FM interviewing prosecutor in Indonesia

Pg. 90: Turalei, South Sudan

Pg. 92: Interviewing a refugee protection officer in northwest Pakistan

Pg. 93: Community health worker in Pakistan

Pg. 96: Pakistan

Pg. 98: Radio in Kenya (Credit: Kate Holt)

Pg. 99: A survivor of LRA torture in Lumogi IDP camp in Northern Uganda (Credit: Bryan Lupton via The Advocacy Project, Flickr)

Pg. 100: Afghan Youth Festival, Afghanistan

Pg. 103: Interview at the World Bank offices in Kigali, Rwanda (Credit: noodlepie, Flickr)

Pg. 106: Kurmuk, Sudan

Pg. 107: Students at Shevchenko University post questions on Telekritika website, Ukraine

Pg. 108: Afghanistan

Pg. 110: Participants at Internews' Social Innovation Camp; Sarajevo, Bosnia and Herzegovina

3

Guide for Practical Application



Speak Up, Speak Out:

**A Toolkit for Reporting
on Human Rights Issues**



Internews
Local voices. Global change.

Guide for practical application

Section 3 includes practical exercises and review.



Guide to Section 3

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Story assessment

Here we present two real news articles on the issue of child marriage covered from two different angles. Use the worksheet at the end to assess and compare the two stories.

Story Assessment

Here we present a news article and a feature article on the issue of child marriage. Use the worksheet at the end to assess and compare the two articles, in light of the human rights issues they raise.

NEWS - AUGUST 4, 2011

Polygamist sect leader Warren Jeffs convicted in Texas

FROM BBC NEWS —The head of the Fundamentalist Church of Jesus Christ of Latter Day Saints made no reaction as the verdict was read. He faces up to life in prison.

He was found guilty of forcing two teenage girls into “spiritual marriage” and fathering a child with one of them when she was 15.

The charges followed a raid on a remote west Texas ranch in 2008.

A forensic analyst testified that Jeffs, 55, was an almost certain DNA match to the child of a 15-year-old mother.

Prosecutors also played audio recordings in which Jeffs was heard instructing young women on how to please him sexually.

Jeffs conducted his own defence and claimed he was a victim of religious persecution.

The jury in San Angelo, Texas, deliberated on a verdict for more than three hours. They then went immediately into sentencing proceedings.

When police raided the ranch they found women dressed in frontier-style dresses and underage girls who were clearly pregnant.

Authorities brought charges against several men from the group.

The 10,000-strong sect, which dominates the towns of Colorado City in Arizona, and Hildale, Utah, split from the mainstream Mormon church more than a century ago.

View this article at www.bbc.co.uk/news/world-us-canada-14413855

FEATURE - AUGUST 4 2011

Child marriage a scourge for millions of girls

NEW YORK (TrustLaw) - Child marriage, which steals the innocence of millions of girls worldwide and often condemns them to lives of poverty, ignorance and poor health, is one of the biggest obstacles to development, rights groups say.

A girl under the age of 18 is married every three seconds -- that's 10 million each year -- often without her consent and sometimes to a much older man, according to the children's charity Plan UK. Most of those marriages take place in Africa, the Middle East or South Asia.

"This is one of the biggest development issues of our time and we're committed to raising the voices of millions of girls married against their will," Plan UK head Marie Staunton said in her introduction to "Breaking Vows," a recent global report on child marriage.

From horrific childbirth injuries to the secret sale of "drought brides," the consequences of child marriage are explored in a multimedia documentary by TrustLaw, a legal news service run by Thomson Reuters Foundation (childmarriage.trust.org).

"Young children have babies -- your life is ruined, your education is ruined," said Kanta Devi, who was 16 when she married in Badakakahera village in India's Rajasthan state.

"You become upset with everything in your life," she told TrustLaw.

The U.N. Convention on the Rights of the Child considers marriage before the age of 18 a human rights violation.

But according to the International Center for Research on Women (ICRW), there are more than 50 million child brides worldwide, a number that is expected to grow to 100 million over the next decade.

RIPPLE EFFECT

Rights activists say six of the eight U.N. Millennium Development Goals to be achieved by 2015 are directly affected by the prevalence of child marriage -- the eradication of extreme poverty and hunger; achievement of universal primary education; promotion of gender equality and empowerment of women; reduction in child mortality; improvement in maternal health; and combating HIV/AIDS, malaria and other diseases.

The ripple effect is devastating, experts say.

Girls forced into early marriage rarely continue their education, denying them any hope of independence, the ability to earn a livelihood or of making an economic contribution to their households.

The practice also reinforces the concept of girls as worthless burdens on their families to be jettisoned as soon as possible.

Girls who complete secondary school are six times less likely to become child brides than contemporaries with less or no education, according to the ICRW, a Washington-based think tank.

But distance from schools and a lack of school fees often preclude education for the poorest girls, who are twice as likely to marry young as those from wealthier homes.

In Niger, Chad and Mali, more than 70 percent of girls are married before the age of 18, according to ICRW analysis of demographic and health data last year.

Bangladesh, Guinea, Central African Republic, Mozambique, Burkina Faso and Nepal have child marriage rates over 50 percent, the data showed.

Ethiopia, Malawi, Madagascar, Sierra Leone, Cameroon, Eritrea, Uganda, India, Nicaragua, Zambia and Tanzania are all above 40 percent.

The reasons child marriages occur vary with the country and are rarely simple.

"Very often people are sort of quick to demonise, in some ways, the family members and the people who make the decisions about the marriage of girls," Jeffrey Edmeades, a social demographer with ICRW, told TrustLaw.

"But we're finding, for the most part, that people are making these decisions because they feel it's best for their daughters. Parents love their children and they do want the best for them. They're just not sure what the best is."

Edmeades, who has been working with aid agency CARE on a project to tackle child marriage in Ethiopia, gave the example of children in that country being betrothed before birth to cement strategic alliances between families.

In other cases, girls are married off early to ensure that their virginity, and thus their economic value as brides, is intact and the honor of the family is protected.

Meanwhile, debts and natural disasters, such as tsunamis and drought, can lead to girls being sold off as brides as families scramble for survival.

(continued)

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‘SILENT HEALTH EMERGENCY’

Girls under 15, their bodies still developing and their pelvises narrow, are five times more likely to die during pregnancy or childbirth than women over 20, the U.S. Agency for International Development estimates.

The vast majority of those deaths are in the developing world, where a lack of pre- and post-natal care and advanced procedures such as Cesarean sections makes pregnancy and childbirth far more risky than in rich countries. In Africa, for example, 60 percent of women and girls give birth without a skilled medical professional present, according to the U.N. World Population Fund.

Worldwide, 70,000 girls aged 15-19 die each year during pregnancy or childbirth, UNICEF says. The U.N. World Population Fund considers pregnancy the leading cause of death in that age group, citing complications of childbirth and unsafe abortions as major factors.

Children of child brides are also at risk. Babies born to mothers younger than 18 are more likely to be underweight or stillborn, Plan UK says.

Girls forced into early marriage are also at an increased risk of contracting sexually transmitted diseases and HIV/AIDS because they are unlikely to be able to negotiate safe sex with their husbands.

“Child marriage is a silent health emergency in the sense that it’s often overlooked as a root cause of maternal mortality and morbidity (illness),” the ICRW’s Edmeades said.

DRAWING MORE ATTENTION

While it is a subject still little known and rarely discussed in much of the Western world, the issue of child marriage is drawing greater attention from international aid and humanitarian organizations, as well as governments.

In the United States, where child marriage is rare, the U.S. Senate has reintroduced legislation aimed at curbing global child marriage that was unanimously passed in the Senate in 2010 but blocked in the House of Representatives.

The International Protecting Girls by Preventing Child Marriage Act would establish a strategy over several years to prevent child marriage in developing countries.

It would also require the State Department to report on child marriage in its annual human rights report and integrate efforts to prevent the practice into current development programs.

The bill will be reintroduced in the House this autumn, according to Betty McCollum, a Democrat representative from Minnesota, who is its lead sponsor there.

It was blocked in the House last December primarily due to Republican concerns that it would help organizations supplying abortions, which “couldn’t have been farther from the truth,” McCollum told TrustLaw.

“It has nothing to do with abortion,” she said. “It has everything to do with saving 12-year-old girls from being sold into slavery or sold to settle a family debt.”

Not only will it make aid dollars more effective, she added, but “it’s a win for the child, it’s a win for the community the child lives in and it’s a win for the international community.”

The Elders, an influential group of global leaders founded in 2007 by former South African President Nelson Mandela, gathered dozens of organizations for a two-day meeting in Ethiopia in June and have launched a campaign called “Girls Not Brides: the Global Partnership to End Child Marriage.”

(For more on child marriage, including info-graphics, videos, stories and blogs, visit www.trust.org/trustlaw/womens-rights/child-marriage/)

Author: Lisa Anderson. Source: TrustLaw, Thomson Reuters Foundation’s hub of news and information on anti-corruption and women’s rights.

View this article at www.reuters.com/article/2011/08/04/us-child-marriage-idUSTRE7734QI20110804

(continued)

FACTBOX: Child marriage threatens girls' health and rights

LONDON (TrustLaw) – Every day, more than 25,000 girls under the age of 18 are married worldwide, rights groups estimate. For many child brides, a future of poverty, exploitation and poor health awaits.

Following are key facts on child marriage around the world.

- Every three seconds, a girl under the age of 18 is married somewhere in the world, mostly in Africa, the Middle East and South Asia.
- The practice affects a third of girls – and some boys – in developing countries, according to UNICEF, which describes child marriage as “perhaps the most prevalent form of sexual abuse and exploitation of girls.”
- The U.N. Convention on the Rights of the Child says 18 years should be the minimum age for marriage.
- Child rights activists say marriage at a young age violates a child's basic human rights because they are too young to be able to give “free and full consent” – a right enshrined in Article 16 of the Universal Declaration of Human Rights.
- Child marriage is most common in South Asia, sub-Saharan Africa, Latin America and the Caribbean.
- In many developing countries the practice is illegal but the law is often not enforced or it operates alongside customary and religious laws.
- Girls younger than 15 are five times more likely to die as a result of pregnancy and childbirth than women in their 20s. If they are 15-19, they are twice as likely to die.
- Girls under the age of 18 are more likely to develop obstetric fistula, which causes severe incontinence. This condition occurs during childbirth when a hole develops between the vagina and bladder or rectum.
- Girl brides are more likely to be infected with the HIV virus by their older husbands. A study in Kenya and Zambia by University of Chicago researchers found that among 15- to 19-year-old girls who are sexually active, being married increased their chances of having HIV by more than 75 percent.
- A girl bride is more likely to be beaten or raped by her husband and experience abusive relationships with her in-laws.
- The babies of child brides are 60 percent more likely to die before the age of one than children of women older than 19.
- Child brides are rarely allowed to go to school. Many are expected to bear and raise children and carry out domestic work for their in-laws.
- Girls from poor families are nearly twice as likely to marry before 18 than girls from wealthier families.
- The number of child marriages often increases during conflicts or natural disasters.
- Some families use marriage to build and strengthen alliances, to seal property deals, settle disputes or pay off debts.

(Sources: *The Elders*, *International Center for Research on Women*, *International Planned Parenthood Federation*, *Plan UK*, *UNICEF*)

Assess the articles

It was easy for TrustLaw to cover the verdict handed down to Warren Jeffs as a human rights story, because the accused himself used human rights – his right to freedom of religion – as a defense.

Because the Jeffs case was in the news, it was the right time to publish a feature story exposing child marriage as a widespread human rights violation.

Can you identify all the human rights issues involved?

In your view, has TrustLaw done a good job of identifying the rights and contextualizing the issues?

What do you think TrustLaw could have done differently, or better?

If your newspaper wanted to run the feature article, noting that it comes from an NGO (a foundation), how would you attribute the story?

What are the controversies and the possible risks of carrying stories about young girls getting married in your community? How would you avoid causing unintended harm or offending sensibilities?

Write a story step-by-step

The following step-by-step guide will help you write a human rights news story or feature, and get it published or broadcast.



STEP 1 Finding a newsworthy story

Human rights affect every level and area of life, and there are stories around us all the time. At the level of power, there is what governments do and what they do not do. The quality of government shapes and guides human rights, and government actions affect the human rights of individuals and groups. Is the government ruling properly? Are human rights protected? Is there respect for the rule of law? Is the economy being managed in ways that protect our ICESCR rights? Are the elections being properly managed so that everyone can exercise the right to vote? Are prisoners treated fairly? Are the courts independent and fair?

Corporations also affect human rights in the way they treat workers and affect the environment.

Journalists are also concerned with local and everyday issues and interests. Is there discrimination in the community? Are criminals violating people's human rights? How are children treated? Are the schools adequate and open to everyone? What are the levels of poverty? Do people have access to health care? Who is excluded? Are local businesses and industries treating workers fairly? Are there any groups who feel unjustly treated?

Incorporating human rights angles into stories can make ordinary issues more newsworthy and more interesting. Potentially, knowledge about human rights issues can make you a better reporter.

Think of a story idea that involves human rights. Write down a few notes about the story.

STEP 2 Check the story idea for news value. Make notes:

What is the likely impact – how relevant is this story to people’s lives?

Public interest – do people have a right to know more about the issue or event? Do people need to know? Will telling the story prevent harm or save lives? Will it inform the decisions they make?

Timeliness – does the story include information that people need to know in order to make better decisions about their lives?

