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Annexes
- The Office of Franciscans International and Dominicans at the United Nations in Geneva
- Bibliography and Web Sites
- Formation and Training
- Declaration of the rights of man and of the citizen
- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
Congratulations for having read and used the five previous Justice and Peace workbooks. These workbooks were designed to be used in an interactive manner. The goal was to get your reactions, to call upon your creativity and sense of sharing so that we could get new ideas, new proposals for action and innovative training methods circulating throughout the entire Dominican family. Some communities did contact us (and we thank them) to tell us how they had used the workbooks in various seminars and workshops ... We will be sharing some of this feedback with you in the near future; meanwhile, there is still time for those of you who haven't been in touch to pick up your pens, to turn on the computers and get those faxes coming in to us ...

Workbook #6 was devised with the same experiential approach in mind. This time we will be looking at specific research documents and initiatives taken by one or another member of the Dominican family and suggest various approaches we can use in the area of human rights. The purpose of these suggestions is to stimulate your imagination in order to help you in your own personal formation, or in your work with persons in formation: novitiate, studendate, lay fraternities, secular institutes, ongoing formation, the public at large ... with a specific focus on human rights. This workbook is meant to be part of the documentation used by the Justice and Peace promoters so that they can help raise the consciousness among members of the Dominican family on this topic, for it is an essential component of our Dominican vocation.

The emphasis of this workbook is placed on methodology and creativity and not on an exhaustive presentation or on solely abstract knowledge. We would appreciate receiving your reactions to this new workbook so that we can circulate the information to the other members of the Dominican family. Thank you in advance!

Our gratitude extends to all of those who participated in the writing and editing of this Workbook. First and foremost our thanks to friar Jean Claude Lavigne who did the writing, to friar Philippe LeBlanc (who provided most of the subject matter) and Alessandra Aula from the Office of Franciscans International and Dominicans in Geneva. Thanks to friar Jean-Jacques Pérennès, General Promoter for Justice and Peace for the Order and to the brothers and sisters of the International Commission for Justice and Peace for the Order, in particular, Luisa, Prakash, Margaret ... fr. Clarence Victor Marquez from the Philippines Province and to all of those who provided materials for the workbook.

Thanks to Patricia Leahy who translates this booklet into english.

GOOD READING TO ALL OF YOU
"Tell me what right you have to keep these natives in such a cruel and horrid state of servitude? Are they not persons? Do they not have a soul? Should you not love them as you love yourselves?"

These are the words of Antonio de Montesinos, prior of the Dominican community in l'Ile Espagnole (today known as Santo Domingo), to the Spanish colonists one Sunday of Advent in the year 1511. His cry which rang out from the shores of the New World in a period of intense colonization, marks the beginning of a new era of awareness, one that has evolved over time to become what we know today as "Human Rights." Bartolomeo de las Casas happened to be in the assembly that day and from then on he decided that he would fight with all his might to change the way natives were being treated.

Francisco de Vitoria and the Salamanca School set the theoretical foundations of the modern problematic of human rights. In one of his books G. Gutierrez quotes a specialist of modern theories of Human Rights: "in these solemn moments, in the humble abode of a few courageous brothers, a new law was born, a law with theological roots" and therefore based in the Gospel (quoted in Dieu et l'or des Indes Occidentales, éd. Cerf, 1992, p.21).

By taking on this task the Spanish Dominican friars, in a very complex and controversial historical situation, were reconnecting with the gospel intuition of Dominic whose preaching was borne out of compassion. The forceful human and intellectual commitment of Dominic and his brothers was not the result of a well-defined strategy or of some strange act of predetermination, it came about as a response to a specific situation, a situation that touched them at the deepest core of their being, (in their "guts"), as they witnessed the human and spiritual distress of the men and women they encountered on the road to Castile and Languedoc (the famished of Palencia, the innkeeper of Montpelier, the Catharist women of Prouille). Just as Jesus was "moved by the suffering of the people", Dominic and his brothers were also moved by the suffering of the people, and they began to preach from a base that the author Marie-Dominique Chenu refers to as "a gospel awakening". They were able to preach with courage and ask the real questions because they took the terribly tragic situations of their contemporaries seriously. They were always very careful to respect the complexity of the situation and the mediation that would be required.

We see here the two sides of Dominican preaching: it is in the name of the gospel and out of compassion that our brothers hurled themselves into complex adventures, such as the elaboration of a modern problematic of human rights. Closer to our era, Dominique Pire and Louis Joseph Lebret embarked on a similar path in related domains. Far from possessing a special calling, these ways of being preachers were true to the most authentic Dominican preaching tradition. Today, there are scores of Brothers and Sisters throughout the world who try to live up to this intuition as they struggle to protect the street children in Manila, the rights of the peasants in Brazil to own their land, and the right of the homeless have a decent place to live in Paris and in Madrid.
It is fortunate that on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the International Commission for Justice and Peace of the Order chose to publish Workbook #6 on Human Rights. The Workbook is a follow-up to the five previous workbooks on initiation and formation to Justice and Peace, and is meant to help each and everyone of us arrive at a better understanding of the importance of the question of Human Rights, which Pope John Paul II often refers to in his statements.

I sincerely hope that the tools and the suggestions provided in this Workbook will help all of us to commit ourselves to human rights in truth and by so doing remain faithful to the gospel intuition of Dominic and his brothers.

fr. Jean-Jacques Pérennès, OP
General Promoter for Justice and Peace for the Order
The concept of human rights is a complex one. It goes beyond the definitions we find in the traditional manuals: *human rights are rights that are inherent to the person, which everyone recognizes and whose essence cannot be changed without altering them.* Although this natural concept of human rights is correct, it is too limited since neither culture nor politics are factored into the definition.

**The concept of human rights differs in accordance with the culture and the period in which we are living.** In certain countries for example, women have very few rights although they do have numerous duties. There was a time when it would have been unthinkable that everyone would have the right to vote... Because of this diversity it is important that we approach the subject with prudence and avoid making the mistake of imposing our cultural concepts on situations that do not allow for such a transfer. Prudence is not synonymous with standing back and waiting for something to happen; to be prudent means to accept and to undertake an in-depth analysis of a situation so that the actions decided upon will be to the point and effective.

The diversity of understanding of human rights runs the risk of being taken as the effect of our cultural differences, or as the result of the work of local or national pressure groups who are against some rights and who work for the promotion of others. Every one of our countries and cultures has its own history of human rights. Accepting to look at this reality in order to identify the forces that allowed this to happen is the first step to greater awareness and an exercise definitely worth doing in small groups.

If we approach the issue from the cultural dimension it would be important to look at the manner in which the different religions developed or did not develop the question of rights. Do these religions give the same rights to all people? Do they make distinctions among the members? Do the members make distinctions among themselves? ... A comparative study of the relationship between human rights and religion could be very interesting, provided that we are careful to avoid exaggerations.

In this Workbook which is destined for the entire Dominican family living on all of the continents, we will focus on a more circumscribed concept of human rights. We will limit ourselves to Human Rights as those defined by the United Nations and that are the object of a vast political consensus. Such a decision is inevitable if we want to facilitate communication and treat this topic with a "certain" degree of objectivity.
This consensus does not mean that we deny the existence of other concepts (i.e. Workbook 4 contains long excerpts from the Islamic Declaration of Human Rights and from the Universal Declaration of People's Rights). We will return to this fundamental question later on in the Workbook.

The expression "Human Rights" first appeared in 1537, in a book by Volmerus entitled "Historica Diplomatica Rerum Bataviarum". Human Rights is a recent expression, one that coincides with the discovery of the "person" as fashioned by the Renaissance.

Human Rights have a twofold dimension: that of the person as person (when we speak of the right of...) and that of the relationship of the person to political structures, to society (where we speak of the right to...).

- The "rights of" are rights of action, "rights-freedoms"; they constitute a protection and a critique of the abuse of Power.
- The "rights to" are rights of obtaining, they are instruments that legitimize our demands and provide for the accountability of Power.

These two dimensions are lived out in the life of society which consists of both individual and collective actions. The social dimension ensure a person's place in the political community. However, certain texts place greater emphasis on the rights of the person (individual) while others insist more on the rights of peoples (this is the case of certain developing countries and those of Islamic tradition): these tend to be in opposition to each other.

The fundamental pillars of human rights are liberty, equality and solidarity-participation (in the life of society). "To be a person means to have dignity, and to live with dignity means to live free in a world where all are considered equal, a world of sharing and solidarity". (JF Collange, Théologie des droits de l'homme, p.34, Cerf.1998). This is the goal of the law that protects every aspect of human existence.

We usually distinguish three generations of human rights:
- In the first generation we have civil and political rights recognized in the Universal Declaration of Human Rights (articles 1 to 21) adopted by the United Nations: liberty, equality in dignity and in rights, rejection of slavery, recognition of the legal personality, equality before the law, the right to be judged in accordance with the law, presumption of innocence, right to a private life, right to freedom of movement, right to own property...
- The second generation of rights are those that have to do with economic, social and cultural aspects, as found in articles 22 to 27 in the Universal Declaration: economic, social and cultural rights that are indispensable to the dignity of the person, the right to work and to belong to a union, the right to rest and leisure, the right to an adequate standard of living ...

- The third generation of rights are collective or solidarity rights. These are emerging rights, for example, the right to peace and security, the right to development, the right to a healthy environment. Although the African Charter of the Rights of the Individual and of Peoples is the only Charter that stipulates these rights in an official manner, we do find them in declarations and statements made by the United Nations.

Another classification distinguishes the following rights:
- civil and political rights (focusing on freedom): religious freedom, freedom to belong to a union, freedom of expression, equality before the law, right to a fair trial ...
- economic and cultural rights (focused on security): right to employment, to adequate housing, free education, access to health-care ...
- developmental and environmental rights: the right to a healthy environment, to sustainable development ...

More important than any of the above classifications, (where the goal is of a pedagogical nature), is the fact that human rights are indivisible (we cannot retain some and exclude the others) and interdependent and that the international community has confirmed the universal dimension of these.

It is also important to note that there exist different interpretations of law and justice throughout the world. There are two predominant systems:

- the civil law system: (particularly in francophone countries) where the law is the primary source and where tribunals interpret the law according to the situations.

- the common law system (in anglophone countries) where jurisprudence and the force of precedence are the main sources of the law. The sole purpose of the law is to complete or to correct the Common Law and it is therefore subject to strict interpretation.

International Law (which takes into account human rights), is at the juncture of these two concepts. This often causes problems and invites us to question the relationship of rights and culture.
HISTORY

Every country has its history of human rights. The histories are made up of the reflection of philosophers of each country, the commitment of human rights activists for rights and freedoms, for national independence or for the dignity of the human person. It also consists of ordinary men and women who have taken sides to help change laws, and sometimes of churches and their leaders. Human rights are the result of both intellectual and political struggles.

Can you reconstruct the history of Human Rights in your country? We would really appreciate hearing from you on this specific issue. Here are few suggestion to help you begin the process of awareness.

Questions for a Reflection on Human Rights

- dates: the right to vote for all citizens, abolition of the death-penalty, freedom of the press, condemnation of torture ...
- players: who were the main players for each of these events, who were those who opposed, what were the values upheld by the various individuals and groups?
- what role did the international history of human rights play in the history of your country?
- what rights are still not respected today?

1. Documents

If we are concentrating on «universal» human rights, it is to show that a particular history may have influenced the advancement of humanity. A number of important documents stand out as landmarks and have served as a support for the progress toward the recognition of the rights of the person. These texts are easy to find and are readily accessible for those who enjoy "surfing the net". The following are the email addresses of two American universities that have a highly developed human rights database: www.uiowa.edu/~hr98 and www.umn.edu/humanrts. The United Nations database can be reached at: www.unhcr.ch.

1215: The Magna Carta

This document marks the beginning of the history of human rights. Forced from King John by English Barons, it recognized English liberties, particularly in matters regarding presumption
of innocence and the rule of law. The King was forced to adhere to a text that spelled out the liberties of all his subjects.

1542 Leyes Nuevas
Under the influence of Francisco de Vitoria and Bartolomeo de las Casas, Charles the Fifth decreed new laws destined to protect the Indians and the Spanish of America. The text gave official recognition to the rights of the native people and decreed a new «right of work and of the land».

Petition of Rights
In this text we see that the king is subject to the law, in other words that he must obey the law like other Englishmen. It also gives the person the right to a fair trial prior to condemnation or imprisonment.

1679 Habeas Corpus
This legislation takes up again the law of presumption of innocence: this is automatic as long as another competent authority has not proved the contrary. An accused person has the right to plead his case before the courts. The text also specifies that a person cannot be tried twice for the same offense.

1689 Bill of Rights
The Bill of Rights was passed by the British parliament and gave civil and political rights to the people and political supremacy to Parliament. It recognized the rights of conscience and of opinion. The Bill also does away with cruel penalties and creates a jury system. In addition, it deprived the King of his authority to suspend laws without the approval of Parliament.

1776 American Declaration of Independence
The Declaration of Independence is a lot more than an act of emancipation of a colony. It is a plea for democracy founded on the inalienable rights of the individual, on the fact that all persons are created equal and have the right to be respected in their opinions. The text insists on the right to "life, liberty and the pursuit of happiness", and that "governments are institutions among men, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, the people have the right to change it».

The state of Virginia was the first American state to draft a constitution recognizing the rights of the citizens in which liberty is the key word.

1789 Declaration of the Rights of Man and of the Citizen
Over the course of time the French document has served as the basis for a number of constitutions and declarations of independence. It has become a symbol of freedom. The Declaration gives precedence to democracy over absolute monarchy and defends the rights of the individual-citizens. The text can be found in the appendix.

1889, 1919, 1926: Abolition of Slavery
A first conference held in Brussels put an end to the slave trade in Africa. The second conference was held in St. Germain-en-Laye and was aimed at suppressing slavery
everywhere. At the third conference, held in Geneva, delegates put the finishing touches on the previous texts and added the condemnation of the practice of forced labor.

