

EDUCATION FOR HUMAN RIGHTS  
AND DEMOCRATIC CITIZENSHIP:  
THE ETHIOPIA EXPERIENCE

THE CARTER CENTER



EDUCATION FOR  
HUMAN RIGHTS  
AND  
DEMOCRATIC CITIZENSHIP:  
THE ETHIOPIA EXPERIENCE



HUMAN RIGHTS PROGRAM  
THE CARTER CENTER  
ONE COPENHILL  
453 FREEDOM PARKWAY  
ATLANTA, GEORGIA 30307  
(404) 420-3808  
FAX (404) 420-5196

## ACKNOWLEDGEMENTS

The Carter Center would like to acknowledge the Government of Denmark whose generous support helped make this human rights project, as well as earlier ones, possible.

### Members of the Ministry of Education in Ethiopia

W/zo Gennet Zewide, Minister of Education

Dr. Tekle-Haimanot Haile-Sellase, Vice Minister of Education

Ato Teferi Hagos Desta, Head of Planning and Projects

W/zo Yelfign Worku, Head of the Women's Affairs Department and  
Head of Teacher Education and the Staff Development Department

Dr. Belay Shiferaw, Head of Higher Education and the Academic and Research Department

## TABLE OF CONTENTS

Preface: The Carter Center in Ethiopia by Harry G. Barnes Jr. ....	4
Bahir Dar/Addis Ababa Workshop Programs .....	6
Human Rights Have Wings by Richard Pierre Claude .....	8
Incorporating Human Rights Education Into the Ethiopian School System: .....	11
A Collaboration With the Ministry of Education by Ozong Agborsangaya	
Appropriate Methodology by Marie-Louise Strom .....	18
Working Exercises by Nancy Flowers .....	22
Democracy and Human Rights: An Overview of the African Continent by Derrick Marco .....	27
NGOs' Role in Human Rights Education by Ibrahim Idriss .....	30
Strategies for Human Rights Education Through Extracurricular Activities and Student Governments .....	32
(Developed by teacher trainers at Bahir Dar Teachers' College and teachers at the Addis Ababa workshop.)	
Education for Democracy by Assefaw Ghebre-Egziabiher .....	35
Civics and Human Rights Education in the Ethiopian System of Education by Ato Lingerih .....	42
Appendices	
I. Sample Workshop Evaluation .....	47
II. Letter From Addis Ababa Workshop Participant .....	48
III. Letter Designating Participant To Attend Bahir Dar Workshop .....	49
IV. Addis Ababa Workshop Participant List .....	50
V. Universal Declaration of Human Rights .....	52
VI. Convention on the Elimination of ALL Forms of Discrimination Against Women .....	55
VII. The Convention on the Rights of the Child .....	61
VIII. The African [Banjul] Charter on Human and Peoples' Rights .....	71
IX. The Cairo Declaration of Human Rights in Islam .....	78
X. Constitution of the Republic of South Africa 1996 .....	81
XI. Ethiopian Constitution .....	89
About The Carter Center .....	96

## PREFACE

# THE CARTER CENTER IN ETHIOPIA

by Harry G. Barnes Jr.

The Carter Center has undertaken a number of initiatives in conflict resolution, human rights, and various development and health-related programs in Ethiopia since 1989. From 1992-94, the Center's Conflict Resolution Program worked closely with key leaders to facilitate the peaceful return of the opposition to the political process by promoting agreement on major political issues. In response to former President and now Prime Minister Meles Zenawi's request, the Center launched several technical assistance initiatives in 1992 to help the Transitional Government of Ethiopia incorporate strong mechanisms for human rights protection into its structure. Initiatives undertaken by the Center's Human Rights Program (HRP) sought to strengthen several institutions in Ethiopia—specifically, the police force, the judiciary, educational curricula, the constitution, and the Ombudsman and Special Prosecutors Office, which is entrusted with prosecuting former government officials accused of human rights abuses.

One important aspect of HRP's work was to organize human rights training for police officers in conjunction with the head of the Ethiopian National Police. The workshop introduced new police officers to concepts of human rights and human dignity as expressed in international documents. It also addressed accountability issues

as they relate internally and to other branches of government as well as development of a code of conduct and core curriculum for the police force nationwide.

In collaboration with the Ministry of Justice, HRP organized human rights training for the judiciary from 1992-94. A two-day workshop for judiciary members, legal professionals, and government officials focused on the independence of the judiciary as an institution while insulating individual judges from undue influence and on increasing awareness of human rights issues within the judicial system. Additional human rights training workshops were organized in collaboration with the NGO community for lay judges of lower courts. HRP currently is proposing a judicial-jurists training seminar and individual sessions with NGOs and lawyers. The central focus of this next initiative is exploring ways to incorporate provisions of international human rights treaties into the day-to-day functions of the judicial/legal system.

With regard to Ethiopia's educational infrastructure, the Human Rights Program organized a 1992 workshop with the Ministry of Education. Department heads, teachers, and Ministry staff in charge of teacher training learned about international human rights standards and principles and how they apply to Ethiopian citizens. Follow-up initiatives explored how human rights education

could be incorporated into schools through the curricula, teaching methods, and practices. Those activities culminated in two training workshops at Bahir Dar Teachers' College and on site at the Ministry of Education in December 1996. Discussions with workshop participants and Ministry of Education officials led to the idea that a sustainable human rights education strategy should include developing concrete materials for students and teachers to use in the classroom as well as for training teachers and Ministry staff. The Human Rights Program and the Ministry of Education now are exploring the possibility of developing textbooks. In addition, workshops at the teacher-training college level\* will further assist the Government of Ethiopia's efforts to educate its citizens for human rights and democracy.



Harry G. Barnes Jr.

BILLY HOWARD

The Carter Center helps Ethiopia in other ways. The Center's Global 2000 Program supports the Ethiopia Dracunculiasis Eradication Program (EDEP), targeting Guinea worm disease by providing technical, programmatic, and administrative assistance. The program works to increase prevention awareness and mobilization in all endemic areas. In addition, Global 2000 is exploring a capacity-building project in collaboration with the Ministries of Education and Health to assist government efforts in developing training institutions in Gondar, Jimma, Dilla, and Alemaya. These institutions are preparing health professional teams for 500 new health centers to be established over the next five to 10 years. Top priority will be given to strengthening Ethiopian teaching staff and enhancing learning environments in four colleges.

Global 2000 and the Sasakawa Africa Association (SAA) began working in Ethiopia in 1993 to teach farmers how to grow more food. This partnership, known as SG 2000, works directly with the national extension service. In 1993, Ethiopia had 110 extension management training plots (EMTPs), where farmers learned to use improved growing techniques. In September 1994, Prime Minister Meles joined former President Jimmy Carter for a field visit. The Ethiopian leader was so impressed by the increased yield generated by SG 2000 methods that he enthusiastically supported the program's adoption as national policy. Now more than 400,000 farm families participate in the program. Record harvests of 1995 and 1996 enabled Ethiopia to export maize for the first time in January 1997.

The Carter Center's activities in Ethiopia as elsewhere reflect a strong commitment to human rights, the alleviation of human suffering, conflict prevention and resolution, freedom, and democracy. The report that follows shows the progress made in December 1996 to help incorporate human rights standards into Ethiopia's school curriculum. ■

*Harry G. Barnes Jr. is director of The Carter Center's Conflict Resolution and Human Rights programs. He served as U.S. ambassador to India, Chile, and Romania. Ambassador Barnes also served as director-general of the U.S. Foreign Service.*

---

*In response to former President and now Prime Minister Meles Zenawi's request, the Center launched several technical assistance initiatives in 1992 to help the Transitional Government of Ethiopia incorporate strong mechanisms for human rights protection into its structure.*

\*Teacher-training institutions include Addis Ababa University, Bahir Dar Teachers' College, Dilla College of Teachers and Health Science, the Agricultural University of Alemaya, Kotebe College of Teacher Education, Awasa College of Teacher Education, Jimma College of Teacher Education, and Gondar College of Teacher Education.

Education for Human Rights and Democratic Citizenship  
at Bahir Dar Teachers' College  
Dec. 4-7, 1996  
Program

**Day 1: Wednesday, Dec. 4**

9:00 a.m.	Welcome Speech
9:05 a.m.	Opening Speech by Ato Bekale, Head of the Educational Bureau, Amhara Region
9:15 a.m.	"Introductions, Expectations, and Goals" (Group Activity)
10:00 a.m.	"The Imaginary Country" [Group Activity on the Universal Declaration of Human Rights (UDHR)]
10:45 a.m.	Coffee Break
11:00 a.m.	The Ethiopian Constitution
Noon	Lunch
1:45 p.m.	The African [Banjul] Charter on Human and Peoples' Rights (The African Charter) (Lecture and Discussion)
2:45 p.m.	"Rights in the News" (Group Activity) and Video on the UDHR
4:45 p.m.	Wrap-up
5:15 p.m.	Evaluation

**Day 2: Thursday, Dec. 5**

8:45 a.m.	Introduction
9:00 a.m.	"What Is Democracy?" (Group Activity)
10:00 a.m.	"Children's Rights" (Drawing Exercise)
10:45 a.m.	Coffee Break
11:00 a.m.	"Children's Rights" (Drama Exercise)
11:45 a.m.	"The Role of Educators and Children's Rights" (Lecture)
12:30 p.m.	Lunch
2:00 p.m.	"Ethiopian Diversity" (Mapping Exercise)
2:45 p.m.	"Policy Directives and Citizenship" (Exercise on the Ethiopian Constitution)
3:15 p.m.	Coffee Break
3:30 p.m.	"The South African Experience" (Mini-Lecture)
3:45 p.m.	"Experiencing Diversity" (Role-play Activity)
4:15 p.m.	"Exploring Attitudes, Stereotypes, and Prejudice" (Exercise and Discussion)
5:00 p.m.	Evaluation

**Day 3: Friday, Dec. 6**

8:45 a.m.	Introduction
9:00 a.m.	"Women's Rights" (Mini-Lecture)
9:15 a.m.	"Women's Rights" (Plenary Activity)
10:00 a.m.	Coffee Break
10:15 a.m.	Human Rights Education Tools ("The Carousel"—Group Activity)
12:30 p.m.	Lunch
2:00 p.m.	"Planning a Human Rights Curriculum" (Group Activity)

**Day 4: Saturday, Dec. 7**

8:45 a.m.	Introduction
8:50 a.m.	"Education for Democracy" (Lecture and Discussion)
10:00 a.m.	Presentations of Strategies for Promoting Human Rights Education
12:15 p.m.	Closing Session, Evaluation, and Farewell

Education for Human Rights and Democratic Citizenship  
at the Ministry of Education, Addis Ababa  
Dec. 11-14, 1996  
Program

**Day 1: Tuesday, Dec. 11**

9:00 a.m.	Welcome and Official Opening
9:15 a.m.	Introductions and Practical Announcements
9:30 a.m.	Clarifying Expectations and Workshop Objectives (Group Activity)
9:50 a.m.	"What Is Democracy?" (Group Activity)
10:45 a.m.	Coffee Break
11:00 a.m.	Exploring the Preamble to the Ethiopian Constitution (Game)
11:30 a.m.	The UDHR: Part I – Video
12:30 p.m.	Lunch
2:00 p.m.	The UDHR: Part II – "Rights in the News" (Group Activity)
3:00 p.m.	The UDHR: Part II continued (Lecture and Discussion)
4:00 p.m.	Coffee Break
4:15 p.m.	Presentation on the Ethiopian Constitution
5:15 p.m.	Evaluation

**Day 2: Wednesday, Dec. 12**

8:30 a.m.	The Ethiopian Constitution (Group Activity)
9:30 a.m.	The African Charter (Lecture and Discussion)
11:00 a.m.	Coffee Break
11:15 a.m.	"Children's Rights" (Drawing Exercise)
12:30 p.m.	Lunch
1:30 p.m.	Introduction to Women's Rights (Drama Exercise and Game)
2:45 p.m.	Coffee Break
3:00 p.m.	"Women's Rights" (Lecture and Discussion)
4:00 p.m.	Methodology (Discussion)
4:30 p.m.	Evaluation

**Day 3: Thursday, Dec. 13**

8:30 a.m.	Evaluation, Agenda, and Objectives
8:45 a.m.	"The Carousel" (Group Activity)
10:00 a.m.	Coffee Break
11:00 a.m.	"Curriculum Development" by Ato Lingerin
11:45 a.m.	"The Role of the Educator in Human Rights and Democracy" (Lecture)
12:30 p.m.	Lunch
1:30 p.m.	Establishing Working Groups and Tasks
1:50 p.m.	Planning
3:15 p.m.	Coffee Break
3:30 p.m.	"The Gallery Walk" (Presentation)
4:00 p.m.	Question-and-Answer Session

**Day 4: Friday, Dec. 14**

8:30 a.m.	Presentations on Strategies
9:30 a.m.	"Education for Democracy" by Ato Assefaw
10:00 a.m.-	Panel Discussion
Noon	
12:30 p.m.	Evaluation

*Ozong Agborsangaya, program coordinator in The Carter Center's Human Rights Program, designed the December 1996 workshops with assistance from officials with Ethiopia's Ministry of Education.*



# HUMAN RIGHTS HAVE WINGS

by Richard Pierre Claude

**H**uman rights have wings. They have found their way around the world and should secure a place in every household, village, and city. Human rights, including those to education and to know one's rights, are expected internationally. Now that Ethiopia is part of the world community, it has pledged to abide by these universal standards and in so doing, promises to protect and promote all Ethiopians' rights. The concept of everyone having a right to education with the goal of furthering respect for human rights now is included in the Constitution of the Federal Democratic Republic of Ethiopia (1995) and in the numerous international instruments the government has promised to honor. Once we recognize that everyone—including teachers, students, etc.—have basic rights, and once we learn that the government solemnly has promised to respect them, it should become clear (although too often, it is not in newly emerging democracies), the object of human rights education is not to sow the seeds of social unrest.

Any such suggestion misunderstands human rights and democracy. Human rights education strictly adheres

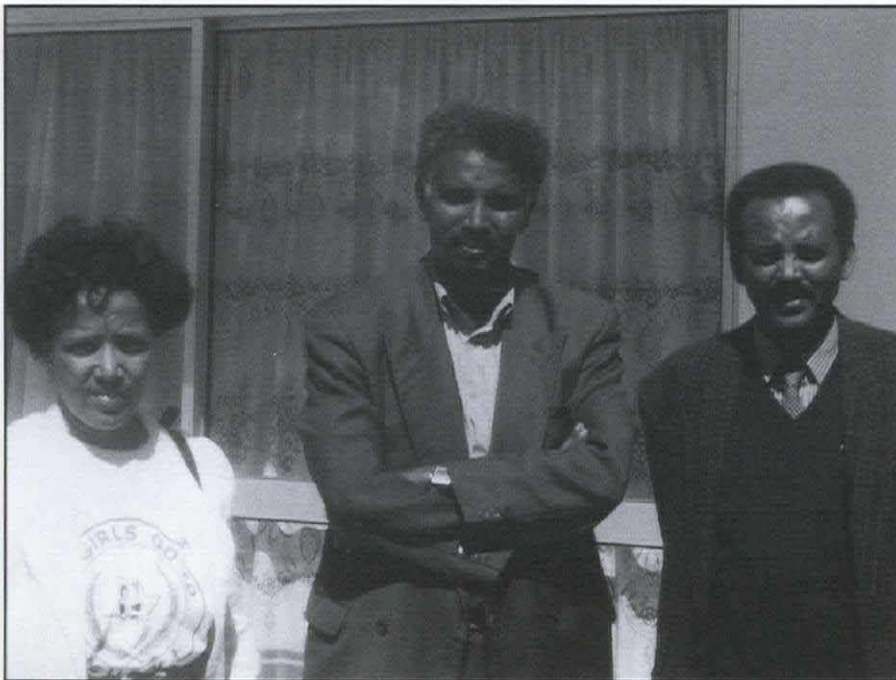
to Ethiopia's constitution and laws. It is a country's duty to educate citizens to their legal rights so they will be responsible, can think for themselves, and can meet their personal needs through democratic means. When we act within this framework of political liberty and the rule of law, we rise above problems by using our human rights' wings.

## Thinking About the Future

Human rights education is a long-term strategy aimed at meeting current and future generations' needs. Such education seldom draws support from those who want to see immediate change. It is not a strategy for impatient, short-winded people who mistake the use of force for persuasion or are unconcerned with justice in the modern world. Human rights education seeks to construct innovative programs to advance human development, peace, democracy, and respect for the rule of law. To achieve these goals, the U.N. General Assembly proclaimed 1995-2005 the Decade of Human Rights Education during which the international community resolved to build "a universal culture of human rights." In addition, the United Nations emphasized that human rights education by definition should involve more than just provision of information. It also should constitute a comprehensive, lifelong process through which people at all levels of development and society learn respect for others' dignity as well as the means and methods to ensure such respect in all societies.

## U.N. Members Have Duties

Various global and regional documents have endorsed human rights education since 1945, when the U.N. Charter first called for cooperation "in promoting and encouraging respect for human rights and fundamental freedoms." The Charter's references to "promoting and encouraging" make the state responsible for teaching human rights and for educating in general. Several international and regional organizations also have strongly endorsed the goal. In emerging democracies such as Ethiopia and elsewhere, school systems may be expected to increase



Yelfign Worku, head of the Women's Affairs Department and Teacher Education and the Staff Development Department; Teferi Hagos Desta, head of the Planning and Projects Department; and Ato Haile Sellasie, head of educational planning and program panel, helped coordinate the workshops in Ethiopia with The Carter Center's Human Rights Program. All are with Ethiopia's Ministry of Education.

THE CARTER CENTER



THE CARTER CENTER

Derrick Marco (left), Ato Abiy, Nancy Flowers, Marie-Louise Strom, Ato Tsegay, and Ato Berhanu sit down to a pre-workshop meeting in Addis Ababa. Ato Abiy, Ato Tsegay, and Ato Berhanu are teacher-trainers at Bahir Dar Teachers' College.

teaching human rights and civic education work, both of which are viewed as strategies to foster good citizenship, prevent human rights violations, and empower people to meet their own needs based on their knowledge and use of rights.

In 1948, the General Assembly adopted the Universal Declaration of Human Rights (UDHR), which helped clarify the Charter's references to promote and encourage human rights. The UDHR proclaimed human rights "a common standard of achievement for all peoples and all nations [which should] strive by teaching and education to promote respect for these rights and freedoms." Here, it is clear that education is a key means to the Charter's task of promoting human rights. In addition, the UDHR's opening language declares "teaching and education" are not simply new post-World War II state functions among the governmental duties of U.N. members. Rather, as if to acknowledge the popular action at the grassroots level and the work of nongovernmental organizations, teaching and education are obligations of "every individual and every organ of society."

### The Right to Education

Education is not only a means to promote human rights; it also is an end in itself. In positing the right to education, UDHR's framers based the document on the notion that education is not value-neutral but rather always relates to and supports values. Still, we must be aware of which values we promote through education. UDHR Article 30, Section 2 states that one of education's goals should be "the strengthening of respect for human rights and fundamental freedoms." The U.N. human rights covenants, developed in 1976 to formalize a basis in international law for rights declared in 1948, also elaborate on the right to education and on the values education should promote. The Economic, Social, and Cultural Rights Covenant places the objective of strengthening respect for human rights in a cluster of related learning goals. For example, Article 13, Section 1 of that Covenant states that education shall be directed to the "full development of the human personality" and to one's own "sense of dignity." It also says U.N. member states shall "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."

Complementing the above Covenant's positive formulations on the objectives of education are the negative rules of the Civil and Political Rights Covenant, which say that once a

---

*In emerging democracies such as Ethiopia and elsewhere, school systems may be expected to increase teaching human rights and civic education work, both of which are viewed as strategies to foster good citizenship, prevent human rights violations, and empower people to meet their own needs based on their knowledge and use of rights.*

state adopts international human rights, it may not stand in the way of people learning about them. Article 19, Section 1 of this covenant says everyone has “the right to hold opinions without interference.” Education is a process involving the sharing and dissemination of ideas, and the Civil and Political Rights Covenant bolsters this right, proposing that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, in writing, or in print, and impart information and ideas of all kinds, regardless of frontiers, either orally in the form of art, or through any other media of his/her choice,” (Article 19, Section 2).

### **The Right to Know Our Rights**

The International Bill of Rights, which comprises the UDHR and the two Covenants, gave prominence to education in today’s world. Because international treaties tend to use redundant language and repeat cardinal principles, it is not surprising to find echoes of the standards noted above, as in, for example, the Convention on the Rights of the Child and the Convention on the Elimination of ALL Forms of Discrimination Against Women. Repeating these expressions helps underline human rights’ importance and the conviction that everyone has the right know their rights. Indeed, human rights education is everyone’s duty.

Knowing human rights is essential in the modern world because, according to the UDHR’s Preamble, to achieve “a world in which human beings enjoy freedom of speech and belief and freedom from fear and want,” people must come to “a common understanding of these rights and freedoms.” The African [Banjul] Charter on Human and Peoples’ Rights also makes this point by stating that a government’s education program must ensure that everyone understands their rights. Article 25 of this Charter says “[states must] promote and ensure through teaching, education, and publication, respect for the rights and freedoms contained in the Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.”

Taking these ideas seriously helps people understand the importance of teachers. If respect for human rights is the means of achieving peace, then teachers are peacemakers. If teaching human rights furthers democracy and development, then teachers are architects of democratic development and of tomorrow’s world. Therefore, instructors must teach students not only to read and write but also to be human and to respect others’ human dignity. And they must teach their pupils to spread their wings. ■

*Richard Pierre Claude, professor emeritus, University of Maryland, College Park, Md., USA, currently is editor of Human Rights Education for the 21st Century (London and Philadelphia: University of Pennsylvania Press, 1997). Professor Claude worked with Action Professionals’ Association for the People (APAP), a local human rights NGO, to design a human rights education trainer’s handbook titled The Bells of Freedom.*

**If respect for human rights is the means of achieving peace, then teachers are peacemakers. If teaching human rights furthers democracy and development, then teachers are architects of democratic development and of tomorrow’s world. Therefore, instructors must teach students not only to read and write but also to be human and to respect others’ human dignity.**

# INCORPORATING HUMAN RIGHTS EDUCATION INTO THE ETHIOPIAN SCHOOL SYSTEM: A COLLABORATION WITH THE MINISTRY OF EDUCATION

by *Ozong Agborsangaya*

With support from the Danish government, The Carter Center's Human Rights Program (HRP) initiated programs in 1992-94 to strengthen mechanisms responsible for protecting human rights within Ethiopia's state structure. These initiatives focused on introducing human rights into various sectors of society including the police force, the judiciary, and the education field. The HRP assisted Ethiopia in drafting a new constitution and establishing a special prosecutor's office. In 1992, The Carter Center organized a workshop with Ethiopia's Ministry of Education, which included various department heads, teachers, and Ministry staff in charge of teacher training, to familiarize participants with international human rights documents and their application to Ethiopian citizens. Follow-up missions in 1994 and 1996 evaluated the programs' impact and assessed possible future efforts, specifically how human rights education could be incorporated into schools through curricula and teaching mechanisms and practices. This paper reports on the human rights education training workshops, again organized with the Ministry of Education, which were conducted in December 1996 and which resulted from previous work targeted to the education infrastructure.

## Background

Since the overthrow of Col. Haile-Mariam Mengistu's repressive regime in mid-1991, both hopeful and worrisome trends have evolved in Ethiopia. On one hand, the Ethiopian government has consistently and forcefully expressed commitment to human rights. However, interethnic tensions continue. In particular, there are problems regarding press restrictions; freedom of association; arbitrary arrests and detentions; and representative democracy. The Government of Ethiopia has curbed many of the abuses prevalent under Col. Mengistu and continues to take measures to ensure respect for basic human rights.