Proximity – Is the story close to home? If not, can you draw links that will make it more relevant to your community? Does the story fit into a regional trend that has been studied by others?



Currency – is it a “hot” topic? What’s “hot” about it?

Novelty – is it unexpected, unusual, surprising?

If you can answer most of the above questions positively, the story is newsworthy.

STEP 3 Search your conscience

This is a crucial step and the one that sorts out good journalists from bad ones. It is where you begin to consider some of the ethical issues.

Before you finally decide that your story idea is a good choice, search your conscience:

- Is this story really in the public interest? Will further investigation result in positive outcomes for the general public? Or are you just satisfying curiosity or a need for sensation?
- Who are the people in the story? Will the story cause them any harm?
- How much is your interest just to impress your news editor? Besides impressing your news editor, is the story likely to do any good?
- How are the public / your community / readers / audience likely to react to the story?
- How do you feel about the story? What are your own attitudes towards the people / events? Are they positive or negative? Do they matter? Will they affect your judgment?
- Final question – is it “doable”? Is it realistic and possible? Think about time, budget, skills, the languages spoken, and any other logistics.

STEP 4 Prepare your pitch

If after all this, you still think the story is newsworthy, prepare to pitch the story to your news editor.

“Pitching” simply means arguing that your story is newsworthy. To do this successfully, you make the case that the story idea has news value. You will have to make a strong argument, because you will be competing for space and airtime with many other story ideas.

In most news organizations, decision-making happens at editorial meetings. The main people at these meetings are the news editor and reporters. They develop the daily news diary; select stories and angles and allocate tasks. They set the news agenda and decide what news and information the public is going to receive.

The people at these meetings will also decide whether to follow-up and publish a human rights story, or to take a human rights angle in a story.

If you attend these meetings, this is where you will “pitch” your story idea. Alternately, you may pitch your idea directly to a news editor or editor, who will either immediately agree or disagree, or who will represent you at the editorial meetings.

Based on your answers to the questions under Step 2, draft your argument here:

I believe my story is newsworthy because:

STEP 5 Analyze what you know

Well done! You have the go-ahead. Your news editor likes the story and has added it to the news agenda. Ideally, the news editor or other colleagues will have made some suggestions to strengthen the story or added to your idea. Take note of them.

Now analyze the story. Write down everything you know. What is fact and what is opinion? Which facts are you confident about? Which facts need checking and confirmation? Are there any assumptions in the story?

List what you already know; the facts you feel confident about:

List the facts that you are unsure about; analyze why you feel uncertain.

What are the assumptions in your idea? Why are they assumptions rather than facts? Can you convert them to facts? How?

What are the opinions? Whose opinions are they? Are they important to the story?

How can you make sure you are putting facts in the correct context? Whom can you speak with to help you understand the bigger picture surrounding the issue?



STEP 6 Background research

What are the wider issues — the issues of public interest? This is very important when working with human rights. One of the main criticisms of the way in which journalists cover human rights issues is the lack of context and accurate human rights information. Which rights are involved; is there any particular treaty protecting them? Is your country a state party? How are the rights reflected in the laws of your country? If the story is about a violation, is the violation widespread? What kinds of people are involved? There are many, many questions...

You may not have a lot of time, but if there is anything you can research and read that may help you, now is the time to do it so that you are properly prepared for your first interview.

What sources are you going to use for your research?

Make notes of important points from your background research.

STEP 7 Draft a list of potential interviewees and informants

STEP 8 Analyze your list of interviewees and informants

What are their strengths and weaknesses?

Interviewee	Strengths	Weaknesses

STEP 9 Decide whom to interview first

This is an important step, because it will shape the future of the story. It is usually best to try to interview someone who will give you the most information. Ideally, your first interviewee should be able to give you information that you can publish. But sometimes, it may be strategic to interview someone for background information that is confidential or off the record or simply provides context and recommends other sources.

The information you get from your first interview will guide you in deciding the order of future interviews and point you to new sources.

Whom am I going to interview first?

Why is s/he the best person?

STEP 10 Plan and conduct your first interview

For this interview, and all the interviews that come after it, you should consider: What information am I likely to get from the interviewee? This means doing background research about the interviewee.

It is important to try not to ask questions that the interviewee may be unable to answer, for two reasons:

Firstly, doing so might anger the interviewee, or scare them off;

Secondly, the interviewee may begin giving opinions or information they aren't sure about.

If you ask questions that go beyond the knowledge of the interviewee, the information you get (if any) becomes harder to verify.

Always ask interviewees whom else they suggest you speak with.

Draft a list of appropriate open-ended questions, consider the best approach, and do the interview. For guidance, refer to Section 2, page 82.

STEP 11 Conduct three or four more interviews

For guidance, refer to Section 2, page 82

STEP 12 Assess the information, find the key issues

Time for a reality check. Based on the information that is emerging from your first few interviews, is this really a story? Is it really newsworthy? What are the central issues that are emerging, and can you build a story around them? Based on good news values and good journalistic ethics and standards, should the story be published? Is it in the public interest? Will anyone be harmed by it? Is the value to the public more important than any harm done?

STEP 13 Structure and write your story

The best way to structure your story is around the central issues, keeping your audience in mind. As you write, reconsider all your facts.

Which facts are essential to the story?

Which facts have you verified?

Which have you not verified?

- Are they essential? Could you leave any of the unverified facts out?
- If not, what do they add to the story? Will they cause any harm to anyone? How will they influence the readers? How can you let your public know that you are uncertain?

Have you given the context? Have you included enough information about the relevant human right/s?

Have you included unnecessary detail that could hurt the victim or make the story too sensational?



STEP 14 Final eye

Once you have completed your draft, check for quality and check your facts again. Here is a very thorough checklist based on the Society of Professional Journalists' "Accuracy Checklist":

Check your emotions

Start with your emotions. Human rights stories always create emotional responses. So check your feelings and your conscience. Ask yourself:

- Am I feeling too passionate about my story?
- Is anything troubling me?
- What are my doubts?
- What parts of the story make me feel uncertain?
- Am I feeling confident – or perhaps a bit overconfident?

Ask someone who is less involved for help

If the answer to any of these questions is yes, and you have doubts and worries, ask a colleague or senior who is more detached to read the story. Discuss your concerns.

Then double check

With your completed story and all your notes in front of you, work through the questions below. You can do this alone, or you can do this with a colleague or senior.

1. Do I have a high level of confidence about the facts in my story? Am I confident about my sources?
 - If not, can I tell my story in a more accurate manner?
 - If I have doubts about my sources, can I replace them with more reliable, trusted sources?

2. Have I attributed all facts to sources – either documents or humans?
 - If not, can I find someone/somewhere to attribute them to?
 - To what extent would deleting the unattributed facts weaken the story?
3. Have I double-checked the most important facts?
 - If not, double-check them.
4. If asked, can I provide the properly spelled name and accurate telephone number of all my sources?
5. Am I highly confident that all the factual statements in my story reflect the truth?
 - If not, can I get closer to the truth; be more accurate?
6. Would I be able to defend my facts publicly? Would I be able to convince others that I had checked my facts and taken all possible measures to verify my story?
7. Have I presented the quotes in my story fairly and in context?
8. Am I quoting anonymous sources? Why? Are they essential? In the event of a challenge, would I be willing and able to defend publicly the use of those sources?
9. Am I using any material (documents or pictures) provided by anonymous sources? Why? How confident am I that this material is valid and real? Would I be willing and able to defend publicly the use of that material?
10. Have I described people, minority groups, races, cultures, nations, or segments of society, for example, business people, women, workers, soldiers, using stereotypes? What is the possibility that I will offend people? How can I rework the descriptions to avoid stereotypes?
11. Am I using potentially offensive language or pictures? Is there a compelling reason for using such information? Would the story be less accurate if that language or picture were removed?
12. Do my headlines or broadcast promos accurately present the facts and context of the story?
13. Is my story balanced? Have I fairly reflected different viewpoints?
14. Is the information I have included about human rights accurate and properly contextualized? Am I referring to the correct rights and treaties?

—Based on the Society of Professional Journalists’ “Accuracy Checklist”

(www.concernedjournalists.org/accuracy-checklist-society-professional-journalists) and other sources.

Finally, Revise/Rewrite your story

Based on the answers to the questions you ask yourself and a careful review of your draft, you may want to revise or rewrite the story to put in additional details. Reporters rewrite their stories a few times before moving to the next step.

STEP 15 Submit your story

If there is anything to which you need to alert your news editor or colleagues, do it before the story is published or broadcast.

Human rights stories are always controversial. Everyone needs to be aware of possible consequences. Your news-editor and editor will be in the frontline to respond to criticism and questions about your story.

STEP 16 Consider what other stories you can write based on this one.

In particular, consider a human rights angle. Is this the beginning or part of a trend that you could revisit periodically?

Review: Good human rights reporting is simply good reporting

Reporting about human rights issues makes use of the same principles you should apply in all of your reporting.



Overall approach

Good human rights reporting is simply good reporting

In general, your normal journalism skills simply need to be at their best.

Be neutral and fair

Human rights journalism should be fair. Being fair means presenting as many sides of a story as possible, or at least trying to. It also means using the same criteria when you report on atrocities, no matter who committed them.

Some media interpret “watchdog” to mean watching only governments and exposing human rights abuses by governments. As a result, journalists may be more lenient when it comes to reporting the violations of government opponents – rebels, protesters, guerrilla groups, insurgents – who are also capable of violating human rights. Many freedom fighters have attacked civilians, intimidated, raped, occupied villages and murdered people.

Is compassion a compromise?

Compassion is a normal human response: we all feel for people who suffer. If you are tempted to help victims, consider carefully whether you are compromising your independence. Try to get someone else to help.

Pay extra attention to details (there is often only one chance to ask)

Ask everything several times and ask everyone to repeat.

Be thorough, methodical and detailed in your documentation. Video and photos are good, but you won't always have a camera. So make very careful notes; describe what you see; writing down what people say, sticking as closely to their words as possible; draw little maps or pictures if necessary.

Be careful not to disturb physical evidence in situations where there has been violence.

Don't look at rights violations as a national grievance

A human rights violation is not one ethnic or political group complaining about another; it is a human issue.

Consider the possibility of – and the ethical issues around – fueling ethnic tensions.

Remember: just by calling something a “human rights” investigation, you have taken sides in the eyes of many people

Many opposition groups use human rights conventions as a political tool: watch out for propaganda.

“Always tell colleagues where you are going and when you expect to return. If possible, work in a team.”

Human rights perpetrators will resent international conventions and human rights monitoring, and you will be at risk.

Human rights standards and instruments may contradict national laws. Be aware of this and point out the contradictions in your story.

Human rights standards and instruments often contradict religious customs, culture and traditions. Be aware of this too, and make sure you accurately present what others believe.

Give extra attention to your own safety in sensitive situations

Always tell colleagues where you are going and when you expect to return. If possible, work in a team.

Be extra careful with your notes and recordings

Do not let your notes fall into the wrong hands.

Take care what you write down and record: anonymity and confidentiality may be life and death issues. If someone says “don’t use my name,” evaluate the level of threat to the person. If it is high, don’t even write the name down.

Interviewing victims and witnesses

Understand the stress in the interview

People who have suffered human rights abuses may be traumatized. During the interview, take breaks if possible; offer water or tea if you can.

People who perpetrate human rights abuses may also be traumatized. Be sensitive to their needs too.

The story may also be traumatic for you as a journalist. Make sure you seek counselling or other help and support afterwards if you feel you need it.

Try to interview each person alone

It is difficult to concentrate when too many people are around.

For broadcast journalists, it may be hard to record interviews and get good quality sound when there is a lot of background noise.

Human rights abuses cause emotional responses, and group pressure may cause people to change their story or cause interviewees to exaggerate.

Human rights abuses are political. There may be police spies or others who do not want the story to be exposed in a crowd. This is a risk to the interviewee.

BUT – in some circumstances, you may not be able to be alone

Be extra careful and alert

If you are in a crowded place, be aware that there may be people present who do not want the information reported, for example, friends or relatives of perpetrators; people from opposing political parties; spies.

Do not perform the interview in a situation that may put any of the parties at risk of serious harm.

Translation

You may need a translator present. This may be a problem if the interviewee wants to remain anonymous or give you information that is off the record. There are different ways to get around this:

Avoid asking for sensitive or private information in the presence of a translator, including the interviewee’s name, if necessary.

Try to find someone who understands the situation and who respects the interviewee – perhaps a friend or relative who will be concerned about the interviewee’s safety and privacy.

Explain to the translator the risks of divulging in-confidence information and the principles of respect for anonymity and off-the-record information before starting the interview

Hire a translator in advance and draft a contract committing the translator to confidentiality.

Be sure that the translator is not someone who might put the interviewee at risk.

Trauma support

Some victims – especially of sexual crime – may need support before they can bring themselves to speak freely.

Many traumatized victims of rape or torture will not divulge their experience to a stranger. A friend or counselor may be a necessary companion.



If possible, never interview a child alone. Always be sure a trusted relative, carer, guardian, healthworker, teacher or friend is present.

Clearly identify yourself as a journalist

Say which newspaper, TV or radio station you are reporting for. Explain what audience the story is likely to reach. Say why you are following up on the story. Explain the context to the interviewee.