1948 The Universal Declaration of Human Rights.
This is the basic document for any study and reflection on modern human rights. The text has been provided for you in the appendix and it also comes in poster form that can be hung for display on the walls of common rooms, libraries etc....

There exists an international consensus around the Universal Declaration of Human Rights since it pertains to the inalienable and inviolable rights of all human beings. The Declaration has become the standard for rights and freedoms and for the past 50 years it has served as the living moral conscience of the international community. It enforces international norms which are meant to be morally adhered to by all people and nations of the world. It affirms the equality of rights and the dignity of the person. As the universally accepted standard, it can be used as a basic text to publicly denounce the actions of the States which violate or abrogate the rights of their citizens.

The Universal Declaration consists of a preamble and thirty articles that contain civil and political rights, and economic, social and cultural rights. The following lists some of the rights in the Declaration:
• the right to life, liberty and personal security,
• the right to education,
• the right to participate freely in the cultural life,
• the right not be submitted to torture, inhumane or degrading treatment, acts of cruelty,
• the right to freedom of thought, conscience and religion.

The Declaration is founded on the "inherent dignity" of each individual person. It also affirms the equality of men and women as well as their right to freedom. In the Declaration the rights of the individual are given precedence over the rights of the State. Even though the State has the power to legislate rights, it is not permitted to violate them.

**History of the Universal Declaration of Human Rights**
The Universal Declaration of Human Rights is an idea that dates back to the beginning of the United Nations in 1945 when the Commission on Human Rights was created and a group of eighteen were appointed as its first members. Among the key people were Eleanor Roosevelt of the USA and René Cassin of France. There were three opposing ideologies represented on the Commission: the humanist ideology which advocated for the rights of people, the Marxist ideology where individual rights were seen as the responsibility of the State, and the Chinese ideology that considered human dignity as a value to be acquired. They were able to come to agreement on a text that was presented to the United Nations gathered in Paris on December 10, 1948, where the Universal Declaration of Human Rights was adopted by the General Assembly.
1966-1976: International Covenant on economic, social and cultural rights and the International Covenant on civil and political rights and the Optional Protocol to the latter Covenant.

The above documents can be found in the appendix. We put them there to help facilitate your study of them. The two International Covenants were adopted by the UN General Assembly in December 1966 and entered into force in 1976. The two Covenants recognize and define in a legally binding treaty the majority of the rights contained in the Universal Declaration. The Optional Protocol which allows for individual complaints was adopted by the General Assembly and entered into force in 1976. The Protocol gives individuals the right to complain to the Human Rights Committee that their rights have been violated by their country.

What is known as the International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant.

More history:


1986: The Declaration on the Right To Development was adopted by the UN.


1993: The Second World Conference on Human Rights was held in Vienna. The Conference re-affirmed certain rights and principles such as the following:

art.4. The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and
principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments.

art.8: Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually enforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and the protection of human rights and fundamental freedoms at the international levels should be universal and conducted without conditions attached. The international community should promote the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

art.25: The World Conference on Human Rights affirms that extreme poverty and social exclusion constitutes a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to enjoy the fruits of social progress. It is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty.

A Bit of vocabulary

An instrument is a written document that gives formal expression to a legal act or agreement to create, confirm, modify or suppress a right.

A Treaty is a formal agreement between States in order to define or modify their reciprocal duties and obligations. A treaty is usually ratified by the signatory States.

A Convention is an agreement binding States in areas of vital but not strategic importance.

A Pact is a written and signed agreement between at least two parties, by which one expresses to the other their agreement to do or have to do, or to not do something or confirm the truth of certain facts.

A Resolution is a legal product of the United Nations. Generally, a resolution is not binding but is the proof of a jurisprudence and is invested with authority when interpreting the Charter of the United Nations.

Adherence consists in the formal acceptance of the terms and obligations of a treaty by a State that has not signed the treaty.

Ratification is the constitutional process whereby a Legislative Assembly or Parliament confirms the action of a government that has signed an agreement. The act of ratification is binding on the government.

Signature is the mark of the representative of a State indicating the authenticity of the text of an agreement and indicating the intent to ratify the treaty at a later date.
2. Real people

The history of Human Rights is not limited to a series of texts. There is the whole human dimension where men and women have accepted to take risks and fight for what they believe in. Numerous men and women have put their life on the line in their efforts to defend human rights. The Dominican Order has been very active in this area, particularly with the work done by the School of Salamanca.

We will give a few names of people who have been involved in human rights. However, we could have presented many more but we leave it up to you to identify other people from your own areas and to suggest biographies that would be of interest to others.

In the previous Justice and Peace Workbooks we presented several men and women who have played an important role in the area of human rights: H. Dunant and Ghandi (Workbook 4), Las Casas, Marie Poussepin, I.J. Lebret, D. Pire (Workbook 1) and other famous people such as Martin Luther King, Rosa Parks, Rigoberta Menchu and Chico Mendez ...

Please could you send us monographs that have been produced by any of the Brothers and Sisters on the defense of human rights. One of the activities you might want to consider for those in formation, is to do some research on men and women who have fought for the advancement of human rights. Don't forget to send us the results of your research and any other publications you come across.

The following monographs are presented as a means to help you get started.

**Francisco de Vitoria**

Francisco de Vitoria was born in Burgos in 1483 and entered the Dominicans in 1505. After having received a sound philosophical and classical formation, he went on to finish his studies in Philosophy and Theology at the University of Paris, where he stayed and taught both subjects. He also taught three years at San Gregorio College in Valladolid., the residence of the Royal Chancery and the Council of India. It was here that he became involved in passionate discussions on the problems facing those who went to the New World. His experience during that period had a profound impact on his humanist theology. In 1526, he became Dean of the Faculty of Theology at Salamanca University, where he would reach the peak of his influence as a teacher, thinker and councilor for the civil and ecclesiastical authorities of the time. He died peacefully in 1546 at the Convent of St. Etienne of Salamanca..

Vitoria was an accomplished humanist in his way of thinking and in the manner he was able to communicate his thoughts. He lived a life according to his values and was serene and balanced in his manner of being, acting and thinking. In Salamaca, he renewed classical thomistic theology by imbuing it with his humanism and focusing it on the human as a personal being and as a member of a family, a nation and a universal society. His most celebrated work "Reflecciones Teologicas" in which he deals with individual and social human values is a masterpiece because of his practical
openness and his search for a solid foundation for the principles of natural reason which remains a universal valid doctrine for all time.

In the most famous of his lessons entitled: "On the Indians", he takes up, with great serenity, the question of the rights of the indigenous people of the New World, and sets the limits and conditions of foreign intervention. His ideas were considered to be scandalous by Spanish politicians, so much so that he was placed under censorship and sanction by the Emperor. With works such as "on the right to war" and "on civil power", he was and continues to be considered as - the founder of modern international law.

Fr. Ramon Hernandez op

ALL EQUAL = same rights

René S. Cassin
René Samuel Cassin was born in France in 1887. A brilliant student he obtained his Doctorate in Law and then went on to teach the subject. Because of his own injuries which he sustained in the war of 1914-1918 and his interest in veterans, he became President of the Federal Union of Associations for Mutilated and Veteran Soldiers. He advocated during his entire life to secure a place for them in society (in the workplace).

In 1924 he was named the delegate of France to the Society of Nations, where he fought for international justice and the need to make the law an instrument of peace. During the Second World War he joined the Resistance in London. When the war ended he became one of the founding members of UNESCO. In 1946 he was appointed a member of the UN committee responsible for drafting the Universal Declaration of Human Rights. He played a decisive role in making the text a foundation for peace and for the recognition of the human person. In 1965 René Cassin became President of the European Court for Human Rights and in 1968 he received the Nobel Peace Prize for his role in the promotion of peace and human rights. He died in 1976.
Recipients of the Nobel Peace Prize in recognition for their work in the area of human rights:

1964: Martin Luther King
1968: René Cassin
1975: A. Sakharov
1977: Amnesty International
1984: Desmond Tutu
1989: Dalai Lama
1991: Aung San Suu Kyi
1992: Rigoberta Menchu
1996: Jose Ramos Horta and Bishop Bello
1997: Jody Williams and the CIMT (campaign against landmines).

Has your province or your congregation contributed to the advancement of human rights? In what circumstances? In what areas? Are people aware of this contribution? How can we make others more aware and get them involved?

Above and beyond the "big story", there is the ordinary daily story with its ups and downs, the story of human rights in our communities, in our neighborhoods, in our towns ...

Human Rights begin in our own communities (see Workbooks 2 and 4). They not only concern the employees in our houses, our security guards, our gardeners ... but those who leave the community, the members with disabilities... Can we honestly say that our communities are places where freedom of expression is respected?

And what about our schools and hospitals ... Would there be a need for some reflection on this issue? The purpose is not to generate guilty, but to provide greater coherence between what we say and what we do.

Are human rights respected in the neighborhoods where we live? Are we in solidarity with those who are fighting for the right to work, the right to a fair trial, the right to bodily respect (sexual harassment), the right to good working conditions ... Who are the prophets in our milieu? It would be a good idea to reflect on these questions together in community, in order to evaluate the quality of our gospel message.
**A Journey ... on foot**

Let's start by looking at our bottommost body part, our feet. Feet are made to stand on, to tap, to be massaged, to walk ... They are the tools that get us across the road of life ... and yet how often do we think of our feet? Feet are usually the last body part to come out at the time of birth, they carry the weight of life and in the end we are all on equal footing when it comes time to face death.

Feet indicate social status. Those who go barefoot are given less consideration than those who have shoes (people at the top wear shoes made of genuine leather, with high heels and bearing a designer name). Feet say something about us and they say something to us. Feet dictate the way we run the race.

For many years the Dominican family in the Philippines has been walking with the poorest of the poor on the hard road of life. One of our most important journeys was the one we made with the indigenous people of Pam pang (Central Luzon). In the Philippines we commonly refer to them "Aetas", in the rest of the world they are known as Pygmies.

These people have magnificent feet. They live on their feet, constantly walking across the mountains around Pinatubo. They have always lived there. Because of the disaster caused by the eruption of the volcano their feet brought them to camps such as Pasbul, in the municipality of Porac in Pampanga. It was there that they began to re-build their lives with the help of the NGO community. This is where we walked with them through the "Abot Kamay" project of the Dominican family, through the decentralized clinic of St. Martin, sponsored by the Mother Francisca Foundation of the Dominican Sisters of Catherine of Sienna.

The people continue to live on their feet. They climb up to their ancestral lands and come down to the towns to sell their products. They do all kinds of things with their feet: draw water, wash in the river, dance and have fun. But their journey through life has become more difficult. We have taken their ancestral lands away from them and turned them into mines that we completed depleted. We cut down their forests and left nothing but devastation. We have placed so many obstacles in their path ... they are rejected and thrown off their land. They are looked down upon by society because of their nude and blackened feet. Their feet are nude and the rest of their being has been at, for they have no means of recourse. They don't have the strength to keep going, there is just too much against them.

This is the life situation of these people. The Dominican family chose to reach out to them because of their faith in the gospel. Before entering the territory the members of our family removed their shoes as an expression of their admiration for the people and as a reminder to themselves that God had been here a long time before they arrived. We found the people walking bare feet and living a life of total simplicity. We also found lay Dominicans who chose to come here to teach catechetics and to live with the Aetas. How beautiful on the mountain are the feet of those who bring Good News! Like feet nailed to the Cross!

On our journey we learned that we and the indigenous people were called to walk together on the road of life. That no one should be left behind. That no one should be refused the right to
walk. The simplicity of feet taught us marvelous things such as, walking in faith leads us to places of unsuspected beauty. Nature is the voice of God and should be listened to, whether it is manifested in the furor of the volcano, or the terror of the floods, or the bared and wounded mountains. Indigenous culture is beautiful, honorable and full of vitality. That walking together is the best way to go.

Their aspirations are simple: never step on the feet of your brother or sister, be free enough to be yourself, stand firm and defend what it means to walk with dignity, land, food, the tribe, the family, with justice, with peace. Their aspirations are exactly the same as ours. Different in their cultural expression, the same in life. Different roads... perhaps... but one in the same human world.

God made us all. He made our feet. He gave us life. We must never lose sight of the fact that we are on this earthly pilgrimage together, we all have to carry our cross on our backs, the road is long and chaotic for all of us. Always remember... our God walks with us. May we be gifted with the grace to keep walking on the road of life with love in our hearts and strength in our feet.

Fr. Clarence Victor Marquez op
Human rights did not emerge only from political struggles but they are also the result of serious philosophical and theological reflection. Although human rights can be traced back to a variety of sources, the Bible is one of the most important sources.

1. Biblical foundations

The Bible (you may want to consider other sacred texts that have an impact on the society in which you live), defends a certain definition of the human that serves as the foundation for the concept of human rights, even though it is not said so in such specific terms.

In the first chapters of Genesis we are told that the value of human life comes from the fact that we are created in the image and likeness of God. Even though all of creation is the work of God, we are the only creatures to benefit from this gift and that is precisely the reason why human life is priceless. When looked at from this angle it is easy to understand why we question the legitimacy of the death penalty. (cf Gen.9,6).

In the Covenant with Noah (Gen.9) God enters into a binding complicity with humanity and also with all of creation which is forbidden to take the life of another person. This is the cornerstone upon which rests the concept of the dignity of the person and of creation. Additionally we find there important sources for the discussion of human rights.

God desires fullness of life and happiness for humans and to realize this he gives them the road of Law. (Dt.5,32 and Lev 26). The Law is the road that leads to life, in the fullest sense of the term. The Law protects us from one another making it possible for us to enter into social relationships which lead to the creation of society. The law protects society from itself, from the temptation to do evil. Human rights are contained in the various versions of the Ten Commandments found in the Bible (Ex.20, Dt.5, 6-21) as well as in those texts that address the questions of slavery, the stranger, thieves ... All of these speak in defense of the victims and the weak (Dt.24, 5-21), even if it gives us the law of retaliation: Because of their integration into Scripture, all of these themes become sacred rights that must be respected by humans.