Because political development has been slow, technical assistance initiatives for human rights education are useful means to make a gradual impact in a country like Ethiopia. Both practitioners and academics believe human rights education potentially could be an effective strategy to bolster dialogue among various sectors of society as well as a tool for creating a culture that ultimately will prevent human rights violations. An appropriate strategy on which to focus is the education infrastructure, as schools likely are the most important agencies for transmitting information.

Ethiopia's Ministry of Education has made a clear commitment to incorporating human rights education into the core curriculum as stipulated on pages 7-8 of its Education and Training Policy (1994), which contains the objectives "to bring up citizens who respect human rights, stand for the well-being of peoples, as well as for equality, justice, and peace, endowed with democratic culture and discipline."

Despite a lack of adequate skills and resources, some advances have been made at both the national and regional levels of the Ministry's curriculum departments. Attempts have been made to design an integrated approach to civic and human rights education for grades kindergarten-12. In December 1996, the HRP helped foster these efforts by conducting two workshops—one for 50 instructors at the Bahir Dar Teachers' Training College and the other for 50 secondary and elementary school teachers, teacher-training institute instructors, and curriculum developers in Addis Ababa.

## Project Goals, Activities, and Outcome

### I. Goals

These workshops aimed to 1) introduce teachers and instructors to the value of human rights education as a preventive strategy and 2) use instructors and teachers as multipliers of human rights education in their respective institutions, schools, and regions, thereby ensuring that prospective teachers would adopt and later teach human rights values such as respect, tolerance, justice, fairness, equality, and dignity.

### II. Project Activities

1) **Workshop on Education for Human Rights and Democratic Citizenship at Bahir Dar Teachers' College, Dec. 4-7, 1996 (see Program on page 6.)**

A field assessment conducted by the HRP in September 1996 reaffirmed the 1994 mission's findings that significant opportunities exist for institutionalizing human rights education through teacher-training colleges and institutes. Organizing workshops for teacher-training college instructors is an effective human rights education strategy, as instructors are natural multipliers. Also, such colleges maintain some degree of autonomy over curricula.

Bahir Dar Teachers' College has a total of 60 instructors (teacher trainers). Of those, 42 participated in the workshops, including the dean, vice dean, and administra-

**Each participant in each group listed three rights to which he/she believed everyone in the new country should be guaranteed ... As one large group, participants developed a master list of rights. In comparing their pretend bill of rights with the UDHR, participants were impressed that most of the rights they considered important were present in the UDHR.**

tive dean. Instructors and participants were drawn from that college's various academic departments including pedagogy, language, science, and history as well as from Ethiopia's other teacher-training colleges including Gondar College of Teacher Education, Alemaya University of Agriculture, Dilla College of Teachers and Health Science, and Jimma College of Teacher Education. Representatives of the Ministry of Education's National Department of Higher Education and its Training Department, the head of the Amhara Regional Bureau (Amhara is the region in which Bahir Dar is located), and two local high school teachers also participated. The teachers provided an opportunity to bring classroom realities into discussions.

Participants received briefing books which contained copies of international, national, and regional human rights instruments including a copy of the Ethiopian Constitution in Amharic, a local language. For the workshop, facilitators used several resources including photographs, newspapers, textbook selections, video cassettes, and other materials from a range of cultures. Participants also received copies of training materials that they could adapt to their specific needs to use at their respective institutions. Because the workshop was conducted in English, some activities were planned to allow participants to work in their local languages.

Participants began by brainstorming in small groups and in plenary about their expectations of the workshop. This was important because it enabled participants to develop a sense of ownership and empowerment at an early stage. Great emphasis was placed on participants' feedback, so facilitators could assess each activity's effectiveness. At each day's end, participants filled out evaluations to help facilitators improve the program's quality on a daily basis (see Program on page 6).

The workshops used a participatory methodology so that participants learned by doing. Lectures were kept to a minimum, and activities were structured to involve all participants. One activity, "The Imaginary Country," introduced participants to the idea of rights based on needs and sought to familiarize them with the Universal Declaration of Human Rights (UDHR). In groups of four to seven, they imagined they had discovered a new country to which no one ever had been and in which there were no laws or rules. Then, they decided how they would settle this new land which, as yet, had no social identity. Each participant in each group listed three rights to which he/she believed everyone in the new country should be guaranteed. Then, as groups, they designed bills of rights for their new countries and shared them in plenary. As one large group, participants developed a master list of rights. In comparing their pretend bill of rights with the UDHR, participants were impressed that most of the rights they considered important were present in the UDHR.



*Ato Lingerih and Ozong Agborsangaya prepare for a panel discussion at Ethiopia's Ministry of Education.*

Games, simulations, and dramatizations are examples of other techniques used in the workshop. An activity on the Convention of the Rights of the Child (CRC) provoked much creativity among participants. Again in groups, participants drew an outline of a child and named it. This collective naming process created a bond among group members. Each group then wrote a list of qualities it wished the child to have and a list of needs to achieve those qualities. Finally, groups matched their lists of needs with relevant CRC articles.

Another activity on children's rights used drama. For this exercise, groups were instructed to select a CRC article to dramatize. They chose situations in which Article 13 (right of expression) was protected, Article 16 (right of privacy) was breached, and Article 19 (right to be protected) was denied.

Participants particularly seemed to welcome the use of Ethiopian resource people in addition to the foreign facilitators. Wzo Meaza Ashenafi, head of the Ethiopian Women's Lawyers Association, a nongovernmental organization (NGO) that undertakes research on legal themes and harmful practices against women, presented a paper on women's status in Ethiopia. Her paper raised a challenging discourse on some of the problems women in Ethiopia face and the legal or other mechanisms that ensure the protection of their rights. Teshome Bokan, former attorney general of Ethiopia and member of the Constitutional Drafting Committee, led a discussion about the human rights components of the current Ethiopian Constitution. Ibrahim Idriss, former dean of the University of Addis Ababa Law School and head of a local human rights NGO, lectured on the African [Banjul] Charter of Human and Peoples' Rights and on human rights components of the Ethiopian Constitution. Local experts also were drawn from the pedagogical college and history department of Bahir Dar Teachers' College. They led discussions on "The Role of Education in Ethiopia" and "Education and Democracy," both of which generated exciting talk among participants about values in Ethiopian culture. Participants expressed intrigue at the diversity of the training team, which included representatives from the United States (Nancy Flowers), South Africa (Marie-Louise Strom and Derrick Marco), and Cameroon (Ozong Agborsangaya).

Another activity used case studies as tools to illustrate other countries' experiences with violent conflict or the transitional process. Participants showed particular interest in South Africa's and Rwanda's experiences, and they brainstormed on various human rights mechanisms to help ensure that such massive human rights violations do not occur again. Discussion on these two countries led to a meaningful dialogue about perceptions and misperceptions in diverse cultures and those values that reflect a human rights culture.

One of the workshop's most dynamic phases focused on designing curriculum and developing institutional strategies for human rights education. Activities were structured to allow participants to build upon their own experiences. Participants were divided into two main categories to 1) develop subject- and course-specific curricula or lesson plans using a human rights framework and 2) create strategies to transform various aspects of Bahir Dar Teachers' College into a human rights culture. Five of the groups used a human rights framework to develop innovative subject-specific curricula on the following lesson-plan topics:

- 1) Geography: the problem of conservation in subsistence agriculture.
- 2) Physics: uses and sources of energy and responsibility in science.
- 3) English: using articles about human rights for reading comprehension, literature, composition, teaching practice, and sociolinguistics.
- 4) Biology: the variety of cells.
- 5) Population geography: migration and population composition.

Other groups explored gender-sensitive approaches to sports and extracurricular activities and charted students' rights and responsibilities using a human rights framework.

One unique aspect of this workshop was that upon its conclusion, four participants were identified to act as group leaders and facilitators in the subsequent workshop in Addis Ababa, with the objective of giving some experience in human rights education facilitation to a team

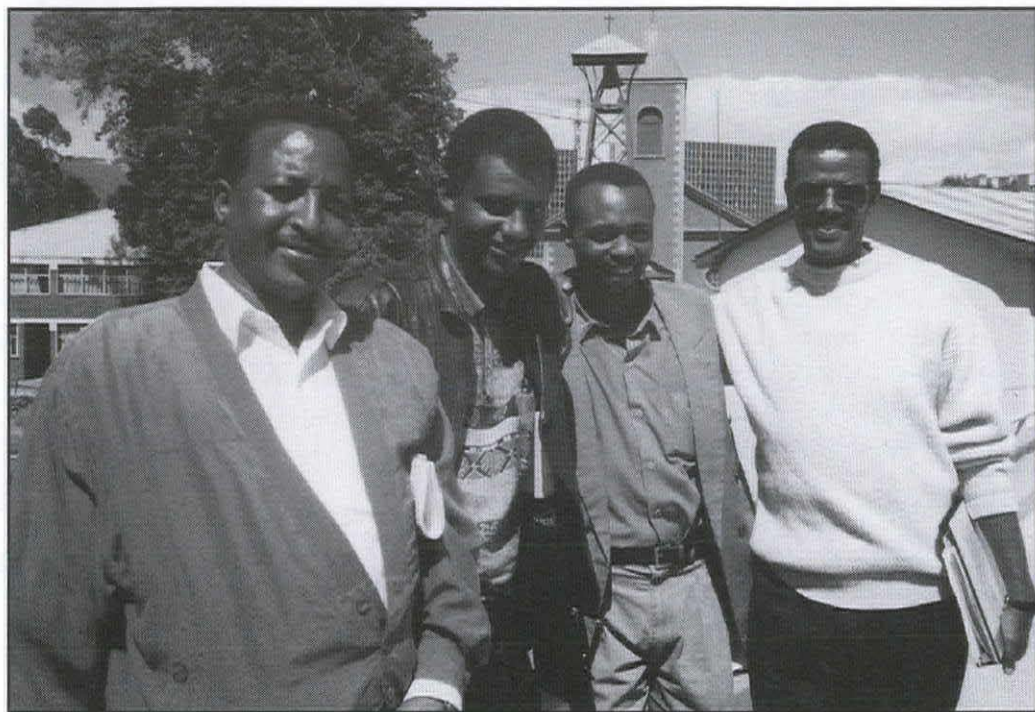
---

*One of the workshop's most dynamic phases focused on designing curriculum and developing institutional strategies for human rights education. Activities were structured to allow participants to build upon their own experiences.*

of local trainers. Also, the dean of Bahir Dar Teacher's College called for the establishment of the Ad Hoc Committee for Human Rights Education, which was charged with organizing fora on human rights for students and staff.

**2) Workshop on Education for Human Rights and Democratic Citizenship at the Ministry of Education in Addis Ababa, Dec. 11-14, 1996 (see Program on page 7.)**

The majority of participants at the Addis Ababa workshop included elementary and secondary school teachers. Instructors from different teacher-training institutes in Ethiopia's various regions as well as curriculum developers from all nine of those regions also participated. Involving curriculum developers in the training helped achieve the project's aim of



THE CARTER CENTER

*Instructors from the teacher-training institutes in Ethiopia's various regions gather outside a workshop facility in Addis Ababa.*

enhancing the Ministry of Education's capacity to incorporate human rights education into Ethiopian schools' curricula. This also provided an opportunity for curriculum advisors to benefit from teachers' perspectives, and vice versa. In preparation for this second workshop, facilitators significantly considered Bahir Dar participants' feedback, as gathered from their post-workshop evaluations. Although both workshops' content essentially was the same, participants' output differed. The Addis Ababa workshop explored the same themes as Bahir Dar—the state's role in human rights policies and mechanisms for their implementation, civil society's role as per citizens' rights and responsibilities, and curriculum designs for schools and classrooms.

Like the Bahir Dar workshop, Addis Ababa facilitators used a participatory methodology, which helped legitimize the workshop and create bridges to overcome any cross-cultural tension. Addis Ababa participants particularly welcomed the four instructors who had just completed the Bahir Dar workshop as facilitators. One of these was an instructor at Dilla College of Teachers and Health Science. Working on the same level with foreign facilitators enabled these instructors to reinforce what they learned in the first workshop and to gain confidence by applying that knowledge in a supportive framework. This meant an element of sustainability was being fed into the process at an early stage.

The Addis Ababa workshop also employed the same techniques of role playing and games. The activity "Rights in the News" provoked interesting dialogue among participants. For this, facilitators distributed various newspapers at random and asked participants to identify in which instances rights were abused, protected, or enjoyed. This activity helped participants recognize human rights concepts in everyday situations and place them in a human rights framework.

A drama exercise that explored the Convention on the Elimination of ALL Forms of Discrimination Against Women (CEDAW) also generated much creativity. Participants were asked to pick a CEDAW article to dramatize. Working in small groups, they selected Article 2 (legal protection of women), Article 3 (equality of all fields), Article 7 (equal rights in political and public life, elections, association, etc.), Article 10 (right to education), Article 11 (right to choose a profession), Article 15 (equality before the law), and Article 16b (right to choose a spouse). Other activities included games that taught tolerance,

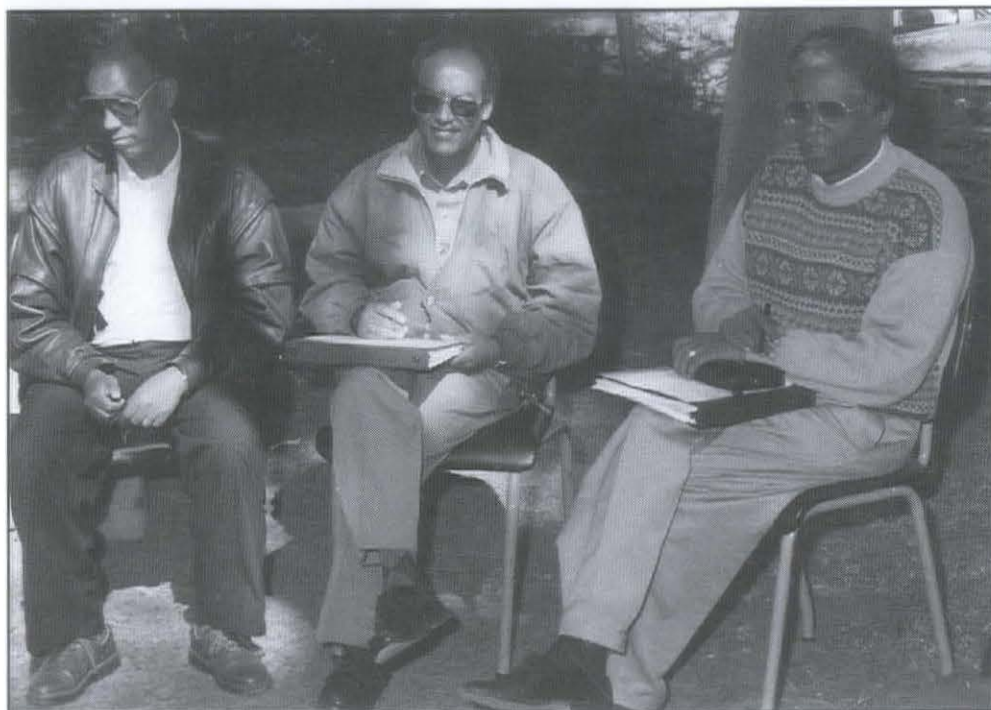
diversity, dignity, and citizens' rights and responsibilities.

Mini-lectures were useful, as they provided opportunities to present to participants additional substantive information and to raise interesting questions from the group. The presentation "The Role of Educators" led to an engaging discussion that produced various suggestions on ways educators could promote human rights in schools and beyond. Participants welcomed a presentation by a staff member of the Curriculum Department of the Ministry of Education, who outlined the Ministry's efforts thus far to incorporate human rights education into civics courses. Another mini-lecture by a Ministry staffer addressed "Education for Democracy." Participants expressed particular interest in the link between democracy and human rights. In addition, based on the Bahir Dar participants' different methodologies, one Addis Ababa facilitator spoke on the various methodologies for human rights education.

One reason the participatory methodology produces such positive results is because participants' life experiences are essential to the training. During one activity, participants explored in their own languages proverbs, folk songs, and stories that affirmed or undermined the role of women. Despite the serious nature of the issues at hand, participants derived considerable pleasure in singing and listening to stories and songs that drew both on folk tales and familiar, everyday experiences highlighting Ethiopia's culture. Many of the stories were full of humor, and all contained positive messages.

The workshop's final phase focused on planning a human rights curriculum in groups or individually. Subsequently, using a technique called "the gallery walk," participants experienced simulations of different classroom sessions based on the following designs:

- 1) Weekly lesson plan (History, grade 9) on civic education: "The Individual and the State in Society."
- 2) Daily lesson plan (History, grade 9): "The Impact of the Slave Trade."
- 3) Weekly lesson plan (History, grade 11): "Black Africa During Industrial Capitalism from 1789-1870."
- 4) Weekly lesson plan (History, grade 10): "The American Civil War," presented by a group of teachers from Addis Ababa.



*Officials from the Ministry's Legal Department work with teachers on an outdoor activity at the Addis Ababa workshop.*

### **III. Outcome**

The following list summarizes the two workshops' outcomes:

- 1) Teachers became familiar with the history and evolution of human rights standards as well as with key international, regional, and national instruments, including the UDHR, the CRC, the CEDAW, the African Charter, and the Ethiopian Constitution.
- 2) Participants applied specific legal rights to local circumstances, as for example, the link between human rights and democracy within the framework of civil, political, social, economic, and cultural rights.
- 3) Both curriculum developers and teachers learned tools to help them teach human



**It was clear from their responses and from discussions with Ministry of Education personnel that participants recognized the importance of incorporating human rights education into their curricula and teaching methods and practices. A consensus that such activities ought to be sustainable generated serious discussion on the most appropriate approach to following up this initiative.**

rights concepts to different age groups and grade levels, with priority going to ideas of respect, tolerance, justice, fairness, and equality.

4) Both curriculum developers and teachers learned tools to help them develop learning activities for different grade levels.

5) Participants gained some understanding of legal and practical information.

6) Participants explored ways to effectively combine this knowledge with appropriate pedagogical skills and translate them into classroom practice to meet the needs of students including children and teachers-in-training.

7) Participants learned ways to incorporate human rights lessons into classroom materials.

8) As a result of the four Bahir Dar instructors who served as facilitators in Addis Ababa, a foundation for a team of local trainers was established.

9) Teachers and Ministry of Education staff, convinced of schools' potential to introduce and promote human rights education and its effectiveness as a conflict prevention tool, were empowered.

### Participants' Assessment and Possible Follow-Up

Participants were asked to complete evaluations on the workshops' strengths and weaknesses, alternative approaches, other issues they would have liked to address, and their further training needs. Most respondents indicated that these workshops marked their first experience with human rights education. They commented in particular on the new knowledge they gained and on the participatory methodology. Some positive comments included:

- "I believe I have gained a great deal of experience by meeting people from another area, and professionally I have gained a very good methodology that will enhance my professional competence."
- "The workshops enabled me to know my rights and my responsibilities."
- "The workshops contributed much in creating awareness of how to include concepts of human rights in teaching."
- "I most of all appreciated the documents given to us—the methodology is of great significance."
- "I discovered that I have some role in promoting human rights."
- "I like the practical aspect of the workshop."
- "I will try to change my attitude."
- "The methodology employed is the most important aspect."
- "I liked the daily evaluations and use of resource persons."

Participants also highlighted a number of shortcomings, which they largely credited to the workshops' brevity. Many of the strongest responses suggested a desire to see such workshops replicated. The dean of Bahir Dar Teachers' College wanted assurance that "this was not a one-time thing." Some participants highlighted specific aspects of human rights education they would have liked to explore further, including women's rights, minority and group rights, democracy, and human rights. Some suggestions to improve the project included:

- "Would have liked some discussion of minority rights."
- "More emphasis should be given to the link between human rights and democracy."
- "Subsequent meetings should be organized to continue the program."
- "Repeat this in other colleges."
- "The workshop needs follow-up."
- "Carry this out in as many regions as possible."
- "There is not enough time, and the seminar must have continuity after this."
- "We need materials for human rights education."

It was clear from their responses and from discussions with Ministry of Education personnel that participants recognized the importance of incorporating human rights education into their curricula and teaching methods and practices. A consensus that such activities ought to be sustainable generated serious discussion on the most appropriate approach to following up this initiative. The informal Committee for a Sustainable Human Rights Education, established by the Ministry to work with the HRP on this project, believes that to have any meaningful impact, the workshops must be part of an overall national strategy for human rights education. There also is consensus that focusing at the teacher-college level would be an effective strategy.

Participants expressed great concern about the lack of adequate materials for human rights education. But, for human rights to fully be integrated into the school system, curricula must also be designed specifically for textbooks for students to use in classes. A strategy to train teachers may be supported by concrete materials designed for the classroom. We in the HRP are seeking to evaluate this initiative by interviewing participants and continuing discussions with the Ministry. We believe that one way to foster gains made by the last workshops would be to conduct three additional workshops in 1997. These could include:

1) A training-of-trainers workshop for 20 participants, including some identified participants from the just-concluded Bahir Dar and Addis Ababa workshops, some instructors from colleges outside Bahir Dar, and some members of the Ministry's Educational Media, Legal, Training, and Staff Development departments.

2) A follow-up training workshop at Bahir Dar for the 50 instructors who went through the last workshop to reinforce what they learned. This will provide them an opportunity to evaluate their experiences in applying techniques presented at the 1996 workshop and will emphasize teaching strategies and curriculum development. Participants from the training-of-trainers workshop, as detailed above, will serve as trainers for this second workshop. This chance to work with foreign facilitators will provide a supportive framework and help ensure quality control.

3) A workshop at Dilla College of Teachers and Health Science for 50 participants. (A contact has been made with this institution as they participated in the workshops.) Here again, participants from the training-of-trainers workshop will serve as facilitators. Participants predominantly will be instructors from the college, but teachers from teacher-training institutes and curriculum developers from the region as well as Ministry staff also will be invited.

## Conclusion

Based on the 1996 workshops' success, the HRP and the Ministry believe it would be useful to organize additional workshops for the remaining six teacher colleges in Ethiopia as well as a final training-of-trainers workshop that will include participants from the completed workshops. Concurrently, we are exploring the possibility of developing classroom materials including textbooks and teaching guides for both students and teachers. We believe these are effective ways to impact the education infrastructure and greatly enhance Ethiopia's capacity to educate its citizens about human rights through schools. ■

*Ozong Agborsangaya, program coordinator in The Carter Center's Human Rights Program, designs and implements technical assistance initiatives to strengthen institutions that protect human rights, primarily in Africa. She also provided support to former President Jimmy Carter's efforts toward peace in Africa's Great Lakes region.*

---

*Based on the 1996 workshops' success, the HRP and the Ministry believe it would be useful to organize additional workshops for the remaining six teacher colleges in Ethiopia as well as a final training-of-trainers workshop that will include participants from the completed workshops.*

# APPROPRIATE METHODOLOGY

by Marie-Louise Strom

Perhaps the first question that comes to mind when introducing the idea of education for human rights and democracy is: "What should be taught?" But an equally important question that needs to be asked is: "How should we teach?" This paper reflects on the important link between these two questions, emphasizing how methodology needs to support—not undermine—the content.

## The Competent Citizen: Essential Skills and Values

The standard division of any curriculum's outcomes into three main categories—knowledge, skills, and values—can be applied to human rights and democracy education. Such a program's overarching aim is to empower students to become active, responsible citizens who have a strong sense of freedom and autonomy, are able to assert their rights, and are committed to respecting others' rights. But it is not sufficient just to know about human rights and democracy; students need to believe in and practice these concepts as well.