Explain that you are a journalist and that you do not represent a human rights organization or any other organization that might bring redress or help. Be careful not to make any false promises or encourage false hope in the victim. Tell the victim that you cannot ensure any particular outcome from the coverage of the story. Never offer payment or compensation of any kind for an interview. This compromises the integrity of the story and the victim's ability to make a rational decision about whether to make his or her story public.

Explain why you are covering the story and the risks involved

Explain that you are covering the story because it is important to expose the abuse or violation, to tell others what has happened (or is happening).

Explain the risk: there may be revenge or retribution against the interviewee if the story is published or broadcast. Explain this to

the interviewee; warn them.

If the interviewee does not want to be interviewed and have the story published, respect that choice.

Offer the option of remaining anonymous

Ask the interviewee if you can use his or her name. Respect their choice.

Be thorough

Confirm basic details, for example, the name and age of the interviewee.

Assume this is the only time you will ever see this person; you have one chance only.

Be especially careful in situations of war or conflict, as people move around and get moved around a lot in conflict situations.

Get clear descriptions of places, including the names of all those present when the human rights abuse occurred and positions and ranks of members of the army or police.

Ask interviewees to describe uniforms perpetrators were wearing or any other identification.

Ask for descriptions of weapons seen or used.



“Witnesses, victims and perpetrators may have been offered money to lie, or they or their families may have been threatened with punishment if they tell the truth.”

Ask people to repeat their story. Be especially careful about timing and the sequence of events.

What was said? By whom? When?

Allow the interviewee to tell their story as a story, from the beginning to the end. It may be both easier for the interviewee and easier for you to tell the story afterwards.

Ask them to describe the incident or incidents from the beginning.

Ask them to repeat the story so that you can be clear about events.

Avoid leading questions that put words into the interviewee's mouth.

Avoid questions that suggest answers or look for confirmation of other information.

In addition to the Who, What, When, Where, Why and How of good journalism, there are two very useful open-ended questions for journalists working on stories about human rights violations.

How do you know?

What happened next?

Go to different sources, especially if the allegations are serious. Do not rely on one source. Is there anyone else who saw what happened?

If someone has died as a result of a beating or shooting, check with the mortuary and try to get an autopsy report. There may be other public records.

Think critically: victims and perpetrators will have agendas and interests when they tell you the story.

Think about your source's motives

Witnesses, victims and perpetrators may have been offered money to lie, or they or their families may have been threatened with punishment if they tell the truth. They may have political motivations. Witnesses and victims may be tempted to exaggerate to ensure the perpetrator is punished or to emphasise their own innocence.

Interviewing the accused (the alleged perpetrator)

NOTE: The same principles apply as when you are interviewing a victim or witness.

- Prepare thoroughly for the interview by researching the interviewee, the crime(s) s/he is accused of committing and the circumstances in which they occurred.
- Try to interview the accused perpetrator alone and in a secure location. Take any precautions you feel you need to feel safe.
- Be forthcoming about your position as a journalist and the purpose of the interview.
- Do not promise anything in exchange for the interview (e.g. compensation, favorable coverage, understanding, etc.)
- Be polite but direct; remember that you are in charge of the line of questioning.
- Offer the option to remain anonymous: like victims, perpetrators who tell the truth may also be vulnerable to retribution.

4

Appendices



Speak Up, Speak Out:

**A Toolkit for Reporting
on Human Rights Issues**



Internews
Local voices. Global change.

Appendix A1: Universal Declaration of Human Rights

Full Text:

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

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

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

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

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

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

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

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

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

Article 2

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

Article 3

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account

of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

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

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

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

Article 14

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

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

Article 15

(1) Everyone has the right to a nationality.

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

Article 16

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

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

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

Article 17

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

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and

in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

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

Article 20

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

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

Article 21

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

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

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

Article 22

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

Article 23

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

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

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

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

Article 24

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

Article 25

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

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

Article 26

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

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

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

Article 27

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

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

Article 28

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

Article 29

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

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

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

Article 30

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

www.un.org/en/documents/udhr/

Appendix A2: International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) commits states to respect the civil and political rights of individuals, including the right to self-determination, to life, freedom of speech, freedom of religion, freedom of assembly, electoral rights and rights to a fair trial.

As a covenant (treaty), it is legally binding in international law.

There are six parts and 53 articles. Parts I to III, Articles 1 to 27, describe the rights of individuals and the obligations of states. They are summarized in detail. Parts IV to VI, Articles 28 to 53, are more technical and deal with the formation of the Human Rights Committee to monitor states' progress and performance, and the relationship of the ICCPR to other international treaties and the UN.

Key terms:

Retrospective law — a law which is created after an action and which turns that action into an offense. In other words, states may not prosecute people for their actions if they took place before a law was passed.

Without distinction of any kind — in the ICCPR, this means nondiscrimination, or without any discrimination. The categories they use are “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Summary of Articles:

Part I

Article 1

All peoples have the right of self-determination (to rule themselves). They may freely decide their political status and pursue their own economic, social and cultural development.

All peoples have the right to freely dispose of their natural wealth and resources. People may not be deprived of their own means of subsistence.

States that have colonies (“non-self-governing and trust territories”) must promote the right of self-determination (self-rule or independence).

Part II

Article 2

States must ensure that all citizens without discrimination enjoy civil and political rights.

States undertake to make changes to their national laws to ensure civil and political rights for their citizens.

States must ensure that those whose rights have been violated have legal remedy.

Article 3

States must take steps to make sure equal right of men and women to full civil and political rights.

Articles 4 and 5

States may only limit civil and political rights during times of public emergency “which threatens the life of the nation.” But limiting rights must not involve discrimination on any grounds.

States may not limit or suspend the right to life, freedom from torture, slavery, and retroactive law; or freedom of thought, conscience or religion during times of emergency.

Part III

Articles 6 – 27 list the rights and the specific actions which must be undertaken to realize them:

Article 6

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

In countries which have not abolished the death penalty, the death sentence may only be imposed for the most serious crimes. Anyone sentenced to death should have the right to seek pardon or commutation of the sentence. Youth under 18 may not be sentenced to death and the death sentence shall not be carried out on pregnant women.

Article 7

The right to freedom from “torture or cruel, inhuman or degrading treatment or punishment.” Also, freedom from medical or scientific experimentation without consent.

Article 8

Freedom from slavery, forced employment or labor except in countries where imprisonment with hard labor may be imposed as a punishment for a crime.

Article 9

Freedom from arbitrary arrest or detention. Those arrested must

be given full information about why they have been arrested, and promptly charged and brought to court. The right to compensation for victims of unlawful arrest or detention.

Article 10

The right of prisoners to humane treatment. The right of segregation of those not yet convicted from convicted prisoners, and separation of young prisoners from adult prisoners. States must provide the possibility of rehabilitation for all prisoners.

Article 11

No one shall be imprisoned for failing to fulfill a contractual obligation.

Article 12

Everyone has the right to freedom of movement; to choose where to live; to leave the country, and to return to their country. These rights may only be restricted when necessary to protect national security, public order, public health or morals or the rights and freedom of others.

Article 13

Noncitizens (aliens) who are legally in a country may only be expelled through legal means and have the right to contest expulsion.

Article 14

The right to equality before the law, and to a fair and public trial.

The article also limits publicity, saying the press and the public may be excluded from a trial for reasons of morals, public order or national security, or protect private lives (privacy) or in special circumstances where publicity would prejudice the interests of justice.

The right to be presumed innocent until proved guilty according to law.

The right of the accused to the following minimum guarantees:

- To hear charges in a language s/he understands
- Adequate time and facilities to prepare a defense and to choose a lawyer
- Prompt trial
- Legal assistance and legal aid
- To examine witnesses
- Interpretation if s/he cannot understand language used in court
- Not to be forced to testify or confess
- The right to appeal
- Compensation where there has been a miscarriage of justice

- Not to be tried or punished a second time for the same offense, whether convicted or acquitted the first time.

Article 15

The right not to be guilty of any offense committed before the law was passed, or to have the sentence increased.

Article 16

Everyone has the right to be recognized as a person before the law, anywhere.

Article 17

The right to security in relation to privacy, family, home or correspondence, honor and reputation and the right to legal protection if security is violated.

Article 18

The right to freedom of thought, conscience and religion, except where laws are needed to protect public safety, order, health, or morals or the rights and freedoms of others.

The right of parents to choose the religious and moral education of their children.

Article 19

The right to freedom of opinion, freedom of expression and information.

Restrictions include where these freedoms may jeopardize

- the rights or reputations of others;
- national security, public order, public health or morals.

Article 20

Prohibits any propaganda for war; and says advocating national, racial or religious hatred that incites discrimination, hostility or violence must be prohibited by law.

Article 21

The right of peaceful assembly.

Article 22

The right to freedom of association, including the right to form and join trade unions.

Article 23

Asserts that the family is the natural and fundamental group unit of society, and is entitled to protection by society and the state.

The right to marry and to start a family; freedom from forced marriage; the right to equality of men and women in marriage; and to equality of men and women in dissolution (termination) of the marriage.

Article 24

Children's rights to protection.

The right of every child to registration, a name and nationality.

Article 25

The right to freely participate in politics, to join a political party, to vote and to stand for election.

Article 26

The right to equality before the law, and to equal protection before the law, without discrimination.

Article 27

The right of ethnic, religious or linguistic minorities to enjoy their own culture, to practice their own religion, or to use their own language.

Part IV

Articles 28 - 45 concern the structure and operation of the Human Rights Committee, reporting and monitoring.

Part V

Articles 46 - 47 clarify the Covenant's relation to the UN.

Part VI

Articles 48 - 53 are about ratification, entry into force, and amendment of the Covenant.

First Optional Protocol

The First Optional Protocol to the International Covenant on Civil and Political Rights establishes an individual complaint mechanism for the ICCPR. It is an international treaty.

The protocol sets out ways in which individuals can complain if they believe their civil and political rights have been violated. Key points are as follows:

- States agree that the UN Human Rights Committee will receive complaints from individuals or groups who claim their rights have been violated.
- People may only lodge complaints after all domestic (national) means have been tried.
- Anonymous complaints are not allowed.
- The Committee inform those against whom the complaints are made, and they must respond within six months.
- After considering both the complaint and the response, the Committee must forward its conclusions to both parties.

“Every citizen shall have the right and the opportunity... to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”

—International Covenant on Civil and Political Rights, Article 25

Second Optional Protocol

The Second Optional Protocol to the ICCPR was created in 1989 and entered into force in 1991. This protocol commits signatories (states that have signed or ratified the covenant) to abolish the death penalty within their borders. It allows for countries to make a reservation (condition) allowing execution for grave crimes in times of war.

To see the full text of the covenant, visit www2.ohchr.org/english/law/ccpr.htm

Appendix A3: International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) commits states to work toward achieving economic, social, and cultural rights for individuals. These rights include labor rights and the right to health, the right to education, and the right to an adequate standard of living.

The Covenant is monitored by the UN Committee on Economic, Social and Cultural Rights. It has five parts and 31 articles.

Summary of Articles:

Part I

Article 1

Recognizes:

- The right to self-determination and to freely decide political status and pursue economic, social and cultural development.
- The right to freely dispose of natural wealth and resources
- The right of people not to be deprived of the means of subsistence.
- Commits states to promoting self-determination (independence and self-government) of colonies.

Part II

Article 2

States undertake:

- To take steps “to achieving progressively” the full realization of rights recognized in the ICESCR, including through enacting laws.
- To ensure that cultural, economic and social rights will exercised without discrimination in terms of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Recognizes the right of developing countries decide to what extent they would guarantee economic rights recognized in the ICESCR to non-nationals.

Article 3

States undertake to ensure men and women have equal economic, social and cultural rights.

Articles 4 - 6

The rights can be limited by law only in ways that are compatible with the Covenant and for the purpose of promoting general welfare.

Part III

Articles 6 - 15 list the rights enshrined in the covenant and identify where states should take steps or programs of action to achieve them.

Article 6

States recognize the right to work. To achieve this right, states should provide training and policies that promote economic, social and cultural development and productive employment.

Article 7

States recognize the right of everyone to favorable conditions of work, in particular:

- Fair wages, including equal pay for equal work, without discrimination (especially as regards women);
- A decent living for workers and their families;
- Safe and healthy working conditions;
- Equal opportunity for promotion;
- Rest, leisure, reasonable working hours, paid vacation and payment on public holidays.

Article 8

Includes:

- The right to form and join trade unions;
- The right of trade unions to establish national federations or confederations, and the right of these to form or join international trade-union organizations;
- The right of trade unions to function freely;
- The right to strike, within the national laws of the country.

Article 9

Recognizes the right of everyone to social security, including social insurance.

Article 10

States recognize:

- The right of protection of families; and the right of both spouses to consent to marriage.
- That mothers need special protection for a reasonable period before and after childbirth, including paid leave or leave with adequate social security benefits.

- The right of protection of children, and the need to take special measures to protect children from economic and social exploitation.
- The need to set age limits for employment, and the need to punish those who employ children (to outlaw child labor).

Article 11

Recognizes:

- The right of everyone to an adequate standard of living, including adequate food, clothing and housing.
- The right of everyone to be free from hunger.
- To achieve these rights, states undertake to improve methods of production, conservation and distribution of food and to ensure an equitable distribution of world food supplies according to need.

Article 12

Recognizes the right of everyone to physical and mental health.

Steps to be taken to achieve this include:

- Provisions to reduce stillbirths and infant mortality, and for the healthy development of the child;
- Improvement of all aspects of environmental and industrial hygiene;
- Prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- Creation of conditions to ensure everyone has access to medical treatment.