God loves us and for this reason expects us to practice justice. Justice is manifested in the way that we treat widows, orphans, the poor; Is. 10, 1-2, Ex. 22, 21-22 ... Sometimes we add the word strangers to the list. They are the power-less. To be just, therefore, means to defend the rights of the powerless.
Workbooks 1 and 2 contain a good deal of helpful information on all of these points.

The rights of the poor take on an institutional form through (for example):
- Prescriptions for the harvest: Dt.24, 19-22, Lev. 19, 9, Rt. 2,2.
- Need for almsgiving: Dt.14, 29
- Jubilee and Sabbatical Year: Lev.25, Ex.23,10-12, Dt.24,19, Dt.15

The Bible tells judges they must be impartial in their judgments and to make no distinction between the rich and the poor. It is important to protect the legal rights of the poor (Pr.19,7), not to become accomplices of thieves. (Is.1,23)

The notion of personal responsibility came slowly over time. It took the prophecy of Ezekiel to abandon our clan and family mentality in matters of responsibility and sanctions.

Despite these texts which indicate that taking responsibility for human rights was a response to the Covenant, we find still other texts in the Old Testament which appear to us as contrary to human rights: war, pillage, looting, massacres, slavery (women and children) ...

Workbook 2 contains exercises to do on the themes of justice and peace. It would be a good idea to re-read it and to do some research on the theme of "rights and duties", the rights of orphans, robbery, passing judgement, the figure of the judge...

Jesus goes beyond rights, but he does not abolish them. He brings them to fulfillment by giving them their full meaning: Math.5. Not only is the law fulfilled, but the Kingdom is present. Luke 4,14-30, presents Jesus in the synagogue making the Jubilee accessible to everyone and no longer restricting it only to the Jewish people.

With the Beatitudes Jesus sides with those who suffer, those who are victims of injustice ... He constantly listens with concern to the plight of the excluded, the sick, the women, the children ... it is his way of revealing his compassion for all of humanity, particularly the outcasts and the weak.

In Gal.3, 28, Paul leads believers to go beyond national, sexual and economic identities and to recognize the human person beyond these accidental differences ...

You might suggest that a community group or a lay fraternity take a passage from the New Testament to discover the dignity of the person, to discover the way Christ approached it... In the appendix of Workbook 2 you will find helpful hints on how to go about this work.

Several texts exist that draw a parallel between the Universal Declaration of Human Rights and the Word of God. For our purposes we will be using the document from "Centro A. Montesinos" (calle Hostos 64, Santo Domingo, Dominican Republic).
The A. Montesino Center has developed a 4-step process where they draw a parallel with the Universal Declaration based on a method from the CEDAIL. 1. Begin with your personal experience of the violation of the article being studied, 2. give the causes of the violation, 3. listen to the Word of God, 4. identify solutions.

The following are examples from the staff at the A. Montesinos Center.

<table>
<thead>
<tr>
<th>Article</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>art.1: freedom and dignity</td>
<td>Gn 1,27; Lev 25,10; Zc 7,9-10; Mt 2,10; Jn 8,32; Ac 7,26; Jm 2,15-16; 1 Jn 4,20.</td>
</tr>
<tr>
<td>art. 2: equality</td>
<td>Dt 10,17; Gal 3,28; Dt 27,19; Col 3,11; Rv 5,9; Rv 7,9; Rv 14,6.</td>
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<tr>
<td>art. 7 equality before the law</td>
<td>Jn 7,24; Ct 10,17-18; Pr 21,3; Is 10,1-2; Is 11,3-5.</td>
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<tr>
<td>art. 8 right to an effective remedy</td>
<td>Pr 29,2; Mt 7,1-2; Rm 13,3-4.</td>
</tr>
<tr>
<td>art. 18 freedom of conscience</td>
<td>Qo 15,14; Jn 8,31-32; Mk 57,19; Ac 4,20; Ac 18,19; Ac 22,15; 1P 3,15-16.</td>
</tr>
<tr>
<td>art. 19 freedom of expression</td>
<td>Mt 27,28-29; Mk 16,15; Ac 2,14; 1Cor 2,1; 2 Tm 4,2; Heb 1,1-2; Ac 4,16-20.</td>
</tr>
</tbody>
</table>
2. Philosophical Foundations

Human rights have philosophical roots that were developed at times in direct opposition to certain conceptions – or compromises – of the Catholic Church.

The philosophers of the Enlightenment in the 17th and 18th centuries were particularly creative in making man (considered as an individual) an autonomous center of action and of thought. With their thinking emerged the notion of the individual against the State and social institutions, equating individual rights with freedom. In their philosophy, the individual in the name of human nature and the irrepressible will to freedom (Hobbes, Locke, Kant...) was set up against Power. They became concerned, not with the search for common good but with finding ways to allow the individual to exist and function in society.

- rights of persons, rights of the individual and law
- state, individual, community.

The discovery of the New World forced philosophy to rediscover, beyond the obvious differences such as the color of skin and ways of living the universality of the human being. Philosophers opened the way to the idea of the unity of the human race and, therefore, to human rights. This would progressively lead to a system which abolished slavery and recognized diversity. Regretfully some of the philosophers laid the foundations for racism.

- humanity of humans
- cultures, differences and nature.

Gradually the break up of Christianity into different denominations would bring about, through violence, the freedom to choose one’s religion. Then it revived the right to freedom of conscience and the right to practice one’s religion. At the heart of this movement, one can find the idea of tolerance which Erasmus opened up and which will be developed in different ways by Voltaire, Spinoza, Locke...

- tolerance, respect of differences and indifference
- tolerance and truth

The growing awareness of the value of human life in its differences would obviously provoke a discussion on the meaning of punishment as imposed upon those who break the law (robbery, murder), of penalty as a way of repaying a debt in compensation for violence. The discussion on capital punishment is a fundamental debate, just as is the debate on the rights of prisoners, the legitimacy of torture and the rights of victims and their families.

- Punishment, vengeance and social order
- The right to kill.

We have not made rapid progress in the debate on gender, on the role of women in society and women’s rights. For many countries and cultures equality of the sexes is a battle that is still far from being won. Philosophical research must continue to examine the question of the equality and the differences of the sexes, and the structural importance of the sexual dimension within society, political thought and political life.

- Sexuality and politics
- Domestic violence.
The question of punishment is also linked to the social bond, the social contract (Rousseau, Grotius). The discussion around that bond leads to the question of human rights which further raises the issue of the complex play between the rights and duties of individuals and groups, and the responsibility we have, whether we like it or not, for the other person (Levinas). If we do not live in isolation, then the question arises: What right does the other person have over me? Who defines these rights and responsibilities? What is the role of the State, of sentiment, of the relationship between the weak and the strong?

- human duties
- freedom, otherness

The question of responsibility does not only address individuals or the relationship between the State and the individual. It also pertains to international relations: peace or war, the development of the planet and ecological responsibility. Human rights have a planetary dimension because we all belong to the same global village that is being threatened by the folly of a few. We have a responsibility to future generations not only in matters of war but in matters of the destruction of the environment, the nuclear threat, and toxic waste. These questions demand urgent philosophical reflection (H. Jonas, L. Ferry).

- Human rights, life and survival
- Who can be responsible for policing the planet?

Little by little the international community is recognizing new rights. The approach is dynamic, but it raises questions about the process for determining what is a right and what is not a right. When something becomes a right, who is responsible for ensuring that it is recognized? What is the limit of the notion of human rights? Does adding to the list of rights not weaken all rights?

- objectivity and relativity of rights
- role of the relationship between the weak and the strong in the determination of rights.

These elements of philosophical discussion which should stimulate personal and community research constitute some of the challenges faced by human rights.

The greatest challenges are probably:

- the rejection of the universality of human rights
- the difficulty in ensuring the right to work (understood as right to a job) for all those who want to work and the future of the right to social security
- the plight of refugees and displaced persons
- the manipulation of life (genetic manipulation, cloning, human genome) which reduces life to a mere biochemical mechanism.
The question of universality warrants an in-depth discussion, especially since 1997 when an Asian country, Malaysia, demanded for the first time in history a re-wording of the Universal Declaration of Human Rights. Its leaders argued that the Declaration was characterized by Western preconceived assumptions. A majority of Muslim countries and a number of Asian countries followed suit by denouncing the Declaration as a tool used by Westerners to disseminate their own culture and their ideology of individualism. According to them, «Universal Rights» represent mainly a Western vision of the human whereas for them authentic rights are much broader. They would include the independence of States, the absolute priority of the fight against poverty, protection against foreign invasion and the primacy of the family.

The areas of disagreement relate not only to the collective dimension of human rights but also to children’s rights (specially child labor when families have no other resources), the rights of prisoners (work, prison conditions, the death penalty), corporal punishment, the pre-eminence of the rights of the family over those of the individual.

Their criticism stems also from the fact that the human rights argument is used in a subjective manner against poorer countries, while the human rights violations committed by countries such as the US are never condemned. It focuses also on the place of objective law in human rights matters, which a number of governments contrast with the «African way of resolving issues» or the «Asian approach of constructive engagement».

There is also strong criticism in western countries against the «ideology» of human rights which produces individualism, leading to the break-up of the family and other mediating bodies.

We cannot ignore these strong criticisms. We can raise questions about the motivations of the loudest critics since they tend to be among the least democratic leaders who are searching for ways to protect themselves. Further, it can be argued forcefully that the treaties which were developed following the adoption of the Universal Declaration contain the collective dimension of rights. However, we must recognize that some of the criticisms are well-founded, in particular those related to the risk of concealing the anthropological dimension of rights or the selective use of the argument of human rights in international political relations.

Dealing with the criticisms in no way takes away from the importance of affirming the universality of human rights. By affirming the universality of rights, we are declaring that in a world where everything can be bought, only human beings are priceless, for they have been gifted with dignity. If everything must be judged according to an ultimate referent, then the only value which cannot be bargained is the dignity of the human person. It alone is subject, source of initiative, pole of freedom, and not simply the object of external manipulation; for it alone is free.

« If all humans are free, then it is up to them to choose their beliefs, their convictions, their goals, their lifestyle, their existence and how their community or their society is constituted. That is why the Universal Declaration proclaims, for example, the right to freedom of thought, of conscience, of religion, the right to freedom of opinion and speech, the right to participate in the direction of public affairs and the cultural life of the community.
The universality of human rights does not contradict cultural diversity; quite the contrary, rights give it its legitimacy. Human rights include the respect of differences, the right to preserve the culture which nourishes us and the traditions from which we originate.» (FIDH).

Philosophy allows us to study the roots of human rights. It helps us to go beyond our fragile intuitions which are built on sand. This philosophical detour is required for our discussion and our defense of human rights. We hope the attached bibliographies in the pink sheets of the workbook will help you. Please send us your references so that we can share them with other members of the Dominican family.

3. Human Rights and the Church

The Catholic Church has not always been in favor of human rights. There was a time when the Church perceived them as a manifestation of totalitarian and anti-clerical laity, as well as a source of criticism of the Church itself and the source of all moral laxity. The Church often acted in an intolerant manner and by so doing succeeded in turning numerous humanists away from the faith.

In 1791, Pius VI vehemently opposed the French declaration of the rights of Man and of Citizen, because he believed it would open the door to violence against the Church and lead to the demise of morality. In his mind, human rights seemed to go against the rights of God. In 1832, Gregory VI wrote that «freedom of conscience is one of the most contagious errors... the most deadly freedom». The Syllabus of 1864 is very clear about the radical opposition of the Church to the idea of individuals freedoms which modern thinkers were propagating.
Although the Church opposed an «atheistic» concept of Rights, it never ceased in over a century of its social doctrine to defend the dignity of the human person and social rights.

Leo XIII stated in his Encyclical Rerum Novarum published in 1891, that the human person has rights: the right to food, to clothing, to decent housing and to a just wage. He called upon governments to take responsibility for protecting the rights of the poor. He defended the social rights of workers who had been neglected by the liberalism of the time and he denounced «unjustified poverty».

In 1931, Quadragesimo Anno emphasized the right to life and the right to a decent standard of life. Pius XI reaffirmed the right to association and property.

In 1963, John XXIII in the encyclical Pacem in Terris, in a radical shift from the classical doctrine of the church, explicitly endorsed Human Rights: «despite certain reservations... we consider this Declaration (the 1948 one) to be a step forward in the establishment of a juridico-political organization of the global community. This declaration solemnly recognizes the dignity of every person without exception» (no.144). The encyclical also re-affirmed the right to freedom of expression, the right to freely choose one's spouse, the right to found a family, the right to employment and to a just wage, the right to own property...

The texts of Vatican II continued the consideration of human rights questions, in particular in:  
- Dignitatis Humanae which recognized the right to freedom of religion (cf. nos. 1,2,6...)  
- Gaudium et Spes proclaimed human rights, recognized and valued the dynamism of our times which gives a new momentum to human rights.(c.f. no. 41,3), but reminded us that these rights must always be imbued with the spirit of the gospel and refer to Divine Law. (c.f. Gaudium et Spes no. 9, 26, 60, 79...).

In 1967, Pope Paul VI in Populorum Progressio spoke of economic rights, of solidarity with the poorest countries and he drew the outlines of a right to development.

On January 1 1969, the theme chosen by Paul VI for his New Year's Message was «The Promotion of Human Rights as a Way to Peace».

In 1975, the Pontifical Commission for Justice and Peace published a document entitled «The Church and Human Rights» that put an end to the misunderstandings between the Church and human rights. In it, the Church confirmed its support for the work on human rights carried out by the United Nations and called attention to the importance of women's rights, minority rights and the right to religious freedom.