Teachers committed to educating citizens cannot be satisfied alone with the transmission of knowledge such as the content of a bill of rights or the history of democracy. Knowledge acquired through human rights and democracy curricula in schools needs to be supported by the acquisition of several key democratic skills. To play an active role in public life and the ongoing protection of human rights, a competent citizen should be equipped with the following skills, here grouped into four broad categories:

### 1. Intellectual Skills

- Inquiry and research
- Analysis
- Critical thinking
- Defending a position
- Interpreting the media and understanding its influence

### 2. Interpersonal skills

- Communication
- Assertiveness
- Negotiation
- Mediation
- Conflict management
- Diversity management

### 3. Meeting Skills

- Organizing and facilitating meetings
- Joint decision-making
- Consensus-building
- Obtaining a mandate
- Reporting

### 4. Organizational Skills

- Monitoring policy implementation, especially human rights
- Disseminating information
- Lobbying and advocacy
- Organizing campaigns



*A teacher at the Addis Ababa workshop demonstrates to participants lesson plans for geography.*

THE CARTER CENTER

It seldom is appropriate to conduct specific lessons to teach such skills, as they cannot be taught in the space of a few hours. Students acquire these skills gradually and most effectively through a "hidden curriculum" of which methodology forms a crucial part.

In addition to the skills listed above, several values should be included among the outcomes of a human rights and democracy curriculum. In spite of the controversy that often surrounds values education, one cannot deny that values are implicit in all choices made about what is to be taught in schools and about methodology. Good citizens cherish those values associated with democracy and human rights. When it is decided that these values should underpin the curriculum, they must be made explicit, and their development must be fostered. Examples of such values include:

- |                    |                  |
|--------------------|------------------|
| ■ Equality         | ■ Justice        |
| ■ Freedom          | ■ Fairness       |
| ■ Respect          | ■ Cooperation    |
| ■ Tolerance        | ■ Accountability |
| ■ Civic-mindedness | ■ Transparency   |
| ■ Empathy          | ■ Commitment     |

### **Experimental Learning: The Key to Effective Human Rights and Democracy Education**

Having focused briefly on democracy and human rights curricula outcomes in terms of knowledge, skills, and values, it now is important to take stock of the implications of methodology. It does not make sense to teach democracy using didactic styles and methods that undermine the message. Old-fashioned teaching styles that focus on teachers as the sources of knowledge and expect students to be silent and subservient simply do not fit with the subjects of human rights and democracy.

In the 1960s, mass communications expert Marshall McLuhan coined the famous phrase: "The medium is the message." With these five words, Mr. McLuhan summarized the idea that one can determine the success with which someone communicates a message by the way he/she chooses to communicate it. Indeed, *what* one communicates and *how* one communicates should convey the same thing. It is impossible to expect that a series of lectures on democracy will produce the same outcomes of those skills and values listed above or that human rights can be taught effectively in a classroom in which individual voices are stifled. The remainder of this paper is devoted to exploring methodologies and approaches to "the hidden curriculum" that help foster these skills and values that characterize a "good citizen."

For a long time, methodologies applied in the field of adult education, as opposed to traditional pedagogy, have emphasized the importance of learning from experience. Since adult students bring with them lifetimes of experiences into a learning situation, it is impossible for adult educators to begin on the premise that their students know nothing. Hence the challenge facing adult educators is how to maximize students' experiences as well as create fresh ones that contribute to learning.

Similarly, at the school level, far greater attention should be paid to creating an environment in which pupils learn about human rights and democracy through experience. The particular knowledge, attitudes, and skills that form the desired outcomes of a democracy education program best can be achieved by using participatory methodologies in the classroom and deliberate construction of a hidden curriculum so as to provide maximum opportunity for learning from experience.

### **The Learning Cycle: A Basis for Experiential Learning**

Experience on its own is not enough. Theories on adult education emphasize that learning occurs through disciplined reflection on experience. This forms part of a natural learning cycle, which, although based on the same process, different theorists have presented in different ways.

Four key steps summarize this cycle:

- 1) The experience itself.

---

*The particular knowledge, attitudes, and skills that form the desired outcomes of a democracy education program best can be achieved by using participatory methodologies in the classroom and deliberate construction of a hidden curriculum so as to provide maximum opportunity for learning from experience.*

- 2) Identifying key elements in the experience.
- 3) Analyzing those elements to understand the experience.
- 4) Developing a general statement from the analysis to guide future action.

Learning occurs only once students have passed through all four steps, and, if, based on their experience, they then consciously decide how they will act in the future.

While this approach to experiential learning has been applied most often in adult education, it can be used very effectively in schools, particularly for human rights and democracy education. Therefore, when teachers plan their lessons, they should bear in mind the above learning cycle, ensuring pupils have experiences on which to reflect and allowing time to analyze and generalize.

The initial experience on which learning is based can come in many forms. Students can observe or be introduced to someone else's experience. They also can be helped to recall their own past experience. The lesson itself can, at times, present an experience through drama. The teacher can create a structured classroom situation in which students have their own experiences firsthand.

It must be said again: Experience on its own is not enough. For learning to take place, one must reflect on experience in a disciplined way. The first step in this process is simply to take stock of the experience. This can be done by reconstructing the experience mentally and identifying key elements such as who was involved, when and where it happened, exactly what happened step by step, and one's feelings at the time. It can be tempting to skip or rush through this phase of reflection, but the analysis that follows will be much more accurate and useful if one takes time to look carefully at what constituted the experience in the first place.

The next phase, analysis, consists of a student's efforts to understand an experience by trying to explain why it happened, comparing it to other experiences, and asking many critical questions about it.

Finally, the student needs to come to a personal conclusion about exactly what he/she has learned and to acknowledge the learned information as fit for general application. A teacher cannot tell a pupil what he/she has learned. If the pupil does not reach his/her own conclusions, then he/she cannot claim to have learned anything. This step of generalizing simply can take the form of a statement of learning. Sometimes, such a statement produces knowledge completely new to the pupil. Other times, it can confirm or change previously held knowledge or beliefs. Generalizing also can take the form of a plan for future action.

A commitment to experiential learning requires teachers consciously to structure lessons so as to incorporate all four stages of the learning cycle. Sometimes, the stages will follow one another in quick succession. Other times, the reflection stages will follow an experience by many months or years. Often, a complex set of learning objectives can be achieved only through a series of consecutive learning cycles. But teachers always should remember that learning takes place only once a student completes the entire four-phase cycle.

### **Participatory Methodologies: An Aid to Experiential Learning**

The previous explanation of the learning cycle presents in general terms how teachers can facilitate learning through experience. There are several methods that can be used to provide initial experiences upon which to reflect in order to learn. Case studies, field observation trips, interviews, and newspaper-based exercises encourage students to reflect on others' experiences. Drama in the classroom, both rehearsed and improvised, provides a common experience on which students can reflect together. Methods encouraging maximum personal involvement, such as role playing and simulation games, together with creative exercises using art and song, provide powerful firsthand experiences that can initiate new learning cycles.

Also, there are many ways to facilitate the reflection process that must follow the initial experiences. While students can reflect on experience individually, they often can benefit from working in groups, which can be structured in a variety of ways depending on the exercise's objectives. Working in pairs enables pupils to explore experiences in an intimate manner. Large, mixed groups allow numerous varied ideas to be shared. Groups composed of learners from similar backgrounds (e.g., based on gender or language) lead to joint analysis from a

**Experience on its own is not enough. For learning to take place, one must reflect on experience in a disciplined way.**

particular point of view.

It is important to remember that group work fosters several core democratic values—such as freedom of expression or respect for others' ideas—and skills—such as defending a position, managing conflict, or reaching consensus. By encouraging students to work in groups, teachers communicate their belief in the value of each pupil's experience and ideas. Group work also serves to diminish pupils' dependence on teachers, thereby prompting students' autonomy and freedom to draw personal conclusions and hold personal beliefs, both of which represent the very essence of a culture based on human rights and democracy.

### **“The Hidden Curriculum”: Teaching Human Rights and Democracy in Schools**

Instructors can teach many aspects of democracy and human rights without even mentioning the words. While a formal syllabus dealing with these subjects can contribute importantly toward raising pupils' consciousness, it takes commitment from teachers throughout schools and across entire curricula to develop those values and skills that form the basis for a democratic society based on human rights. No matter the subject being taught, if classroom interaction among pupils and between teachers and pupils is grounded in democratic principles and respect for human rights, it will provide experiences from which students can learn about acquiring the above principles and skills.

But what happens inside the classroom during lessons specifically devoted to human rights and democracy is not nearly enough to achieve desired outcomes of such an education. In addition to school-level teachers in all subjects committing to participatory methodologies and democratic classroom management, the school at large needs to support the study of democracy and human rights by fostering a democratic environment. For this, a school system based on democratic governance is absolutely essential, with meaningful opportunities for student participation in decision-making and representation on school-governing bodies. Such opportunities provide practical experiences in fundamental democratic procedures, such as elections, consolidation, and lobbying. The school should actively promote a human rights culture and should provide for the development and appreciation of pupils' diverse interests and talents by promoting a wide range of clubs and sports activities. Schools also can foster civic-mindedness by providing opportunities for students to become involved in volunteer community projects. Through these and other means, a “hidden curriculum” can provide strong support to a human rights and democracy education program.

### **Conclusion: A Holistic Approach**

This paper highlights the necessity of a holistic approach to education for democracy using a range of methodologies, individual experience, and the full scope of a school's curriculum. Questions of methodology are closely linked to the values underpinning experiential learning. But the existence of a formal curriculum for human rights and democracy education is not an end itself; it is only a beginning.

It therefore is important for the entire school to grasp the vision of building within its walls a mini-society based on democracy and human rights. In this way, schools significantly can impact democratization and respect for human rights in society at large.

### **Acknowledgments**

The presentation of the four-phase learning cycle is based on materials produced for the “Designing Educational Events” training course conducted by the South African communities of Vuleka Trust, Botha's Hill, and KwaZulu/Natal. ■

*Marie-Louise Strom is head of Curriculum Research and Development for the Institute of Democracy in South Africa. Ms. Strom has coordinated numerous training programs and designed training manuals including Citizenship and Democracy, Transition and the Constitution, and Building Democracy. Ms. Strom, a former teacher and university lecturer, also served as a facilitator at the December 1996 workshops organized by The Carter Center in Ethiopia.*

---

*Schools also can foster civic-mindedness by providing opportunities for students to become involved in volunteer community projects. Through these and other means, a “hidden curriculum” can provide strong support to a human rights and democracy education program.*

# WORKING EXERCISES

by Nancy Flowers

## I. "The Imaginary Country"

**Goals:** to introduce students to the idea of rights based on needs and to familiarize them with the Universal Declaration of Human Rights (UDHR). This will raise ideas of how we value rights. The *Choices* section at the end of this paper presents the option of making a list of classroom rights.

**Learning points:** Human rights documents are based on our own inherent needs. We value some rights more than others, depending on our particular situation. However, one must remember that every right is important to someone.

**What you need:** The UDHR.

**Time:** About an hour and a quarter for the basic activity.

### Procedure:

- 1) Form the class into small groups of five or six.
- 2) Read aloud the following scenario:

"Imagine that you have discovered a new country where no one has ever lived and where no laws or rules exist. You and the other members of your group will settle this new land, but you will not know what social position you will have in it."

- 3) Ask each student to list three rights he/she thinks should be guaranteed for everyone in the new country.

4) Ask students to share and discuss their lists within their groups. Then, as a group, select a list of 10 rights which they all agree are important.

5) Ask the groups to name their countries and write their 10 chosen rights on a large piece of paper or a blackboard for everyone to see.

6) Have the groups present their lists to the entire class, meanwhile making a master list that includes all of the groups' listed rights. For those rights mentioned several times, write them on the master list once, and tick them each time they are repeated.

7) When every group has presented its list, identify those rights on the master list that overlap or contradict one another. Can the list be rationalized? Can some similar rights be grouped together?

8) When the master list is completed, compare it to the UDHR. What are the differences and similarities between each group's list and the UDHR?

9) Use the following *Questions* to draw out the learning points. The *Choices* section gives options for extending the activity.

### Questions:

1) Did your ideas about which rights were most important change during the activity?

2) What would life be like if we excluded some of these rights?

3) Are there any rights you now want to add to the master list?

4) Did anyone list a right on his/her own that was not included in any of the lists?

5) Why is it useful for us to make a master list?

**Choices:** If there is time, ask students to put marks next to the three rights on the master list that they personally think are most important or that they think people could not live without. (This could be done during a class break.)



THE CARTER CENTER

Nancy Flowers demonstrates to elementary school teachers some methods of teaching human rights.

# SAMPLE RESULTS FROM BAHIR DAR TEACHERS' COLLEGE

## "The Imaginary Country"

### Group I:

Our country's name is Freedom Island.

#### Draft Constitution:

1. All men are equal before the law.
2. Elections will be free and based on universal suffrage.
3. Civil rights should be incorporated including those of children, women, and adults.
  - a. Women should be treated equally regarding education, jobs, and property.
  - b. Children and mothers should receive free health care.
  - c. Child labor should be avoided, and there should be no corporal punishment.
  - d. Adult citizens should enjoy rights to a pension and to be equipped with basic need such as housing/shelter and clothing.

#### Our Bill of Rights:

- |                               |  |
|-------------------------------|--|
| 1. Freedom of Movement        | 7. Right to Own Property                                 |
| 2. Responsibility of Citizens | 8. Freedom of Speech                                     |
| 3. Right to Exist             | 9. Freedom of Religion                                   |
| 4. Equality Before the Law    | 10. Development of the Nation Through State and Religion |
| 5. Right to Education         | 11. Equality of Men and Women                            |
| 6. Right to Work              |  |

### Group II:

Our country's name is the People's Democratic Republic of Monomotapa.

In our land, everyone has the right to:

- |   |  |
|---|--|
| 1. Elect leaders and be elected as a leader | 6. Move freely                             |
| 2. Property                                 | 7. Express themselves freely               |
| 3. Worship freely                           | 8. Practice their own language and culture |
| 4. Free basic education                     | 9. Equal treatment by the law              |
| 5. Assemble freely                          | 10. Work                                   |

#### Our Bill of Rights:

- |  |  |
|--|--|
| 1. Right to Education (Article 26)                         | 12. Equality for Women   |
| 2. Right to Worship/Freedom of Religion                    | 13. Protection of Children                                     |
| 3. Right to Mobility/Freedom of Movement                   | 14. Right to Exist   |
| 4. Right to Own Property                                   | 15. Right to Expression/Freedom of Speech (Article 19)         |
| 5. Right to Equality                                       | 16. Right Not To Be Subjected to Arbitrary Arrests (Article 9) |
| 6. Right to Security (Article 7)                           | 17. Right to Respect   |
| 7. Right to Work   | 18. Right to Own Culture and Language                          |
| 8. Right to Basic Necessities (food, shelter, health care) | 19. Right to Pension   |
| 9. Right to Associate/Assemble/Form Parties                | 20. Right to Participate in Government                         |
| 10. Right to Hold Elections/To Be Elected                  |  |
| 11. Right of Nationality                                   |  |



## II. "What Does a Child Need?"

**Goals:** To stimulate thinking about children's needs, link human rights to human needs, and increase familiarity with the articles of the Children's Rights Convention (CRC) and the UDHR.

**Materials:** Chart paper, markers, and tape.

### **Procedure:**

- 1) Organize participants into small groups. Each group draws a large outline of a child (small children can draw the outline of one member of their group) to represent a newly born member of the community.
- 2) Each group collectively names the child and writes the name below the outlined figure.
- 3) Each group then decides on the mental, physical, spiritual, and character qualities it would like the child to have as an adult (e.g., good health, sense of humor, etc.) and writes them below the child's name. Groups also might draw pictures on or around the outline to represent these traits (e.g., books could symbolize education).
- 4) Inside the outline, each group lists human and material resources the child will need to achieve the qualities (e.g., if the child is to be healthy, it will need food and health care).
- 5) Each group identifies those CRC articles that guarantee its child each of their listed needs and writes the number(s) of the appropriate article(s) next to each need. Groups should circle any needs not covered by the CRC.
- 6) Each group posts its completed "child" on the wall and explains its choices. When a need is linked with a CRC article, one member of the group reads the relevant article from a simplified version of the CRC.
- 7) As one large group, participants then discuss those features common to most posters. What were the most common needs? Why? Were some needs listed only once or twice, and if yes, should they also be considered important for all children?

### **Further discussion:**

- 1) Were any needs not covered by the CRC? How can one explain these omissions?
- 2) Which of these essential needs are provided or not provided for children in your country? By whom or by which institutions? Why are some not provided? What action can be taken to meet these needs?

## III. "Rights in the News"

**Goals:** To develop an awareness of human rights issues in everyday life and to see human rights not only being violated but also being protected and enjoyed.

**Materials:** Newspapers, large sheets of paper, tape or glue, and scissors.

### **Procedure:**

- 1) Divide participants into small groups, and give each group some newspaper pages and a sheet of poster paper.
- 2) Each group constructs a poster using newspaper items from the following categories:
  - a) Rights being practiced.
  - b) Rights being denied.
  - c) Rights being protected.
  - d) Rights in conflict.

Encourage participants to look not only for news stories but also small features such as announcements and advertisements (e.g., the paper's language itself illustrates the right to language and culture, advertisements can illustrate the right to private property, reports of social events may show cultural rights, and personal columns can reflect many rights in practice). Each clipping should be labeled with the UDHR article, covenant, or convention it illustrates. (Alternative: All groups contribute to four separate posters, combining the articles they found into class posters.)

- 3) A spokesperson from each group summarizes his/her group's selections.
- 4) Concluding discussion:
  - a) Which categories were easiest to find? Which were hardest? Why?

## Sample Results from the Ministry of Education, Addis Ababa

### “What Does A Child Need?”

#### Group I:

Our child's name is Mamush.

1. Mamush should be loved, have proper family care such as a good diet and receive a good education (Article 5).
2. His rights as a child should be respected.
3. He should respect all religions (Article 14).
4. He should be free, honest, and should be responsible to his community.
5. He should have the freedom to play and not be forced to work.
6. He should be free to express himself.
7. He should have what he needs to be healthy and strong (Article 3, Section 3).
8. He should respect his family, teachers, and community as well as the world community.
9. He should be a real democrat.

b) What seems to be the state of human rights in the world today?

c) What are the most positive initiatives and actions for the protection and fulfillment of human rights?

#### Further Activities:

1) Leave the posters hanging for an extended time, during which participants can continue to add clippings. Then, reassess the posters and the concluding discussion.

2) Ask students to compare coverage of the same event in different newspapers and/or various media (e.g., radio, magazines, TV). What differences do they observe in the importance given to the story? In the emphasis of various features of the story? Are there different versions of a single event?



THE CARTER CENTER

Group II in “Dramatizing Rights” discusses their skit on women's rights.

3) Ask students to watch a TV news program and write down the topics covered and the amount of time given to each one.

#### IV. "Dramatizing Rights"

**Goals:** To help children understand how human rights documents involve issues that affect their everyday lives. Such connections to their own lives help children internalize the meaning and importance of human rights. This activity is adaptable to the rights of children, women, minorities, or any other group.

**Materials:** The UDHR, the CRC, the Convention on the Elimination of ALL Forms of Discrimination Against Women (CEDAW), the African [Banjul] Charter on Human and Peoples' Rights, and the Ethiopian Constitution.

**Procedure:**

1) Divide students into small groups of about six each. Ask each group to select an article from one of the above materials to dramatize. Groups can show the right as being enjoyed, denied, defended, or all three. Each presentation should include announcing the chosen article's number and reading the full article aloud.

2) Allow about 10 minutes for groups to prepare, then ask each group to present its skit.

3) Conclude with a discussion of some of the following questions:

- a) What happens to people when these rights are denied them? When they are enjoyed and defended?
- b) What can people do when their rights are denied? Which of these responses is most effective? Why?
- c) What people and organizations exist to protect people's rights?
- d) What responsibility do people have to defend others' rights? How can they do so?
- e) Why have documents like the UDHR, the CRC, and the CEDAW been written? How can they help people protect and enjoy their rights?
- f) Why is it important to know about these documents? ■

*Nancy Flowers, a former high school teacher and administrator, is a curriculum development expert. For the last decade, she has worked to develop Amnesty International's program in human rights education and currently serves as its curriculum coordinator. She also served as one of the facilitators for the December 1996 workshops organized by The Carter Center in Ethiopia.*

# DEMOCRACY AND HUMAN RIGHTS: AN OVERVIEW OF THE AFRICAN CONTINENT

by Derrick Marco

World War II is probably the most gruesome event of modern history, depicting the sad reality of how negative power can grossly violate human dignity and the preservation of life. In response to the war, the world body politic introduced a set of standards to inform nation-states of their powers. The Universal Declaration of Human Rights (UDHR) is, as its name signifies, an international document dealing with the rights of all humans. Though its status is not legally binding, it does enable nation-states to measure their own citizens' quality of life as well as that of other nation-states' citizens.

The UDHR is a widely accepted framework. However, the concept of human rights is not a defined body of knowledge developed by experts. Rather, it is a continuously evolving notion created through people's cumulative experiences. In this century, such experiences have been overshadowed by humanity's greed and destruction. As we near this century's end, we collectively realize the need to revisit those values that have formed our very being especially on the continent of Africa.

## An Overview of the African Context

In its simplest sense, democracy is governance by election that uses the rule of law to ensure the constitution is upheld. The constitution should be a document that upholds democratic values and protects citizens against state power. Principles, values, and procedures should be enshrined in the constitution to ensure the government can administrate in an orderly fashion.

As a system of government, democracy is the way in which state officials come to power and rule the country between elections, using the constitution and the rule of law to maintain order. Citizens within a democratic state have the right to

demand democracy but then have the responsibility to maintain it. Therefore, citizens' freedom is limited insofar as they must maintain orderliness. There are five key concepts that are fundamental to the institution of the nation-state being effective and running smoothly. They include:

- 1) Democracy as a system of government.
- 2) The rule of law.
- 3) The constitution.
- 4) Citizen rights.
- 5) Citizen responsibility.

These ideas have taken on different meanings in different countries, which I will not explore in this short paper. Countries have attached varying levels of value to them, depending on the economic and political forces in play at a democratic state's particular juncture in history.

But democracy is much more than a system; it also is a set of values located within a broader, all-encompassing set of values called human rights. It deals with human dignity and integrity, and in the most simplistic westernized sense, it

was founded on individual freedom and equality. As a concept, human rights first were introduced in Europe after World War II and then were exported within the framework of individuality to countries across the globe. In this sense, the human rights culture became a global phenomenon, without due consideration of local cultural practices in countries that gained independence. The disconcerting fact is that while countries were being decolonized, economic imperialism began to emerge, disempowering newly founded nation-states from evolving as independent entities that could enter the global market as equals.

In their most pragmatic sense, human rights are a nation's values, which serve to uphold human dignity and respect for and reciprocity toward one



Derrick Marco (center) meets with Ato Zewadu (left) and Ato Bokale of the Ministry of Education in Addis Ababa.

THE CARTER CENTER

another. A human rights culture is the heart, passion, and *essentiale* of a nation and humanity.

One critical question is What meaning do human rights have on or for the continent of Africa? The UDHR was drawn up in response to the horrific massacre and destruction of World War II. It addressed most human rights abuses as they manifested themselves in Europe and the United States but did not address the growing onslaught of violations in Africa. Overcome by negative economic power and greed, reckless destruction informed the rape of Africa. Dignity of the other and moral values that guided Africans' being were lost. In addition, many African countries were governed with sheer terror by dictator warlords who often were actors in the Cold War between East and West. And so, in the aftermath of colonialism, Africans asked: What do human rights mean to those who twice have been punished for no sins except those of hospitality and neighborliness?