Article 13

States recognize the right of everyone to education, and the steps needed to achieve the right to education.

Primary education should be compulsory and free;

Secondary education, including technical and vocational education, should be made available and accessible to all, in particular by the progressive introduction of free education;

Higher education should be made equally accessible to all, on the basis of capacity (ability), in particular by the progressive introduction of free education;

Fundamental education should be encouraged or intensified for those who have not received or completed their primary education; States should develop and adequately equip a system of schools at all levels;

Parents and guardians have the right to choose schools other than those established by the government, or which conform to their religious and moral convictions, so long as the schools fulfill minimum educational standards.

Article 14

States agree to develop a plan of action to achieve free, compulsory primary education within a reasonable period.

Article 15

States recognize the rights of everyone:

- To take part in cultural life;
- To enjoy the benefits of scientific progress;
- To benefit from scientific, literary or artistic production of his or her creation.

States undertake to respect the freedom required to enable scientific research and creative activity; and to recognize the benefits of encouraging and development of international contacts and cooperation in the scientific and cultural fields.

Part IV

Articles 16 - 25 cover reporting and monitoring of the Covenant and the steps taken by the parties to implement it. The monitoring body is the Committee on Economic, Social and Cultural Rights.

Part V

Articles 26 - 31 are technical and cover ratification, entry into force, and ways of amending the Covenant.

To see the full text of the covenant, visit www2.ohchr.org/english/law/cescr.htm

Appendix A4: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture and Other Cruel, Inhuman and Degrading treatment came into force in June 1987. It has one Optional Protocol.

The Convention aims to make the struggle against torture and cruelty effective throughout the world.

It has three parts and 33 articles.

Summary of Articles:

Part I

Article 1

Defines torture as:

“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 a confession, punishing him for an act he or a 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. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

— *Convention Against Torture, Article 1.1*

Article 2

States agree to outlaw (prohibit) torture in their territories.

War, the threat to internal stability or any other public emergency cannot be used as justification of torture.

An order from a superior officer or a public authority may not be used as a justification of torture.

Article 3

States may not return (“refouler”) or extradite a person to another state where it is believed s/he may be tortured.

Article 4

States agree that torture is a crime and will be criminalized by law. Even being complicit (knowing about) is a crime. States agree to introduce serious punishment for people guilty of torture.

Article 5

States will take responsibility for punishing torture in the following instances:

When the offenses are committed in any territory under its jurisdiction (colony) or on board a ship or aircraft registered in that state;

When the torturer is a national of that state;

When the victim is a national of that state.

Articles 6 and 7

Those who are believed to have committed torture must be arrested, and if necessary, extradited, and given a fair trial.

Article 8

Torture is an extraditable offence, and states agree to extradite torturers. The Convention may be considered the legal basis for extradition.

Article 9

States agree to assist each other in relation to investigating torture and bringing torturers to justice.

Article 10

States agree to educate and inform civil and military police, medical personnel, public officials and others involved in detaining and interrogating prisoners about the Convention and prohibition on torture.

Article 11

States will regularly and systematically review detention and interrogation rules, instructions, methods and practices, with a view to preventing any cases of torture.

Article 12

States will investigate allegations of torture promptly.

Article 13

People who allege they have been tortured have the right to complain and have their cases impartially investigated. States will protect witnesses in such cases.

Article 14

Victims of torture have the right to redress and compensation. If someone is tortured to death, his or her dependants have the right to compensation.

Article 15

States agree that statements made under torture cannot be used as evidence in court.

Article 16

States agree to prevent other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in the Convention when these acts are committed by or with the agreement of public officials.

Part II**Articles 17 and 18**

Establish the Committee against Torture and describe selection processes of members and structure.

Article 19

States agree to submit reports on the measures they have taken to prevent and deal with torture every four years.

Article 20

If the Committee receives reliable information suggesting torture is being systematically practiced, the state will cooperate in the Committee's investigation.

Articles 21-33

The remaining articles deal with the working of the committee and ratification of the Convention.

The Optional Protocol

There is one Optional Protocol. It was adopted in 2002 and came into force in June 2006. States who agree to the Optional Protocol agree to regular visits by independent international and national bodies to places where people are detained (“deprived of their liberty”) in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The visits will be overseen by a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To see the full text of the convention, visit www2.ohchr.org/english/law/cat.htm.

Appendix A5: Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities aims to protect the rights and dignity of persons with disabilities. It is legally binding and commits states to ensuring that people with disabilities have full human rights and equality under the law.

The Convention was adopted in 2006 and came into force in 2008. It is monitored by the Committee on the Rights of Persons with Disabilities. It has a preamble, 50 articles, and one Optional Protocol.

Key terms:

Multiple discrimination — when a person is subjected to discrimination on more than one ground; for example, a woman living with disabilities is discriminated against because she is a woman and because she is disabled. See Article 6.

Summary of Articles:

The preamble notes the Convention's relationship with other UN conventions and treaties. It reminds us that the UN Charter and UDHR recognize the rights of "all members of the human family." The Convention on the Rights of Persons with Disabilities reaffirms the need for the disabled to be guaranteed their full rights without discrimination.

The Convention recognizes that disability is an evolving concept that is created through the interaction between people with disabilities and the attitudes and environmental barriers that prevent them from participating fully in society. In other words, people with disabilities are equal in every way to those not living with disability, but social factors create inequality.

Article 1

Explains that the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Article 2

- "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

- "Language" includes spoken and signed languages and other forms of nonspeaking languages;
- "Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which results in the person not being able to enjoy full rights and freedoms.
- "Reasonable accommodation" means modification and adjustments to buildings and infrastructure to ensure to persons with disabilities have equal access.
- "Universal design" means the design of products, environments, programs and services to be usable by all people without the need for adaptation or specialized design.

Articles 3

There are eight guiding principles for the Convention:

- a. Respect for dignity, individual autonomy including the freedom of choice.
- b. Nondiscrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;

Definition of "persons with disabilities":

“[T]hose who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

— Convention on the Rights of Persons with Disabilities, Article 1

- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Articles 4 – 32 define the rights of persons with disabilities and the obligations of states to create a legal and administrative environment for them to realize these obligations. Many of the articles repeat articles in other international conventions, including the conventions on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Convention Against Torture. They adapt and expand these articles to highlight the equal rights of persons with disabilities. We have therefore only listed key points below.

Article 4

States agree to abolish laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

States agree to take steps to prevent discrimination against the disabled by any person, organization or private enterprise;

States agree to undertake or promote research and development of universally designed goods, services, equipment and facilities, including new information and communication technologies (ICTs), and mobility aids for the disabled.

States agree to promote the Convention and to educate and inform those working with people living with disabilities about it.

States agree to consult with persons with disabilities when drafting laws and policies.

Article 5

States agree to prohibit all discrimination on the basis of disability and guarantee legal protection against discrimination.

To promote equality, states agree to take steps to provide reasonable accommodation.

Special measures to speed up achievement of equality will not be considered discrimination.

Article 6

States recognize that women and girls with disabilities suffer “multiple discrimination” and agree to take measures to ensure they have full and equal rights.

Article 7

States agree to ensure children with disabilities enjoy the same rights as other children.

States agree to ensure that children with disabilities have the right to freedom of expression and that their views are accepted in accordance with their age and maturity, on an equal basis with other children.

Article 8

States agree to take immediate steps:

- To raise awareness about disability and to foster respect for the rights and dignity of persons with disabilities;
- To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- To promote awareness of the capabilities and contributions of persons with disabilities.

Measures include:

- Effective public awareness campaigns
- Educating children from an early age so that they respect the rights of persons with disabilities;
- Encouraging media to portray persons with disabilities respectfully and without discrimination.

Article 9

States agree to take steps to ensure the disabled have equal access to the physical environment, to transportation, to information, ICTs, emergency services and all public facilities, including buildings, roads, transportation, schools, housing, hospitals and clinics, workplaces and all other indoor and outdoor facilities.

States agree to ensure that private entities that offer public services also create equal access for persons with disabilities.

Article 10

People with disabilities have the right to life

Article 11

The disabled have equal rights to protection and safety in times of emergency, conflict and natural disasters

Article 12

The disabled have the right of equality before the law; the right to legal support; equal rights to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

Article 13

The disabled must have equal access to justice.

Articles 15 and 16

Freedom from torture or cruel, inhuman or degrading treatment or punishment; also exploitation and abuse of women and children with disabilities.

“States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”

-Convention on the Rights of Persons with Disabilities, Article 16 (5)

Article 17

Protection of the physical and mental integrity of the disabled person

Article 18

Liberty of movement; the right to choose where to live, and to a nationality; freedom to leave any country and the right to enter their own country.

Article 19

The right to live independently and to be included in the community, with choices equal to others; the right to support and care.

Article 20

The right to personal mobility and the states' obligation to enable and facilitate mobility.

Article 21

Freedom of expression and opinion, and access to information in formats and technologies that accommodate disability, like sign languages, Braille, and other means.

Article 22

Respect for privacy of disabled people and their families, communications, and information related to their health and care.

Article 23

Freedom to marry and to have relationships and to have and adopt children on an equal basis with others.

Article 24

The right to education and not to be excluded from the general education system. The right to special teaching materials and methods.

Article 25

The right to the highest attainable standard of health.

Article 26

States agree to enable persons with disabilities to maintain maximum independence, and to provide comprehensive habilitation and rehabilitation services and programmes for people with disabilities.

Article 27

The right to paid work on an equal basis with others.

Article 28

The right to an adequate standard of living and social protection

Article 29

The right to participation in political and public life.

Article 30

The right to participation in cultural life, recreation, leisure and sport. In order to ensure the disabled realize this right, states agree to take steps to ensure there are cultural materials in accessible formats, including TV, films, theater and other cultural activities, and that there is access for the disabled to places where cultural performances or services take place (theaters, museums, cinemas, libraries and tourism services, monuments and sites). States also agree to take steps to ensure the disabled can develop creative, artistic and intellectual potential.

Article 31

States undertake to collect appropriate information, including statistical and research data, to enable them to draft and implement policies to give effect to the Convention.

Article 32

States recognize the importance of international cooperation in support of national efforts to realize the Convention.

Articles 33 - 39 govern reporting and monitoring

Article 34

Sets out the terms for establishment of the Committee on the Rights of Persons with Disabilities for monitoring and reporting.

Article 35

States agree to report to the committee every four years.

Articles 40 - 50 deal with processes of ratification, amendment and other technical issues.

The Optional Protocol to the Convention on the Rights of Persons with Disabilities

Allows states to recognize the competence of the Committee on the Rights of Persons with Disabilities to consider complaints from individuals. The Optional Protocol entered into force in 2008.

For the full text of the Convention and other information, see www.un.org/disabilities/

Appendix A6: The Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) was adopted in 1989 and came into force in September 1990. It is supported by all member states of the UN General Assembly, except the US and Somalia.

The CRC draws on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It brings together children's rights expressed in the other treaties and guides the way in which all people and states should view children.

The principles in the CRC apply to children and adults. Children are defined as young people up to the age of 18, and the Convention pays special attention to children belonging to minority ethnic groups. The Convention recognizes the family as the primary site of care and responsibility for children. It says states, and those who care for children, must always act in the child's best interests.

It sets up a Committee on the Rights of the Child. States must report to this committee every five years.

The UN agency that takes responsibility for promoting the CRC and assisting states in taking steps to create an environment where children's rights are recognized, and where children can flourish, is the UN Children's Fund (UNICEF).

The convention has four parts and 54 articles. It also has two Optional Protocols.

Parts I of the Convention lists the rights of children and the responsibilities of states to ensure they are realized. Parts II, III and IV are more technical, and deal with the creation and structure of the Committee on the Rights of the Child and ratification processes. They are not shown here.

Summary of Articles:

Part I

Article 1

Defines child to mean every human being below the age of 18.

Article 2

The rights must be granted without discrimination, to all children, "irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." States agree to take steps to ensure children are protected

against all forms of discrimination or punishment based on discrimination.

Article 3

When taking decisions about children, the child's best interests are placed first. This applies to all decision-makers, including public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

States undertake to create laws and systems to ensure that children are fully protected and cared for.

States agree to ensure institutions and other child services conform with competent safety and health standards, and are properly staffed and supervised.

Article 4

States agree to take all legislative, administrative and other steps needed to implement the rights recognized in the Convention.

Article 5

States respect the responsibilities, rights and duties of parents/ members of the extended family or community/legal guardians to provide direction and guidance to the child "in a manner consistent with the evolving capacities of the child" (as the child develops and matures).

Article 6

Every child has the right to life. States undertake to ensure the survival and development of the child.

Article 7

Every child has a right to be registered; to be given a name and nationality and the right to know and be cared for by his or her parents.

Article 8

Every child has a right to an identity and family relations as recognized by law. If a child is illegally deprived of elements of his or her identity, states will help and protect the child with a view to re-establishing his or her identity.

Article 9

States will ensure that children will not be separated from their parents against their will, except when authorities that are subject to judicial review (jurisdiction of the courts) believe separation is necessary and in the best interests of the child, for example, in situations involving abuse or neglect of the child by the parents. Children separated from parents have the right to regular contact with parents, except if it is not in the child's best interests. If a par-

ent is detained, imprisoned, exiled, deported or dies through state action or while in state custody, the state must inform the child or another family member about what has happened and about the parents' whereabouts.