In 1987, the Church made an important contribution to the understanding of human rights with the encyclical Sollicitudo Rei Socialis. In this document, John Paul II stated that human rights are the measure for true development. Further, integral development opens the way to rights for everyone and for all human communities: «Development which does not respect and encourage personal, social, economic and political rights, including the rights of nations and peoples. would not be worthy of men and women».  

28
The Catechism of the Catholic Church deals with human rights in nos. 1928-1938 (rights that flow from social justice) and in nos. 2104-2109 (religious freedom).

On January 1, 1998, John Paul II published «From the Justice of Each Comes Peace for All» in which he reminded us that there can be no peace without justice and that justice is founded on the respect of human rights.

There exist numerous texts... They can be worked on as a team or alone. Please refer to Workbook 2 and its appendix. You could also refer to texts produced by your National Conference of Bishops and work on them with others. We would appreciate receiving texts that you consider to be of particular importance.

John Paul II became the champion of human rights in the face of dictatorships in Latin America and in Eastern Europe and Central Europe, because he believed that when rights are violated, it is the human being who is violated. For him, this constituted an offense, not only against the creature, but also against the Creator. The Pope is more attentive to religious freedom and to right to life which are recurring themes in his writing and speeches.

The church lives out its prophetic mission through the statements issued by the Pope in defense of human rights. Previously, Pope Paul VI had declared that «in the Church, just as in any other institutions or groups, we must work to purify our ways of doing and our procedures. We must also purify the relationships we have created with those structures and the social systems that continue to violate human rights and we must denounce them". (Message to the World, October 23, 1974).

To help you move forward we suggest you go back and re-read the section on the prophets found in Workbook 1 from the perspective of human rights. Another idea would be to examine the concept of development as it relates to human rights; also you may want to reflect on the opposition between Divine Rights and human rights...

The life of the Church cannot be reduced to texts emanating from the Magisterium. The Church has been present and involved at different times throughout history, in its men and women who are involved both in charitable works and in the defense of the rights of the poor and of the marginalized. To this day, Christians are still very much on the front lines defending native rights, the right to development, the struggle for the abolition of torture.
A journey to the Promised Land

A good way to do human rights education is to focus on the issue of human rights violations. We learn from being deprived of something or from having deprived others. It is a lesson written in blood and with sweat and tears. It is memory, it is solidarity, it is justice and also mercy.

The Promised Land. In the Bible one of the most urgent calls of God is addressed to Abraham and Sarah, when they are told to get up and to travel to the Promised Land, « the land of milk and honey ». This invitation to travel is linked to faith and to the Promised Land. It is a manifestation of the boundless generosity of God and God’s gift of the fullness of life.

It is from that vision that the Dominican Sisters of Notre Dame des Remèdes, chose to journey with the people in their search for the Promised Land. Since 1970 they have been very much involved in the struggle of the peasants of the Pampana Province in the Philippines for an authentic agrarian reform, for the recognition and the promotion of the rights of the peasants and for integral development.

The earth unleashes its anger. In 1991, the eruption of Mount Pinotubo brought great suffering and destruction to the people of Pampana. Torrents of lava and ashes engulfed the countryside and the fields. The poor peasants were more vulnerable than others because their fields were ruined and their life was destroyed. But a time of crisis is also a time of challenge. Despite the adversity, the Sisters helped the peasants to set up a cooperative and a Peasants’ Organization called « SAMANKA » (which in Tagalog means « come and join us ») to advocate for the respect of the rights of the peasants and to improve their situation.

In 1992, they were given the right to cultivate 4400 hectares on the land of the former Clark Military Base. This collective action allowed them to improve the conditions of all.

But not only nature seemed to be against them, but also a government which was insensitive to their plight and made their life even more desperate and miserable. The government gave priority to industrialization which took precedence over the rights of the peasants. Consequently, their farmlands were turned into an industrial zone for big business and the multinational corporations. In December 1997 the farmers were ordered to leave their lands.

It is a land of struggles. The new challenge that the peasants and the Sisters are up against now is the struggle for the recognition of the right of peasants and to their livelihood. The battle is in progress but in many cases the debate on industrialization versus the use of the land by the local people has favored big
business and the multinational corporations. The families have been displaced and have been left with nothing to sustain their lives. We have huge shopping centers, gigantic industrial zones and high-tech industries, but less land to feed ourselves. We have more wealth for the rich and more problems for the poor.

This is how the peasants learned about the violations of rights and how the Sisters learned about solidarity with them. It is a lesson learned in faith.

F. Clarence V. Marquez op
The history of human rights presents us with a face of God and with an insight who God is, and into the special relationship that exists between humans in relation to God and to their fellow human beings. Human rights challenge theology. In this area the Dominican family should join forces to fully realize its charism.

It is not our intention to present you with a theological treatise on human rights (see the bibliography and the appendix for help), but rather to suggest certain guidelines for reflection that will allow you to set the process in motion. As in other areas the commitment to justice and peace in the field of human rights leads to theological reflection.

God is radically different and therefore impossible to capture in ideologies or in language. This intrinsic difference, the cornerstone for all other differences, therefore provides the standard for all human rights which are above all a recognition of otherness. Laws are not rights from which I should profit, but defenders of the otherness of the other. This reasoning follows closely that of E. Levinas and the risk of mimetic violence. (R. Girard).

God is the Creator who gifts humanity, men and women, with his own image and likeness (Genesis). This act of creation is the everlasting foundation for the value and dignity of humanity and of human life (the center of creation). This value is a gift, not only the result of human being’s own efforts. Human life is the gift that glorifies God, the giver of all things. Can we refuse and reject the gift (euthanasia, suicide, death penalty...)?

God the giver of life makes a covenant with humanity (Gn.9) and with all of creation. God keeps his promise even though humans lie and break their promises. God’s faithfulness gives words their true worth. It strengthens promises and opens up the possibility of believing in covenants. God’s commitment gives the Law a sacred dimension and makes it possible for us to believe in promises between human beings.

God offers an objective Law that is source of life (Dt 30, 15). Observing the Law ensures happiness. The Law is a point of reference for our fidelity to the Covenant enabling us to live our humanity to the fullest. It defines what we must do to protect the weak, to avoid exploitation, murder etc. and opens us to positive creativity when it comes to our love for God, parents, family, enemies, strangers...

The God who is faithful to the Covenant and to his promise is attentive to the cries of his people and to the injustices committed by humans. God frees people from slavery. God is the liberator (Ex 3,7), the defender of the victims of injustice (widows, orphans, strangers), and
protector of the poor (Pr 14,31). Because God stands with the little ones, they must be protected and cared for, and their rights must be respected.

God punishes the swindler, the cheater and those who steal land from the people. Amos and Isaiah present God as the God of Justice and of Truth. Political and economic practices do not escape God’s attention. Our ways of living in society and of governing people are subject to judgment. We cannot pretend to be faithful to God if we do not have social practices that are rooted in justice and in law.

God is a just judge who is not influenced by human logic as are many corrupt judges. Not only is his justice perfect, but it surpasses human understanding. God knows men and women at the deepest core of their being and is not influenced by appearances. God remains lenient and kind in his judgments and demonstrates mercy to those who repent and change their ways.

What face of God is most meaningful to us?
What face of God do we reveal in our preaching?
What face of God does the Church reveal to those who suffer?

Jesus, the Word of God, brings the Promise of the Covenant to fulfillment. He is the fullness of the Law and everything that is said about God can be said about Jesus.

Of all the manifestations of the presence of God, Jesus highlights God’s closeness to the poor, the excluded, the sick, and the infirm. This closeness which is accompanied by healing and reintegration into society gives value to the life of the marginalized. God loves in a privileged way; this theme is incorporated in the theology of the preferential option for the poor (developed so prominently by John Paul II). We find the most powerful metaphor for this in those who are deprived of their rights.

In Philippians 2.6 we see Jesus willing to accept humiliation and weakness stripped of everything. He brings salvation to the world in humbling himself. His death and resurrection
tell us that those who are humbled and stripped of their possessions will be the first to benefit from salvation, the first to be treated with the loving kindness of God (Lk 4,18). To defend the rights of the poor is one way of following Jesus and demonstrating to others that salvation is offered to all humankind.

Matthew 25 links the practice of justice and the rights of the poor (to food, clothing, visits) with salvation. Those who respect the rights of the poor will be counted among the just and be saved. Simply by fulfilling their human duties they will have accomplished, without knowing it, their duty as children of God. To serve our brother and sister is to serve God. To welcome the poor and the excluded is to welcome God.

The movement toward the universal mission (Mt15,21..., Mk 7,24...) is especially important. All of God’s promises, all of God’s happiness, all of God’s justice is extended to those who are open to salvation. All of humanity is called to be sons and daughters of God. The consequence of all of this is universality, equality, and universal family (Ga 3,28; Col 3,10; Ep 2,19). In part, the newness resides in this attitude of planetary openness.

What relationship do we make between our lived faith (liturgy, personal prayer, theological studies, preaching and catechetics) and our concern for the dignity of the person saved by Christ, and the defense of human rights?

Christian faith is constantly making the link between the life of each person and the love of God. It is the latter, which gives priceless value to our life. Whenever we reject the value of life or diminish it in any way we take from God the respect we owe him as Creator. To love God is to love our neighbor (1, Jn.), to scorn human rights (dignity) is to scorn God.

God’s love embraces all humans without exception. Gender quality, racial equality, the equality of peoples are theologically rooted in Love.
The problem of fundamental equality and real inequality between humans is a major question facing society today. Theology must take up the issue and deal with it from the perspective of equity, similarity, and distributive justice. The relationship between equality and differences is at the very core of the debates in society around democracy, multiculturalism, and the spheres of justice (M. Walzer).

When God created us he gave us the gift of freedom. This leads to a question raised by our brothers and sisters. Where does my freedom end? Can I do anything I want? Can I have everything? Does the fact that we live in community make a difference in the way we raise the question and do we approach it differently than would the ideology of free market competition? Who will set the limits beyond which we cannot go? (c.f. Cain and Abel)? Who will define the social agenda? It is urgent for us to do some theological thinking on the issue of freedom, and on the violence inherent in it, in a world where liberalism (which at times can be extreme) seems to be the only way we know to govern society.

We must treat with great care all of the questions that concern life because of the impact of modern biological technology, whereby humans are able to intervene directly in this vital process. The area of bioethics raises many questions which theologians need to reconsider in examining the issues of death, procreation and the nature of a living being. These issues take us far beyond those of abortion and euthanasia. What exactly do we mean when we say «civilization of love, civilization of life» (J Ratzinger)? Who has the right to determine the essence of life and of death?

Humanity (man and woman) was created to be the center of creation, with the responsibility to go forth and multiply. Humanity has the duty to enhance creation (develop its potential); it does not have the right to destroy it through irresponsible and destructive behavior (pollution, environmental degradation...). The relationship between humanity and nature has become an issue of prime importance in which theological reflection must be engaged, particularly when it comes to anti-humanist theories that consider humanity as destructive by nature. These anti-humanist theories also blame Christianity for encouraging environmental degradation (thesis of the «deep Ecology»). If nature has no inherent rights, humans must take responsibility for it and live in faithfulness to the God-given mandate to continue the work of creation. How can we discover ways to produce goods and still provide for sustainable development and protection of the planet? Protestant theologians are ahead of us in this area. Participation in the research Justice, Peace and the Safeguard of Creation initiated by the World Council of Churches (WCC) could help us deepen the theme of human rights from a positive standpoint, particularly in terms of economic development and growth.

The right to own property is often justified by the responsibility that comes with it. Being able to benefit from and enjoy the fruits of our labor is a stimulus to produce better and more. This very rural concept of the right to property deserves re-consideration. Following the teaching of Saint Thomas, the Church has already affirmed that the right to own property is always subject to the common good and relative to the needs of the community. Modern economy invites us to go further by taking into account the multiple forms of property (notion of services).
Human rights are concerned with the participation in the social and political life. The question of Democracy requires new theological and philosophical thinking that takes into account the issues of cultural diversity and the globalization of the means of communication. The problem of power and force, access to power and its distribution, like the status of the democratic and liberal State, requires theological reformulation. This is necessary in areas where technology imposes its own logic and wherever the market tries to dominate and disqualify politics.

Religious freedom is one of the aspects of democracy that was recognized by Vatican II. However, this leads to the need to elaborate anew theological notions around the truth of Christianity in the midst of the religions of the world. Does democracy relativize the notion of truth? Are there only truths for oneself, relative to a personal point of view? Do we have all the truth? How can we speak the truth democratically, in a pluralistic society?

The question of political responsibility raised in a democracy is also an invitation to reflect on a theology of human duties. How do we reflect on these? How can we develop a theology of community that does not try to conceal the realities of conflict, violence and disagreement, even in their subtlest forms?

The humanitarian problems which surface because of wars and natural crises have seen the emergence of the right of intervention. How do we define this intervention in theological terms? Can we make decisions about someone else’s happiness without their consent? What is the theology of solidarity with the victims of injustice?

Contemporary theology has much to accomplish around the theme of reconciliation and forgiveness. Do the crimes against humanity, after the Shoah, Bosnia and Rwanda leave any space for forgiveness? What role does truth play in the healing process? How can we love our enemies in extreme cases?

Should contemporary theology re-examine the question of natural rights as affirmed by the Catholic Church? Is it still possible to postulate a superior law which is implicit in all law? Is force the only determining fact to engender evolving social contracts? Will the rejection of the idea of natural rights not lead to the loss of the deep sense of what it means to be human and of the transcendent value of the Law in the building up of that which is human?

Social justice can only be obtained through the respect of the transcendental dignity of the human being. The person represents the ultimate goal of society which is ordained to him. The defense and promotion of human dignity has been entrusted to us by the Creator. The responsibility of men and women in this area goes far beyond any other historical circumstances or events. The respect of the person cannot be taken separately from the rights that flow from the dignity of creaturehood. These rights existed before society and are essential to it. They are their foundation for the moral legitimacy of all authority. A society which violates or refuse to recognize them in law undermines its own moral legitimacy. Without respect for rights, leaders will resort to force and violence to obtain obedience from their subjects. It is the duty of the church to remind men and women of these rights and to distinguish them from their abusive and false claims. (Catechism of The Catholic Church, N°1929, 1930)
Justice and Peace Promoters could ask the directors of permanent formation, of students and of those in initial formation, to suggest seminars and thesis topics on these theological questions. Justice and Peace must become integrated into all aspects of the Dominican life.