If the notion of human rights is not a defined body of knowledge developed by experts but rather one that evolves through peoples' cumulative experiences, an appreciation of knowledge should not be equated with imposition of knowledge onto an evolving experience (as has been the case in Africa over the last two decades) without considering states' economic and social realities. However, this does not discount the profundity of respect for human dignity, which runs through the veins of every rationally thinking person.

Here, I would like to argue for a paradigm to allay mistrust and instill respect for humanity. This paradigm begins on the premise that human dignity is embodied in our fundamental existence as human beings and needs to be treated as such. This does not necessarily mean that a state must not act as an instrument of power to enforce such treatment. However, it does imply that respect for humanity is above the state and should form a key tenet for everyone. It also should become the heartthrob of every instrument of power—economics, politics, and societal expressions and interactions. Unless elements of mistrust can be broken down through honest communication and openness, all attempts to engineer respect for human dignity will be in vain.

A human rights culture transcends nations' boundaries but remains entrenched in democratic states' constitutions to ensure it is upheld at that level. Dignity, respect, and integrity of the other are universal principles that have in part shaped civilization over many centuries. However, negative power, greed, and modernization have led to the demise of human rights. As this century draws to a close, it is gratifying to see the world searching for expressions of ancient, past values that help distinguish humans from animals.

One can argue that as a result of World War II's tragic consequences, the post-war period rekindled the spirit of human values. This spirit was reawakened in the West because of its search for human values and development of instruments and mechanisms to inform and protect a culture of human dignity. But this culture is inherent in each and every society, as is, for example, the right to life. In Africa, such a human rights culture can be equated with "ubuntu"—a Xhosa (a South African language) term referring to respect for others' humanness, and it should be stressed so that Africa and other societies across the globe can reclaim ownership of these values. Indeed, human rights values transcend nations and should be the foundation on which we collectively enter the next millennium.

So why did Africa lose ownership of human values of dignity, respect, and integrity? In fact, it did not lose ownership; it was raped of its pride, humanity, and value base. Colonialism split Africa into pockets of select European language entities, enforced its authority without regard to local cultures and languages, and exploited the continent's rich natural resource base. Post-colonialism employed strategies of selective independence, entrenching boundary divisions that did not reflect the logical affinities of the past. Philosopher Franz Fanon reveals in his study of Nigeria's inhabitants that the psychological effects of violence on colonized people implants on their collective conscience that violence, if not against the powerful colonizer, then against their brothers and sisters, is the only way to ensure survival. Valuing humanity used to be an essential part of being African but was violently rooted out in the colonial era and replaced with force as the main means of survival. Only through the cumulative experiences of past generations translated into modern practices can we reclaim our rightful ownership of the universal

**So why did Africa lose ownership of human values of dignity, respect, and integrity? In fact, it did not lose ownership; it was raped of its pride, humanity, and value base. Colonialism split Africa into pockets of select European language entities, enforced its authority without regard to local cultures and languages, and exploited the continent's rich natural resource base.**

principle of respect for human dignity and integrity. It is a challenge for us Africans to rewrite our own chapter in history as we search for the values practiced by our ancestors and translate them into modern expressions, not only to equalize the human rights playing field as espoused by Western democracies but also to introduce values that are informed by our shared reality.

The institution of democracy is a fundamental prerequisite for establishing and maintaining a human rights culture. But the values espoused through this culture are more effective in citizens' responsibility to respect others' dignity and self-worth, both individually and collectively.

These provisional thoughts, not yet fully impacted, are intended to stimulate and further harness the debate of human rights in Africa and particularly in Ethiopia, which had the privilege of participating in the development of the UDHR and the African Charter. But Ethiopia also has its own history of symbols; myths; horrors; and today, opportunities. ■

*Derrick Marco is the head of the regional office of the Institute for Democracy in South Africa (IDASA). He has been actively involved in community-based advocacy as well as human rights and democracy training in South Africa. He was a facilitator for The Carter Center's December 1996 workshops in Ethiopia.*



*Participants listen to Derrick Marco discuss the South African Bill of Rights and the Ethiopian Constitution.*

THE CARTER CENTER

# NGOs' ROLE IN HUMAN RIGHTS EDUCATION

by Ibrahim Idriss

To encourage Ethiopians to play an active role in addressing societal problems democratically and in influencing political developments in their country, there are no better alternatives than raising their awareness about public affairs, political issues, and their rights and duties; increasing citizen participation and efficacy; and developing a democratic culture of tolerance, moderation, and willingness to compromise. These activities, I believe, can be accomplished by undertaking a series of measures, of which strengthening human rights nongovernmental organizations (NGOs) is the most important. The presence of strong human rights NGOs helps empower people by raising their level of consciousness and encouraging them to participate actively in the political process. A number of local human rights groups are involved in The Carter Center's initiative to assist in the effort of Ethiopia's Ministry of Education to educate citizens on human rights and democracy.

For human rights and democracy to thrive and be sustained in Ethiopia, not only for certain specific audience groups but also at the grassroots level, NGOs can provide tremendous service by helping promote and protect human rights. In Ethiopia, as in many other countries, human rights NGOs can reach the general public, exerting

tremendous impact on the country, and can contribute to enhancing respect for human rights and strengthening democracy. In the Republic of South Africa, the Central African Republic, and the Philippines, human rights NGOs, together with all other civil society organizations, among many other groups, help societies protect themselves from hostile state measures, act as targets of democratization, and serve as fora to engender pressure on the state to reform.

Currently, many in Ethiopia view human rights NGOs as alternatives to the state for promoting the knowledge of a human rights education. Indeed, one can not underestimate education's contribution over the last few years to the promotion of human rights and democracy in Ethiopia. Although as yet no research has been undertaken on the impact of human rights education carried out by local NGOs, it is not difficult to imagine that, at least in big cities, numerous people (though limited to few groups) have benefited from the teachings and training opportunities such NGOs offer. Their dissemination of human rights education knowledge and democratic principles among target groups—members of the legal profession, teachers, members of the medical profession, journalists, leaders of political parties and associations, government officials, and



*Ato Ibrahim Idriss of Addis Ababa University and Ato Tsegay of Bahir Dar Teachers' College lead an activity at the Bahir Dar workshop.*

THE CARTER CENTER

members of the general public—has contributed to fostering respect for others' rights and freedoms as well as understanding tolerance, coexistence, and techniques for addressing societal problems in a constructive, thoughtful manner. Human rights NGOs also encourage citizens to organize in civil society groups. Financial and material supports from aid-givers such as the U.S. Agency for International Development, the U.S. Information Agency, and the National Endowment for Democracy have helped strengthen NGO activity in Ethiopia.

Although various types of NGOs exist throughout the country, it is interesting to note that Ethiopia does not have a comprehensive law governing such organizations. Except in the past several decades, Ethiopia has been the seat of a wide range of local and foreign NGOs involved in diverse activities, the number and variety of which have increased since an outbreak of drought and famine there. In 1973-74, 1984-85, and the period after Col. Haile-Mariam Mengistu, a new category of entities—human rights NGOs—was added to the list, but the concept of NGOs has not specifically been recognized in legal terms. As experience shows, all types of civil society organizations, including NGOs (which certainly are a new concept to Ethiopia's legal system) continue to be governed by the 1960 Ethiopian Civil Code Articles on Civil Association, the Associations Regulation No. 321/1966, and series of directives and other rules that emerged in various legislation issues over the last few years.

The adoption of the 1987 Ethiopian Federal Democratic Republic Constitution has ushered in a legal regime period on which a solid ground for developing a law concerning civil society organizations, including NGOs, could be laid. Article 31 of Ethiopia's Constitution specifically endorses the right of every person to associate freely for any cause or purpose, save for those that illegally subvert the rule of law and the constitutional order. In addition, Article 13, Section 2 binds Ethiopia to the UDHR and other international human rights principles to which one could refer as guidelines for interpreting the fundamental rights and freedoms embodied in Ethiopia's Constitution. Respecting the right of free association no doubt facilitates the formation and operation of human rights NGOs and other groups without unreasonable restraint.

Unfortunately, no legal measure of implementation has been undertaken in this particular area as yet. Local NGOs are campaigning for the Ethiopian government to enact democratic implementation legislation governing NGOs and other civil society organizations, and they are urging the government to revise existing Ethiopian laws so they are compatible with the country's new constitution. The current constitution and international human rights laws require the government to observe universal human rights principles in establishing domestic laws that concern the enjoyment and exercise of rights and freedoms, including laws related to human rights NGOs. ■

---

*Human rights NGOs also encourage citizens to organize in civil society groups. Financial and material supports from aid-givers such as the U.S. Agency for International Development, the U.S. Information Agency, and the National Endowment for Democracy have helped strengthen NGO activity in Ethiopia.*

*Ibrahim Idriss, former dean of Addis Ababa University Law School, was director of the Ethiopian Peace and Human Rights Center until his sabbatical. Currently, he is a senior Fulbright fellow at the National Endowment for Democracy in Washington, D.C.*





THE CARTER CENTER

*Participants discuss strategies for human rights education as Ato Tsegay and Ozong Agborsangaya observe.*

## STRATEGIES FOR HUMAN RIGHTS EDUCATION THROUGH EXTRACURRICULAR ACTIVITIES AND STUDENT GOVERNMENTS

*Developed by teacher trainers at Bahir Dar Teachers' College and teachers at the Addis Ababa workshop.*

Teachers and teacher trainers developed the following strategies to help reinforce human rights education and encourage students to form attitudes of enthusiasm, love, and confidence in multiple aspects of their lives. Teachers and trainers agreed that both males and females should be encouraged to participate equally in all activities, with due consideration given to both of their points of view. Such equal participation will bring about association, generalization, and transference in students' understanding of human rights issues and will help them develop skills they can use in future careers.

### Clubs

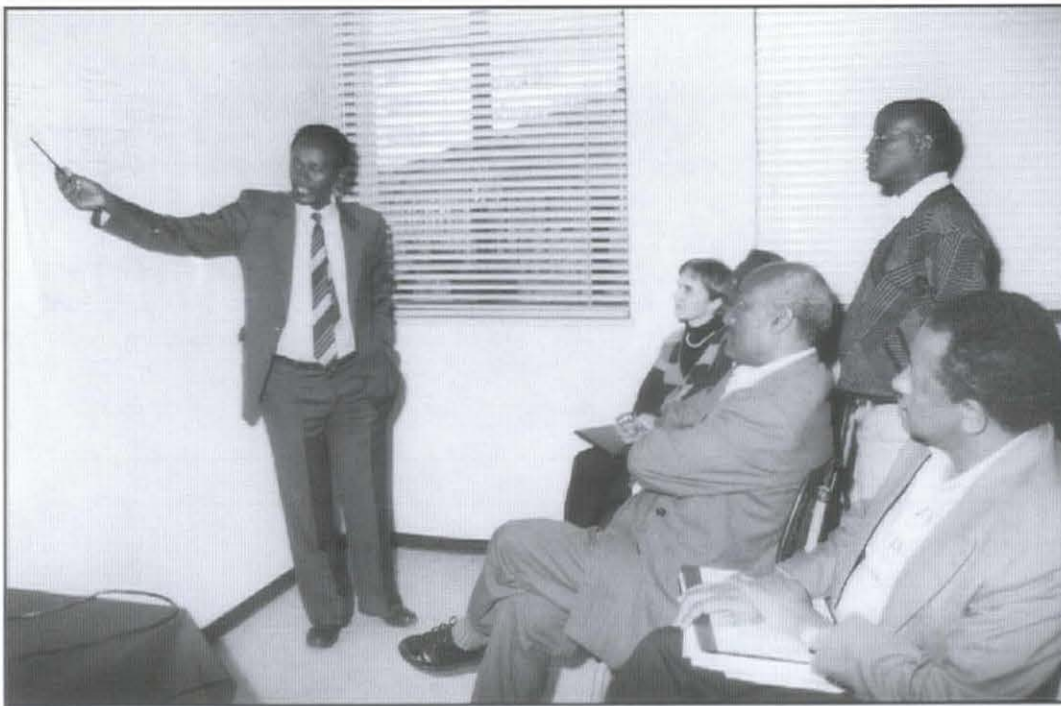
Clubs are a good way to let students pursue their interests and develop their talents. Following is a list of popular clubs along with guidelines for their goals and practices. All clubs should begin with an orientation to inform students about activities and goals and members' division of responsibilities. Every interested student should enjoy the opportunity to enroll in his/her club of choice, and each member should have an equal opportunity to act in all of the club's aspects.

## Sports Club:

**Goals:** It is especially important in sports activities that all who are interested in enrolling are encouraged to do so equally. This helps create an environment conducive to cooperation, teamwork, and enjoyment of the sport(s). Participants of both genders should be encouraged and rewarded. Sports activities are an excellent way for students to develop self-confidence and attain a sense of accomplishment.

**Materials:** Sports equipment, adult supervision, and an on-site first-aid kit.

**Procedures:** Select a sport or agree to play a variety of sports. Selection largely will depend on the will of the participants and the availability of sports equipment. Schedule a time, place, and adult(s) to supervise/coach/referee each event, whether for practice or competition. Supervising adult(s) should emphasize the importance of teamwork, dedication, and best effort and should ensure fair play. Participants must accept the supervising adult's word as final.



THE CARTER CENTER

*A teacher explains to Addis Ababa participants some ways to incorporate human rights education into history classes.*

## Environmental Education Club

**Goals:** An environmental education club fosters both admiration and respect for the environment. Students learn to understand the importance of maintaining a healthy environment by using resources wisely and efficiently. In doing so, students learn much about this important part of being a responsible community citizen.

**Materials:** These largely depend on the activities planned. Art supplies, such as poster board and markers, are useful for making posters about the environment and how to treat it. Garbage bags for cleaning up litter and materials for studying the environment also can be helpful.

**Procedures:** Environmental club activities could include making posters with positive environmental messages, volunteering for community beautification projects, or preparing field trips and excursions. Themes such as recycling, anti-littering, using resources wisely, and appreciating nature should be emphasized.

## Drama and Literature Club

**Goals:** A drama and literature club provides students who enjoy reading, writing, and acting with an outlet to develop their talents. Participation in this club helps students develop good communications skills and gain confidence in their abilities.

**Materials:** Paper, writing utensils, books of plays or skits, poster board, markers, other art supplies, and props.

**Procedures:** Students should read plays/skits from books and act them out. Assign each student a part (or more than one small part). Form an art team to create the background scenery. Use whatever props can be gathered according to students' imaginations. Students also can write their own plays/skits about issues affecting their lives. Such an exercise provides a creative means for students to express their feelings and opinions.

## Red Cross and Anti-AIDS Club

**Goals:** A Red Cross Club provides an excellent opportunity to encourage students to engage in public service, a very important civic value. The club increases students' awareness of what they need to do to stay healthy and happy.

**Materials:** Pamphlets and/or educational materials about health issues affecting the students' community, including AIDS; markers; and poster board.

**Procedures:** Activities to promote health education for the students and for society could include working directly with the Red Cross, inviting speakers from the Red Cross or other health-related organizations to visit the club, or making posters to spread informative messages about health issues.

# EDUCATION FOR DEMOCRACY

by Assefaw Ghebre-Egziabihier

Democratic development affects education, and education in turn affects democratic development. It is difficult to say which plants the seeds for which in emerging democratic societies. While democracy's effects on education already have been widely discussed, this paper focuses on education's effects on democracy.

Education is a social phenomenon through which social values, beliefs, cultural heritages, new ideas, and other important assets are transmitted from generation to generation. It also is an important tool for development, as its promotion no doubt influences a society's political, cultural, social, economic, scientific, and technological thought. Without it, keeping pace with society's needs and demands can be difficult, and worthwhile progress is impossible. As a pillar, education strengthens and expedites phenomena such as in the following:

"Devotion of human dignity and freedom to equal rights, to social and economic justice, to the rule of law, to mutual assistance, to personal and civic responsibility, to self-restraint and self-respect—all these must be taught and learned and practiced. They cannot be taken for granted."<sup>1</sup>

Democracy, a Greek term denoting a system of governance for people, is for many an emotive word that springs from people's lips when they struggle for freedom and a better way of life.

As a system of rule, democracy is quite different from other "-cracies" and "-isms." Most often, it is quoted as meaning "of the people, by the people, and for the people." The following quote describes some of its distinguishing features:

"Broadly speaking, modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens acting indirectly through the competition and cooperation of their elected representatives."<sup>2</sup>

In the dictionary "democracy" is defined as a "govern-

ment by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system."<sup>3</sup> In other words, democratic involvement can be either direct or representative.

According to renowned political scientist Robert Dahl, democracy is a "system of rule that involves ... processes whereby ordinary citizens exert a relatively high degree of control over [their] leaders." Some equate democracy with fairly conducted, honestly counted regular elections. But however one defines it, the most important thing to remember, according to Diane Ravitch in her article "What Is Democracy and How Should It Be Taught in the Schools?," is that democracy is:

"A process, a way of living together and working together. It is evolutionary, not static. It requires cooperation, compromise, and tolerance among all citizens. Making it work is hard, not easy. Freedom means responsibility. When people govern themselves, they make many mistakes. But the democratic process guarantees that mistakes can be recognized, that changes can be made, and that the people are free to elect a new government. Neither democracy, nor any other system of government, can produce a perfect society. But the promise of democracy is that we ... can govern ourselves and can improve our standard of living while cooperating with each other within a framework of law and institutions that protect cultural and political freedom."

In and of itself, democracy is not a political recipe, nor is it a panacea to all political ills. Whether consciously or unconsciously, people misuse its ideals to further their own interests above those of others. In fifth-century B.C. Athens—the world's first democracy—foreigners, women, and slaves did not have the same right as male citizens to participate in assemblies in which direct democracy was practiced. The following excerpt, from page 7 of "What Is Democracy?" by the U.S. Information Agency (USIA) (October 1991), describes Athen's conditions:

<sup>1</sup>"American Federation of Teachers Education for Democracy: A Statement of Principles." 1987, 8.

<sup>2</sup>*Topic*. USIS: 1995, 2.

<sup>3</sup>"What Is Democracy?" U.S. Information Agency, Oct. 1991, 4.

“For a phenomenon as complex as democracy, its first appearance is remarkably easy to pinpoint: the city-state of Athens in the fifth-century B.C. Periclean Athens, named for its most celebrated leader, inspired generations of later political theorists and statesmen ... The central political institutions in Athens of the sixth and fifth centuries B.C. was the assembly, and [it was] open to all adult male citizens. (Women, slaves, and foreigners were excluded.)”

Also, at one time in the United States—the bulwark of democracy with more than 200 years experience—women were denied the right to vote. However, in 1920, the 19th Amendment for women’s suffrage was ratified, and the U.S. Constitution stood corrected.

The hard fact is that democracy is not a system from which one can reap benefits without giving back to it. Democracy provides rights as well as responsibilities which, in our less-than-ideal world, nevertheless have been denied and wrongly neglected. Those blinded by personal political interests and those not exposed to democracy’s political culture have misused and misunderstood the concept of democracy. Unfortunately, it is not uncommon to witness or experience such misuse. Political zealots and unruly elements use democracy to facilitate their personal interests. Many such people have impeded on others’ rights under the guise of exercising his or her own democratic rights. What a pity to see democracy’s principles so distorted!

The following excerpt from the article “Challenges of Administration” by Roald F. Campbell attacks the misuse of democracy:

“We believe in freedom of the press, speech, and religious expression. But we also have to understand that freedom is a relative matter and that it must be accompanied by responsibility. The relative nature of freedom means that no one is free to pursue his or her own interests to the detriment of the group. A balance between personal freedom and the social good is what we are working to achieve.”<sup>4</sup>

This suggests that for democracy to survive, everyone under all circumstances must observe the rule of law. No matter how high tensions become or how frustrated people get, violence, racism, abuse, and injustice cannot be tolerated as responses. The rule of law needs a strong but independent judicial system that brings to justice and punishes wrong-doers no matter how influential they may be. Such a system also should ensure that victims, no matter how powerless or unimportant they seem, gain relief. Particularly in illiterate, dictator-ridden societies, political leaders often call their regimes “democracies” in a vain attempt to soothe their subjects’ politically aggrieved minds. To do so—trade the promise of democracy for horrendous actions taken falsely in democracy’s name—is an inexcusable political crime.

Democracy and education support each other. Democracy is an ongoing process linked directly to education. Democracy lays a favorable foundation for education, and in turn education sharpens and preserves democracy. It even may be said that education is a necessary condition for the perpetuation of democracy. As stated earlier, education transmits values, cultural heritages, attitudes, practices, and so forth from generation to generation. If democracy is to endure, its societies must pass down those values that support it.



THE CARTER CENTER

Ato Mulugetha of Bahir Dar Teachers’ College leads a storytelling exercise.

<sup>4</sup>Roald F. Campbell. *Introduction to Educational Administration*. Fifth Edition. 1983, 245.

Since education enhances citizens' role in a democracy, it goes without saying that society's youth must be informed and enlightened. USIA's "What Is Democracy?" says:

"Democracy depends upon a literate, knowledgeable citizenry, whose access to the broadest possible range of information enables them to participate as fully as possible in the public life of their society. Ignorance breeds apathy. Democracy thrives upon the energy of citizens who are sustained by the unimpeded flow of ideas, data, opinions, and speculations."<sup>5</sup>

In a democracy, illiteracy is inimical to development and hence is combated. As former U.S. President John F. Kennedy said: "The ignorance of one voter in a democracy impairs the security of all." Indeed, education is of paramount importance to facilitating democratic governance. Citizens should be able to appreciate the value of the rule of law and make wise, informed choices. Cooperation and tolerance play key roles in citizens' active participation of both political and social life. And education is very important in teaching the skills citizens need to judge and form opinions about information provided by the media.

The call for schools to purposefully impart to their students knowledge necessary for informed, reasoned allegiance to democracy's ideals rests on three primary convictions:

- 1) Democracy is the worthiest form of human governance yet conceived.
- 2) One cannot take for granted that democracy will survive or continue to spread, nor can one expect its perfection. Perhaps modern history's greatest drama has been the struggle to establish, preserve, and extend democracy throughout the world. Although much has been accomplished, clearly there is much left to do to achieve justice and civility in many societies;
- 3) Democracy's survival depends upon the transmission of political visions of liberty and equality to each new generation. Such values can unite a country's peoples and can establish a deep sense of loyalty to political institutions that were created to fulfill those visions.

It is important to note that democracy is not dogmatic, and therefore education for democracy should not be indoctrination. No deliberate exclusion or distortion of material should take place for the purpose of inducing irrational beliefs. Education for democracy should be a means toward critical and realistic approaches to issues such as: racial, gender, and cultural equality; the pursuit of education; freedom of speech, press, assembly, transportation, conscience, and religion; the right to vote, work, receive a pension, and travel; the protection of children; personal security; and the right to life.

The question arises that if the desire for self-government, as embodied in democracy, is innate, are democracy's ideals and principles intrinsic as well? The answer is an unqualified "no." People may naturally crave personal freedom, but they are not born with an understanding of social and political arrangements that make possible such freedom for themselves and their children. Such institutions must be learned and developed over time. Indeed, they do not rain from the sky, nor should they be expected as "manna." Through the instrumentation of proper education, dreams of freedom, equal opportunity, individual worthiness and dignity, justice, and fraternity can be realized. "A country's ability to attain meaningful and lasting democratic reform depends largely on the blocks, the pillars, on which its new order is built. Rest a political system on an unstable foundation, ... [and] it will crumble under pressure and fall away like sand. But build that system on solid stones ... and it will hold up and withstand the test of time. ... One of the strongest pillars of democracy is ... the development of an educated citizenry."<sup>6</sup>

To this effect, cultivation of a country's citizenry through various mechanisms becomes categorical, with civic education being one category. It is in response to this important consideration that democratic societies incorporate civic education into their national curricula. Civic

---

*Education for democracy should be a means toward critical and realistic approaches to issues such as: racial, gender, and cultural equality; the pursuit of education; freedom of speech, press, assembly, transportation, conscience, and religion; the right to vote, work, receive a pension, and travel; the protection of children; personal security; and the right to life.*

<sup>5</sup> Ibid., 9.