Article 10

If a child has to leave a state to be reunited with family members, the state will deal with the request humanely and positively; children whose parents live in different states have the right to maintain regular contact.

Article 11

States will prevent illicit (illegal) transfer of children abroad.

Article 12

Children have the right to hold and express their own views, and have the right to be heard in court.

Article 13

Children have the right to freedom of expression and information, and have a right to have access to media.

Article 14

States agree to respect the right children to freedom of thought, conscience and religion.

States agree to respect the rights and duties of the parents or legal guardians, to guide the child with respect to thought, conscience and religion.

Article 15

Children have the right of freedom of association and peaceful assembly.

Article 16

Children have the right to privacy and to be protected against attacks on their honor and reputation.

Article 17

Children have the right to access to diverse media, including mass media and books in their languages.

Article 18

States recognize the right and responsibilities of both parents in bringing up a child and agree to support parents (or legal guardians) with childrearing.

Children of working parents have the right to child-care services.

“States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.”

—Convention on the Rights of the Child Article 17

Article 19

States will protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or anyone else.

Article 20

Children who have lost their parents are entitled to special protection and help from the state, including alternative care. When considering alternatives, the state will consider continuity in the child's upbringing and the child's ethnic, religious, cultural and linguistic background.

Article 21

Adoption processes should be in the best interests of the child.

Article 22

Refugee children should receive humanitarian aid.

Article 23

Mentally or physically disabled children have the right to a full and decent life, including dignity, self-reliance and active participation in the community. States agree to extend special care to disabled children, where possible, at no cost.

Article 24

Children have the right to health, including treatment and rehabilitation.

In particular, states agree to take steps:

- To reduce infant and child mortality;
- To ensure all children have medical and health care, especially primary health care;
- To combat disease and malnutrition through primary health care, including using technology, good nutrition, providing of clean water and avoiding the environmental pollution;
- To ensure prenatal and postnatal health care for mothers;
- To ensure access to education and information about health and nutrition, including the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- To develop preventive health care, guidance for parents and family planning education and services.

Article 25

Children in care have the right to periodic review of their treatment and care.

Article 26

Children have the right to social security, including social insurance.

Article 27

Children have the right to an adequate standard of living. Parents or others responsible for the child are primarily responsible for ensuring that children have an adequate standard of living. If necessary, states will assist.

Article 28

Children have the right to education, including:

- Free primary education (which states should make compulsory);
- Different forms of secondary education, including general and vocational education

- Higher education, on the basis of the child's capacity;
- Educational and vocational information and guidance.

States also agree to take steps to encourage regular attendance at schools and to reduce dropout rates.

Article 29

States agree that education will aim to:

- Develop the child's personality, talents and mental and physical abilities to their fullest potential;
- Develop respect for human rights and fundamental freedoms, and for the principles enshrined in the UN Charter;
- Develop respect for the child's parents, cultural identity, language and values, and the national values of the country, and for civilizations different from his or her own;
- Prepare the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- Develop respect for the natural environment.

Article 30

Children from ethnic, religious or linguistic minority groups have a right to their culture, religion and language.

Article 31

Children have a right to rest and leisure, to play and to culture and the arts.

Article 32

Children must be protected from economic exploitation and from work that is hazardous or interferes with their education, is harmful to their physical, mental, spiritual, moral or social development.

States agree to:

- Provide for a minimum age at which children may work;
- Regulate hours and conditions of employment for children;
- Punish those who break laws on child labor.

Article 33

States agree to protect children from the illicit use of narcotic drugs, and prevent the use of children to produce and traffic drugs.

Article 34

States agree to protect children from all forms of sexual exploitation and sexual abuse, including prostitution and use of children in the production of pornography.

Article 35

States agree to enter into national and international agreements and treaties to prevent abduction, sale and trafficking of children.

Article 36

States agree to protect children from any other form of harmful exploitation.

Article 37

No child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Children must never be sentenced to death or to life imprisonment.

Children may not be detained or imprisoned without trial.

Children who are imprisoned for offenses have the right to be treated with humanity and respect.

Children will be jailed separately from adults and have the right to maintain contact with family members.

Children have the right to legal representation.

Article 38

Children should be protected by international humanitarian law when there is conflict and war.

States agree to ensure that children under 15 years old do not take a direct part in hostilities.

States agree not to recruit anyone under 15 into their armed forces.

States agree to ensure protection and care of children who are affected by an armed conflict.

Article 39

States agree to support the recovery of child victims of any neglect, abuse, torture or other cruel treatment, and their reintegration into society.

Article 40

States recognize the right of children who have broken the law to special treatment that promotes the child's sense of dignity, and which strengthens the child's respect for the human rights of others.

- States agree to ensure that children will not be charged retroactively and will be:
- Presumed innocent until proven guilty
- Informed promptly of the charges
- Tried without delay by a competent, independent and impartial authority or judicial body in a fair hearing
- Not be forced to give evidence or to confess

- Given the opportunity to appeal if found guilty
- Given an interpreter if the language of the court is different from the child's mother tongue.

Children below a minimum age will be presumed not to have the capacity to break the law.

States agree to consider alternatives like care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programs before imprisonment.

The Two Optional Protocols

In 2000, the UN General Assembly adopted two Optional Protocols to the Convention. The Optional Protocols increase the protection of children from involvement in armed conflicts and from sexual exploitation.

The Optional Protocol on the involvement of children in armed conflict establishes 18 as the minimum age for compulsory recruitment and requires states to do everything they can to prevent individuals under the age of 18 from taking a direct part in hostilities.

The Optional Protocol on the sale of children, child prostitution and child pornography draws special attention to the criminalization of these violations of children's rights and emphasizes the importance of public awareness campaigns and international cooperation in efforts to combat them.

For further information, visit: www.unicef.org/crc/

Appendix A7: International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted in 1965 and entered into force in 1969. It commits states to the elimination of racial discrimination, to outlaw hate speech and to criminalize membership in racist organizations.

The preamble stresses the dignity and equality of all human beings; the entitlement of everyone to equal rights, and everyone's right to legal protection against any discrimination and against any incitement to discrimination. It is based on the belief that:

“...any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere.”

— Preamble, *International Convention on the Elimination of All Forms of Racial Discrimination*

Summary of Articles:

Part I

Article 1

Defines racial discrimination to mean “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin,” which hinders enjoyment of equal rights and fundamental freedoms for all.

It says positive, special measures aimed at advancing any particular group may be necessary (affirmative action) and that this will not be regarded as racial discrimination provided the measures do not lead to separate rights for different racial groups or become permanent.

Article 2

States agree to condemn racial discrimination and undertake to pursue — without delay — policies that will eliminate racial discrimination in all public institutions and offices, and to end any laws or policies which perpetuate racial discrimination. States agree not to support or defend racial discrimination by any other persons or organizations, and to encourage racial integration.

Article 3

States parties especially condemn racial segregation and apartheid and undertake to eradicate them.

(Note: The Rome Statute of the International Criminal Court recognizes apartheid as a crime against humanity.)

Article 4

States parties condemn all propaganda and all organizations which are based on ideas of racial or ethnic superiority, or which try to justify or promote racial hatred and discrimination in any form. States undertake to take immediate steps to eradicate promotion and acts of discrimination, in line with the principles embodied in the Universal Declaration of Human Rights, in particular, Article 5, including:

Making dissemination of ideas based on racial superiority and racial hatred, and incitement to racial discrimination, punishable by law.

Declaring organizations that promote racial propaganda illegal and prohibiting their operations, and punishing those who participate in such organizations.

Article 5

States agree to guarantee the equal rights of everyone to equal treatment before the law; security from violence and harm; to take part in politics and elections; freedom of movement and residence; the right to leave and return to their country of birth; the right to a nationality; marriage and choice of a spouse; to own property; to inherit; to freedom of thought, conscience, religion and opinion; the right to freedom of expression, and a range of other civil and economic, social and cultural rights, including equal pay, housing and social security.

Article 6

Those who have suffered discrimination have the right to seek reparation.

Article 7

States undertake to adopt measures in education, culture and information to combat racism and discrimination.

Part II

Articles 8 - 16: Set up and define the structures and processes of the Committee on the Elimination of Racial Discrimination.

Part III

Articles 17 - 25: These are technical and deal with signature, accession and amendment.

For the full text of the convention, visit: www2.ohchr.org/english/law/cerd.htm

Appendix A8: Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the UN in 1979. CEDAW is often described as an international “Bill of Rights for women.” It addresses women’s rights to equality in political, civil, cultural, economic and social life.

The Committee on the Elimination of Discrimination against Women oversees the implementation of CEDAW. An Optional Protocol to the Convention entered into force in December of 2000, granting the Committee the authority to consider complaints from individuals. The Committee may also initiate inquiries into situations of grave or systemic violations of women’s rights and formulate general recommendations and suggestions.

Summary of Articles:

Article 1

Defines discrimination. See the box on page XX.

Article 2

By signing, states condemn discrimination against women and agree to take immediate steps to eliminate it, as follows:

- to incorporate the principle of equality of men and women in their legal systems and to abolish all discriminatory laws and adopt laws that forbid discrimination against women;
- to establish tribunals and other public institutions (like commissions or courts) to ensure that women are protected against discrimination; and
- to put an end to all acts of discrimination against women by people, organizations or enterprises.

Article 3

States must take steps (including passing laws) in social, political, cultural and economic life to ensure that women can fully develop and advance, and which guarantee that women and men have equal human rights and freedoms.

Article 4

Temporary special measures states take to speed up achievement of equality will not be considered discrimination. However, these measures should be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Article 5

States agree to change the social and cultural behavior of men and women in order to rid society of beliefs, customs and practices based on ideas of inequality or on stereotyped roles. Article 5 also says that family education should include a proper understanding of maternity (motherhood) as a social function and recognize the joint roles and responsibilities of men and women in raising children.

Article 6

States agree to take steps — including passing laws — to end all forms of trafficking in women and exploitation of prostitution of women.

Article 7

States agree to eliminate discrimination against women in political and public life especially ensuring that women have equal rights

- To vote and to stand for election
- To take part in policy-making and to hold public office at all levels of government
- To take part in NGOs and other civil society organizations.

Article 8

States agree to ensure women have equal opportunity with men to represent their governments in international organizations.

Article 9

States give women equal rights with men to nationality and to choose whether to change or keep their nationality when they marry. They also grant women equal rights with men with respect to the nationality of their children.

Article 10

States agree to ensure that girls and women have equal rights to education, including physical education and sports, at all levels: school, after school at technical colleges and universities and in adult education. They agree

- To reduce the number of girls and women who drop out of education
- To provide education on family planning
- To change teaching methods and educational content (for example, in textbooks) that stereotype women or suggest they are inferior.

Article 11

States agree to eliminate discrimination against women in work and employment. They must guarantee women equal rights to social security in cases of retirement, unemployment or sickness and to paid leave. The article stresses there should be no discrimination against women on the grounds of marriage or maternity.

Article 12:

States agree to end discrimination against women in health care and to provide women with services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States agree to take steps to end discrimination against women in all other areas of economic and social life, and to ensure they have equal rights with men in relation to family benefits; bank loans and mortgages, and the right to take part in recreation, sports and other cultural activities.

Article 14

States agree to take special note of problems faced by rural women and to recognize the roles rural women play in the economic survival of their families. They agree to take special steps to ensure that rural women also benefit from all aspects of CEDAW.

Article 15

States agree to grant women equality with men before the law, giving women and men equal status in legal and civil matters, for example, in signing contracts.

Article 16

States agree to eliminate discrimination against women in marriage and family relations, especially

- The right to choose a husband
- To agree (consent) to marriage
- To equal rights within the marriage
- To equal rights and responsibilities with men as parents, whether or not the marriage is current (for example, if there has been a divorce)
- To decide whether to have children, and the number and spacing of children
- To family planning information and to contraception
- To guardianship, wardship, trusteeship and adoption of children
- To choose a family name
- To own, manage and dispose of property

Article 16 also outlaws child marriage, and requires that states agree to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

For the full text of the convention and other information, visit www.un.org/womenwatch/daw/cedaw/.

Appendix A9: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the treaty governing the protection of migrant workers. It was adopted in December 1990 and entered into force in July 2003.

The convention aims to protect migrant workers and to promote respect for migrants' human rights. It does not create new rights for migrants, but aims to guarantee that migrants receive equal treatment to citizens under the labor laws of the state where they are working. It differentiates between legal and illegal migrants, giving legal migrants more rights, but nonetheless seeks to protect the inherent rights of illegal migrants. It also encourages states to take steps to ensure migrants are protected, and to take action to outlaw human trafficking and those who encourage illegal migrancy.

The Committee on Migrant Workers (CMW) monitors implementation of the convention.

Summary of Articles:

Part I: Scope and definitions

Article 1

The treaty applies to all migrants and their families without discrimination.

It applies during the entire migration process, which includes preparation, departure, transit, the period of migrant work in the foreign state, and return to the state of origin.

Article 2

Defines a migrant worker as a person “who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national.” Categories include:

“**frontier worker**” — a migrant worker who returns home to a neighboring state every day or at least once a week.

“**seasonal worker**” — a migrant worker whose work depends on seasonal conditions and is performed only during part of the year;

“**seafarer**” — a migrant worker employed on board a vessel registered in a state of which he or she is not a national, including fishermen;

“**worker on an offshore installation**” — a migrant worker employed on an offshore installation that is under the jurisdiction of a state of which he or she is not a national;

“**itinerant worker**” — a migrant worker who has to travel to another state or states for short periods because of the nature of his or her occupation;

“**project-tied worker**” — a migrant worker employed on a project in a foreign state.