A Lawyer for Immigrant Workers

For almost twenty years, I have worked as a lawyer in Paris and the Hautes de Seine (Nanterre). I became a lawyer at the age of 68, because I wanted to define the rights and freedoms of men and women in vulnerable situations, especially immigrant workers. It is unfortunate, but the judicial system whose vocation is to safeguard freedoms and human rights does not always do justice to the weak and the poor. Why did I do this? To be brief, I would say it is because the courts practice a «justice of act» rather than «justice of the person». A «justice of act» is when the judges consider what they deem to be wrongful action from the sole perspective of the law of the country. These laws, which are sectorial for the most part, often unjustly disadvantage and condemn the poor who more than anyone else would need a more global approach to their situations.

The Universal or European Declarations of Human Rights, and the one on the rights of the child, can certainly serve as correctives for injustices. However, recourse to the European court is a long complex and drawn out affair and the poor cannot afford to wait. The lawyer is the one who should make a plea for a «justice of the person», by highlighting the lack of adaptation of the law to the situation of the marginalized person(s) he is defending. On the other hand, he must make known also the social conditions that destroy the capacity for freedom of the «little ones» and therefore their partial or total irresponsibility in committing offenses.

I had the opportunity to assist in the creation of a support committee for Brazilian lawyers who defend the rights of «landless peasants» and «slave workers». The Association of Lawyers of Nanterre continues to help the committee to reach its objectives.

I consider that the defense of the most needy is inherent to my Dominican vocation. It is an expression of my modest communion in the mercy of Christ for the excluded in society. It allows me to imitate in a humble way the actions of the prophets of the First Covenant when they denounced injustice.

And yet this activity makes me feel the weight of «the sinful structures» —in which we find the sin of the world. These are opposed to the Kingdom of God, to which development we work for together as members of the Order of Preachers.

Fr. Nicholas Rettenbach, o.p
Couvent St Jacques (Paris)
The struggle for human rights has led to the creation of a number of institutions and organizations for the defense and the protection of rights. Some of them are UN bodies or inter-governmental organizations and others are in the non-governmental sector and these tend to be activist and militant.

The commitment of the Dominican Order for Justice and Peace invites us not only to become more aware of these institutions and organizations but also to assess how we can collaborate with the ones which we recognize as being more effective. This may lead us to see how we could eventually develop our own if we felt it necessary to reach our goal of justice and peace.

The United Nations has created an important framework for the promotion and protection of human rights worldwide. The enclosed organizational chart will help you gain a better understanding of the various human rights bodies in the UN system.

1. The United Nations Commission on Human Rights

The Commission on Human Rights was created in 1947 and for the first twenty years its role was a normative one which consisted in drafting the various texts which constitute the International Bill of Human Rights. Since 1967, the Commission has been authorized to investigate human rights violations and to prepare various studies. In recent years, more
emphasis has been placed on economic and political rights as well as on the protection of vulnerable groups such as indigenous people, women and children.

The Commission consists of 53 Member states which are elected to serve for three years. It meets annually for 6 weeks in March and April, in Geneva. However, it can also meet for extraordinary sessions to deal with particular serious human rights situations (this was the case for the former Yugoslavia and the crisis in the Great Lakes region of Africa). Over one hundred observer delegations consisting of member states, regional organizations such as the European Union and specialized agencies such as the World Bank attend the meetings. Approximately 200 NGOs also attend the sessions.

The Commission on Human Rights is the most important body dealing with human rights at the international level which deals with the violations of human rights worldwide and which seeks means to improve the situation in countries. It is why the Order, in collaboration with Franciscans International, has chosen to be present and to intervene at the Commission. (see appendices).

The Commission received its mandate from ECOSOC (the Economic and Social Council, a body of 54 members appointed by the UN General Assembly to work on economic and social issues). ECOSOC deals with problems linked with human rights and fundamental freedoms.

The major item at the annual meetings of the UN Commission deals with human rights violations in any part of the world. Commission members, observer states and non-governmental organizations (NGOs) with consultative status (such as Franciscans International in collaboration with Dominicans) make their major public statements under this item. The Commission also receives reports from different Working-Groups and from the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Commission members draft and vote on resolutions and determine actions to be taken on different situations of human rights violations.

In 1947, the Commission created the Sub-Commission on the Prevention of Discrimination and Protection of Minorities which is composed of 26 independent experts representing different geographic regions, who are elected for four years upon nomination by their own governments (which raises the question of their independence). The Geneva-based Sub-Commission meets for 4 weeks in August and deals with situations of human violations worldwide and prepares reports for the Commission. The main work of the Sub-Commission is to prepare studies on new or emerging human rights issues and to draft new human rights standards.

Both the Sub-Commission and the Commission have created mechanisms such as Working Groups and Special Rapporteurs for monitoring developments related to particular human rights situations. For example, the Sub-Commission has established Working Groups on communications, on indigenous populations, on contemporary forms of slavery and on minorities. These Working-Groups can receive statements and papers on the various issues from individuals and NGOs.
The Commission on Human Rights has created Working Groups on the following thematic issues:
- on the declaration on the Rights of Indigenous Peoples,
- on the additional Protocol to the Convention against Torture,
- on the additional Protocol concerning children involved in armed conflicts,
- on arbitrary detention,
- on the right to development.

In addition, the Commission has appointed Special Rapporteurs to monitor the human rights situation in certain countries and report to the Commission and to the UN General Assembly. The Special Rapporteurs are responsible for the following country situations:
- Afghanistan, Burundi, Mynmar, Democratic Republic of Congo, Equatorial Guinea, Former Yugoslavia, Iraq, Iran, Nigeria, Occupied territories (Palestine), and Sudan;
- and for the following thematic issues:
  - effects of toxic wastes, use of mercenaries, freedom of opinion and expression, independence of the judiciary, violence against women, religious intolerance, sale of children and child prostitution, and the right to education.

2. The United Nations High Commissioner for Human Rights

The United Nations General Assembly decided in December 1993 to appoint a High Commissioner for Human Rights to deal with all the questions related to human rights. The High Commissioner acts under the direction and the authority of the United Nations Secretary General within the framework of a mandate defined by the UN General Assembly, ECOSOC and the Commission on Human Rights. High Commissioners are appointed for a four year renewable term. The first one was Mr. José Ayala-Lasso who served from 1994 to 1997 and he was replaced by Ms. Mary Robinson who began her term in September 1997.

The High Commissioner is the UN official with primary responsibility for United Nations human rights activities. Her role is to promote and protect the effective enjoyment by all of all rights and to play an active role in removing the obstacles to the full realization of human rights. S/he is also responsible for coordinating the education and public information programs of the UN. Upon the request of Member States, the Office of the High Commissioner can provide advisory services to governments which are encounter difficulties in complying with their human rights obligations.

The Office of the High Commissioner for Human Rights is prepared to receive urgent human rights complaints on a twenty-four hour a day basis:

Office of the High Commissioner for Human Rights
8-14 Avenue de la Paix
1211 Geneva 10, Switzerland
Tel: 41 22 917 3924
Fax: 41 22 917 0213
E-mail of the High Commissioner: webadmin.hchr@unog.ch
3. The Commission on the Status of Women

The Commission on the Status of Women was created in 1946 to deal with the specific rights of women, but since 1987 its mandate has been expanded and the Commission also monitors the implementation of the decisions made at the Beijing Conference.

The Commission presents reports and recommendations to ECOSOC on the promotion of women's rights and on equality issues affecting both the private and public sectors. It monitors the implementation of the "Convention on the Elimination of all Forms of Discrimination against Women" which was adopted by the UN General Assembly in 1979.

The Commission consists of representatives from 45 Member States who are elected by ECOSOC for a four year period. In addition, a committee of 23 experts meets to work on more technical aspects.

The headquarters of the Commission is:
DAW, 2 UN Plaza, DC2, 12th Floor, New York, NY 10017; Fax: 1 212 963 3463.
Web page: www.un.org/womenwatch/daw

4. Treaty bodies

There are a number of Committees which were established upon the entering into force of human rights treaties. The committees are responsible for monitoring the review and compliance of governments with the implementation of various treaties such as Conventions and Covenants ratified by Member States. The committees can receive complaints of human rights violations from NGOs as well as from the victims. The active Committees are:

* Committee on the Rights of the Child: composed of 10 experts, it monitors the implementation of the Convention on the Rights of the Child which entered into force in 1989,

* Committee on the Elimination of Racial Discrimination: composed of 18 experts, it can receive inter-State complaints under article 11 of the International Convention on the Elimination of Racial Discrimination and individual complaints under article 14 only if the concerned State recognizes the competence of the Committee to do so. It also examines the reports which States must submit to it periodically.

* Committee on Economic, Social and Cultural Rights: composed of 18 experts, it monitors the implementation of the International Covenant on Economic, Social and Cultural Rights which entered into force in 1976,

* Human Rights Committee: composed of 18 experts who monitor the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol. The Committee can receive individual complaints from the victims if a Member State has ratified the Optional Protocol to the Covenant,
Committee against Torture: composed of 10 experts, it monitors the implementation of the Convention against Torture which was adopted in 1984 and entered into force in 1987. It can receive complaints from the victims and complaints from one State Party against another.

Committee on the Elimination of Discrimination Against Women: composed of 23 experts who are elected by State Parties for a period of three years. The Committee receives and examines reports from State Parties and prepares drafts comments related the implementation of the Convention. The Committee does not receive inter-state or individual complaints.

5. Courts of Justice

Other mechanisms have been developed both to promote human rights in response to acts of genocide and other massive human rights violations and to deal with the perpetrators of such horrific acts.

5.1 The European Court of Human Rights

The European Court of Human Rights is an institution of the Council of Europe which now consists of 40 European countries. The Court was established on the basis of Article 19 and the subsequent articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Court has jurisdiction over member countries of the Council which recognize the authority of the Court. Judges are elected for nine years from each member country by the Advisory Assembly of the Council. The mandate of the Court is to ensure implementation of the European Convention on Human Rights and to bring to trial those accused of human rights violations. The Court can receive complaints from victims, NGOs and from other States.

<table>
<thead>
<tr>
<th>Excerpts from the &quot;European Convention for the Protection of Human Rights and Fundamental Freedoms&quot;</th>
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<tbody>
<tr>
<td>Article 9</td>
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<tr>
<td>1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his/her religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.</td>
</tr>
<tr>
<td>2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.</td>
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<tr>
<td>Article 10</td>
</tr>
<tr>
<td>1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.</td>
</tr>
</tbody>
</table>
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary...

Article 11
1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society...

Article 12
Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13
Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14
The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

5.2 International Criminal Tribunal for the Former Yugoslavia (ICTY)

The Tribunal for the Former Yugoslavia is a subsidiary body of the UN Security Council and it was created by resolutions 801/1993 and 827/1993 of the Council. The aim of the Tribunal is to judge those who have been accused of grave violations of international humanitarian law in the Former Yugoslavia, since January 1, 1991. The Tribunal has the authority to impose prison sentences but not capital punishment. The headquarters of the tribunal is in The Hague.

The Security Council appointed an independent Prosecutor for four years with the responsibility for preparing cases and implementing the procedures. A panel of eleven international judges elected by the UN General Assembly presides over the trials. A Court of Appeal of five judges has also been created.

The Tribunal is in operation and has handed down verdicts but it still receives little collaboration from various States which refuse to arrest and bring to trial alleged culprits. Furthermore, the work of the Tribunal is hindered by political strategies which are aimed at ending the whole process and undermining its effectiveness. In spite of the difficulties, the Tribunal represents a step forward in the implementation of international justice for the protection of human rights.

5.3 The International Criminal Tribunal for Rwanda (ICTR)

The International Criminal Tribunal for Rwanda was created by the UN Security Council with the adoption of resolution 955 in November 1994. The Tribunal works in conjunction with the ICT for the Former Yugoslavia and has its headquarters in Arusha, Tanzania.
The Prosecutor has similar functions as the one for the Former Yugoslavia and six judges conduct the trials. The appeal procedure is the same as the one for the ICTY.

The main purpose of the Tribunal is to judge those who were responsible for acts of genocide and other grave violations of international humanitarian law committed in Rwanda between January 1 and December 31, 1994.

The Tribunal faces similar difficulties with the collaboration of the State as faced by the Tribunal dealing with the Former Yugoslavia. In addition, the Rwanda Tribunal was beset by management problems which created difficulties at the outset. Despite these obstacles, the Tribunal on Rwanda is also seen as a contribution of the international community to the establishment of an international order based on the rule of law.

5.4 International Criminal Court

In July 1998, representatives of 156 countries gathered in Rome to discuss the establishment of an International Criminal Court. At the end of the conference, the Rome Statute of the International Criminal Court was adopted and it calls for the creation of such an institution. One hundred and twenty delegates voted in favor of the treaty, 7 voted against it and 21 abstained. Strong reservations about the Court were expressed by some countries including the United States which opposed the project for fear that American soldiers overseas could be prosecuted and that antagonistic states could falsely accuse American soldiers of committing crimes. In addition, a number of countries expressed reservations concerning the possible independence and the non-politicization the court.

The principle for creating a Court was contained in article 6 of the Convention on the Prevention and Punishment of the Crime Against Genocide which was adopted by the United Nations in 1948. The Convention called for acts of genocide to be tried by "such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction". Regretfully there was no such court in existence. The idea for a Court was stalled because of the Cold War and the prevailing political climate. It was revived in 1989 when some Member States, especially Trinidad and Tobago, intervened at the UN General Assembly to reopen the debate which resulted in the Security Council setting up in 1995 an Ad Hoc Committee to examine the question.