<sup>6</sup> Ibid., 8.

education is necessary in such curricula as it enhances active self-governance instead of passive acquiescence to others' actions.

The following list, from pages 23-26 of the "Universal Framework for Teaching Democracy, AFT Draft Publication," clarifies this dire need of education for civic knowledge, skills, and character traits.

No individual citizen can know everything he/she would or should in an ideal world. However, informed and effective citizens should have some of the following knowledge:

#### Education for Civic Knowledge

■ **Historical knowledge** to form a context for civic judgment. This includes knowledge of their country's political, economic, and social history; how the modern world came to be, including how freedom developed; and major contemporary events, issues, and ideas.

■ **Geographical knowledge** to be able to incorporate geographical factors into their thinking and judgment. This includes knowledge of regional and world geography and of interaction between their country and the world at large including political, economic, and geographical aspects.

■ **Basic political ideas** to understand the foundations of constitutional democracy. This includes knowledge of the purpose of government, popular sovereignty, constitutionalism, individual rights, the common good, and similar fundamental concepts.

■ **Their country's legal system** to understand whether it functions according to the rule of law. This includes knowledge of the system's operations and citizens' rights and obligations under it.

■ **Their country's political system** to form a context for understanding it and for effective action. This includes knowledge of the principal individual and organizational actors in their country's political life as well as knowledge of the distinction between formal political institutions and civil society, and one's influence on the other.

■ **Basic economic ideas** to make sense of economic policy proposals as applied to their own country and their country's economic relations with the rest of the world.

■ **How nations interact** to understand the effects of international life on their nation's well-being. This includes knowledge of how international life is organized and the role of international governmental and nongovernmental groups.

■ **Sources of information** to know how to become informed. This includes knowledge of the character and reliability of the mass media including print, television, and radio.

#### Education for Civic Skills

Civic skills complement civic knowledge and form an essential component of competent citizenship. Citizens need:

- 1) **Basic literacy skills** to understand public issues and to express themselves accordingly.
- 2) **Basic numeracy skills** to understand economic and social indices that are important for understanding public affairs.
- 3) **Intellectual skills** to apply their knowledge to such affairs.

The following list summarizes the most significant civic skills that citizens should possess:

- **Make thoughtful judgments** about government and public policy.
- **Think critically** about information, arguments, and commentary they encounter on public affairs.
- **Read, write, and speak effectively** in fora appropriate to civic life and public affairs.
- **Work cooperatively with others** including by organizing groups and participating in informal and formal meetings.

4) Citizens also need experience in being leaders themselves. They can gain such experience in their schools, communities, unions, or other organizations through series of simulations and actual practices. As a result, they will better appreciate the problems leaders face and will be

**Citizens also need experience in being leaders themselves ... As a result, they will better appreciate the problems leaders face and will be more readily able to assume leadership roles at some point in their lives.**

more readily able to assume leadership roles at some point in their lives.

### Education for Civic Character Traits

In addition to civic knowledge and skills, citizens of a successful constitutional democracy should have certain character traits to help democracy flourish. While there is no authoritative list of these traits, the following list provides at least a basis for understanding democratic dispositions:

■ **Civility.** Citizens should practice civility, which in its civic context, includes willingness to treat others with respect and as inherently worthy of consideration, regardless of their positions on political issues. Civility means a disposition to adhere to commonly accepted standards of discourse while participating in public debate. Such standards include not engaging in vituperation or personal attack. Civility also means respecting others' right to be heard.

■ **Individual responsibility.** Citizens should adhere freely to the fundamental rules required for the maintenance of constitutional democracy without requiring the imposition of external authority.

■ **Civic-mindedness.** Citizens should be disposed to being concerned with civic order, not only with their private affairs. Thoughtful citizens recognize tension often exists between private interests, including those of the extended family and the common good. They should know that at times it is necessary to place the common good above such personal interests.

■ **Open-mindedness.** Citizens should be open-minded. Being receptive to different ideas and arguments also means being open to considering opposing positions; being skeptical about unsupported generalizations and dogmatism; and recognizing that actions and situations often can have more than one interpretation as political and social realities may be ambiguous and difficult to understand.

■ **Compromise.** Citizens should be prepared to compromise at times in the political process. Where appropriate, compromise should be based upon an understanding of the alternatives, which may include political stalemate; indecision; or, in extreme cases, violence.

■ **Tolerance of diversity.** Citizens should be tolerant of, appreciate, and support diversity. This includes respect for others' right to differ in ideas, ways of life, customs, and beliefs.

■ **Patience and persistence.** Citizens should understand that forming or changing public policy usually requires a great deal of time and persistent effort. However, they should not be dissuaded from seeking desirable goals by this fact or by the inevitable delays and failures that result when trying to exert influence in governmental decision-making.

■ **Compassion.** Citizens should display compassion—the disposition to empathize with others and show concern for their welfare. Compassion is an essential attribute of citizens in a society devoted to the common good.

■ **Generosity.** Where appropriate, citizens should display generosity to individuals and the community at large. This includes extending time, effort, and resources in a civic context for others' benefit.

■ **Loyalty to principles and ideals.** Citizens should act in accord with the fundamental principles and ideals of a constitutional democracy and should commit to narrowing the gap between ideals and actual practices.

For education to help render democracy effective and workable, a strategy is required. First and foremost, education must be liberated from the iron grip of any authoritarian regime. The family (the smallest unit of society and the place where democracy starts), society, educational institutions, and other groups should be given the opportunity to join hands in the educational endeavor. Rosa Maria Torres says in her article "Democratizing Education Through Newspapers" that education must be democratized. She writes:

"Improving education involves going beyond school reform to changes in the way education is conceived and practiced both in and outside the classrooms, at home, in the

---

*It is important to remember that today's students are tomorrow's masters. They should be encouraged to form their own debate and discussion clubs following the examples of the UNESCO Club or the Model United Nations.*



media. Educational change involves the society at large—government and technicians, parents and students, teachers and administrators, the doctors and the illiterates, elites and common folk. Democratizing education means not only increasing access and enrollment, but inviting communities, parents, teachers, and students to participate in school matters and to be an active part of their own education process.”<sup>7</sup>

Many governments, such as the Transitional Government of Ethiopia (now the Federal Democratic Republic), brought the issue of education into the open. In Ethiopia, “a public forum was arranged for concerned nationals to enable them to give personal opinions fairly and freely. After weeks and weeks of ... discussion, the *vox populi* resulted in a new democratic educational policy for Ethiopia.”<sup>8</sup>

Neither democratization nor the promulgation of educational policy are ends themselves. Every detail must be worked out and implemented on the basis of ratified policy. Some important measures include:

1) **Curriculum:** responsiveness to societal needs, published textbooks, a specific medium of instruction, incorporation of civic education, elimination of gender inequality, and a set academic year.

2) **Organization:** necessary equipment, organized teacher training, attention to material and moral incentives for teachers, student participation, and the possibility for privatization of schools.

3) **Financing/Management:** specified roles of government and the public, decentralization of resources and administrative staff, and devolution of power.

This curriculum needs to be worked out clearly and scientifically. Due attention should be given to empowering people at the grassroots level. Public education, with which people can exercise self-governance, should be encouraged as in the United States, where 90 percent of schools are public-run.

It is important to remember that today's students are tomorrow's masters. They should be encouraged to form their own debate and discussion clubs following the examples of the UNESCO Club or the Model United Nations. Such clubs allow students to come together and experience democratic leadership firsthand.

As miniatures of society, the school and its community need to be democratized, as do rural and urban dwellers' associations and literacy centers.

There are several other methods through which citizens, especially students, can acquire democratic orientations. For example, U.S. students invite political and community leaders to visit institutions such as schools, museums, historical sites, and other important public places.

Students need to eagerly and actively participate in national elections. These opportunities give them a good jumping ground to the rules and procedures of elections. Besides they can understand what participatory (direct) and representative democracy are.

Democracy and education are very interrelated. Both are elemental to the development of the other. Education heightens democracy, and democracy in turn ensures the foundation of education. Thus, to make the nascent democratic culture survive and prosper, education has a big role to play. Thus, education for democracy! ■

*Assefaw Ghebre-Egziabiher is head of the External Relations Panel with Ethiopia's Ministry of Education. He has participated in human rights workshops organized by The Carter Center since 1992.*

<sup>7</sup> *The Forum for Advancing Basic Education and Literacy*, Vol. 3, No. 4, Washington, D.C.: Harvard Institute for International Development, Sept. 1994, 7.

<sup>8</sup> *The World of Education*. Vol. 13, No 1. Addis Ababa: Ministry of Education, FDRE, 1994, 48.

## References

Barker, Lucius J. and Twiley W. Barker Jr. *Civil Liberties and the Constitution: Cases and Commentaries*. Fifth Edition. Prentice Hall, 1986.

Universal Framework for Teaching Democracy. Draft by the American Federation of Teachers. Center for Civic Education, June 1994.

*Culture of Democracy: A Challenge for Schools*. UNESCO Publishing, 1995.

Universal Declaration of Human Rights.

The Constitution of the Federal Democratic Republic of Ethiopia. Addis Ababa: Ministry of Education, FDRE. Dec. 1994.

“The Forum: Advancing Basic Education and Literacy.”



THE CARTER CENTER

Ato Befekadu and Ato Zewidu serve as rapporteurs at the Addis Ababa workshop.

# CIVIC AND HUMAN RIGHTS EDUCATION IN THE ETHIOPIAN SYSTEM OF EDUCATION

by Ato Lingerih

These tables demonstrate efforts by Ethiopia's Ministry of Education to design an integrated approach to civic and human rights education for grades K-12.

## TABLE 1

Curricular Objectives, Grades K-12	Objectives for Grade K
<ul style="list-style-type: none"> <li>■ Foster civic knowledge, attitudes, and skills by enstiling ethical and moral values.</li> <li>■ Enstiling pride in Ethiopia's history and culture.</li> <li>■ Develop strong feeling and attachment to Ethiopia.</li> <li>■ Enjoy civic rights and discharge civic duties in line with the Ethiopian Constitution.</li> <li>■ Actively participate in a democratic political, social, cultural, and economic Ethiopian life.</li> <li>■ Be productive citizens who recognize the dignity of labor.</li> <li>■ Recognize, appreciate, and protect the material and spiritual heritage of the environment.</li> <li>■ Employ problem-solving approaches to identify and seek solutions to various situations.</li> <li>■ Respect equality of all peoples, including different ethnic groups and genders.</li> <li>■ Recognize and accept equality of cultures, languages, and religions.</li> <li>■ Avoid social evils that harm individual and national life.</li> <li>■ Acquire solid knowledge about the Ethiopian state and government, due process of law, and relations between the state and the citizen.</li> <li>■ Understand and appreciate basic human and democratic rights.</li> <li>■ Develop critical, logical thinking to distinguish truth from falsehood, right from wrong, and good from bad, and to foster acceptance and ability to change.</li> <li>■ Acquire skills necessary to interpret current world events and topical issues and relate them to local situations.</li> <li>■ Develop a complete Ethiopian citizenry.</li> </ul>	<ul style="list-style-type: none"> <li>■ Become aware of and develop the basics for personality development and learning capacity.</li> <li>■ Show effort to learn new things.</li> <li>■ Foster behavior, morals, and ethics as exemplified in their families.</li> <li>■ Develop social relations for healthy play and cooperation.</li> <li>■ Understand and respect family norms and rules and regulations of the kindergarten.</li> <li>■ Voluntarily participate in home and kindergarten activities.</li> <li>■ Become aware of and have respect for family and neighborhood cultures and traditions.</li> </ul>

### Objectives for the Primary Level

- Develop self- and national identities through appreciation of diversity in cultures, language, peoples, physical features, etc.
- Establish sound social relations with peers for healthy and complete personality development.
- Acquire basic citizenship skills necessary for daily life
- Distinguish between and appreciate good from bad, right from wrong, and legal from illegal conduct to understand and appreciate equality among human beings.
- Understand, enjoy, and protect basic human and democratic citizen rights.
- Identify; properly utilize; and preserve cultural, historical, economic, and spiritual heritages.
- Acquire basic cognitive tools for examining the immediate and remote environment.
- Appreciate men's, women's, and skilled workers' roles.
- Participate consciously in activities relating to new findings, changes, and development.
- Develop and foster a sense of working cooperatively for the common good.
- Identify and realize the natures, purposes, and activities of international organizations and Ethiopia's place in them.

### Objectives for the Secondary Level

#### *State and Governance*

- Understand ties between citizens and government .
- Believe in the public as a decision-maker.
- Recognize types and forms of government and state.

#### *Politics and Political Socialization*

- Participate in the political socialization process.

#### *Democracy*

- Ensure freedom and equality.
- Respect others' rights.
- Oppose dictatorship and human rights violations.

#### *Social Norms and Values*

- Conform to social norms.
- Recognize equality of cultures, languages and religions.
- Take pride in being an Ethiopian.
- Be loyal and law-abiding.
- Serve Ethiopia.
- Preserve good practices.
- Show concern to duties and responsibilities.
- Participate socially.

#### *Ethics and Values*

- Be ethically upright and morally minded.

#### *Economic and Environmental Issues*

- Examine, explore, and understand the environment.
- Recognize ties between natural resources and economic development.

#### *International Relations*

- Know basics of international relations.
- Identify Ethiopia's role in the world.

#### *Topical Issues*

- Show positive attitudes toward gender and equality.
- Be aware of balance between population and resources.
- Be sensitive to environmental degradation.
- Develop basic social studies skills.

# TABLE 2

## Integrated Approaches to Civic and Human Rights Education for Ethiopian Kindergartens and Lower Primary Schools Grades K-4

THEMES	FIRST CYCLE OF PRIMARY LEVEL: SOCIAL STUDIES AND ENVIRONMENTAL SCIENCES				
	K/PRE-SCHOOL	GRADE 1	GRADE 2	GRADE 3	GRADE 4
Map Reading & Making	1. OUR FAMILY 1.1 Members 1.2 Living together	1. THE FAMILY 1.1 Meaning 1.2 Members	1. OUR DISTRICT 1.1 Economic activities	1. OUR REGION: KALLIL 1.1 Meaning of name	1. OUR COUNTRY: ETHIOPIA 1.1 Meaning of name
Man & Environment	1.3 Division of labor	1.3 Responsibilities 1.4 Language and culture	1.2 Social relations 1.3 Organization •Political •Economic •Social	1.2 Social phenomenon 1.3 Economic activities 1.4 Organization	1.2 Territory 1.3 Peoples and languages 1.4 State and government
People & Culture	2. OUR VILLAGE 2.1 Residence 2.2 Neighbors 2.3 Friends	1.5 Family norms and discipline	2. PEOPLE & CULTURE 2.1 Nationalities and composition	2. PEOPLE & CULTURE 2.1 Peoples 2.2 Cultures 2.3 Languages	1.5 Flag 1.6 National anthem
Great Ideas		2. OUR SCHOOL 2.1 What is a school? 2.2 School community 2.3 Rules and regulations 2.4 School property	2.2 Languages •Use •How many? •Equality	3. CIVILIZATIONS	2. ETHIOPIA & NEIGHBORING COUNTRIES 2.1 Ethiopia as an African nation 2.2 Ethiopia, the Horn, and other East African nations
Historical Heritages	3. OUR KINDERGARTEN 3.1 The compound 3.2 Rooms 3.3 Teachers	3. OUR VILLAGE 3.1 Meaning of village or "kebele"	2.3 Relations and interactions •Respect •Cooperation •Tolerance •Children's rights	4. HISTORICAL HERITAGES & PLACES	3. GREAT IDEAS 3.1 Music 3.2 Literature 3.3 Science 3.4 Philosophy 3.5 Politics 3.6 Sports 3.7 Other
State & Democracy	4. THINGS AROUND US 4.1 Living things 4.2 Non-living things 4.3 Tools	3.2 Social environment 3.3 Social relations 3.4 Norms, rules, and regulations 3.5 Cooperation and mutual respect	2.4 Culture •Spiritual •Material	5. INSTITUTIONS 5.1 Social •Cultural •Religious •Humanitarian	
Economic Development & Social Progress			2.5 Cultural heritages and historical places 2.6 Holidays and celebrations •Religious •Public •National	5.2 Political •Administrative •Legal	
Great Civilizations			2.7 Administration •Traditional •Modern	5.3 Economic •Agricultural •Industrial •Service	
Good Citizenship			2.8 Institutions •Development •Mass organizations •Trade unions •Humanitarian groups •Other organizations		
Topical Issues					
Basic Social Studies Skills	5. MAJOR PLACES AROUND US 5.1 Markets 5.2 Religious centers 5.3 Rivers and mountains				
Current Affairs	6. OUR CULTURE 6.1 Greetings 6.2 Dress/clothing 6.3 How to treat guests 6.4 Others				
	7. HYGIENE 7.1 Individual 7.2 Home 7.3 Compound				
	8. EXEMPLARY CITIZENS				
	9. OUR COUNTRY 9.1 Flag 9.2 National anthem				

# TABLE 3

## Integrated Approaches to Civic and Human Rights Education for Ethiopian Kindergartens and Lower Primary Schools Grades 5-8

THEMES	SECOND CYCLE OF PRIMARY LEVEL: GENERAL EDUCATION IN SOCIAL STUDIES			
	GRADE 5	GRADE 6	GRADE 7	GRADE 8
Map Reading & Making	1. THE AFRICAN CONTINENT	1. WORLD PEOPLES & CULTURES	1. CITIZENSHIP	1. CITIZENSHIP
Man & Environment	1.1 Geographical features		1.1 Study of civics	
People & Culture	1.2 Sociopolitical aspects	2. GREAT WORLD IDEAS	1.2 Rights and duties	2. SELF-GOVERNANCE & THE DEMOCRATIC PROCESS
Great Ideas		2.1 Religion	2. ASPECTS OF GOOD CITIZENSHIP	
Historical Heritages	2. AFRICAN PEOPLES & CULTURES	2.2 History	2.1 Legality	3. HUMAN RIGHTS
State & Democracy	2.1 Peoples	2.3 Discovery	2.2 The common good	4. GREAT IDEAS
Economic Development & Social Progress	2.2 Cultures	2.4 Voyages	2.3 Health	5. GOOD CITIZENSHIP
Great Civilizations	2.3 Peoples and cultures of the Horn of Africa	2.5 Art and literature	2.4 Fighting addiction	5.1 Rights and duties
Good Citizenship		2.6 Music	2.5 Punctuality and respect at work	5.2 Political participation
Topical Issues	3. GREAT IDEAS IN AFRICA	3. SYSTEM OF GOVERNMENT & DEMOCRACY	2.6 Protecting natural and man-made environment	5.3 Social participation
Basic Social Studies Skills	3.1 Outlooks	4. ECONOMICS & INTERNATIONAL RELATIONS	2.7 Private and environmental cleanliness	
Current Affairs	•Negritude	4.1 Economic thoughts	3. ETHNIC & NATIONAL IDENTITY & SYMBOLS	6. CURRENT AFFAIRS
	•Pan-Africanism	4.2 Economic institutions	4. HUMANISM	
	3.2 Discovery	4.3 International relations	5. CURRENT AFFAIRS	
	•Mummification	4.4 The United Nations and its organs		
	•State formation			
	•Other			
	3.3 Literature			
	3.4 Art			
	3.5 Music and dance			
	3.6 Heroism			
	3.7 Philosophy and religion			
	4. GREAT CIVILIZATIONS IN AFRICA			
		5. CURRENT AFFAIRS		
	5. STATEHOOD & DEMOCRACY IN AFRICA			
	6. ECONOMIC DEVELOPMENTS AND SOCIAL PROGRESS			
	7. CURRENT AFFAIRS			

# TABLE 4

## Civic Education for Ethiopian Secondary Schools Grades 9-12

THEMES	SECONDARY LEVEL: LINEAR APPLICATIONS OF CIVIC EDUCATION			
	GRADE 9	GRADE 10	GRADE 11	GRADE 12
Map Reading & Making	1. What is civic education?	1. Ethiopians	1. Civics as a social science discipline	1. Introduction to civic education
Man & Environment		2. Nature of Ethiopia's states		2. Civic dispositions
People & Culture	2. Democracy		2. Major concepts of democracy	
Great Ideas		3. Types of government	3. Civic dispositions	3. Ethics and morality
Historical Heritages	3. Political society and citizenship			4. Challenging social evils
State & Democracy		4. Ethics and morality	4. Great ideas	
Economic Development & Social Progress	4. Nature of the democratic state		5. Challenging social evils	5. Civic participation
Great Civilizations	5. Ethics and morality	5. Civic participation		6. Great ideas
Good Citizenship	6. Economic concepts	6. Elections and political practices	6. Ethiopian economy	7. Pillars of democracy
Topical Issues	7. Ethiopia	7. Gender issues	7. Trade	8. The world economic system
Basic Social Studies Skills	8. Current affairs	8. Population issues	8. International relations	9. The new world order
Current Affairs		9. Challenging social evils	9. Current affairs	10. International relations
		10. Economic concepts		11. Current affairs
		11. Current affairs		

*Ato Lingerih is senior expert in social studies panels with the Institute for Curriculum Development and Research. He was a resource person for The Carter Center's December 1996 workshops in Ethiopia.*

## SAMPLE WORKSHOP EVALUATION

~~General Comments~~

14/12/96

Final workshop evaluation

- ① The Topics and programmes are Really interesting and on my part nothing should be dropped. My suggestion is that try to show us practical human Rights violations in videos etc. I really expect you to come back again and evaluate the Results of the workshops.
- ② Personally and professionally. I have gained a lot of experience, ideas, views etc.
- ③ Nothing is disappointing please continue.
- 4 Practical implementation of human Rights and democratic citizenship.

At last I would like to inform you that, the methodology is fantastic and thus, in the future, would you please arrange Panel Discussions at the end of each activities. I would also

Thank all the educators, coordinators and personally president Carter

Thank you.

\*



LETTER FROM ADDIS ABABA WORKSHOP PARTICIPANT

Mr. TSEGAYE DAMESSA  
WONDIRAD SENIOR SECONDARY  
SCHOOL  
P.O.BOX 22115  
Addis Ababa  
Ethiopia

May 30, 1997

To: The Carter Center  
U.S.A

Dear Sir,

I am a senior high school Teacher in Addis Ababa (Ethiopia). I recently came to know the objectives of your center after attending a short workshop on Human Right which had been organized by your center from December 11-14, 1996 in Addis Ababa.

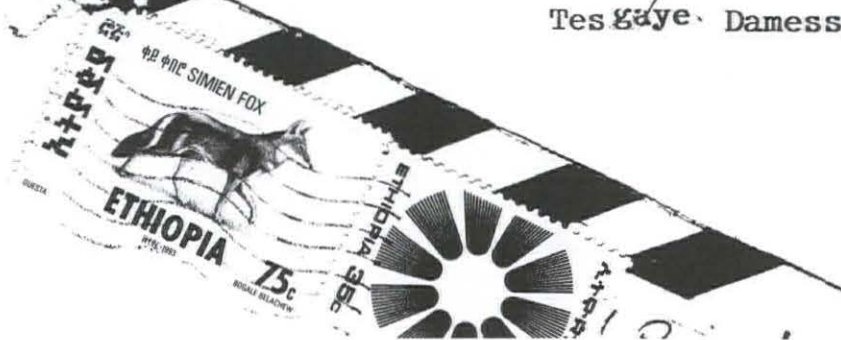
I am very much interested to teach about human Right and civics education through Co-curricular activity to my students.

Therefore, I need your kind assistance to guide me to form H.R. and civics education club at school by providing the necessary materials and information.

Thankyou.