“**self-employed worker**” — a migrant worker who is self-employed.

Article 3

The convention does not include:

People employed by international organizations and agencies or people employed by states and sent abroad on official business;

People employed by a state and sent abroad to participate in development programs and other cooperation programs;

People who go to live in another state as investors;

Refugees and stateless persons;

Students and trainees;

Seafarers and workers on offshore installations who do not have permission to reside and work in the state of employment.

Article 4

Defines family members to include husbands, wives, and partners whose relationship is recognized in law as a marriage; dependent children and other dependents who are recognized as members of the family.

Article 5

Draws a distinction between documented (legal) migrants, who are authorized to enter, to stay and to work in the state, and non-documented migrants, who are not authorized.

Article 6

Defines state of origin, where the migrant is a national; the state of employment, which is the state where the migrant works, and the transit state, meaning any state through which the migrant worker must travel in relation to work.

Part II: Nondiscrimination with respect to rights

Article 7

Migrant workers have equal rights with everyone else.

Part III: Human rights of all migrant workers and members of their families

Articles 8 - 17

These articles affirm that migrant workers and their families have the same rights as everyone, including freedom to travel between states and return home; to life, freedom from torture, slavery and forced labor; freedom of thought, conscience and religion; freedom to hold opinions; freedom of expression; to unlawful arrest; privacy; not to be deprived of property; security; to due process in law and equality under the law.

Article 20

Migrant workers may not be deprived of residence or permission to work, unless residence and permission to work are conditional on a contract which they fail to fulfill.

Article 21

Migrants' identity documents may not be destroyed or confiscated except by an official, under law. If they are destroyed or confiscated, the migrant must receive a receipt. Migrants' passports may never be destroyed.

Article 22

Migrant workers may not be expelled as a group. Each case of expulsion should be examined and decided individually. Expulsion must be subject to law and the migrant be given a chance to appeal. Migrants who are expelled must be given reasonable time and opportunity to settle claims for wages and other entitlements before and after expulsion.

Article 23

Migrants have the right to appeal to diplomatic authorities of their state of origin.

Article 24

Migrants have the right to be recognized before the law.

Article 25

Migrant workers should enjoy the same treatment with respect to wages, working conditions, overtime and holidays as nationals of their state of employment.

Article 26

Migrants have the right to form and join trade unions.

Article 27

Migrants have the same right as nationals with respect to social security and reimbursements of amounts paid, depending on agreements between the states.

Article 28

Migrants have the same rights as nationals to medical care.

Article 29 - 30

Migrants' children have the right to a name, to registration of birth and to a nationality; and equal access to education with children of nationals.

Article 31

States agree to ensure migrants' cultural identity is protected and respected.

Article 32

Migrants have the right to transfer earnings and belongings on termination of their stay in the state of employment.

Article 33

Migrants have the right to be informed about their rights under the Convention and under the laws of the state of employment.

Article 34

Migrants must abide by the laws of the state of employment.

Article 35

The rights outlined are not intended to include nondocumented or irregular migrants.

Part IV: Other rights of documented migrant workers

Article 36 - 38

Before departure, migrants have a right to be informed of the conditions under which they will enter the state of employment, and about their work. If a migrant has to be temporarily absent from a state of employment, the state will authorize and facilitate that absence.

Article 39

Migrants have the right to liberty of movement and the freedom to choose residence in the state of employment.

Article 40

Migrants have the right to form associations and trade unions in the state of employment for the promotion and protection of their economic, social, cultural and other interests.

Article 41

Migrants do not lose political rights, including the right to vote, in their state of origin.

Article 42

Migrants may have political rights in the state of employment if the state grants them rights; states will facilitate migrants' participation in local government and establish institutions to take account of the special needs, aspirations and obligations of migrant workers and members of their families.

Articles 43 - 45

Migrant workers and their families will have equal access with nationals to education, housing, health, participation in cooperatives and cultural life. Families are recognized and protected as the fundamental unit of society. If families are separated, states will take appropriate measures to reunite them. States of employment will facilitate integration of children of migrant workers into the local school system, especially teaching them the local language, and will also facilitate teaching children of migrant workers their mother tongue.

Article 46 - 47

Migrant workers should be exempt from import and export duties with respect to personal household effects and equipment required for work. Migrants have the right to send money home to support their families.

Article 48

Migrants and nationals should be treated equally with respect to taxation; States will ensure they are not subject to double taxation (paying in both the state of origin and the state of employment).

Article 49

The state of employment will issue migrants with residence permission for at least the period of employment. Migrants' work and residency permits will not be terminated if they lose their employment before their permits expire, and they should be allowed to seek alternative employment.

Article 50

If a migrant worker dies or divorces, the state of employment will consider the right of family members to stay in the state of employment. Family members not allowed to stay will be granted reasonable time to settle their affairs in the state of employment.

Article 51

Migrants who lose their work before their period of employment expires and who are not freely permitted to choose their work will not lose their residence unless the residence is expressly dependent on the specific work.

Article 52

Migrant workers in the state of employment have the right freely to choose their work, subject to the following restrictions. The state of employment may:

- Restrict access to limited categories of employment
- Restrict free choice of work in accordance with national laws concerning recognition or nonrecognition of qualifications obtained in other states.

For migrants whose permission to work is limited in time, a state of employment may also:

- Make the right to choose their work freely subject to the condition that the migrant worker has lived lawfully in its territory for the purpose of work for a period of time prescribed in its national legislation that should not exceed two years;
- Limit access by a migrant worker to work if there is a policy of granting priority to its nationals. This limitation will not apply to migrants who have lived and worked legally in the country for five years.

Article 53

Migrants who have unlimited residence have the right to choose their employment. States will favorably consider applications of migrants' families who do not have the same permission to join them.

Articles 54 and 55

Migrants will have the same right as nationals with respect to:

- Protection against dismissal;
- Unemployment benefits;
- Access to public work schemes intended to combat unemployment;
- Access to alternative employment; and
- Equal treatment at work.

Migrants whose contracts have been violated have the right to address their cases with authorities in the state of employment.

Article 56

Migrant workers may not be expelled from a state of employment, except for reasons defined in the national legislation of that state.

The state of employment will not use expulsion to deprive a migrant worker of rights granted under a residence and work permit.

In considering expulsion, the state of employment will take account of humanitarian considerations and the length of time that the person concerned has already resided in the state of employment.

Part V: Provisions applicable to particular categories of migrant workers and members of their families

Articles 57 - 63

Deal with the equal rights of special categories defined in Article 2 (frontier workers, seafarers, project workers etc.) These workers are entitled to the same rights as nationals and other migrants, with some limitations, taking into account their special situations.

They also deal with the need to eradicate illegal migrancy and to outlaw agencies which encourage migrancy with false promises.

Part VI: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families

Articles 64 - 71 cover humane treatment of migrant workers in respect to labor needs and resources, as well as the social, economic, cultural and other needs of migrant workers and members of their families, and the duties of States to provide services to ensure humane treatment of migrants.

Part VII defines and sets up structures and processes for the Committee on Migrant Workers.

Parts VIII - IX are technical and deal with ratification, accession, and amendment.

For the full text of the convention, visit www2.ohchr.org/english/law/cmw.htm

Appendix A10: International Convention for the Protection of All Persons from Enforced Disappearance (ICPED)

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) aims to prevent enforced disappearance, which the convention defines as

“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

–ICPED, Article 2

The preamble emphasizes that enforced disappearance is an extremely serious crime which can, in some circumstances, be defined in international law as a crime against humanity and tried accordingly.

The convention was adopted by the UN General Assembly on December 20, 2006 and opened for signature on February 6, 2007. At the time of the writing of this toolkit it had been signed by 88 countries and ratified by 29.

It has three parts and 45 articles.

Summary of Articles:

Part I

Article 1

Prohibits enforced disappearance and states that

“no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.”

Article 2

Defines enforced disappearance (as quoted above).

Articles 3 and 4

Commit states to criminalize enforced disappearance; to investigate enforced disappearance; and to bring those responsible to justice.

Article 5

States that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity in international law.

Article 6

Commits states to bring to justice all those involved in forced disappearance, including individuals and groups responsible for committing, ordering, or participating in enforced disappearance; those knowing about and/or consciously ignoring information about enforced disappearance; and those who failed to take steps to prevent enforced disappearance.

The treaty applies equally to all authorities — civilian, public military or other — whether acting under orders or not.

Articles 7 - 15

Commit states to:

- Ensure that criminal proceedings and punishments are appropriate to the seriousness of the crime;
- Exercise jurisdiction over the crime of enforced disappearance when the alleged offender is within its territory, even if they are not a citizen or resident;
- Establish procedures for detention, investigation and trial of alleged offenders;
- Cooperate with other states to prevent enforced disappearance, and to prosecute and extradite offenders and help and support victims of enforced disappearance, or locate and return their remains.

Article 16

States agree not to expel, return, surrender or extradite a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.

Articles 17 - 23

Outlaw secret detention.

Commit states to treat detainees humanely, to maintain transparency with respect to the conditions under which detainees are held and to provide access to family members, legal representatives and other authorities.

“No exceptional circumstances whatsoever...may be invoked as a justification for enforced disappearance.”

–ICPED, Article 1

Commit states to compile and maintain up-to-date registers and/or records of prisoners and detainees, and to make these available to individuals with a legitimate interest in the case as legally required. Information regarding prisoners and detainees should include:

- The identity of the person;
- The date, time and place of detention and the identity of the authority that carried out the detention;
- The authority that ordered the detention and the grounds for the detention;
- The authority responsible for supervising the detention;
- Elements relating to the state of health of the person;
- In the event of death during detention, the circumstances and cause of death and the destination of the remains;
- The date and time of release or transfer to another place of detention, the destination and the authority responsible for the transfer.

States may use this information solely for searching for the disappeared person.

States must release detainees in ways that are public and that can be verified.

Commit states to ensure that civil or military law enforcement personnel, medical personnel, public officials and others who may be involved in the custody or treatment of any person deprived of liberty know and understand the ICPED.

Article 24

Defines a “victim” as “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.”

Victims have the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of

the investigation and the fate of the disappeared person and the right to reparation and compensation. States’ legal systems must ensure that victims receive compensation and that the disappeared person receives rehabilitation.

States must guarantee citizens the right to form and participate freely in organizations and associations concerned with the fate of disappeared persons, and to assist victims of enforced disappearance.

Article 25

Criminalizes forced removal of children and protects children whose parents or legal guardians are subjected to enforced disappearance, or children born during the captivity of a mother subjected to enforced disappearance;

Commits states to search for and identify children and return them to their families of origin.

Part II

Articles 26-36

Set up the Committee on Enforced Disappearances (CED) and establish its membership and terms of reference. States must report to CED within two years on progress they have made to comply with ICPED.

Relatives may submit to CED a request that a disappeared person be sought and found. CED will then solicit a response from the state. If there are persistent reports of violations of ICPED, CED may appoint an observer to visit the state and report on findings.

Part III

Articles 37 - 45 set out processes for signature and ratification.

Read the full text of CED at www2.ohchr.org/english/law/disappearance-convention.htm

Appendix B - Useful resources: books, papers, manuals, reports

Title	Coverage	Author/Source	Date Published	Summary/Value for Journalists	Web Address
Working with the United Nations Human Rights Programme: A Handbook for Civil Society	Global	Office of the United Nations Commissioner for Human Rights	2008	Introduction to Office of the High Commissioner for Human Rights. Information about fellowships, training programs, publications, resources, funds and grants. Describes UN human rights bodies and mechanisms and how they can be used.	www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf
The Atlas of Human Rights: Mapping Violations of Freedom Worldwide	Global	Andrew Fagan; published by Earthscan (Brighton, UK)	2010	Country profiles and world data at a glance; understanding human rights abuses in different countries. Includes maps showing which countries have ratified major conventions, and chapters about human rights progress and abuses, including political, social and economic rights; judicial violations and legal restrictions; freedom of expression and censorship; conflict and migration; discrimination; women's rights and children's rights.	www.earthscan.co.uk/?tabid=102267
Handbook for Bloggers and Cyber-Dissidents	Global	Reporters Without Borders	2008	Guide to setting up and running a blog, including information about the value and impact of blogging on media freedom; language, styles and platforms for blogging. Useful for online and other journalists wanting to start blogging and/or improve their use of new media tools.	www.rsf.org/IMG/pdf/handbook_bloggers_cyberdissidents-GB.pdf
Journalism, Media and the Challenge of Human Rights Reporting	Global	The International Council on Human Rights Policy	2002	Discussion of role of media; political and institutional relationships; and role of human rights organizations and their relationship to media.	www.ichrp.org/files/reports/14/106_report_en.pdf
Covering Conflict Safely: Guide for Reporting in Hazardous Situations	Global	Committee to Protect Journalists	2003	Topics include protective clothing, health, legal issues, insurance, etc. The guide also lists reliable sources on conflict zone training.	www.cpj.org/reports/2003/02/journalist-safety-guide.php
To Tell You the Truth	Global	Aidan White, published by the International Journalists Federation (Brussels)	2008	A publication of the Ethical Journalism Initiative, which is a campaign by journalists to keep the principles and values of good journalism alive.	www.ethicaljournalisminitiative.org/pdfs/EJI_book_en.pdf
Covering Trauma: A Training Guide	Global	Jina Moore, published by Search for Common Ground / Radio for Peacebuilding Africa	2011	Definitions of trauma and guidelines for sensitive interviewing of trauma survivors; tips for story construction.	www.radiopeaceafrica.org/assets/texts/pdf/2011-Covering_Trauma_Color_EN.pdf
Reporting Justice: A Handbook on Covering War Crimes Courts	Global	Institute for War & Peace Reporting	2006	Good information on understanding war crimes and the international justice system, and tips on how to work in this rapidly changing environment.	www.iwpr.net/sites/default/files/reporting_justice_en.pdf
Mission Possible: A Gender and Media Advocacy Toolkit	Global	WACC	Undated	Guidebook for activists on how to advocate for improved gender coverage in media. Useful information and critique of how the media tackle gender issues.	www.whomakesthenews.org/images/stories/website/Advocacy_toolkit/missionpossibleeng.pdf
Central Asian Pocketbook on Freedom of Expression	Central Asia	Article 19, London	2006	Explanation of freedom of expression issues; contextualizing them in the framework of international human rights law. Useful for journalists anywhere concerned with freedom of expression.	www.article19.org/data/files/pdfs/tools/central-asian-pocketbook.pdf