The Court will be based in The Hague and will consist of 18 judges from an equal number of countries with an equal number of men and women. The Court can only be established when 60 states have ratified the treaty. The maximum penalty that the Court can impose is life imprisonment which is reserved for the most extreme cases.

The Rome Statute of the International Criminal Court (art. 5) lists the four categories of crimes under the Court’s jurisdiction: genocide, crimes against humanity, war crimes and aggression. It also provides that a prosecutor can initiate an investigation based on evidence provided to the Court by different sources including a state, the UN Security Council, an individual victim, or an NGO.
As an instrument of international justice, the International Criminal Court will contribute to ending the impunity of those who are responsible for crimes against humanity.

**Genocide:** acts committed with the intent to destroy in whole or in part a national, ethnical, racial or religious group as such; these acts would include murders, violations of physical or moral integrity, enforced transfer of children etc.

**Crimes against humanity:** any of a list of acts when committed as part of a systematic or widespread attack against civilians such as murders, torture, deportations, rapes, sexual slavery, apartheid.

**War crimes:** acts carried out according to a plan or a long-term policy which violate the Geneva Convention (1949) and its additional Protocols of 1977, such as inhumane treatment, hostage taking, populations displacement, rape and violence, attacks against the UN Peacekeeping forces and the use of prohibited weapons. This includes also situations of internal conflicts but excludes sporadic acts.

**Aggression:** it was included as one of the categories of crime under the Court’s jurisdiction, but the term has yet to be defined. Traditionally, aggression falls under the mandate of the UN Security Council and some states argued that the Security Council should determine that an act of aggression has occurred before the case can be dealt with by the ICC.

We would also like to mention in this chapter devoted to judicial instruments, the different "Truth Commissions" which were set up by States following particularly troubled periods and internal strife, in order to make truth leading to a process of national reconciliation. These Commissions such as those established in Haiti, Guatemala and South Africa are very important since reconciliation cannot happen unless truth has been made. They operate differently, but all of them try to identify and pinpoint responsibility for human rights violations in troubled times. It should be noted that Churches have often played a role in Truth Commissions.

### 6. Other international organizations

There are other international organizations which belong to the United Nations system and play an important role in the field of human rights.

+ **The Human Rights Commission in the Occupied Territories of Palestine** (subsidiary body of the UN General Assembly),

+ **United Nations Educational, Scientific and Cultural Organization** (UNESCO): this body promotes the rights to education and culture and also protects the universal patrimony. UNESCO is active in promoting the recognition of cultural diversity and for advocating for right to education for girls and boys.

+ **International Labour Organization** (ILO): This UN body was created in 1919 by the Treaty of Versailles and it became in 1946 the first UN specialized agency. The role of ILO is
to promote social justice and the human rights of workers worldwide. ILO was awarded the Nobel Peace Prize in 1969 in recognition of its commitment to justice and its efficiency.

ILO is organized as a tripartite body which includes governmental representatives, workers' representatives and employers' representatives. It meets every year in June for three weeks to discuss:
- freedom of association (trade unions),
- salaries and labor conditions,
- bonuses and vacation periods,
- social security and professional securities,
- work inspections.

ILO can adopt Conventions which have the legal authority of treaties when they are ratified by governments and Recommendations. It works together with other institutions involved in the field of human rights to obtain the promotion of workers' rights in cases of firings for political or religious reasons, for equality between men and women, for monitoring child labor...

+ **United Nations High Commissioner for Refugees (UNHCR)** The present High Commissioner is Ms. Sadako Ogata from Japan. UNHCR is responsible since 1951, at the UN level, for the problem of refugees and their rights. The mandate of UNHCR covers the protection of refugees (camps, assistance, and aid to return) and the legal assistance to assist in solving the problem.

UNHCR has the responsibility for 22 millions refugees around the world, most of whom are in developing countries. Even though one hundred and thirty States have signed the 1951 Convention on the Status of Refugees, it is not always an easy task for UNCHR to intervene in a number of situations. The organization has a strong reputation of cooperating with NGOs to assist in carrying out its mandate.

**7. NGOs (Non governmental organizations)**

There are hundreds of NGOs throughout the world, consisting of men and women from civil society who come together for the promotion and protection of human rights. They act nationally and internationally on behalf of victims of human rights violations. Some denounce countries at the United Nations which do not live up to their obligations and make proposals for redress in particular cases. The Dominican Order falls in this category as part of its collaborative action with Franciscans International in Geneva. (See Appendice on our Office in Geneva)

The participation of NGOs in United Nations meetings was recognized in Article 71 of the 1945 Charter of the United Nation which declares that "The Economic and Social Council may make arrangements for consultation with non governmental organizations which are concerned with matters within its competence." This allows NGOs to intervene at UN Commission and also to participate in the Working Groups and in the various committees. Additionally, in 1970, ECOSOC adopted resolution 1503 which entitles victims and qualified
NGOs to intervene at the Sub-Commission on Prevention of Discrimination and Protection of Minorities to denounce the violations committed by governments.

NGOs can intervene through written communications to disseminate information at the UN and through oral statements which are delivered at various UN meetings. Statements must be based on factual and exact information and must follow the UN procedures for intervening at sessions.

The NGO world is large and wide-ranging. More than 160 NGOs participate in the meetings of the Commission on Human Rights but another 1500 have consultative status. The Economic and Social Council (ECOSOC) can grant NGOs three types of consultative status:
- General consultative status: for non-governmental organizations which cover the full range of UN activities (this is the status of Franciscans International which in turn accredits Dominicans for UN meeting). NGOs with general consultative status can send representatives to UN meetings, distribute their information in written statements and intervene publicly on the issues of concern to them.
- Special consultative status: applies to non-governmental organizations which work in a few of the areas of the UN such as children, migrants...
- Roster: for non-governmental organizations which make occasional and useful contributions to the work of the UN.

In order to intervene at the UN, NGOs must meet a certain number of administrative and financial requirements, demonstrate that they have recognized experience in the field, but especially that they can prove their ability to analyze situations. They must also be able to know how to intervene using short statements, according to predetermined rules related to length, duration and pertinence of interventions.

A number of NGO networks have been created to reinforce the effectiveness of action on issues and in particular to better inform and alert public opinion. NGOs collaborate frequently on issues such as land mines, the rights of children and the human rights situation in Columbia.

Some of the main NGOs which intervene in the field of human rights are the following:

- **Amnesty International**

Amnesty International was founded in 1961 by P. Benenson in response to the arrest of a group of students in Portugal. He launched an appeal in a local newspaper for their release and the organization was born. Amnesty has become a great success with one million members and 43,000 local groups. Amnesty was awarded the Nobel Peace Prize in 1977.

The aim of Amnesty International is twofold: the promotion of human rights and the struggle against human rights violations, in particular the detention of "prisoners of conscience" (those who are denied the right to freedom of expression, who suffer discrimination...), detention without trial, capital punishment and torture, extra judicial killings, the situation of refugees and displaced persons, disappearances, the absence of a fair trial. The association organizes mail campaigns to support the victims and make governments aware of the protests of international public opinion.
Amnesty works at the level of international institutions, through its international campaigns, its appeals in favor of personal support for prisoners, and for legal and financial help. Amnesty International’s investigative finding and reports are credible because of the competence and the impartiality of its experts. Their publications disturb governments as well as providing solid information for NGO action and denunciations.

- **International Federation of Human Rights**

The International Federation of Human Rights consists of 105 organizations which are involved worldwide in the promotion of human rights. The Federation focuses on the principle that rights are indivisible and universal. It has supported the creation of the International Court of Justice. The Federation is also involved in research on the impact of globalization on human rights and drafts codes of conduct for governments and multinationals. It is active on many fronts including its ongoing involvement in the Observatory for the Protection of Human Rights Defenders which it created in collaboration with the World Organization against Torture.

- **The Red Cross**

It is the largest NGO in the world with 175 national societies (of the Red Cross and the Red Crescent), an International Committee (totally independent and neutral which was created in 1863) and an International Federation. (The founder of the Red Cross H. Dunant was presented in the Justice and Peace booklet No 4.)

The Red Cross is organized around seven principles: humanity, impartiality, neutrality, independence, volunteerism, unity and universality. It works on behalf of the victims of war and of internal conflicts and is concerned with the application of standards of humanitarian law which limit the used of armed conflicts.

International humanitarian law covers two fields:
(1) the protection of persons who do not participate or have ceased to participate in conflict
(2) the restriction of the means of warfare, especially weapons, and of the methods of war such as some military tactics.

International humanitarian law protects persons taking no active part in conflicts, such as civilians and medical or religious personnel. It also protects persons who have laid down their arms and those placed hors de combat such as the wounded, the sick, the shipwrecked or prisoners.

Humanitarian law dictates that protected persons must not be attacked nor submitted to physical attacks or inhumane treatment. The wounded and the sick must be collected and cared for and treated. Detailed rules for the supply of food or adequate housing as well as legal guarantees must be applied to prisoners and detainees.

Some places and objects, such as hospitals and ambulances are also protected and must not be attacked. International humanitarian law establishes a number of clearly identifiable emblems and signals which can be used to identify protected persons and places. Specifically, they are the symbols of the Red Cross and the Red Crescent.
International humanitarian law prohibits all means and methods of war which:
(a) do not distinguish between combatants and non combatants such as civilians,
(b) provoke superfluous damages,
(c) provoke grave and sustainable damages to the environment. For this purpose, international humanitarian law has forbidden the use of different weapons, such as explosive weapons, biologic and chemical weapons and laser jet weapons.

The following international NGOs can also be included to the list:
- Caritas Internationalis,
- FIACAT; the International Federation of Christians for the Abolition of Torture,
- Human Rights Watch,
- Peace Brigades,
- The World Observatory of Prisons,
- Pax Romana
- International Commission of lawyers…

You will find the addresses and some additional information in the appendices of the booklet.

Amnesty International published the following facts in their report for 1997:
- Extra judicial killings: 55 countries
- Disappearances: 31 countries
- Torture: 117 countries
- Prisoners of conscience: 87 countries
- Unfair trials: 37 countries
- Detention without trial: 53 countries
- Capital punishment carried out: 40 countries
- Pending capital punishment: 70 countries
- Violations of human rights by armed groups: 31 countries.

There are many organizations and institutions for the defence of human rights. After years of developing human rights norms, the international community has begun focusing on the issue of impunity. International Courts have been set up in part to put an end to this scourge but this is not an easy task since it sometimes goes against national and political interests.

Impunity is an important issue for our own study and action. How can we act on it? How do we evaluate the responsibilities of individuals in relation to systems? How can we do justice to the victims while at the same time facilitate and enter into a process of reconciliation?

What penalty can we suggest as punishment for certain crimes? What penalty can the international community impose on perpetrators of heinous crimes when national governments refuse to act? Which international intervention is appropriate and possible and under what conditions? How do we define and articulate the international and national aspects of sanctions for human rights violations?
ACTIONS

Committing yourself to human rights, as well as to other aspects of Justice and Peace within the Dominican family is first and foremost a way of life rather than a series of actions. However, we know that it is necessary also to undertake action. In this chapter, we will provide you with some examples to stimulate your creativity. Send us your own proposals. Thank you.

1. Formation and training

Formation or training is the starting point for projects. It helps people to grasp what is at stake and allows them to feel more securing judging situations and acting on them.

There are a many possibilities for formation outside the Order to help brothers and sisters acquire competence and expertise in human rights. You will find a list of credible institutions in the pink pages of this document. In addition our Office in G eneva can receive interns who wish to learn more about United Nations institutions.

One of the simplest ways to provide an initial "formation" is to leave this workbook in the common room and to start a conversation about the topic. Also, you can order additional copies and offer them to members of your community, to those who are responsible for formation, to novices; to postulants. You can display some pages of the workbook strategic places in your house.

You might consider organizing training sessions to sensitize the whole community, the province or your congregation.

Human Rights Training

A possible model: CEDAIL has developed a kit "Conoce tus derechos" in 8 booklets illustrated with cartoons on different articles of the Universal Declaration of Human Rights as well as some articles of the Constitution of the Dominican Republic. The booklets are aimed at young or uneducated persons (contact: CEDAIL Centro Dominicano de Asesoría e Investiguiones Legales, Av. Mella 11, aptdo 2457 Santo Domingo or Luisa Campos of the International Justice and Peace Commission of the Order).

This workbook provides you with a number of training possibilities: some which start from the Bible, some from theology or others from basic documents. Another method is to
distribute one of the documents in the appendices of the workbook and organize a discussion on human rights.

You can also invite leaders of human rights organizations to speak to your community or congregation. They would certainly help you organize a one day or evening sessions. You can also call on the Justice and Peace promoters or members of the International Justice and Peace Commission of the Order to suggest ideas.

Brother AD of Lyon publishes twice monthly fact sheets on the situation in Latin America. He makes use of a network of correspondents and newspaper articles from different countries. He translates the information into French distributes it to those on his mailing list. DIAL is a very precious source of information for following the evolution of the economic and political situation and of human rights of countries since it publishes many documents which explain how human rights are violated, defended, promoted. DIAL also publishes the most important documents published by indigenous people and the statements of bishops.

DIAL: 38 Rue du Doyenne, 69005 Lyon.

The example of DIAL invites us to reflect on the libraries of our convents and congregations. What place do we give to books and magazines on justice and human dignity? Should we buy some new publications to update our existing collection?

Does the formation program for novices and the initial formation program give any place to sensitizing them to human dignity and the need to advocate for it? Directors of formation may want to use the workbook either in its entirety or in part for discussion during the novitiate. Brothers and sisters who are in the field of human rights could be invited to speak of their involvement (use also workbook No 1) and to explain the link between their faith and their solidarity. Justice and Peace promoters can help in making contact between directors of formation and resource persons.

For catechists who work with children and young people or are involved in schools, NGOs (Amnesty International, FIACAT,) make available all kinds of tools and documents for different age groups. You can obtain them on Internet or by writing to the associations (cf. Appendices in the workbook).