Sincerely yours

  
Tes Gaye Damessa



LETTER DESIGNATING PARTICIPANT TO  
ATTEND BAHIR DAR WORKSHOP

ዓለማዊ ግብርና ዩኒቨርሲቲ



ALEMAYA UNIVERSITY  
OF AGRICULTURE

ፖ.ሣ.ቁ.  
P.O. BOX 138

ድረ-ዳዋ  
DIRE DAWA

ስልክ  
TEL 111399

ፋክስ 251-05-114008  
FAX 251-05-111525

ኢትዮጵያ  
ETHIOPIA

ቁጥር አ/ዳ/15/301.1/89/3611  
Reference ሃዳር 20, 1989  
ቀን  
Date

ለትምህርት ማኔጅሜንት  
አዲስ አበባ

ባህር ዳር ላይ በማዘጋጀት አውደጥናት ላይ እንደ ሰው መርጦን እንደያልክ  
በተጠየቅኩት መሠረት አቶ አመላ ከበደ ዩኒቨርሲቲውን ወክሎ አውደጥናቱን  
እንደገቢሉ የላክን መቼትን እናሰቀጥቃለን።

ከሥልጣን ገዢ  
*[Handwritten Signature]*

መንግስት ሁሉም (ዶ/ር)  
የአካዳሚክ ም/ፕረዚዳንት



*Ato Anha Kebede  
from Alemaya Agricultural  
University*

ሲቆሉን የኛን ደብዳቤ ቁጥርና ቀን ይተቀሱ። In replying, Please Quote Our Reference.

**PARTICIPANTS OF THE WORKSHOP  
ON HUMAN RIGHTS EDUCATION  
SPONSORED BY CARTER CENTER IN  
COLLABORATION WITH THE MINISTRY  
OF EDUCATION OF THE FDRE**

**Addis Ababa December 11-14/1996**

S.No	NAME OF PARTICIPANTS	SEX	ORGANIZATION	POSITION	ADDRESS		SIG.	REMARK
					TEL.	P.O. BOX		
1.	Same Nefeme	M	Bole S.S.S.	Teacher	180082		<i>[Signature]</i>	
2.	TSEGAYE DARRESSA	M	WONDIRADS.S.S.	??	18-77-43		<i>[Signature]</i>	
3.	Bekolo W. Marian	M	Mendikiti Comp	??	11-17-46		<i>[Signature]</i>	
4.	Atnafu Wondmagegne	M	Yekatit 12	??			<i>[Signature]</i>	
5.	ESFTE KEREFDE	F	NEFAS SILK	11	65-03-69	100144	<i>[Signature]</i>	
6.	Tadene GERTU	M	Nefas Silk S.S.	11	16.04.41	2416	<i>[Signature]</i>	
7.	Tadene TEBELIGN	M	Gambella	expert			<i>[Signature]</i>	
8.	Gertu Haddish	M	Higher 12 Com-ss	Teacher	12-70-39	70752	<i>[Signature]</i>	
9.	Alem Birhan Libanos	F	Ginbat DASS	Teacher	16.06-78	-	<i>[Signature]</i>	
10.	LING-RIH G. MEDHAN	M	I C D R	EXPERT	11 68 74	34290	<i>[Signature]</i>	
11.	Mekasha DANISSIO	M	Semali	EXPERT	661913	210	<i>[Signature]</i>	
12.	Salomon Tesfay	M	Gambella T.S.S	Instructor		113	<i>[Signature]</i>	
13.	Alemnew Mekonnen	"	"	INSTRUCTOR	-	113	<i>[Signature]</i>	
14.	MELKAM ALPAM	F	Kolke Comp. Hig. Sc.	Teacher	519945	34005	<i>[Signature]</i>	
15.	Muffi Adem	M	AKAKI Comp. Ser. school	Teacher	341275		<i>[Signature]</i>	
16.	DEGIFU KABETA	M	Wazirah (T.T.I)	Teacher	712939	2110	<i>[Signature]</i>	
17.	Berhanu Tesfaye	M	Dilla Teachers' College	Lecturer	-	-	<i>[Signature]</i>	
18.	Abi Yistaw	M	BDFC	"	200143	79	<i>[Signature]</i>	
19.	ASSEFAN G/Egziabher	M	MOE - FDRE	Head, Ext. Rel.	129360	1367	<i>[Signature]</i>	
20.	Fekadu Beza	M	Tikur Anbesa Sp.	Teacher / Dept. Head	512306	5388	<i>[Signature]</i>	
21.	Ayalew Bekele	M	TTI NABA	institute for	113212	-	<i>[Signature]</i>	
22.	Yeromesh Ayale	F	MOE	senior expert	553133	1367	<i>[Signature]</i>	
23.	Zewdu Desta	M	it	sc	sc	sc	<i>[Signature]</i>	reporter
24.	Aseffa W/meriam	M	AYER TENG	Teacher	204893	m	<i>[Signature]</i>	

**PARTICIPANTS OF THE WORKSHOP  
ON HUMAN RIGHTS EDUCATION  
SPONSORED BY CARTER CENTER IN  
COLLABORATION WITH THE MINISTRY  
OF EDUCATION OF THE FDRE**

**Addis Ababa December 11-14/1996**

S.No	NAME OF PARTICIPANTS	SEX	ORGANIZATION	POSITION	ADDRESS		SIG.	REMARK
					TEL.	P.O. BOX		
1.	MDHAMMED ABUBEKER	M	D.B. T.T.I	Teacher	811012	21		
2.	BEDRU KEDIR	M	D.B. T. T.I	Teacher (Education)	811012	27		
3.	ANTENFH. TAREKEGN	M	G. T. T. I	Teacher	2042	179		
4.	Gefachew Mehari	M	Kokebe Isobah	Teacher	188760			
5.	BONSA Bayisa	M	R.14 Ed. Bureau	Team leader	159407	744		
6.	TESFAYE GESEM	M	EM.M.N	Editor	51-52-13	3025		
7.	Habtai Zerai	M	Medham Alem Co. Soc.	Teacher	13-13-40	3623		
8.	Hailu Kebede	M	Addis Ababa	Teacher	11-98-73	27504		
9.	Fikreselassie G/Lab	M	Highet 7	TEACHER	13294	-		
10.	Ayele worku	M	Mistrak Comp	Teacher	188801	-		
11.	Tadele Zerihun	M	Menelik II Comp	Dep. Head	111746	32939		
12.	Merfi Negusie	M	Higher 20 S.S.	Deputy Director	16288	33375		
13.	YASIN - Mohammed	M	Intoto Comp. S.S.	Teacher	126553	-		
14.	Kebede Delesa	M	Abiyof Kiris	Dep. Head	130255	4936		
15.	Bogale Gishatu	M	D.B. T.T.I	Instructor	812301	20/21		
16.	Tujuba Bekana	M	Oromia Education Bureau	Expert Civic	126844			
17.	DANIEL TILAHUN	M	MOE	Artist	114275	1367		
18.	Gretachew Awoke	M	MOE	Public Relation	1143-75	1767		
19.	ASCHALEWITAYE	M	Nazareth T.T.I	Teacher	111910	410		
20.	Girma Alemayehu	M	SOS	Teacher	712933	41704		
21.	Togay Berhe	M	Bahidar Pedagog	Lecturer	200143	79		
22.	Manasehew G/Egziabher	M	MOE	S. Expert	119502	33478		
23.	Kassaw Ali	M	MOE	S. expert				
24.	DINKALE GORFU	M	MOE	??	114328	33993		

## UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted and proclaimed by United Nations General Assembly  
Resolution 217 A (III) on Dec. 10, 1948.

### Preamble

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

*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 the 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 toward one another in a spirit of brotherhood.

### Article 2

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

Furthermore, no distinction shall be made on the basis of the political, jurisdiction, 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 their forms.

### Article 5

No one shall be subjected to torture or to cruel, inhumane, 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 offense has the right to be presumed innocent until proved guilty according to the law in a public trial at which he has had all the guarantees necessary for his defense.

2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, 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 offense was committed.

#### Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to 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 nonpolitical 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, con-

science, 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 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 cooperation 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 favorable 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 favorable 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, 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 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**

1. 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.

#### **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. ■

## CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Adopted and opened for signature, ratification, and accession by United Nations General Assembly resolution 34/180 on Dec. 18, 1979. Entered into force on Sept. 3, 1981, in accordance with article 27 (1).

*The States Parties to the present Convention,*

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

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

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

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

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

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

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

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

Convinced that the establishment of the new international economic order based on equality and justice will contribute significantly toward the promotion of equality

between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation, and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

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

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

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

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

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

Have agreed on the following:

### Part I

#### Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction,



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

#### Article 2

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

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

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

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

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

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

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

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

#### Article 3

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

#### Article 4

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

when the objectives of equality of opportunity and treatment have been achieved.

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

#### Article 5

State Parties shall take all appropriate measures:

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

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

#### Article 6

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

### Part II

#### Article 7

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

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

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

c. To participate in nongovernmental organizations and associations concerned with the public and political life of the country.

#### Article 8

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

#### Article 9

1. State Parties shall grant women equal rights with men to acquire, change, or retain their nationality. They

shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless, or force upon her the nationality of the husband.

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

### Part III

#### Article 10

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

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

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

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

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

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

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

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

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

#### Article 11

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

a. The right to work as an inalienable right of all

human beings;

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

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

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

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

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

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

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

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

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

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

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

#### Article 12

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

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

### Article 13

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

- a. The right to family benefits;
- b. The right to bank loans, mortgages, and other forms of financial credit;
- c. The right to participate in recreational activities, sports, and all aspects of cultural life.

### Article 14

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

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

- a. To participate in the elaboration and implementation of development planning at all levels;
- b. To have access to adequate health-care facilities, including information, counseling, and services in family planning;
- c. To benefit directly from social security programs;
- d. To obtain all types of training and education, formal and nonformal, including that relating to functional literacy, as well as *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;
- e. To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- f. To participate in all community activities;
- g. To have access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport, and communications.

## Part IV

### Article 15

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

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the

same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

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

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

### Article 16

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

- a. The same right to enter into marriage;
- b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c. The same rights and responsibilities during marriage and at its dissolution;
- d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to enable them to exercise these rights;
- f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- g. The same personal rights as husband and wife, including the right to choose a family name, a profession, and an occupation;
- h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## Part V

### Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be

established a Committee on the Elimination of Discrimination Against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of 18 and, after ratification of or accession to the Convention by the 35th State Party, of 23 experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

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

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

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

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

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

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

of the Committee's responsibilities.

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

#### Article 18

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

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

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

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

#### Article 19

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

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

#### Article 20

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

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

#### Article 21

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

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

#### Article 22

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

specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## Part VI

### Article 23

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

- a. In the legislation of a State Party; or
- b. In any other international convention, treaty, or agreement in force for that State.

### Article 24

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

### Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depository of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

### Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of

ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

### Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

### Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

### Article 30

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

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

## THE CONVENTION ON THE RIGHTS OF THE CHILD

Adopted by the United Nations General Assembly  
on Nov. 20, 1989.

Entered into force on Sept. 2, 1990 in accordance  
with article 49 (1).

### 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, color, 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,*

*Convinced 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 for extending particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declara-*

*tion of the Rights of the Child adopted by the United Nations in 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 its 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 adopted by the General Assembly of the United Nations on Nov. 20, 1959, "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 on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85 of Dec. 3, 1986); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (General Assembly Resolution 40/33 of Nov. 29, 1985); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict [General Assembly Resolution 3318 (XXIX) of Dec. 14, 1974],*

*Recognizing that in all countries in the world there are children living in exceptionally difficult conditions, and that such children need special consideration,*

*Taking due account of 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 cooperation 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 18 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, color, 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.

### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in this Convention. In regard to economic, social, and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

### Article 5

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by the local custom, legal guardians of other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

### Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

### Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

### Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name, and family relations as recognized by law without unlawful interference.

2. Where a child is deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

### Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation, or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

### Article 10

1. In accordance with the obligation of States Parties under Article 9, paragraph 1, applications by a child or his or

her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane, and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents. Toward that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the 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 Convention.

#### Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

#### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### Article 13

1. The child 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 the child's choice.

2. The exercise of this right may 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; or
- b. For the protection of national security or of public order (*ordre public*), or of public health or morals.

#### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience, and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

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.

#### Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights 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 16

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

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

#### Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual, and moral well-being, and physical and mental health. To this end, States Parties shall:

a. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;

b. Encourage international cooperation in the production, exchange, and dissemination of such information and material from a diversity of cultural, national, and international sources;

c. Encourage the production and dissemination of children's books;

d. Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

e. Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.



### Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### Article 19

1. States Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interest cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, Kafala of Islamic law, adoption, or if necessary, placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural, and linguistic background.

### Article 21

States Parties which recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

a. Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives, and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary;

b. Recognize that intercountry adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

c. Ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the cause of national adoption;

d. Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;

e. Promote, where appropriate, the objectives of this article by concluding bilateral or multilateral arrangements or framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

### Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

### Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance,

and facilitate that child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstance of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health-care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote in the spirit of international cooperation the exchange of appropriate information in the field of preventive health care and of medical, psychological, and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health-care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- a. To diminish infant and child mortality;
- b. To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- c. To combat disease and malnutrition including within the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
- d. To ensure appropriate pre- and post-natal health care for expectant mothers;
- e. To ensure that all segments of society, in particular parents and children, are informed, have access to education

and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation, and the prevention of accidents;

f. To develop preventive health care, guidance for parents, and family planning education and services;

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children;

4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in this article. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection, or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall, in case of need, provide material assistance and support programs, particularly with regard to nutrition, clothing, and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility

for the child lives in a state different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements as well as the making of other appropriate arrangements.

#### Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

a. Make primary education compulsory and available free to all;

b. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

c. Make higher education accessible to all on the basis of capacity by every appropriate means;

d. Make educational and vocational information and guidance available and accessible to all children;

e. Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

#### Article 29

1. States Parties agree that the education of the child shall be directed to:

a. The development of the child's personality, talents, and mental and physical abilities to their fullest potential;

b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

c. The development of respect for the child's parents, his or her own cultural identity, language, and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national, and religious groups, and persons of indigenous origin;

e. The development of respect for the natural environment.

2. No part of this Article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 30

In those States in which ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her culture, to profess and practice his or her own religion, or to use his or her own language.

#### Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational, and leisure activity.

#### Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.

2. States Parties shall take legislative, administrative, social, and educational measures to ensure the implementation of this article. To this end, and having regard to the relevant provisions of other international instruments, States Parties in particular:

a. Provide for a minimum age or minimum ages for admissions to employment;

b. Provide for appropriate regulation of the hours and conditions of employment; and

c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.

#### Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social, and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

#### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral, and multilateral measures to prevent:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices;
- c. The exploitative use of children in pornographic performances and materials.

#### Article 35

States Parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction, the sale of, or traffic in children for any purpose or in any form.

#### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### Article 37

States Parties shall ensure that:

- a. No child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment. Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offenses committed by persons below 18 years of age;
- b. No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time;
- c. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- d. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance as well as the right to challenge the legality of the deprivation of his or her liberty before a court of other competent, independent, and impartial authority and to a prompt decision on any such action.

#### Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law appli-

cable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in the hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavor to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman, or degrading treatment punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, peer respect, and dignity of the child.

#### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

- a. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions which were not prohibited by national or international law at the time they were committed;
- b. Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
  - (i) To be presumed innocent until proven guilty according to law;
  - (ii) To be informed promptly and directly of the charges against him or her, and if appropriate, through his or her parents or legal guardian, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
  - (iii) To have the matter determined without delay by a

competent, independent, and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent, and impartial authority or judicial authority according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities, and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and in particular:

a. The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

b. Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance, and supervision orders; counseling; probation; foster care; education and vocational training programs; and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offense.

#### **Article 41**

Nothing in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- a. The law of a State Party; or
- b. International law in force for that State.

### **Part II**

#### **Article 42**

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### **Article 43**

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be

established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

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

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five 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 five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

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

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

a. Within two years of the entry into force of the Convention for the State Party concerned;

b. Thereafter every five years.

2. Reports made under the article shall indicate facts and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1 (b) repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

a. The specialized agencies, UNICEF, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, UNICEF, and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, UNICEF, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

b. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF, and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications;

c. The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

d. The Committee may make suggestions and general recommendations based on information received pursuant to Articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### Part III

#### Article 46

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

#### Article 47

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

#### Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 49

1. The present Convention shall enter into force on the 30th day following the date of deposit with the Secretary-General of the United Nations of the 20th instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the 20th instrument of ratification or accession, the Convention shall enter into force on the 30th day after the deposit by such State of its instrument of ratification or accession.

#### Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favor a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one-third of the States

Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with Paragraph 1 of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the Convention and any earlier amendments which they have accepted.

#### **Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General

of the United Nations who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

#### **Article 52**

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### **Article 53**

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

#### **Article 54**

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

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention. ■

## THE AFRICAN [BANJUL] CHARTER ON HUMAN AND PEOPLES' RIGHTS

Adopted by the Organization of African Unity  
on June 17, 1981.

Entered into force on Oct. 21, 1986.

### Preamble

*The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights,"*

*Recalling* Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from July 17-20, 1979, on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

*Considering* the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice, and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

*Reaffirming* the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

*Taking into consideration* the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

*Recognizing* on the one hand that fundamental human rights stem from the attributes of human beings, which justifies their national and international protection and on the other hand that the reality and respect of peoples' rights should necessarily guarantee human rights;

*Considering* that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

*Convinced* that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social, and cultural rights in their conception as well as universality and that the satisfaction of economic, social, and cultural rights is a guarantee for the enjoyment of civil, and political rights;

*Conscious* of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their

dignity and genuine independence, and undertaking to eliminate colonialism, neocolonialism, apartheid, Zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, color, sex, language, religion, or political opinions;

*Reaffirming* their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions, and other instruments adopted by the Organization of African Unity, the Movement of Non-Aligned Countries, and the United Nations;

*Firmly convinced* of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

Have agreed as follows:

### Part I Rights and Duties

#### Chapter I. Human and Peoples' Rights

##### Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties, and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.

##### Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth, or other status.

##### Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

##### Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

##### Article 5

Every individual shall have the right to the respect of



the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery; slave trade; torture; cruel, inhuman, or degrading punishment and treatment shall be prohibited.

#### Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

#### Article 7

1. Every individual shall have the right to have his cause heard. This comprises:
  - a. The right to an appeal to competent national organs against acts of violation his fundamental rights as recognized and guaranteed by conventions, laws, regulations, and customs in force;
  - b. The right to be presumed innocent until proved guilty by a competent court or tribunal;
  - c. The right to defense, including the right to be defended by counsel of his choice;
  - d. The right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offense at the time it was committed. No penalty may be inflicted for an offense for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

#### Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

#### Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

#### Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association.

#### Article 11

Every individual shall have the right to assemble freely

with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics, and rights and freedoms of others.

#### Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State, provided he abides by the law.
2. Every individual shall have the right to leave any country, including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health, or morality.
3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.
4. A nonnational legally admitted in a territory of a State Party to the present Charter may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of nonnationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic, or religious groups.

#### Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

#### Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

#### Article 15

Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.

#### Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

#### Article 17

1. Every individual shall have the right to education.
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

#### Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also censure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

#### Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

#### Article 20

1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the States Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic, or cultural.

#### Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In the case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on

mutual respect, equitable exchange, and the principles of international law.

4. States Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States Parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

#### Article 22

1. All peoples shall have the right to their economic, social, and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

#### Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity, and friendly relations, States Parties to the present Charter shall ensure that:

a. Any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State Party to the present Charter;

b. Their territories shall not be used as bases for subversive or terrorist activities against the people of any other State Party to the present Charter.

#### Article 24

All peoples shall have the right to a general satisfactory environment favorable to their development.

#### Article 25

States Parties to the present Charter shall have the duty to promote and ensure through teaching, education, and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

#### Article 26

States Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appro-

priate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

## Chapter II. Duties

### Article 27

1. Every individual shall have duties toward his family and society, the State and other legally recognized communities and the international community.

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality, and common interest.

### Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination and to maintain relations aimed at promoting, safeguarding, and reinforcing mutual respect and tolerance.

### Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;

2. To serve his national community by placing his physical and intellectual abilities at its service;

3. Not to compromise the security of the State whose national or resident he is;

4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;

5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defense in accordance with the law;

6. To work to the best of his abilities and competence and to pay taxes imposed by law in the interest of the society;

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue, and consultation and, in general, to contribute to the promotion of the moral well-being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

## Part II

### Measures of Safeguard

#### Chapter I. Establishment and Organization of the African Commission on Human and Peoples' Rights

### Article 30

An African Commission on Human and Peoples' Rights,

hereinafter called "the Commission," shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

### Article 31

1. The Commission shall consist of 11 members chosen from among African personalities of the highest reputation known for their high morality, integrity, impartiality, and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity.

### Article 32

The Commission shall not include more than one national of the same State.

### Article 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the States Parties to the present Charter.

### Article 34

Each State Party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the States Parties to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

### Article 35

1. The Secretary-General of the Organization of African Unity shall invite States Parties to the present Charter at least four months before the elections to nominate candidates.

2. The Secretary-General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

### Article 36

The members of the Commission shall be elected for a six-year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of the three others at the end of four years.

### Article 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in Article 36.

#### Article 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

#### Article 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary-General of the Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.

2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary-General of the Organization of African Unity, who shall then declare the seat vacant.

3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

#### Article 40

Every member of the Commission shall be in office until the date his successor assumes office.

#### Article 41

The Secretary-General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the costs of the staff and services.

#### Article 42

1. The Commission shall elect its Chairman and Vice-Chairman for a two-year period. They shall be eligible for re-election.

2. The Commission shall lay down its rules of procedure.

3. Seven members shall form the quorum.

4. In case of an equality of votes, the Chairman shall have a casting vote.

5. The Secretary-General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

#### Article 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

#### Article 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the regular budget of the Organization of African Unity.

### Chapter II. Mandate of the Commission

#### Article 45

The functions of the Commission shall be:

1. To promote Human and Peoples' Rights and in particular:

a. To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights; organize seminars, symposia and conferences; disseminate information, encourage national and local institutions concerned with human and peoples' rights; and, should the case arise, give its views or make recommendations to Governments;

b. To formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation;

c. Cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.

2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.

3. Interpret all the provisions of the present Charter at the request of a State Party, an institution of the Organization of African Unity or an African Organization recognized by the Organization of African Unity.

4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

### Chapter III. Procedure of the Commission

#### Article 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary-General of the Organization of African Unity or any other person capable of enlightening it.

### Communication From States

#### Article 47

If a State Party to the present Charter has good reasons to believe that another State Party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary-General of the Organization of African Unity and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the inquiring State

written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.

#### **Article 48**

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other State involved.

#### **Article 49**

Notwithstanding the provisions of Article 47, if a State Party to the present Charter considers that another State Party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary-General of the Organization of African Unity and the State concerned.

#### **Article 50**

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

#### **Article 51**

1. The Commission may ask the States concerned to provide it with all relevant information.
2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representation.

#### **Article 52**

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of human and peoples' rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in Article 48, a report stating the facts and its findings. The report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

#### **Article 53**

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

#### **Article 54**

The Commission shall submit to each ordinary Session of the Assembly of Heads of State and Government a report on its activities.

#### **Other Communications**

#### **Article 55**

1. Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.

2. A communication shall be considered by the Commission if a simple majority of its members so decide.

#### **Article 56**

Communications relating to human and peoples' rights referred to in Article 55 received by the Commission shall be considered if they:

1. Indicate their authors, even if the latter request anonymity;
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter;
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity;
4. Are not based exclusively on the news disseminated through the mass media;
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and
7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity, or the provisions of the present Charter.

#### **Article 57**

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

#### **Article 58**

1. When it appears after deliberations of the Commission that one or more communications apparently related to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.

2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth

study of these cases and make a factual report, accompanied by its finding and recommendations.