Title	Coverage	Author/Source	Date Published	Summary/Value for Journalists	Web Address
Women Journalists: Partners in Trade Union Leadership	Middle East and Arab World	International Federation of Journalists	2008	Good background on women in media in the Middle East and North Africa. Country reports from a human rights viewpoint, highlighting accession to CEDAW and constitutional rights in each country.	www.ifj.org/assets/docs/194/172/9016bc2-1df2aac.pdf
Gender Sensitive Reporting	Pakistan	Internews	2009	Guidebook for journalists and journalism trainers on tackling sensitive gender issues in a complex environment.	www.internews.org/research-publications/gender-sensitive-reporting
Reporting Human Rights in the Philippines: A Field Guide for Journalists and Media Workers	Philippines	The Philippine Human Rights Reporting Project	2009	Guide to international legal standards and their application in the Philippine context.	www.reliefweb.int/sites/reliefweb.int/files/resources/C762CA7241F367DE-4925760A001B095C-Full_Report.pdf
Reporting for Change: A Handbook for Local Journalists in Crisis Areas	Global	Institute for War & Peace Reporting	2011	Guidebook for journalists with useful tips and exercises.	www.iwpr.net/sites/default/files/iwpr_training_manual_english.pdf
Gender, Conflict & Journalism	South Asia	By Fiona Lloyd and Ross Howard. Commissioned and published by UNESCO	2005	Thorough explanation of the ways in which conflict affects gender relations and best practices for gender sensitive reporting and reporting for peace. Clearly addresses the role of good journalism -- and good journalists -- in relation to gender violence and other forms of conflict.	unesdoc.unesco.org/images/0014/001439/143925E.pdf
The Human Rights Based Approach to Journalism	Vietnam	UNESCO (United Nations Educational, Scientific and Cultural Organization, Bangkok). Edited by Gabrielle Beman and Daniel Calderbank.	2008	Information about international human rights, human rights standards and conventions, and guides for journalists on human rights reporting and interviewing. Includes outline of a training curriculum for journalists working in Vietnam.	unesdoc.unesco.org/images/0017/001791/179185e.pdf

Appendix B: Useful websites and online resources

Body/Resource	Summary	Web Address	Activities	Value
Amnesty International	International organization that campaigns for the end of human rights abuses worldwide	www.amnesty.org	Organizes campaigns to end human rights violations, conducts research and publishes bulletins and alerts regarding human rights abuses.	Reliable reports and information on human rights abuses around the world.
The Committee to Protect Journalists	International organization committed to protecting press freedom and the rights of journalists	www.cpj.org	Publicizes abuses against journalists and media outlets, organizes public protests, works with government officials to advocate for change. Publishes Attacks on the Press, an annual survey of press freedom around the world.	Information and background on media freedom and safety of journalists worldwide.
Fairness and Accuracy in Reporting	US NGO conducting media research and exposing and criticizing bias and censorship.	www.fair.org	Exposes bias and censorship; advocates for media diversity and fairness in reporting.	Reports demonstrating US media bias across a range of issues and countries. Good for background research.
Essex Internet Encyclopaedia of Human Rights	Project of the Human Rights Centre at the University of Essex	www.essex.ac.uk/human_rights_centre/publications/EIEHR.aspx	Online database of human rights and human rights history, progress, abuses.	Quick reference guide for background research and understanding.
Human Rights Education Associates (HREA)	International organization that supports human rights learning; the training of activists and professionals; the development of educational materials and programming; and community-building through online technologies	www.hrea.org Resources for Journalists: www.hrea.org/index.php?base_id=103&language_id=1&category_id=10&category_type=3&group	Organizes specialized human rights trainings via distance education for human rights defenders and development workers.	Background information on human rights issues and news about violations. Electronic Resource Centre for Human Rights Education includes free education and training materials, online forums, databases and links to other resources.
Human Rights Watch	NGO that spotlights human rights abuses through in-depth research and analysis.	www.hrw.org	Exposes human rights abuses worldwide through in-depth research and analysis and the publication of reports on human rights issues.	Reliable, in-depth research and analysis on human rights issues around the world.
Institute of War and Peace Reporting	NGO that supports and trains journalists working in situations of war, conflict, crisis and change	www.iwpr.net/	Promotes quality journalism in these areas so that people have access to the information they need.	Trainings and guides for journalists working in conflict. Materials based on experience at the front lines.
International Council on Human Rights Policy	Forum for applied research, reflection and forward thinking on international human rights policy. The Council identifies issues that hinder efforts to protect and promote human rights and proposes approaches and strategies to overcome them.	www.ichrp.org	Conducts and publishes research reports on topics including civil liberties, science, crime, media, conflict, gender, culture and others.	Excellent source for background research and deepening understanding of human rights, policy and legal issues.
International Federation of Journalists (IFJ)	World's largest organization of journalists, representing around 600,000 members in more than 100 countries.	www.ifj.org	Promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists. Represents journalists.	Information, representation and a variety of reports on media and human rights issues. Has membership and chapters in Africa, Asia & Pacific, Europe, Latin America, Middle East and North America.
Ethical Journalism Initiative	Campaign of the International Federation of Journalists	ethicaljournalisminitiative.org/en	Web-based campaign "to rekindle old values in media worldwide."	Links to a variety of useful websites and resources for journalists.
JHR (Journalists for Human Rights)	Canada's largest media development NGO aiming to spread human rights awareness worldwide and empower marginalized communities to stand up for their rights.	www.jhr.ca/en/index.php	Mobilizes the media to report on human rights issues around the world; works with media outlets, educational institutions, and students to encourage them to spread rights awareness in their own communities.	Workshops and on-the-job training, ideas and resources. Grants for small media, fellowships for training and human rights reporting awards.

Body/Resource	Summary	Web Address	Activities	Value
Radio for Peacebuilding - Africa	A project of Search for Common Ground which aims to increase broadcasters' skills, especially those working with youth radio.	www.radiopeaceafrica.org/index.cfm?lang=en	Provides training, resources and other capacity-building support to radio broadcasters and civil society groups to increase communication between policy-makers and communities and create positive change in conflict-prone areas through the power of information.	Useful resources for broadcasters, including training manuals on covering trauma; assessing and reaching audiences; peacebuilding and managing rumors.
Reporters Sans Frontières (Reporters Without Borders)	International organization supporting media outlets, journalists and media workers	www.rsf.org	Defends journalists imprisoned or persecuted for doing their job; exposes mistreatment and torture of journalists; fights for press freedom; gives financial aid to journalists or media outlets in difficulty (to pay for lawyers, medical care and equipment), and to the families of imprisoned journalists, and works to improve the safety of journalists, especially those reporting in war zones. RSF is also an excellent source of information about media freedom and publishes useful guides and manuals.	Guides and manuals, Press Freedom Index ranking states according to media freedom, information about Internet freedom in various countries. General information about media freedom worldwide and persecution of media and journalists. Covers both traditional (radio, newspapers, film, video) and new media (online media, digital media).
Security In A Box	A collaborative effort of the Tactical Technology Collective and Front Line. It was created to meet the digital security and privacy needs of advocates and human rights defenders.	www.security.ngoinabox.org/en	Provides tools and tactics for digital security for human rights advocates and defenders	Includes a how-to booklet that addresses important digital security issues. It also provides a collection of hands-on guides, each of which includes a particular freeware or open source software tool, as well as instructions on how you can use that tool to secure your computer, protect your information or maintain the privacy of your online communications
Social Institutions and Gender Index (SIGI)	A composite measure of gender discrimination based on social institutions. A project of the OECD Development Centre.	www.genderindex.org	Measures gender inequality in five areas: Family Code, Physical Integrity, Son Preference, Civil Liberties and Ownership Rights in 102 non-OECD countries.	Information about gender discrimination, legal issues, and statistics in 102 countries. Public database, ranking, and interactive tool to create your own customized rankings of gender discrimination
UN News	UN's official news site	www.un.org/News/	Publishes breaking news from the UN.	Up-to-date news about global issues and UN interventions, events, meetings, statements.
United Nations Office of the High Commissioner for Human Rights (OHCHR)	The OHCHR is the principal human rights office of the UN. The High Commissioner heads the OHCHR and spearheads the UN's human rights efforts. OHCHR is part of the UN Secretariat and has headquarters in Geneva.	www.ohchr.org Factsheets: www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx	Leads, educates and empowers individuals and supports governments in upholding human rights. Factsheets cover the International Bill of Human Rights, each of the main individual rights and freedoms, and UN human rights conventions and bodies.	Information about UN human rights programs as well as manuals and guides on rights, human rights bodies, and international law. Particularly useful are the PDF factsheets on key human rights in English, French, Arabic, Spanish, Russian and other languages. Also includes news and updates on human rights issues in different parts of the world.
University of Minnesota Human Rights Library	Online human rights library. Currently has more than 65,000 documents.	www1.umn.edu/humanrts	Houses one of the world's largest collections of human rights documents, available in nine languages.	A one-stop resource for all types of human rights treaties, agreements, documents and other materials.

Appendix C: Has your country signed up?

Here we include lists of countries that have NOT signed or ratified five important human rights treaties as of 2009.

International Covenant on Civil and Political Rights, 1966

Africa

Guinea-Bissau
Sao Tome and Principe
Comoros

East Asia and Pacific

Brunei
China
Cook Islands
Kiribati
Laos
Malaysia
Marshall Islands
Myanmar (Burma)
Micronesia
Nauru
Niue
Palau
Singapore
Solomon Islands
Fiji
Tonga
Tuvalu

Europe and Central Asia

Holy See

Americas and Caribbean

Cuba
St Kitts and Nevis
Antigua and Barbuda
St Lucia

Middle East and North

Africa

Qatar
Saudi Arabia
United Arab Emirates
Oman

South Asia

Bhutan
Pakistan

International Covenant on Economic, Social and Cultural Rights, 1966

Africa

Botswana
Comoros
Mozambique
Sao Tome and Principe
South Africa

East Asia and Pacific

Brunei
Cook Islands
Fiji
Kiribati
Malaysia
Marshall Islands
Myanmar (Burma)
Micronesia
Nauru
Niue
Palau
Samoa
Singapore
Tonga
Tuvalu
Vanuatu

Europe and Central Asia

Andorra
Holy See

Americas and Caribbean

Belize
Cuba
Haiti
St Kitts and Nevis
St Lucia
United States

Middle East and North

Africa

Oman
Qatar
Saudi Arabia
United Arab Emirates

South Asia

Bhutan

UN Convention on the Elimination of All Forms of Discrimination against Women, 1979

Africa

Somalia
Sudan

East Asia and Pacific

Nauru
Niue
Palau
Tonga

Europe and Central Asia

Holy See

Americas and Caribbean

United States

Middle East and North

Africa

Iran

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

Africa

Angola
Central African Republic
Comoros
Eritrea
Gambia
Guinea-Bissau
Sao Tome and Principe
Sudan
Tanzania
Zimbabwe

East Asia and Pacific

Brunei
Cook Islands

Fiji
Kiribati
Laos
Malaysia
Marshall Islands
Myanmar (Burma)
Micronesia
Nauru
Niue
North Korea
Papua New Guinea
Samoa
Singapore
Solomon Islands
Tonga
Tuvalu
Vanuatu
Vietnam

Americas and Caribbean

Bahamas
Barbados
Dominica
Dominican Republic
Grenada
Haiti
Jamaica
St Kitts & Nevis
St Lucia
Suriname
Trinidad and Tobago

Middle East and North

Africa

Iran
Iraq

South Asia

Bhutan
Pakistan
India

UN Convention on the Rights of the Child, 1989

Africa

Somalia

Americas and Caribbean

United States

Source: *The Atlas of Human*

Rights:

Mapping Violations of Freedom around the Globe by Andrew Fagan, Earthscan, Brighton (UK) 2010.

The Rome Statute

Following that is the list of the 120 countries that (as of Feb. 1, 2012) HAVE signed the Rome Statute, which created and makes them subject to the jurisdiction of the International Criminal Court.