2. Celebrations

As Christians, one of our first possible commitments in the defense of human rights, is prayer. This is not an escape from the challenges of violence and injustice, the violation of rights and the denial of human dignity. It is more an act of solidarity through which we raise our pleas to God echoing those of the victims of human rights violations. When a poor person cries out, God listens.

The FIACAT (International Federation for the Abolition of Torture) gives a wide place to the spiritual dimension in their work: in particular, they invite people to pray for victims, the
oppressed and their persecutors and those who are responsible for human rights violations, asking for a conversion of the heart.

In workbooks 4 and 5 we gave some examples of liturgies which echo violations of peoples' rights. We can use them again, adapt them and above all develop new ones (do not forget to send us what you produce - thank you in advance).

A number of communities were mobilized around the issues in Chiapas, Algeria or Pakistan. Prayer meetings and eucharists were organized for Mgr. Romero and Mgr. Pierre Claverie. These gatherings are important when the significance of the religious dimension is well explained to the invited guests and to the participating organizations. For the meetings to be both prayerful and mobilizing, it is important to give importance both to the preaching and to a symbolic and meaningful gesture which speaks to the people present.

Since spiritual assemblies have an impact on public opinion, it is good to contact the media and also to inform other religious families (especially the Franciscan family) of the events. In addition, inform our contemplative sisters who carry our action and raise the issues in their prayers. You can also advise the Church hierarchy, the papal nuncio, explaining the reason for such gatherings and to inviting them to join you.

A suggestion: December 10th is the anniversary day of the Universal Declaration of Human Rights. Why not organize a celebration in our communities or congregations jointly with other religious families, highlighting the work of human rights defenders and of all the men and women who are involved in the cause of human rights?

The psalms contain many gems for celebrating human rights: read in particular Ps. 9,9; 34,6-18; 41,1-3; 55; 72; 82; 103; 146,6-9. They resonate with the words of the one who cries out, and also of the ones who trust God (and their brothers and sisters) to reestablish the rule of righteousness and justice.
3. Denunciations and alerts

There are many situations which require Christians to speak out. We cannot remain silent when human beings are being degraded and humiliated. It affects the truth of our faith and the credibility of the Church. At times, it is necessary to launch campaigns to mobilize people and to issue urgent actions. Also, we may be called to denounce situations or to participate in existing campaigns. This is equally urgent when our Dominican brothers and sisters are the victims of violations or when they are working in solidarity with victims.

In workbooks 3 and 4, we gave many examples and advice on how to launch and conduct campaigns of appeal for solidarity with victims of injustice and violations of human rights. Please refer to the workbooks.

This is one of the examples among many of our brothers and sisters responding to situations of violations.

Action Alert

In urgent situations (as in the case of the situation in Pakistan), the Justice and Peace promoters of the Asia-Pacific Region send out "Action Alert" sheet to all their correspondents (they have a mailing list for this purpose). The sheet explains the situation, suggests actions, and gives useful names and addresses of persons to whom you should send protest letters for action. It also invites correspondents to send letters of support and consolation to the victims.

In denouncing injustices, we must not forget also to console the victims by sending them letters of sympathy! The harnessing of international public opinion can give strength and encouragement to those who suffer and to those who struggle with them.

It is imperative that Justice and Peace promoters organize themselves to ensure rapid delivery of urgent appeals for solidarity. In consulting the Justice and Peace page on the Order's website (www.op.org/curia/jpc), you will be able to find some of the information you need for intervening.

Denunciations must always be based on solid information. Check your sources carefully and prepare credible files on cases. This is extremely important if you want to contact our Office in Geneva to raise cases of human rights violations which you have witnessed. You need to prepare your files carefully and to provide first hand information. You can also contact members of the International Justice and Peace Commission of the Order to help you in this work.

4. Solidarity visits

Another way of grasping the challenges of human rights is to visit places where human rights are violated and where our brothers and sisters work to reestablish and to garner respect for them. Solidarity visits are very formative for sensitizing participants for demonstrating solidarity with those who are living difficult situations. It is necessary for groups to prepare
themselves adequately beforehand to ensure that they are not making the situation worse by their presence. The purpose of the visits is to listen and to learn without any preconceived notions.

### Solidarity with Chiapas

Justice and Peace Promoters and other Dominican men and women of North America traveled to Chiapas in March 1998 as part of a solidarity visit to the people of Chiapas. They met Dom Samuel Ruiz and Brother Raoul Vera, bishops of the region, indigenous communities, catechists, and some individuals involved in organizations for the defense and the promotion of human rights. The visit allowed the North American group to discover the political challenges facing Chiapas, the importance of problems of the land, the impact of the North American Free Trade Agreement (NAFTA) on the situation of the Indians, the links between the government and paramilitary groups. The group learned a lot in the meetings and conversations with people. It also allowed them to realize the strength of will of the people of Chiapas to take hold of their own future, of their evangelic boldness of the Christians and of the prophetic responsibility of the Church.

After the visits, it is important that groups prepare and circulate reports with recommendations for the purposes of animation, of articles and of action. The visits must be well prepared so that the participants can learn from them. Methods of observation and analysis need to be developed before the visits.

Similar visits could take place locally during the period of formation. For example, formation directors could organize visits to prisons, to centers for victims of human rights abuse, and with organizations involved in human rights promotion. The visits could become pivotal moments for sisters and brothers during their formation.

### 5. Specialized centers

Our brothers and sisters have developed two kinds of specialized centers for action: one aimed at denouncing human rights violations and the other is more oriented towards training people to defend themselves. The two activities are complementary.

You can refer to workbook 4 for a description of the Center "Fray Francisco de Vitoria" in Mexico. The Center publishes reports on various human rights violations in the country and functions as a monitor of government policy in the field.

Groups can also create legal bureaus specialized in the defense of human rights, "houses of rights" serving as refuge in cases of human rights violations (for example, battered women). Information on certain rights such as the right to housing or to education at the regional and national levels could be centralized in one centre.

The following is an interesting example of human rights training organized in St Domingo which people might find useful.
Sensitization

The Antonio Montesinos Centre (CEAM) brings together brothers and sisters to train people to take hold of their future and their community. CEAM wants to promote, in solidarity with others and with a Gospel perspective, the respect of fundamental rights in matters of life, environment, work, democracy and social integration. The Center animates peoples, helps groups to organize themselves, disseminates formation and sensitization tools especially those produced by CEDAIL. CEAM works with other associations that share similar goals.

The training of children must include something on their own rights. Knowing one’s rights is a condition for the promotion of human dignity. Training for children could target those who could fall prey to prostitution, those who will probably end up in jail or as a landless person.

You can refer to workbook 3 for help in developing projects and in finding ways to evaluate needs, to set an initiative in motion. It is not always necessary to create something new; sometimes it might be better to support an existing activity.

6. Specific actions

A number of brothers and sisters are already active and sensitized to specific human rights problems. Their activities which represent some of the ones describe above are of concern to the whole Dominican family. - We can be of support to them through our prayers, our financial support or in more practical ways such as inviting them to our community meetings or to spend a period of rest in our houses.

We would like to mention some of the areas in which our brothers and sisters are actively engaged:

6.1 Rights of women and children

Women and children are the ones who suffer the most from conflicts and catastrophes. Their rights are often violated and their voices are not listened to. Some actions to consider for working in this area: the establishment of centers for meetings, for training, for listening, where women can share ideas. In some parts of the world, women live in the most terrible conditions imaginable. There is an urgent need for centers for the defense of women and for legal aid. The same could apply to children who are involved in prostitution or are caught in bonded labor.

6.2 Economic Justice

Economic globalization has an impact on the rights of workers especially rights associated with trade unions. These rights are often curtailed for the benefit of international competition. Workers are becoming more passive as they fear that if they protest, their factories will be relocated elsewhere. The right to development is formally recognized in UN documents but international solidarity has very little impact and cooperation is rarely for the benefit of people.
Multinational corporations do not always respect the rights of the people (for example in the case of mines, oil companies, forest industries) and the environment. Corporations are known to plunder rare resources from groups who are already living in poverty. This whole topic could be developed for discussion and action since it comes down to people who are the victims of an economy which allows this kind of exploitation.

6.3 Anti personnel land mines

The issue of anti personnel land mines has mobilized many communities. One of the reasons for the interest is that the victims are often children. This fact alone has helped to sensitize people to the issue. Even though we now have a treaty banning land mines, the demining process is far from over and we know that land mines create new victims every day. Can you find out the position of your government on this issue? Are there companies in your country that are involved in the trade or the production of land mines?

| 1993 Convention on the prohibition of the realization, production, use of chemical weapons and their destruction |
| 1995 Protocol on laser jet weapons (Protocol IV) |
| 1997 Convention on the prohibition of the use, stockpiling, production, and transfer of anti personnel land mines and their destruction. |

6.4 Refugees and displaced persons

There are more than 22 millions of refugees and displaced persons around the world who generally live in poverty stricken countries. This generates extreme poverty and inhumane living conditions. There are some NGOs who intervene directly to remedy the situation but they are always in need of financial and other support. We can take action by denouncing the causes of forced exile and demanding that governments respect the human rights of refugees and that they treat them with dignity.

6.5 Rights of indigenous peoples

Over the past twelve years, we have witnessed a strong movement among indigenous groups demanding the right to exist and to be recognized as peoples. They demand respect for their culture and for their rights to land, their political traditions, and their language. We can express our solidarity with indigenous people by recognizing their values as enriching our planet and by remaining vigilant and aware of the attempts by multinational corporations to occupy their lands and to rob them of it.

As organizations, leaders and indigenous authorities of the continent, we are gathered here in Quito. The aim of our meeting was to share our experiences and to reflect on the participation of indigenous peoples in the democratic processes and to give our support to our indigenous brothers. We achieved agreement on the following conclusions and proposals:
1. Rights of indigenous peoples
Implement and consolidate at the national and international levels the recognition of the collective rights which are relative to the territory, natural resources, and forms of organization and autonomy as well as the plurality of jurisdictions.

2. Democracy and neoliberalism
The democracy we are experiencing in the context of neoliberalism is restrictive, exclusive and proceeds from a delegation of power. This type of democracy is in contrast with the community democracy of our grass root organizations where there is participation, full control by the people of the leadership, solidarity, redistribution and communitarianism.

The Indian political project is profoundly humanist, it favors inter cultural exchanges and bridges the gap with non indigenous populations, strengthens specific identities, recovers elements from all peoples, integrates scientific and technical progress, gives new vitality to the spirituality of our ancestors, and recognizes the value of the community ethic for proposing a radical and profound change in our societies.

Declaration of 9 August 9, 1996, distributed by DIAL.

6.6 Rights of prisoners

Several brothers and sisters visit common law or political prisoners in jails. Visiting prisoners is a concrete way of showing our sympathy and our solidarity with them, but we also need to take responsibility for advocating for the rights of prisoners: did they receive a fair trial? Are their living conditions acceptable? Do they receive visits? Do they meet with their lawyers? Political prisoners have some specific rights which are recognized by the international community. Are those rights respected?

The whole question of prisons is an important one for human rights since detainees - even though they are guilty of committing crime- are human beings and as such their dignity as persons must be respected.

7. Other actions

In the previous Justice and Peace workbooks we provided many examples of actions which could be undertaken in different areas of human rights. By reading the booklets again, you may get more ideas on ways to launch campaigns, to send letters of protest, and for creating files for mobilizing people to action... Workbooks 2 and 3 are particularly rich in suggestions.

Have you considered creating a network of brothers and sisters working in same field? For example, in Latin America, a group of Dominican lawyers met in 1996 to discuss their work and they created a network to share ideas and to help each other.. Brothers and sisters may want to explore the possibility of networks to regroup those who are active in working with refugees, for the rights of women, with the landless or street children, for the abolition of prostitution...

Some may choose simply to read newspapers and to discuss the issues with their communities. Others may want to devote part of their community budget to support NGOs working for the defense of human rights.
Please let us know about your projects and your activities so that the Dominican family can learn from them. Share with us your achievements as well as your difficulties - either financial, political or managerial - so that we can gain from your experience. Thank you in advance.

The Gospel urges us to act on behalf of our brothers and sisters and we need make use of our intelligence and our imagination for that purpose.

"Let us speak about our rights"!

My experience is based on the belief that the design of God's is that all families should have a piece of land. The promise made to Abraham has not yet been realized and it still requires efforts on the part of all of us. This applies especially to women who, in their daily lives, busy themselves struggling to obtain justice for their families in the midst of their communities and without any particular position or title.

I work with seventeen families on the problems of land ownership in San Pedro de Guasayan, a rural area of the province of Santiago del Estero, one of the poorest and most conflictual regions in the country. The problems arise because ownership titles of the campesinos have not been legalized even though the families meet all the legal requirements.

Legal services remain beyond the means of the campesinos who can't even afford the minimal legal fees charged by lawyers. The campesinos are left on their own and ultimately end up losing their land which is taken over by large land owners or large companies that are quick to exploit the situation of non-ownership.

I was approached by women of the campesino families, Nina, Elba, Olga and Maria who work with Hilario, the campesino director of MOCASE (Movement of the Campesinos of Santiago del Estero). It was their initiative to ask me to assist them in obtaining the titles to their land. We started by meeting systematically once a week.

During our first meetings, I asked them: "why do we gather together, why do we meet as a community and what do we propose to do?" The campesinos answered the following: "because I was born here and I grew up on this land and I want to own it"; "I want to leave something as security for my children"; "I want to fight for my land"; "as a community, we are stronger, we are united and we are more respected"; "we want to be involved in a Christian struggle and we want God to support us"; "ever since I became part of the community, I feel myself lighter, like another person, stronger and better", "I want all of us to place ourselves in God's hands because this land belongs to us".