3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

#### **Article 59**

1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.

2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.

3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

### **Chapter IV. Applicable Principles**

#### **Article 60**

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights, as well as from the provisions of various instruments adopted within the Specialized Agencies of the United Nations of which the parties to the present Charter are members.

#### **Article 61**

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognized by member states of the Organization of African Unity, African practices consistent with international norms on human and peoples' rights, customs generally accepted as law, general principles of law recognized by African states as well as legal precedents and doctrine.

#### **Article 62**

Each state party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter.

#### **Article 63**

1. The present Charter shall be open to signature, ratification, or adherence of the members states of the

Organization of African Unity.

2. The instruments of adherence to the present Charter shall be deposited with the Secretary-General of the Organization of African Unity.

3. The present Charter shall come into force three months after the reception by the Secretary-General of the instruments of ratification or adherence of a simple majority of the member states of the Organization of African Unity.

### **Part III**

#### **General Provisions**

#### **Article 64**

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.

2. The Secretary-General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but a least once a year.

#### **Article 65**

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that state of its instrument of ratification adherence.

#### **Article 66**

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

#### **Article 67**

The Secretary-General of the Organization of African Unity shall inform member states of the Organization of the deposit of each instrument of ratification or adherence.

#### **Article 68**

The present Charter may be amended if a State Party makes a written request to that effect to the Secretary-General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the States Parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the States parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary-General has received notice of the acceptance. ■

## THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

Signed by the Organization of the Islamic Conference  
on Aug. 5, 1990

*The Member States of the Organization of the Islamic Conference,*

*Reaffirming* the civilizing and historical role of the Islamic Ummah which God made the best nation that has given mankind a universal and well-balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith; and the role that this Ummah should play to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization.

*Wishing* to contribute to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah.

*Convinced* that mankind, which has reached an advanced stage in materialistic science, is still and shall remain in dire need of faith to support its civilization and of a self-motivating force to guard its rights;

*Believing* that fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion and that no one as a matter of principle has the right to suspend them in whole or in part or violate or ignore them in as much as they are binding divine commandments, which are contained in the Revealed Books of God and were sent through the last of His Prophets to complete the preceding divine messages thereby making their observance an act of worship and their neglect or violation an abominable sin, and accordingly every person is individually responsible—and the Ummah collectively responsible—for their safeguard.

Proceeding from the above-mentioned principles,  
Declare the following:

### Article 1

a. All human beings form one family whose members are united by submission to God and descent from Adam. All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, color, language, sex, religious belief, political affiliation, social status, or other considerations. True faith is the guarantee for enhancing such dignity along the path to human perfection.

b. All human beings are God's subjects, and the most

loved by Him are those who are most useful to the rest of His subjects, and no one has superiority over another except on the basis of piety and good deeds.

### Article 2

a. Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies, and States to protect this right from any violation, and it is prohibited to take away life except for a Shari'ah-prescribed reason.

b. It is forbidden to resort to such means as may result in the genocidal annihilation of mankind.

c. The preservation of human life throughout the term of time willed by God is a duty prescribed by Shari'ah.

d. Safety from bodily harm is a guaranteed right. It is the duty of the State to safeguard it, and it is prohibited to breach it without a Shari'ah-prescribed reason.

### Article 3

a. In the event of the use of force and in case of armed conflict, it is not permissible to kill nonbelligerents such as old men, women, and children. The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered, and clothed. It is prohibited to mutilate dead bodies. It is a duty to exchange prisoners of war and to arrange visits or reunions of the families separated by the circumstances of war.

b. It is prohibited to fell trees, to damage crops or livestock, and to destroy the enemy's civilian buildings and installations by shelling, blasting, or any other means.

### Article 4

Every human being is entitled to inviolability and the protection of his good name and honor during his life and after his death. The state and society shall protect his remains and burial place.

### Article 5

a. The family is the foundation of society, and marriage is the basis of its formation. Men and women have the right to marriage, and no restrictions stemming from race, color, or nationality shall prevent them from enjoying this right.

b. Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare.

### Article 6

a. Woman is equal to man in human dignity and has rights to enjoy as well as duties to perform; she has her own

civil entity and financial independence and the right to retain her name and lineage.

b. The husband is responsible for the support and welfare of the family.

#### Article 7

a. As of the moment of birth, every child has rights due from the parents, society, and the State to be accorded proper nursing, education, and material, hygienic, and moral care. Both the fetus and the mother must be protected and accorded special care.

b. Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari'ah.

c. Both parents are entitled to certain rights from their kin, in accordance with the tenets of the Shari'ah.

#### Article 8

Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment. Should this capacity be lost or impaired, he shall be represented by his guardian.

#### Article 9

a. The quest for knowledge is an obligation, and the provision of education is a duty for society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee educational diversity in the interest of society so as to enable man to be acquainted with the religion of Islam and the facts of the Universe for the benefit of mankind.

b. Every human being has the right to receive both religious and worldly education from the various institutions of education and guidance, including the family, the school, the university, the media, etc., and in such an integrated and balanced manner as to develop his personality, strengthen his faith in God, and promote his respect for the defense of both rights and obligations.

#### Article 10

Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism.

#### Article 11

a. Human beings are born free, and no one has the right to enslave, humiliate, oppress, or exploit them, and there can be no subjugation but to God the Most-High.

b. Colonialism of all types, being one of the most evil forms of enslavement, is totally prohibited. Peoples suffering from colonialism have the full right to freedom and self-

determination. It is the duty of all States and peoples to support the struggle of colonized peoples for the liquidation of all forms of colonialism and occupation, and all States and peoples have the right to preserve their independent identity and exercise control over their wealth and natural resources.

#### Article 12

Every man shall have the right, within the framework of Shari'ah, to free movement and to select his place of residence whether inside or outside his country and if persecuted, is entitled to seek asylum in another country. The country of refuge shall ensure his protection until he reaches safety, unless asylum is motivated by an act which Shari'ah regards as a crime.

#### Article 13

Work is a right guaranteed by the State and Society for each person able to work. Everyone shall be free to choose the work that suits him best and which serves his interests and those of society. The employee shall have the right to safety and security as well as to all other social guarantees. He may neither be assigned work beyond his capacity nor be subjected to compulsion or exploited or harmed in any way. He shall be entitled—without any discrimination between males and females—to fair wages for his work without delay, as well as to the holidays, allowances, and promotions which he deserves. For his part, he shall be required to be dedicated and meticulous in his work. Should workers and employers disagree on any matter, the State shall intervene to settle the dispute and have the grievances redressed, the rights confirmed, and justice enforced without bias.

#### Article 14

Everyone shall have the right to legitimate gains without monopolization, deceit, or harm to oneself or to others. Usury (riba) is absolutely prohibited.

#### Article 15

a. Everyone shall have the right to own property acquired in a legitimate way and shall be entitled to the rights of ownership, without prejudice to oneself, others, or to society in general. Expropriation is not permissible except for the requirements of public interest and upon payment of immediate and fair compensation.

b. Confiscation and seizure of property is prohibited except for a necessity dictated by law.

#### Article 16

Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic, or technical production and the right to protect the moral and material interests stemming therefrom, provided that such production is not contrary to the principles of the Shari'ah.



### Article 17

a. Everyone shall have the right to live in a clean environment away from vice and moral corruption, an environment that would foster his self-development, and it is incumbent upon the State and society in general to afford that right.

b. Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources.

c. The State shall ensure the right of the individual to a decent living which will enable him to meet all his requirements and those of his dependents including food, clothing, housing, education, medical care, and all other basic needs.

### Article 18

a. Everyone shall have the right to live in security for himself, his religion, his dependents, his honor, and his property.

b. Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance, or to besmirch his good name. The State shall protect him from arbitrary interference.

c. A private residence is inviolable in all cases. It will not be entered without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

### Article 19

a. All individuals are equal before the law, without distinction between the ruler and the ruled.

b. The right to resort to justice is guaranteed to everyone.

c. Liability is, in essence, personal.

d. There shall be no crime or punishment except as provided for in the Shari'ah.

e. A defendant is innocent until his guilt is proven in a fair trial in which he shall be given all the guarantees of defense.

### Article 20

It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile, or to punish him. It is not permitted to subject him to physical or psychological torture or to any form of humiliation, cruelty, or

indignity. Nor is it permitted to subject an individual to medical or scientific experimentation without his consent or at the risk of his health or of his life. Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.

### Article 21

Taking hostages under any form or for any purpose is expressly forbidden.

### Article 22

a. Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah.

b. Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah.

c. Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values, or disintegrate, corrupt, or harm society, or weaken its faith.

d. It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination.

### Article 23

a. Authority is a trust and abuse or malicious exploitation thereof is absolutely prohibited so that fundamental human rights may be guaranteed.

b. Everyone shall have the right to participate, directly or indirectly, in the administration of his country's public affairs. He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

### Article 24

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.

### Article 25

The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this declaration. ■

Cairo, 14 Muharram 1411H  
Aug. 5, 1990

## CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA 1996

As adopted on May 8, 1996 and amended on Oct. 11, 1996, by the Constitutional Assembly

One law for One nation

Act 108 of 1996  
ISBN 0-620-20214-9

### Explanatory Memorandum

This Constitution was drafted in terms of Chapter 5 of the interim Constitution (Act 200 of 1993) and was first adopted by the Constitutional Assembly on May 8, 1996. In terms of a judgment of the Constitutional Court, delivered on Sept. 6, 1996, the text was referred back to the Constitutional Assembly for reconsideration. The text was accordingly amended to comply with the Constitutional Principles contained in Schedule 4 of the interim Constitution. It was signed into law on Dec. 10, 1996.

The objective in this process was to ensure that the final Constitution is legitimate, credible, and accepted by all South Africans.

To this extent, the process of drafting the Constitution involved many South Africans in the largest public participation program ever carried out in South Africa. After nearly two years of intensive consultations, political parties represented in the Constitutional Assembly negotiated the formulations contained in this text, which are an integration of ideas from ordinary citizens, civil society, and political parties represented in and outside of the Constitutional Assembly.

This Constitution therefore represents the collective wisdom of the South African people and has been arrived at by general agreement.

### Preamble

We, the people of South Africa,

Recognize the injustices of our past;

Honor those who suffered for justice and freedom in our land;

Respect those who have worked to build and develop our country; and

Believe that South Africa belongs to all who live in it, united in our diversity.

We, therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to:

Heal the divisions of the past and establish a society based on democratic values, social justice, and fundamental human rights;

Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;

Improve the quality of life of all citizens and free the potential of each person; and

Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

May God protect our people.

*Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.*

*God seën Suid-Afrika. God bless South Africa.*

*Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.*

### Chapter 2: Bill of Rights

*The following sections are excerpted from the 1996 Constitution of the Republic of South Africa.*

#### 7. Rights

1. This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality, and freedom.

2. The state must respect, protect, promote, and fulfill the rights in the Bill of Rights.

3. The rights in the Bill of Rights are subject to the limitations contained or referred to in Section 36, or elsewhere in the Bill.

#### 8. Application

1. The Bill of Rights applies to all law and binds the legislature, the executive, the judiciary, and all organs of state.

2. A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.

3. When applying a provision of the Bill of Rights to

a natural or juristic person in terms of Subsection (2), a court:

a. In order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and

b. May develop rules of the common law to limit the right, provided that the limitation is in accordance with Section 36 (1).

4. A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person.

### **9. Equality**

1. Everyone is equal before the law and has the right to equal protection and benefit of the law.

2. Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative, and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

3. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.

4. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of Subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

5. Discrimination on one or more of the grounds listed in Subsection (3) is unfair unless it is established that the discrimination is fair.

### **10. Human Dignity**

Everyone has inherent dignity and the right to have their dignity respected and protected.

### **11. Life**

Everyone has the right to life.

### **12. Freedom and Security of the Person**

1. Everyone has the right to freedom and security of the person, which includes the right:

- a. Not to be deprived of freedom arbitrarily or without just cause;
- b. Not to be detained without trial;
- c. To be free from all forms of violence from either public or private sources;
- d. Not to be tortured in any way; and
- e. Not to be treated or punished in a cruel, inhuman, or degrading way.

2. Everyone has the right to bodily and psychological integrity, which includes the right:

- a. To make decisions concerning reproduction;
- b. To security in and control over their body; and

c. Not to be subjected to medical or scientific experiments without their informed consent.

### **13. Slavery, Servitude, and Forced Labor**

13. No one may be subjected to slavery, servitude, or forced labor.

### **14. Privacy**

14. Everyone has the right to privacy, which includes the right not to have:

- a. Their person or home searched;
- b. Their property searched;
- c. Their possessions seized; or
- d. The privacy of their communications infringed.

### **15. Freedom of Religion, Belief, and Opinion**

1. Everyone has the right to freedom of conscience, religion, thought, belief, and opinion.

2. Religious observances may be conducted at state or state-aided institutions, provided that:

- a. Those observances follow rules made by the appropriate public authorities;
- b. They are conducted on an equitable basis; and
- c. Attendance at them is free and voluntary.

3. a. This section does not prevent legislation recognizing:

- i. Marriages concluded under any tradition, or a system of religious, personal, or family law; or
- ii. Systems of personal, and family law under any tradition, or adhered to by persons professing a particular religion.

b. Recognition in terms of Paragraph (a) must be consistent with this section and the other provisions of the Constitution.

### **16. Freedom of Expression**

1. Everyone has the right to freedom of expression, which includes:

- a. Freedom of the press and other media;
- b. Freedom to receive or impart information or ideas;
- c. Freedom of artistic creativity; and
- d. Academic freedom and freedom of scientific research.

2. The right in Subsection (1) does not extend to:

- a. Propaganda for war;
- b. Incitement of imminent violence; or
- c. Advocacy of hatred that is based on race, ethnicity, gender, or religion and that constitutes incitement to cause harm.

### **17. Assembly, Demonstration, Picket, and Petition**

Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket, and to present petitions.

## 18. Freedom of Association

Everyone has the right to freedom of association.

## 19. Political Rights

1. Every citizen is free to make political choices, which includes the right:
  - a. To form a political party;
  - b. To participate in the activities of, or recruit members for, a political party; and
  - c. To campaign for a political party or cause.
2. Every citizen has the right to free, fair, and regular elections for any legislative body established in terms of the Constitution.
3. Every adult citizen has the right:
  - a. To vote in elections for any legislative body established in terms of the Constitution and to do so in secret; and
  - b. To stand for public office and, if elected, to hold office.

## 20. Citizenship

No citizen may be deprived of citizenship.

## 21. Freedom of Movement and Residence

1. Everyone has the right to freedom of movement.
2. Everyone has the right to leave the Republic.
3. Every citizen has the right to enter, to remain in and to reside anywhere in, the Republic.
4. Every citizen has the right to a passport.

## 22. Freedom of Trade, Occupation, and Profession

Every citizen has the right to choose their trade, occupation, or profession freely. The practice of a trade, occupation or profession may be regulated by law.

## 23. Labor Relations

1. Everyone has the right to fair labor practices.
2. Every worker has the right:
  - a. To form and join a trade union;
  - b. To participate in the activities and programs of a trade union; and
  - c. To strike.
3. Every employer has the right:
  - a. To form and join an employers' organization; and
  - b. To participate in the activities and programs of an employers' organization.
4. Every trade union and every employers' organization has the right:
  - a. To determine its own administration, programs, and activities;
  - b. To organize; and
  - c. To form and join a federation.
5. Every trade union, employers' organization, and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective

bargaining. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with Section 36(1).

6. National legislation may recognize union security arrangements contained in collective agreements. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36 (1).

## 24. Environment

Everyone has the right:

- a. To an environment that is not harmful to their health or well-being; and
- b. To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:
  - i. Prevent pollution and ecological degradation;
  - ii. Promote conservation; and
  - iii. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

## 25. Property

1. No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
2. Property may be expropriated only in terms of law of general:
  - a. For a public purpose or in the public interest; and
  - b. Subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
3. The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances including:
  - a. The current use of the property;
  - b. The history of the acquisition and use of the property;
  - c. The market value of the property;
  - d. The extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
  - e. The purpose of the expropriation.
4. For the purposes of this section:
  - a. The public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and
  - b. Property is not limited to land.
5. The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
6. A person or community whose tenure of land is

legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

7. A person or community dispossessed of property after June 19, 1913, as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

8. No provision of this section may impede the State from taking legislative and other measures to achieve land, water, and related reform in order to redress the results of past racial discrimination, provided that any departure from the provisions of this Section is in accordance with the provisions of section 36 (1).

9. Parliament must enact the legislation referred to in subsection (6).

## 26. Housing

1. Everyone has the right to have access to adequate housing.

2. The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.

3. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

## 27. Health Care, Food, Water, and Social Security

1. Everyone has the right to have access to:

- a. Health care services, including reproductive health care;
- b. Sufficient food and water; and
- c. Social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.

2. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights.

3. No one may be refused emergency medical treatment.

## 28. Children

1. Every child has the right:

- a. To a name and a nationality from birth;
- b. To family care or parental care, or to appropriate alternative care when removed from the family environment;
- c. To basic nutrition, shelter, basic health care services and social services;
- d. To be protected from maltreatment, neglect, abuse or degradation;
- e. To be protected from exploitative labor practices;
- f. Not to be required or permitted to perform work or provide services that:

- i. Are inappropriate for a person of that child's age; or
- ii. Place at risk the child's well-being, education, physical, or mental health or spiritual, moral, or social development;

g. Not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under Sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be:

- i. Kept separately from detained persons over the age of 18 years; and
- ii. Treated in a manner, and kept in conditions, that take account of the child's age;

h. To have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and

i. Not to be used directly in armed conflict and to be protected in times of armed conflict.

2. A child's best interests are of paramount importance in every matter concerning the child.

3. In this section "child" means a person under the age of 18 years.

## 29. Education

1. Everyone has the right:

- a. To a basic education, including adult basic education; and
- b. To further education, which the state, through reasonable measures, must make progressively available and accessible.

2. Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to and implementation of this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account:

- a. Equity;
- b. Practicability; and
- c. The need to redress the results of past racially discriminatory laws and practices.

3. Everyone has the right to establish and maintain, at their own expense, independent educational institutions that:

- a. Do not discriminate on the basis of race;
- b. Are registered with the State; and
- c. Maintain standards that are not inferior to standards at comparable public educational institutions.

4. Subsection (3) does not preclude state subsidies for independent educational institutions.

## 30. Language and Culture

Everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

### 31. Cultural, Religious, and Linguistic Communities

1. Persons belonging to a cultural, religious, or linguistic community may not be denied the right, with other members of that community :

- a. To enjoy their culture, practice their religion, and use their language; and
- b. To form, join, and maintain cultural, religious, and linguistic associations and other organs of civil society.

2. The rights in Subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

### 32. Access to Information

1. Everyone has the right of access to:

- a. Any information held by the State; and
- b. Any information that is held by another person and that is required for the exercise or protection of any rights.

2. National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the State.

### 33. Just Administrative Action

1. Everyone has the right to administrative action that is lawful, reasonable, and procedurally fair.

2. Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

3. National legislation must be enacted to give effect to these rights, and must:

- a. Provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
- b. Impose a duty on the state to give effect to the rights in Subsections (1) and (2); and
- c. Promote an efficient administration.

### 34. Access to Courts

Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.

### 35. Arrested, Detained, and Accused Persons

1. Everyone who is arrested for allegedly committing an offense has the right:

- a. To remain silent;
- b. To be informed promptly:
  - i. Of the right to remain silent; and
  - ii. Of the consequences of not remaining silent;
- c. Not to be compelled to make any confession or admission that could be used in evidence against that person;
- d. To be brought before a court as soon as reasonably possible but not later than:
  - i. 48 hours after the arrest; or
  - ii. The end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or

on a day which is not an ordinary court day;

e. At the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and

f. To be released from detention if the interests of justice permit, subject to reasonable conditions.

2. Everyone who is detained, including every sentenced prisoner, has the right:

a. To be informed promptly of the reason for being detained;

b. To choose and to consult with, a legal practitioner, and to be informed of this right promptly;

c. To have a legal practitioner assigned to the detained person by the State and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;

d. To challenge the lawfulness of the detention in person before a court and, if the detention is unlawful, to be released;

e. To conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material, and medical treatment; and

f. To communicate with, and be visited by, that person's:

- i. Spouse or partner;
- ii. Next of kin;
- iii. Chosen religious counselor; and
- iv. Chosen medical practitioner.

3. Every accused person has a right to a fair trial, which includes the right:

a. To be informed of the charge with sufficient detail to answer it;

b. To have adequate time and facilities to prepare a defense;

c. To a public trial before an ordinary court;

d. To have their trial begin and conclude without unreasonable delay;

e. To be present when being tried;

f. To choose, and be represented by, a legal practitioner, and to be informed of this right promptly;

g. To have a legal practitioner assigned to the accused person by the State and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly;

h. To be presumed innocent, to remain silent, and not to testify during the proceedings;

i. To adduce and challenge evidence;

j. Not to be compelled to give self-incriminating evidence;

k. To be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language;

l. Not to be convicted for an act or omission that was

not an offense under either national or international law at the time it was committed or omitted;

m. Not to be tried for an offense in respect of an act or omission for which that person has previously been either acquitted or convicted;

n. To the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offense has been changed between the time that the offense was committed and the time of sentencing; and

o. Of appeal to, or review by, a higher court.

4. Whenever this section requires information to be given to a person, that information must be given in a language that the person understands.

5. Evidence obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of that evidence would render the trial unfair or otherwise be detrimental to the administration of justice.

### 36. Limitation of Rights

1. The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom, taking into account all relevant factors, including:

- a. The nature of the right;
- b. The importance of the purpose of the limitation;
- c. The nature and extent of the limitation;
- d. The relation between the limitation and its purpose;

and

e. Less restrictive means to achieve the purpose.

2. Except as provided in Subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

### 37. States of Emergency

1. A state of emergency may be declared only in terms of an Act of Parliament and only when:

a. The life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster, or other public emergency; and

b. The declaration is necessary to restore peace and order.

2. A declaration of a state of emergency, and any legislation enacted or other action taken in consequence of that declaration, may be effective only:

a. Prospectively; and

b. For no more than 21 days from the date of the declaration, unless the National Assembly resolves to extend the declaration. The Assembly may extend a declaration of a state of emergency for no more than three months at a time. The first extension of the state of emergency must be by a resolution adopted with a supporting vote of a majority of the members of the Assembly. Any subsequent extension must be by a resolution adopted with a supporting vote of at least 60 percent of the members of the Assembly. A resolution in terms of this paragraph may be adopted only following a public debate in the Assembly.

3. Any competent court may decide on the validity of:

a. A declaration of a state of emergency;

b. Any extension of a declaration of a state of emergency; or

c. Any legislation enacted, or other action taken, in consequence of a declaration of a state of emergency.

4. Any legislation enacted in consequence of a declaration of a state of emergency may derogate from the Bill of Rights only to the extent that:

a. The derogation is strictly required by the

emergency; and

b. The legislation:

i. Is consistent with the Republic's obligations under international law applicable to states of emergency;

ii. Conforms to Subsection (5); and

iii. Is published in the national *Government Gazette* as soon as reasonably possible after being enacted.

5. No Act of Parliament that authorizes a declaration of a state of emergency, and no legislation enacted or other action taken in consequence of a declaration, may permit or authorize:

a. Indemnifying the State, or any person, in respect of any unlawful act;

b. Any derogation from this section; or

c. Any derogation from a section mentioned in Column 1 of the Table of Non-Derogable Rights, to the extent indicated opposite that section in Column 3 of the Table.