The following countries HAVE signed the Rome Statute:

Africa

Benin
Botswana
Burkina Faso
Burundi
Cape Verde
Central African Republic
Chad
Comoros
Congo
Democratic Republic of the Congo
Djibouti
Gabon
Gambia
Ghana
Guinea
Kenya

Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritius
Namibia
Niger
Nigeria
Senegal
Seychelles
Sierra Leone
South Africa
Tunisia
Uganda
United Republic of Tanzania
Zambia

Asia/Pacific

Afghanistan
Bangladesh
Cambodia
Cook Islands
Cyprus
Fiji
Japan
Jordan
Maldives
Marshall Islands
Mongolia
Nauru
Philippines
Republic of Korea
Samoa
Tajikistan
Timor-Leste
Vanuatu

Eastern Europe

Albania
Bosnia and Herzegovina
Bulgaria
Croatia
Czech Republic
Estonia
Georgia
Hungary
Latvia

Lithuania
Macedonia
Moldova
Montenegro
Poland
Romania
Serbia
Slovakia
Slovenia

Western Europe and Other States

Andorra
Australia
Austria
Belgium
Canada
Denmark
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Liechtenstein
Luxembourg
Malta
Netherlands
New Zealand
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
United Kingdom

Latin America and the Caribbean

Antigua and Barbuda
Argentina
Barbados
Belize
Bolivia
Brazil
Chile
Colombia
Costa Rica
Dominica
Dominican Republic
Ecuador
Grenada
Guyana
Honduras
Mexico
Panama
Paraguay
Peru
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

Source: ICC website, www.icc-cpi.int/

UPDATE ALERT!

For the most up-to-date information about signatories/ratifiers of these and other UN human rights treaties, visit the UN Treaty Collection at treaties.un.org. On the left-hand side of the home page, click on "Status of Treaties." On the list of Multilateral Treaties Deposited with the Secretary-General, click on "Chapter IV: Human Rights." Then click on the treaty you are researching.

Appendix D: Human Rights Days

Here is a list of international human rights days recognized by the UN.

Write down these dates on your news calendar: they are useful for planning stories, features and documentaries in advance. Sometimes, a human rights story might not have immediate news value. When this happens, you can use the human rights day as the “news hook” and carry features or documentaries about the issues that day celebrates or commemorates.

Most countries also have national days to raise awareness about human rights issues. Sometimes these are linked to historical events in that country; sometimes the country’s national day is chosen to coincide with the UN day. It is useful to keep track of national days, too, and to plan stories with these days in mind.

This is a long list, and you are not likely to include all of them in your plans. Work through the list and select those which you believe are the most relevant for your country or community.

January

January 27: International Day of Commemoration in Memory of the Victims of the Holocaust. To remember the victims of the World War II Holocaust, in which the Nazi regime of Adolf Hitler tried to eradicate European Jews through genocide.

February

February 20: World Day of Social Justice. This day aims to promote social justice, solidarity, harmony and equality within and among countries, and as fundamental values of all societies. Focus on poverty eradication, promotion of full employment and decent work, gender equity and access to social well-being and justice for all. A good day to raise awareness about ICCPR and ICESCR.

February 21: International Mother Language Day. To promote linguistic and cultural diversity and multilingualism.

March

March 8: International Women’s Day. To recognize women’s achievements; to highlight inequality and discrimination and to unite men and women to oppose violence against women and girls.

March 21: International Day for the Elimination of Racial Discrimination. On March 21, 1960, police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, South Africa. The protest was against the apartheid “pass laws” under which black people were forced to carry documents that severely

restricted their movement and employment opportunities. Apartheid ended in 1994. The day is a day of advocacy against all forms of racial discrimination

March 22: World Water Day. A day to remind people that efforts to provide clean drinking water can save lives, and to increase awareness worldwide of the importance of water conservation and the problems of pollution and water shortage.

March 25: International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. The trans-Atlantic slave trade was unique within the history of slavery due to its duration (400 years), its scale (approximately 17 million people excluding those who died during transport) and the legitimization accorded to it, including under laws of the time.

April

April 2: World Autism Awareness Day. Autism is a neurological disorder affecting a person’s ability to communicate and interact with other people. Autism rates in all parts of the world are high, creating difficulties for children, their families, communities and societies. The day highlights the need to raise awareness about autism and to improve the lives of children and adults who suffer from the disorder so that they can lead full and meaningful lives.

April 4: International Day for Mine Awareness and Assistance in Mine Action. A day to advocate against the use of landmines; to highlight the plight of victims; to promote education about landmines, and to demand demining.

April 7: World Health Day. A day to raise awareness of health issues and everyone’s right to live a healthy life.

April 7: International Day of Reflection on the Genocide in Rwanda. Encourages member states to remember the horrors of the 1994 genocide in Rwanda in which over 800,000 people were massacred in just 100 days.

April 23: World Book and Copyright Day. A day to pay a worldwide tribute to books and authors, encouraging everyone — especially young people — to discover the pleasure of reading. It is also a day to celebrate freedom of expression and the right of all to education.

May

May 3: World Press Freedom Day. An opportunity to celebrate the fundamental principles of press freedom; to evaluate press freedom; to defend the media from attacks on their independence and to pay tribute to journalists who have lost their lives in the line of duty.

May 15: International Day of Families. To celebrate the family; to strengthen and support families in society and to build on their strengths as a social unit.

May 17: World Telecommunication and Information Society Day. This day marks the founding of the International Telegraph Union and the signing of the first International Telegraph Convention in 1865. It aims to promote awareness of the importance of information and communication technologies, the many ways in which they can be used creatively to promote development, and gaps in communication infrastructure and services in many parts of the world.

May 21: World Day for Cultural Diversity for Dialogue and Development. An opportunity to deepen our understanding of the values of cultural diversity and to learn to “live together” better. To raise awareness about cultural rights, which are a fundamental human right.

May 22: International Day for Biological Diversity. To raise awareness about biodiversity and its relationship to environmental sustainability and climate change. Biodiversity is the number and variety of different life forms within a particular ecosystem, for example, a forest or coral reef. The greater the number and variety of life forms, the healthier the ecosystem is believed to be.

May 29: International Day of United Nations Peacekeepers. UN peacekeeping helps countries torn by conflict create conditions for lasting peace. This day commends their work in many countries across the world. It is also a day to raise awareness about conflict and to promote peace.

June

June 4: International Day of Innocent Children Victims of Aggression. To acknowledge the pain suffered by children throughout the world who are the victims of physical, mental and emotional abuse. Also, to affirm commitment to protect the rights of children. In the last two decades over 2 million children have been killed in conflict; around 10 million child refugees have been cared for or are presently under the care of UNHCR and many hundreds of thousands die each year as a result of family violence and abuse.

June 5: World Environment Day. Global day for positive environmental action.

June 17: World Day to Combat Desertification and Drought. To promote awareness about the spreading of deserts (desertification) and drought and encourage sustainable agriculture.

June 20: World Refugee Day. To highlight the plight of the world's 15 million refugees, more than three-quarters of them in

the developing world, who have been uprooted from their homes by conflict or persecution.

June 23: UN Public Service Day. To celebrate the value and virtue of public (civil) service to the community; highlight the contribution of public service to development; recognize the work of public servants, and encourage young people to pursue careers in the public sector (civil service).

June 26: International Day Against Drug Abuse and Illicit Trafficking. To promote a world free of drug trafficking and abuse.

June 26: UN International Day in Support of Victims of Torture. To put an end to torture; to encourage states to ratify the Convention on Torture; to acknowledge the suffering of the many thousands who have suffered torture at the hands of repressive regimes.

July

First Saturday in July: International Day of Cooperatives. A day to reaffirm the role of cooperatives in economic, social and cultural development. A cooperative is a group organized to work together to produce goods or run a business.

July 11: World Population Day. A day to promote understanding about rapid growth of the world's human population and the need to address issues arising from it.

August

August 9: International Day of the World's Indigenous People. A day to mark respect for human rights and freedoms of indigenous people on the basis of equality and nondiscrimination, and to recognize the value and diversity of their distinct identities, cultures and social organization. To raise awareness of the plight of many indigenous peoples who have suffered or are suffering persecution and oppression.

August 12: International Youth Day. An opportunity to recognize the potential of youth, to celebrate their achievements and find ways of encouraging young people to take action in the development of their societies.

September

September 8: International Literacy Day. To promote literacy and numeracy. Today one in five adults is still not literate; two-thirds of nonliterate people are women. About 67.4 million children are out of school. Literacy is a human right, a tool of personal empowerment and a means for social and human development.

September 15: International Day of Democracy. An opportunity to review the state of democracy in the world. The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. These values are embodied in the Universal Declaration of Human Rights and further developed in the International Covenant on Civil and Political Rights.

September 16: International Day for the Preservation of the Ozone Layer. To encourage states to adhere to agreements on preserving the ozone layer. On September 16, 1987 the Montreal Protocol on Substances that Deplete the Ozone Layer was signed. The ozone layer is a layer in the earth's atmosphere which contains high levels of ozone. This layer absorbs most of the sun's high frequency ultraviolet light, which is damaging to life on earth. Depletion of the ozone layer has led to increases in cases of skin cancer worldwide.

September 21: International Day of Peace. A day to call for an end to war, to advocate for ceasefire and nonviolence, and to recognize those who work for world peace.

October

October 1: International Day of Older Persons. To celebrate the achievements of older people and to address their needs and right to a healthy life.

October 2: International Day of Nonviolence. To raise awareness of the effectiveness of nonviolent solutions. October 2 is the birthday of Mahatma Gandhi, leader of the Indian independence movement and pioneer of the philosophy and strategy of nonviolence.

First Monday in October: World Habitat Day. To reflect on the human right to shelter and the need for everyone to take responsibility for the quality of our cities, towns, villages and communities.

Second Wednesday in October: International Day for Natural Disaster Reduction. To promote ways of minimizing the impact of natural disasters through early warning systems, appropriate building methods and effective relief interventions.

October 15: International Day of Rural Women. To celebrate the contribution of rural women to development and to consider ways of improving the lives of rural women.

October 16: World Food Day. To raise awareness about starvation and hunger and their causes. To consider ways of overcoming hunger.

October 17: International Day for the Eradication of Poverty. A day to focus on how to end world poverty.

October 24: United Nations Day. A day for highlighting the aims and achievements of the UN. On October 24, 1945 the majority of UN members ratified the UN Charter and the UN came into being.

October 24: World Development Information Day. To promote information as a tool for development, and to encourage effective use of information and communication technologies.

October 24-30: Disarmament Week. Disarmament Week begins on the anniversary of the founding of the UN. It was called to highlight the danger of the arms race and to increase public understanding of the tasks of disarmament.

November

November 6: International Day for Preventing the Exploitation of the Environment in War and Armed Conflict. To publicize the impact of war and armed conflict on the environment: in deliberate pollution of water wells; the destruction of farmlands, crops and forests; the poisoning of soil and killing of animals. Also, to highlight the many conflicts linked to exploitation of natural resources like timber, diamonds, gold, oil, fertile land and water.

November 14: World Diabetes Day. Global awareness day on diabetes — its causes, effects and treatment, access to care and how to prevent diabetes.

November 16: International Day for Tolerance. To advance human welfare, freedom and progress, and to encourage tolerance, respect, dialog and cooperation among different cultures, civilizations and peoples.

Third Sunday in November: World Day of Remembrance for Road Traffic Victims and Their Families. To promote road safety and end suffering caused by traffic accidents.

November 20: Africa Industrialization Day. To highlight issues of sustainability and environmental protection while at the same time promoting industrialization in Africa.

November 20: Universal Children's Day. To promote the welfare of children everywhere. November 20 marks the day on which the UN General Assembly adopted the Declaration of the Rights of the Child in 1959 and the Convention on the Rights of the Child in 1989.

November 21: World Television Day. To promote access to television, in recognition of the increasing impact television through news and features. It marks the start of the first World Television

Forum, where leading media figures met to discuss the importance of television and ways of cooperating to improve and extend television services, on November 21 and 22, 1996.

November 25: International Day for the Elimination of Violence Against Women. To campaign against violence against women. November 25th also marks the start of the annual 16 Days of Activism Against Gender Violence in which activists and civil society all over the world campaign for an end to violence against women.

November 29: International Day of Solidarity with the Palestinian People. To call for an end of occupation of Palestinian territory by Israel; to end the refugee crisis and for a political settlement between Israel and Palestine.

December

December 1: World AIDS Day. To publicize the human rights of people with HIV/AIDS. To promote treatment and openness, to discourage stigma.

December 2: International Day for the Abolition of Slavery. December 2 is the day when the General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The day celebrates the abolition of slavery and draws attention to present day forms of slavery, including sex slavery, child labor and human trafficking.

December 3: International Day of Persons with Disabilities. To promote the rights of persons with disabilities; to encourage openness about disability and eradicate stigma and exploitation.

December 9: International Anti-Corruption Day. To raise awareness about corruption and the ways in which it undermines democracy and human rights.

December 10: Human Rights Day. Celebrating human rights for all — the day on which the Universal Declaration of Human Rights was adopted.

December 18: International Migrants Day. Globalization has seen rapid increases in international migrancy, with millions of people leaving the countries of their birth to seek work in other parts of the world. Many migrants face exploitation and exclusion in their new countries.

December 20: International Human Solidarity Day. Celebrates the unity of all people; reminds governments to respect their commitments to international agreements; raises awareness of the importance of solidarity and encourages debate on the ways in which people can unite to achieve the Millennium Development Goals, especially poverty eradication.

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