Listening to their testimonies, I understood their need for justice and at the same time, I felt badly realizing that my professional credentials were insufficient for this struggle. I tried to find colleagues who wanted to be in solidarity with the cause, but I met very few professionals who were ready to help me.

As I became more familiar with the reality of the situation and in line with the intuition of other sisters, theologians and pastoral specialists who had worked in this area, I realized that I could not provide help without being profoundly faithful to the culture of the campesinos. I asked them what the
land meant to them, what they felt for the land and to what would they compared it. They answered in various ways: "it is the place where we live, it is like our mother, we were born in it, the land is useful for everything to me"; "it is our home, it is our mother"; "I feel great nostalgia for it when I am away"; "it gives me whatever I need to live"; "it is the place I belong to"; "it is like a street kid because it is alone, dirty, abandoned and it needs the warmth of a family"; "the land needs care and attention, it is like a plant".

I now work in collaboration with the parish team which is involved in implementing community projects. Together we discuss the bests way to solve conflicts. My task is to visit the properties and to certify the improvements they have been made. I talk with the campesinos to reconstruct the history of the ownership of properties, and I make files with the data I collect. There are still many steps involved to determine the ownership of the property. Technical people draw up plans and are involved in resolving conflicts between neighbors. I have come to realize that the farmers lack knowledge and training in terms of their rights. That is why we initiated a basic program to help the campesinos become more aware and educated about their fundamental and inalienable rights and also to help avoid being manipulated politically.

On the basis of my experience, my questions now focus on a number of issues. As a Dominican, what interests me is the university training of legal professionals. I feel that persons need to exercise the legal profession as a vocation of service if they are to defend life and fundamental rights, and if they want reinstate justice in human relations.

I believe that what we need is to recreate the mystique of the struggle for a justice which overcomes the obstacles in our non-egalitarian society. We cannot continue repeating the same legal framework of the courts of our countries which are there to justify the interests of the dominant system. The mystique I am talking about flourishes and grows when you listen to the people.

I still hear Elba's voice: "we want the land for our children, so they can live better than us, so that they do not leave the countryside, so that they have a place to live". It is only when these demands can bring men and women together ready to make justice the predominant passion, that we will achieve the hope which is expressed at the conclusion of all court transcripts in Argentina: "That Justice be done!"

Sr. Maria Lia Herrera op.
CONCLUSIONS

We have arrived at the end of our workbook on human rights which was designed to give you a rapid overview of the subject. We hope that it stimulated your interest and your creativity.

Our desire to serve Jesus the Savior compels us to serve the weakest in society, those who are deprived of their basic rights. The need to serve is the animating spirit of the workbook. This love story is demanding, it leads us into many new domains of interest...possibly too many. We must make choices, limit ourselves (being realistic is a virtue!) to concrete action, but we all need a good theological, philosophical and legal understanding in this area. This is one of the reasons that the workbook six includes more technical information.

This knowledge is to help us discern a path of solidarity which can reveal, even modestly, God’s love to a society which most often lives in despair. Together we can suggest steps both for the Order and the Church on this journey where the Good News will reveal itself.

Among the many examples of persons who were fully committed to the service of God and of humanity, Dominic of Guzman appears to have been one of these men who was consumed with compassion. He was both a contemplative and an active man; always turned toward God, he spoke only to God and of God; passionate about truth, he was constantly nourished by Scriptures; with pity for heretics, he wore himself out converting them. He would spend the night in church going from altar to altar his voice crying out in prayer.

Those who care for humanity with heartfelt compassion understand Dominic’s nightly lamentations. Their cry to the Lord may be less violent, but it is also a loud cry, a distress call from a person in pain. When we have understood what humanity is, and what it could be in Christ, the distance between the two appears much too great, the failure too weighty, the error too powerful, the ingratitude too stupid and the sin too heavy. When we have tasted God, everything else is unbearable wounds: the perverse speculation on people’s misery, the greed for more profits, the rotten joys, the lascivious spectacles, the cynical ambition, the brutal cruelty, all that disfigures the human species made in the image of God, all this expansion nothingness, and all this piling up of anti-values.

We stand there, powerless, before a humanity in folly, given over to the abuse of its liberty, intoxicated with sensual pleasure, full of hate, reeling about. All that could have helped us meet human needs is dissipated on instruments of destruction; one materialism clashes against another; leaders precipitate people in all kinds of disorder; the philosophies are an aberration, the clergy is asleep.

Lord, what stupidities, what weaknesses.

What complicities in myself
What radical powerlessness in myself,
    May at least my cries reach you
May my howling rise up as high as your goodness.
    May your mercy have pity.
May the blood of your Son not have been spilled in vain!

L.J. Lebret o.p. (1958)
Bibliography and Web Sites

Bibliography

You will find many UN documents (compiled in small booklet form under the generic title Human Rights) in all UN offices and publications outlets. You can also write to the following address:
United Nations Publications, Sales and Marketing Section, Room C113, CH-1211, Geneva 10, Switzerland.

These books are very chalenging:


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**Internet Web sites for surfing**

There are many web sites on the theme of human rights. Some of them contain official documents, others deal with the history of human rights, and still others provide information on training and teaching methods (course outlines, games to play...). Some sites give information on urgent actions and provide tools and methods for denouncing violations. Do not hesitate to use your search engines.
Formation and Training

You will find many suggestions and ideas for developing training programs (bibliography, themes, pedagogical methodology) on [www.hri.ca](http://www.hri.ca), [www.umn.edu/humanrts/education](http://www.umn.edu/humanrts/education) and on [www.hrusa.org](http://www.hrusa.org). In addition, most of the large NGOs have produced training modules both for adults and for youth and children. All you have to do is contact them for more information.

For those who wish to become trainers or who want to become more directly involved in human rights, there are a number of specialized centres for this purpose. You will find below some addresses. There are most probably training centres in various countries where Dominicans work. If you know of any, please send us the addresses so we can distribute the information to interested persons.

<table>
<thead>
<tr>
<th>Interdisciplinary Course on Human rights</th>
<th>Canadian Human Rights Foundation</th>
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<tbody>
<tr>
<td>Instituto Interamericano de Derechos Humanos</td>
<td>1425 Bd René Lévesque Ouest, # 307</td>
</tr>
<tr>
<td>Apartado Postal 10081</td>
<td>Montreal, Quebec H3G 1T7 (Canada)</td>
</tr>
<tr>
<td>1000 San Jose (Costa Rica)</td>
<td>Tel. (514) 954-0382</td>
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<tr>
<td>Fax: 1 506 34 09 55</td>
<td>Fax: (514) 954 0659</td>
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<td>E-mail: <a href="mailto:chrf@chrf.ca">chrf@chrf.ca</a></td>
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<tr>
<th>Education in Human Rights network</th>
<th>Human Rights Education Program</th>
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<tr>
<td>School of Education, U of Birmingham</td>
<td>Jansveld 44,</td>
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<tr>
<td>Birmingham B15 2TT (England)</td>
<td>3512 BH Utrecht NL (Holland)</td>
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<td>Fax: 31 130 230 2524</td>
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<th>Conflict resolution/Peace education</th>
<th>International training session on Human Rights and Peace teaching</th>
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<tr>
<td>Opera Campana dei Caduti</td>
<td>International Training Center</td>
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<tr>
<td>Cole di Mirivalle</td>
<td>5 rue du Simplon</td>
</tr>
<tr>
<td>38068 Rovero (Italy)</td>
<td>1207 Geneva (Switzerland)</td>
</tr>
<tr>
<td>Fax: 39 464 434 084</td>
<td>Fax: 41 22 736 48 63</td>
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<th>Human rights internship program</th>
<th>Human Rights Training Program</th>
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<tr>
<td>Harvard Law School</td>
<td>Arab Institute for Human Rights</td>
</tr>
<tr>
<td>Cambridge, Massachusetts 02138 (USA)</td>
<td>23 av. M Kibli</td>
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<tr>
<td>Fax: (617) 495 1110</td>
<td>El Manar III, 1004 Tunis (Tunisia)</td>
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<td>Fax: 216 1b 750 911</td>
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TRAINING MODULE ON CHILDREN'S RIGHTS

example: training to become an advocate for children’s rights

The theme: committing yourself to the defense of children’s rights: child labor, children living in poverty, street children...in your own country, or in a country which interests you.

Useful materials: the UN Convention on the Rights of the Child; Commentaries on the Convention; Films: (there are a number of them from UNICEF and the National Film Board of Canada.

First exercise (15 to 20 minutes)
Ask participants to form small groups to discuss why they are motivated to work in the area of human rights and social justice and invite them to share their insights.

Second exercise
Identify articles in the Children’s Rights Convention which might apply best to their particular situation, work or interest. Try to present the topic in an appealing way with drawings, videos, overheads etc..
Third exercise
Establish a framework for a situation analysis of the country or area you want to study from the perspective of one of the key articles in the Convention. The purpose of the exercise is to see how you can use human rights documents as a basis for analysing situations.

Before developing a strategy for protecting and promoting human rights, you need to understand the problems very well and to know the actors and what is at stake. You may want to identify areas about which there is little information and which require further research and study.

To do this exercise without having all the information at hand, try answering the following questions:
- What kind of information do you need?
- What specific questions do you need to ask?
- Where can you find the information that you need?
- What alliances or networks do you need to connect with in order to find answers?

Designate a recorder and use a flip chart to report back to the larger group.

Fourth exercise:
Develop a strategy for the protection children’s rights which could include actions such as writing letters, meetings with government officials, involvement of interested people. Also, you need to identify your partners in the enterprise such as NGOs working in the same field (how will you work with them?) and also your adversaries on the issue.

The objective of the exercise is to help you develop ideas for using human rights legislation and government policies as an advocacy tool in your work of promoting social justice.

In developing a strategy for action, consider the following elements:
- Identify the situation which needs to be addressed and the changes that are required.
- Define and set the goals of your campaign for promoting human rights.
- Develop a message and a means for delivering it.
- Prepare an evaluation grid to measure the effectiveness (successes and failures) of your action.

Convention on the Rights of the Child (excerpts)

PREAMBLE
The States Parties to the present Convention,
Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,
Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, 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, Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance, Convincing that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community, Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding, Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity, Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth", Recalling the provisions of the Declaration of Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration, Taking into account the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries, Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, 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.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.
Declaration of the rights of man and of the citizen

Approved by the National Assembly of France, August 26, 1789

The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man, in order that this declaration, being constantly before all the members of the Social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the objects and purposes of all political institutions and may thus be more respected, and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all. Therefore the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:

Articles:

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.

2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.

4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.

5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.

6. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.

7. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.
8 The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offense.

9 As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.

10 No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

11 The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

12 The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be intrusted.

13 A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

14 All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment and of collection and the duration of the taxes.

15 Society has the right to require of every public agent an account of his administration.

16 A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

17 Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.
Universal Declaration of Human Rights

PREAMBLE
Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

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

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

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

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

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

Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
Article 3
Everyone has the right to life, liberty and security of person.

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

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

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

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

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

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

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

Article 11
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 to equal access to public service in his country.

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

*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.
International Covenant on Economic, Social and Cultural Rights

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

*entry into force* 3 January 1976, in accordance with article 27

Preamble

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

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

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

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

PART II

Article 2

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

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

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

Article 3
The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4
The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5
1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

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

PART III
Article 6
1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

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

Article 7
The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

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

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

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

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

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

Article 8
1. The States Parties to the present Covenant undertake to ensure:

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

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

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

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

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

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

Article 9
The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10
The States Parties to the present Covenant recognize that:

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

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

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11
1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard
of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

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

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

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

Article 12

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

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

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

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

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

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

Article 13

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

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

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

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

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

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

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

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

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

Article 14

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

Article 15

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

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

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

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

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

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

PART IV

Article 16

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

2.

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

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

Article 17

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

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

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

Article 18

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

Article 19

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

Article 20

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

Article 21

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

Article 22

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

Article 23

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

Article 24

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

**Article 25**

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

**PART V**

**Article 26**

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

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

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

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

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

**Article 27**

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

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

**Article 28**

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

**Article 29**

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

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

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.
Article 30

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

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

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

Article 31

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

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.
International Covenant on Civil and Political Rights

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

_entry into force 23 March 1976, in accordance with Article 49_

_Preamble_

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

**PART I**

**Article 1**

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

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

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

Article 2

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

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

3. Each State Party to the present Covenant undertakes:

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

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

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

Article 3

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

Article 4

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

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

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

Article 5

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

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

PART III
Article 6
1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

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

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

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

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

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

Article 7
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8
1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

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

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

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

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

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

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

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

Article 9
1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

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

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

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

Article 10

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

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

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

Article 11

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

Article 12

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

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

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

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

Article 13

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

Article 14

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

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

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

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

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

(c) To be tried without undue delay;

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

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

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

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

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

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

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

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

Article 15

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

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

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.
Article 17
1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

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

Article 18
1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

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

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19
1. Everyone shall have the right to hold opinions without interference.

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

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

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

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

Article 20
1. Any propaganda for war shall be prohibited by law.

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

Article 21
The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22
1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

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

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

Article 23

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

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

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

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

Article 24

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

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

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

Article 25

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

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

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

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

Article 26

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

Article 27

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

PART IV

Article 28

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

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

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

**Article 29**

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

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

3. A person shall be eligible for renomination.

**Article 30**

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

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

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

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

**Article 31**

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

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

**Article 32**

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

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

**Article 33**

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

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

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

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

Article 35

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

Article 36

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

Article 37

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

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


Article 38

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

Article 39

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

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

   (a) Twelve members shall constitute a quorum;

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

Article 40

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

   (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
(b) Thereafter whenever the Committee so requests.

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

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

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

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

Article 41

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

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

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

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

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

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

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

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

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

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

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

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

**Article 42**

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

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

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

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

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

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

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information. 7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

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

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

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

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

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

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

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

Article 43
The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44
The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45
The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V
Article 46.
Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47
Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI
Article 48
1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

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

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

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

Article 49
1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

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

Article 50
The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51
1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

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

Article 52
Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

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

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

Article 53
1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

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