Table of Non-Derogable Rights

Section Number	Section Title	Extent to Which the Right is Protected
9	Equality	With respect to unfair discrimination solely on the grounds of race, color, ethnic or social origin, sex, religion or language
10	Human Dignity	Entirely
11	Life	Entirely
12	Freedom and Security	With respect to Subsections (1)(d) of the person and (e) and (2)(c)
13	Slavery, Servitude, and Forced Labor	With respect to slavery and servitude
28	Children	With respect to: Subsection (1)(d) and (e); the rights in Subparagraphs (i) and (ii) of Subsection (1)(g); and Subsection 1(i) in respect of children of 15 years and younger
35	Arrested, Detained, and Accused Persons	With respect to: Subsections (1)(a), (b) and (c) and (2)(d); the rights in Paragraphs (a) to (o) of Subsection (3), excluding paragraph (d); Subsection (4); and Subsection (5) with respect to the exclusion of evidence if the admission of that evidence would render the trial unfair.

6. Whenever anyone is detained without trial in consequence of a derogation of rights resulting from a declaration of a state of emergency, the following conditions must be observed:

a. An adult family member or friend of the detainee must be contacted as soon as reasonably possible and informed that the person has been detained.

b. A notice must be published in the national *Government Gazette* within five days of the person being detained, stating the detainee's name and place of detention and referring to the emergency measure in terms of which that person has been detained.

c. The detainee must be allowed to choose, and be visited at any reasonable time by, a medical practitioner.

d. The detainee must be allowed to choose, and be visited at any reasonable time by, a legal representative.

e. A court must review the detention as soon as reasonably possible, but no later than 10 days after the date the person was detained, and the court must release the detainee unless it is necessary to continue the detention to restore peace and order.

f. A detainee who is not released in terms of a review under Paragraph (e), or who is not released in terms of a review under this paragraph, may apply to a court for a further review of the detention at any time after 10 days have passed since the previous review, and the court must release the detainee unless it is still necessary to continue the detention to restore peace and order.

g. The detainee must be allowed to appear in person before any court considering the detention, to be represented by a legal practitioner at those hearings, and to make representations against continued detention.

h. The State must present written reasons to the court to justify the continued detention of the detainee and must give a copy of those reasons to the detainee at least two days before the court reviews the detention.

7. If a court releases a detainee, that person may not be detained again on the same grounds unless the State first shows a court good cause for redetaining that person.

8. Subsections (6) and (7) do not apply to persons who are not South African citizens and who are detained in consequence of an international armed conflict. Instead,



the state must comply with the standards binding on the Republic under international humanitarian law in respect of the detention of such persons.

### 38. Enforcement of Rights

Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights. The persons who may approach a court are:

- a. Anyone acting in their own interest;
- b. Anyone acting on behalf of another person who cannot act in their own name;
- c. Anyone acting as a member of, or in the interest of, a group or class of persons;
- d. Anyone acting in the public interest; and
- e. An association acting in the interest of its members.

### 39. Interpretation of Bill of Rights

1. When interpreting the Bill of Rights, a court, tribunal or forum:

- a. Must promote the values that underlie an open and democratic society based on human dignity, equality, and freedom;
- b. Must consider international law; and
- c. May consider foreign law.

2. When interpreting any legislation, and when developing the common law or customary law, every court, tribunal, or forum must promote the spirit, purport, and objects of the Bill of Rights.

3. The Bill of Rights does not deny the existence of any other rights or freedoms that are recognized or conferred by common law, customary law, or legislation to the extent that they are consistent with the Bill. ■

## ETHIOPIAN CONSTITUTION

The following English Translation of the Ethiopian Draft Constitution is an unofficial draft that has been released to enable members of the international community to follow the discussions and forthcoming elections, pending publication of the official translation.

**Preamble**

We, the nations, nationalities, and Peoples of Ethiopia:

*Determined* to build by the exercise of our right to self-determination, for ourselves and of our own free will, a single political community which is based on our common consent and the rule of law so as to ensure lasting peace, an irreversible and thriving democracy, and an accelerated economic and social development for our country Ethiopia;

*Strongly convinced* of the necessity of respect for the fundamental rights of individuals and of the nations and nationalities as well as the even development of the various cultures and religions for the attainment of these objectives;

*Convinced* that we, the nations, nationalities, and people, with our own individual and admirable culture, territories, and modes of life have, by virtue of the fact that our country Ethiopia has been and still is our common home in which we have formed a common bond of relationships in various fields and in varying degrees, developed a common interest and outlook;

*Recognizing* that our common destiny needs to be based upon the rectification of historically distorted relationships and promoting common interests;

*Convinced* of the necessity of building a single economic community so as to promote our common rights, freedoms, and interests;

*Determined* to ensure the maintenance of the peace and democracy we have achieved through our struggle and sacrifice;

Now, therefore, in order to consolidate these aims and beliefs, do hereby adopt this Constitution through our representatives in the Constitutional Assembly on this \_\_\_\_\_ of 1994.

*The following articles have been excerpted from the Ethiopian Draft Constitution:*

**Article 10: Human and Democratic Rights**

1. Human rights and freedoms as inherent rights of man are inalienable and inviolable.
2. The human and democratic rights of peoples and citizens shall be protected.

**Article 11: Separation of State and Religion**

1. The Ethiopian State is a secular state.
2. There shall be no state religion.
3. The State shall not interfere in religious affairs; neither shall religion interfere in the affairs of the State.

**Article 12: Functions and Accountability of Government**

1. The activities of government shall be undertaken in a manner which is open and transparent to the public.
2. The people may recall any one of their representatives whenever they lose confidence in him. Particulars shall be determined by law.
3. Any public official or elected representative shall be made accountable for breach of his official duties.

**Chapter III****Fundamental Rights and Freedoms****Article 13: Scope and Interpretation**

1. The provisions of this chapter shall, at all levels, apply to the federal and state legislative, executive, and judicial branches of government.
2. The fundamental rights and freedoms enumerated in this chapter shall be interpreted in a manner consistent with the Universal Declaration of Human Rights, international human rights covenants, and conventions ratified by Ethiopia.

**Human Rights****Article 14: The Right to Life, Liberty, and Security of Person**

Everyone, by virtue of being human, has the inalienable and inviolable right to life, liberty, and security of person.

### **Article 15: The Right to Life**

Every human being has the right to life. No one shall be deprived of his life except by reason of his conviction in accordance with the law for a serious crime committed by him.

### **Article 16: The Right to Security of Person**

Every one shall have the right to security of person.

### **Article 17: Liberty**

1. No one shall be deprived of his liberty except in accordance with such procedures as are laid down by law.
2. No one shall be arrested or detained without being charged or convicted of a crime except in accordance with such procedures as are laid down by law.

### **Article 18: Prohibition of Inhuman Treatment**

1. Everyone shall have the right not to be subjected to cruel, inhuman, or degrading treatment or punishment.
2. No one shall be held in slavery or servitude; trafficking in human beings, for whatever purpose it might be, is prohibited.
3. No one shall be required to perform forced or compulsory labor.
4. For the purpose of this article, the term "forced or compulsory labor" shall not include:
  - a. Any labor which is, in accordance with the law, required of a prisoner while in detention, or of a person during conditional release from such detention;
  - b. Any service required of a person who is a conscientious objector in lieu of military service;
  - c. Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
  - d. Any voluntary economic or social developmental activity undertaken by the people of the community concerned.

### **Article 19: Rights of Persons Under Arrest**

1. Anyone arrested on criminal charges shall have the right to be informed promptly and in detail, in a language which he understands, of the nature and cause of the charge against him.
2. Everyone shall have the right to keep silent and be warned promptly, in a language which he understands, that any statement he may make may be used in evidence against him.
3. Everyone shall have the right to be brought before a court of law within 48 hours after his arrest. This shall not include a reasonable time taken in the journey to a court of law. He shall have the right to be specifically informed that there is sufficient cause for his arrest as soon as he appears in court.
4. Everyone shall be entitled to an inalienable right of habeas corpus where the police officers or the public prosecu-

tor fails to bring the accused to court within the time limit provided by law. Where the interest of justice so requires, or where remand has been requested for further investigation, the court may order the accused to be kept in custody for a duration as is deemed necessary. Remand granted by a court shall be such as to enable the responsible officials of the public prosecution to investigate and speedily bring the case to a court of law.

5. Everyone shall have the right not to be forced to make any confessions or admissions of any evidence that may be brought against him during the trial. No evidence obtained in such a manner shall be legally admissible.

6. Anyone arrested shall have the right to be released on bail. The courts may, however, for reasons specified by law, reject the application for bail, allow a conditional release, or demand the production of sufficient sureties.

### **Article 20: Rights of the Accused**

1. Everyone charged with an offense shall be entitled to a public hearing before an ordinary court of law without undue delay; the trial may, however, be conducted in camera only for the purposes of protecting the private lives of the parties, public morals, and moral security.
2. Everyone charged with an offense shall be adequately informed in writing of the charges brought against him.
3. Everyone charged with an offense shall be presumed innocent until proved guilty by a court of law and not to be compelled to testify against himself.
4. Everyone charged with an offense shall be entitled to inspect any evidence brought against him, examine witnesses testifying against him, present or obtain the production of any evidence or obtain the attendance of witnesses in their defense.
5. Everyone charged with an offense shall have the right to defend himself through legal assistance of his own choosing and to have free legal assistance assigned to him by the government where the interests of justice so require and he does not have sufficient means to pay for it.
6. Everyone charged with an offense shall have the right to his conviction or sentence being reviewed on appeal by a competent court of law.
7. Everyone charged with an offense shall have the right to be provided with an interpreter by the government where the trial is conducted in a language which he does not understand.

### **Article 21: Right of Persons in Custody and Convicted Prisoners**

1. Any person in custody or a convicted prisoner shall have the right to humane treatment which accords with his human dignity.
2. Any person in custody or a convicted prisoner shall have the right to communicate with and be visited by

spouse(s), close relatives and friends, medical attendants, religious and legal counselors.

#### **Article 22: Nonretroactivity of Criminal Laws**

1. No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense under the 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 offense was committed.

2. The provisions of Subarticle 1 of this article notwithstanding, laws enacted after the commission of the offense shall apply before or after sentence where they are favorable to the accused.

#### **Article 23: Prohibition of Double Jeopardy**

No one shall be liable to be tried or submitted again for an offense for which he has been finally convicted or acquitted in accordance with the criminal laws and procedure.

#### **Article 24: Right to Human Dignity and Good Reputation**

1. Everyone shall have the right to his human dignity and good reputation.

2. Everyone shall have the right to freely develop his personality in a manner consistent with the rights of others.

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

#### **Article 25: The Right to Equality**

All persons shall be equal before the law and shall be entitled to equal protection of the law without any discrimination whatsoever. All persons shall be entitled to equal and adequate guarantees without distinction of any kind such as race, nation, nationality, color, sex, language, religion, political or social origin, property, birth, or other status.

#### **Article 26: Right to Privacy**

1. Everyone shall have the right to his privacy and physical integrity. This right shall include protection from searches of his person, his home, his property, and protection from seizure of property under his possession.

2. Private postal correspondence as well as other communications through the telephone, telecommunications, and other electronic devices shall be inviolable.

3. Government officials shall have the duty to respect and enforce these rights. Exercise of these rights may only be restricted by laws enacted for purposes of prevention of crimes, protection of national security, public peace, public health and morality, rights and freedoms of others, or in periods of emergency.

#### **Article 27: Freedom of Religion, Conscience, and Thought**

1. Everyone shall have the right to freedom of thought,

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

2. No one shall be subject to coercion by force or any other means, which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Parents and legal guardians shall have the right, in accordance with their belief, to give their children religious or moral instruction.

4. 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 and to ensure the secular nature of the State.

#### **Article 28: Crimes Against Humanity**

There shall be no period of limitation on persons charged with crimes against humanity as provided by international conventions ratified by Ethiopia and other laws of Ethiopia. The legislature or any other organ of State shall have no power to pardon or give amnesty with regard to such offenses.

### **Democratic Rights**

#### **Article 29: Right to Hold Opinions, Thoughts, and Free Expressions**

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

2. Everyone shall have the right to freedom of expression without interference. 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 other media of his choice.

3. Freedom of the press and mass media as well as freedom of artistic creation is guaranteed. Press freedom shall, in particular, include the rights enumerated hereunder:  
a. That censorship in any form is prohibited.  
b. The opportunity to have access to information of interest to the public.

4. The press shall be granted institutional independence and legal protection to enable it to accommodate different opinions and ensure the free flow of information, ideas, and opinions that are necessary in a democratic society.

5. Any media financed or controlled by the government shall be organized in a manner suitable for the accommodation of differences of opinion.

6. Nothing in the foregoing shall absolve anyone of liability arising from laws enacted to protect public morals, peace, human dignity, and democratic rights of citizens.

**Article 30: Freedom of Assembly, Public Demonstration, and the Right to Petition**

1. Everyone shall have the freedom, in association with others, to peaceably assemble without arms, engage in public demonstration, and the right to petition. Appropriate procedure may be enacted to ensure that public meetings and demonstrations do not disrupt public activities, or that such meetings and demonstrations do not violate public morals, peace, and democratic rights.

2. This right shall not absolve anyone of liability arising from the laws enacted to protect public morals, peace, human dignity, and democratic rights of citizens.

**Article 31: Right to Association**

Everyone shall have the right to form associations for whatever purpose. Associations formed in violation of the appropriate laws or associations formed with the objective of overthrowing the constitutional order or associations carrying out these activities shall be prohibited.

**Article 32: Freedom of Movement**

1. Every Ethiopian or any other person lawfully within Ethiopia shall have the freedom to freely move and establish his residence within Ethiopia as well as to travel abroad.

2. Every Ethiopian shall have the right to return to his country.

**Article 33: Rights of Citizenship**

1. No Ethiopian of either sex shall lose his/her Ethiopian citizenship against his/her will.

2. Every Ethiopian shall be entitled to the rights, protections, and benefits deriving, in accordance with the law, from Ethiopian citizenship. Marriage of an Ethiopian citizen of either sex to a foreign citizen shall not result in the loss of Ethiopian citizenship.

3. Ethiopians shall have the right to change their citizenship.

4. Ethiopian citizenship may be granted to foreigners in accordance with laws and procedures enacted in a manner not inconsistent with international agreements ratified by Ethiopia.

**Article 34: Rights Relating to Marriage, the Individual, and the Family**

1. All men and women attaining the legal age of marriage, shall have, without any distinction as to race, nation, nationality, or religion, the right to marry and found a family. They shall have equal rights in the process of contracting the marriage, its duration, and dissolution. Regulations shall be enacted to protect the rights and interests of children in the event of dissolution.

2. Marriage shall be based on the free and full consent of the intending spouses.

3. The family is the natural and fundamental basis of

society and hence is entitled to protection from society and the state.

4. Particulars relating to the recognition of religious and customary marriages may be determined by law.

5. This Constitution shall not preclude the right of parties to voluntarily submit their dispute for adjudication in accordance with religious or customary laws. Particulars shall be determined by law.

**Article 35: The Rights of Women**

1. Women shall have equal rights with men in the enjoyment of the rights and protections guaranteed by this Constitution to all Ethiopians.

2. Women shall, as prescribed by this Constitution, have equal rights with men in respect to marriage.

3. Considering that women have traditionally been viewed with inferiority and are discriminated against, they have the right to the benefit of affirmative actions undertaken for the purpose of introducing corrective changes to such heritage. The aim of such measures is to ensure that special attention is given to enabling women to participate and compete equally with men in the political, economic, and social fields both within public and private organizations.

4. The State has the duty to guarantee the right of women to be free from the influence of harmful customary practices. All laws, stereotyped ideas, and customs which oppress women or otherwise adversely affect their physical and mental well-being are prohibited.

5. a. Women shall have the right to maternity leave with full remuneration. The duration of maternity leave shall be determined by law having regard to the nature of the work, the woman's health, and the welfare of the child and its family.

b. Maternity leave may, by law, be made to include pregnancy leave with full remuneration.

6. Women shall have the right to demand that their opinions be heard on matters of national development policies, on plan and project implementation, and in particular, on projects affecting their interests.

7. Women shall have the right to acquire, administer, control, enjoy, and dispose of property. They shall, in particular, have equal rights with men regarding the use, transfer, administration, and control of land. They shall enjoy the same rights with men with respect to inheritance.

8. Women shall have the right of access to education and information on family planning and the capability to benefit thereby so as to protect their good health and prevent health hazards resulting from childbirth.

**Article 36: The Rights of the Child**

1. Every child shall be entitled to the rights enumerated hereunder:

a. The right to life;

b. The right to a name and nationality;

c. The right to know and be cared for by its parents or

other legal guardians;

d. The right to be protected against exploitative practices and not to be permitted to engage in any employment which would prejudice its health, education, or well-being;

e. The right to be protected from cruel and inhuman punishment being inflicted upon him/her in schools or child welfare institutions.

2. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

3. Juvenile offenders, children in correction or rehabilitation institutions, youth, children under government fostership, and children in public or private orphanages shall be kept separate from adults.

4. Children born out of wedlock shall have equal rights with those born in wedlock.

#### **Article 37: The Right to Justice**

1. Everyone shall have the right to submit his justifiable grievances to and obtain a decree or judgment from a court of law or any other tribunal given by law the power of adjudication.

2. The following are entitled to the right to obtain the decree or judgment referred to under Subarticle 1 of this article:

a. Any association with respect to the private or common interests of its members;

b. An individual or a member of a group representing any group or persons having similar interests.

#### **Article 38: The Right To Vote and To Be Elected**

1. Every citizen, without distinction on the basis of race, color, nation, nationality, sex, language, religion, political or other opinion, or discrimination based on any other status shall have the right:

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.

2. Subject to the general and special rules of membership of the organization concerned, the right of everyone to join political parties, trade unions, chambers of commerce, employer's and professional associations is guaranteed.

3. Elections to positions of responsibility within the organizations referred to under Subarticle 2 of this article shall be conducted in a free and democratic manner.

4. The provisions of Subarticles 2 and 3 of this article shall, insofar as they considerably affect public interest, apply to public institutions.

#### **Article 39: The Right of Nations, Nationalities, and Peoples**

1. Every nation, nationality, or people in Ethiopia shall have the unrestricted right to self-determination up to secession.

2. Every nation, nationality, and people shall have the right to speak, write, and develop its language and to promote its culture, help it grow and flourish, and preserve its historical heritage.

3. Every nation, nationality or people in Ethiopia shall have the unrestricted right to administer itself; and this shall include the right to establish government institutions within the territory it inhabits and the right to fair representation in the federal and state governments.

4. The right to self-determination up to secession of nation, nationality and peoples may be exercised:

a. Where the demand for secession is approved by a two-thirds majority of the legislature of the nation, nationality, or people concerned;

b. Where the federal government within three years upon receipt of the decision of the legislature of the nation, nationality,, or people demanding secession, organizes a referendum for the nation, nationality, or people demanding secession;

c. Where the demand for secession is supported by a simple majority vote in the referendum;

d. Where the federal government transfers power to the parliament of the nation, nationality, or people which has opted for secession;

e. Where property is partitioned in accordance with the law.

5. The term "nation, nationality, and people" shall mean a community having the following characteristics: People having a common culture reflecting considerable uniformity or similarity of custom, a common language, belief in a common bond and identity, and a common consciousness the majority of whom live within a common territory.

#### **Alternative Supported by a Minority of the Council**

1. Every nationality in Ethiopia shall have the right to speak and write in its own language, and express, promote, and develop it.

2. Every nationality in Ethiopia shall have the full right to administer itself. This right shall include the right to establish government institutions within the territory it inhabits and the right to fair representation in the federal and state governments.

3. Nationalities shall have, on the basis of the free choice of their peoples, the right to organize on a larger territory a self-administrative structure for running their internal affairs and establish governmental institutions for common self-administration.

4. Nationalities shall also have, on the basis of the free choice of their peoples, the right to establish regional self-

administration, and such regional self-administrative unit shall be a member of the Federation.

5. For the purposes of this constitution, the term "nationality" shall mean a community having the following characteristics: people with a common culture reflecting considerable uniformity and a similarity of custom, a common language or (minority) languages of communication, a belief in a common bond and identity, the majority of whom live in a common territory.

6. Affiliated nationalities, who share common characteristics but exhibiting varying cultures, common political and economic interests and believe in establishing, on the basis of the free choice of their peoples, a common administration, may together decide to be recognized as a single nation or as one people.

7. In the event where the rights enumerated in this article are violated, or by virtue of an unjust distribution of social wealth or an unfair distribution of the products of development, a sector of the population which has obtained recognition as a nation in accordance with Subarticle 6 of this article raises the demand for secession, the causes for which the demand was made shall be made to find solutions.

a. Any question arising out of the causes indicated herein above shall be submitted to the Constitutional Court for its consideration. Where the Constitutional Court subsequently finds that these causes reflect the views of the majority of the population, it may further investigate the causes and decide upon various solutions, including that of compensation or submit other recommendations for conciliation.

b. The decision made, or the recommendation for conciliation made by the Constitutional Court shall be submitted to a joint meeting of the two Chambers of the Council, and the joint meeting may accept, reject, or amend the decision or recommendation for conciliation.

c. The decision passed by the joint meeting shall be submitted to the parliament of the self-administration of the nation concerned.

d. Where the parliament of the nation concerned rejects the joint meeting's decision, it may, by two-thirds majority, vote to submit an alternative recommendation for conciliation to the Council of the Federation or decide for a referendum on the secession issue to be conducted.

e. The referendum shall be held three years after the nation's parliaments approval of the demand for secession in accordance with Subarticle 1 (d) of this article.

f. The decision for secession shall come into effect where it is supported by two-thirds majority vote of the population of the nation concerned.

#### **Article 40: The Right to Property**

1. The right of every Ethiopian citizen to own private property is guaranteed. Unless the law provides otherwise in the public interest, this right shall include the right to use and

enjoy property, and, insofar as it does not violate the rights of others, to sell, transfer by succession, or by any other means.

2. For the purposes of this article the term "private property" shall mean any property, both corporeal and incorporeal, produced by the labor, creativity, or capital of an Ethiopian citizen, associations of Ethiopian nationals endowed with legal personality by law, or associations who under appropriate conditions are allowed by special laws to jointly own property.

3. The right to own rural and urban land as well as natural resources belongs only to the State and the people. Land is an inalienable common property of the nations, nationalities, and peoples of Ethiopia.

4. The right of Ethiopian peasants to free allotment of land and not to be evicted therefrom is guaranteed. Particulars for its implementation shall be determined by law.

5. Without prejudice to the right of ownership of land by the nations, nationalities, and peoples of Ethiopia, the State shall guarantee the right of private investors to the use of land upon payment of money, the amount of which is to be determined by law. Particulars shall be determined by law.

6. Every Ethiopian shall have the full right to the immovable property he builds on the land and to the improvements he brings about on the land by his labor or capital. This right shall include the right to alienate, and where right of use expires, to remove his property, transfer his title, or claim compensation for it. Particulars shall be determined by law.

7. Without prejudice to the right to private property, the state may expropriate private property for public use with the prior payment of adequate compensation.

#### **Alternative Supported by the Minority of the Council**

1. Every Ethiopian citizen of either sex shall have the right to own property including the ownership of both urban and rural land. This right includes the right to acquire, use, mortgage, sell, transfer by succession, or by other means.

2. For the purposes of this article, the term "property" shall mean any property, both corporeal and incorporeal, produced by the labor, creativity or capital of an Ethiopian citizen, associations of Ethiopian nationals endowed with legal personality by law, or associations who under appropriate conditions are allowed by special laws to jointly own property.

3. The State may, in the public interest and in particular, to ensure that Ethiopian citizens shall have an equal opportunity to gain a living and an equal access to housing, determine the size of ownership of both rural and urban land.

4. The State may, without making any distinction whatsoever, lease out land to private investors.

5. a. The State may expropriate property in the public interest in accordance with procedures that are laid down by law. Such procedure must, as a minimum requirement, ensure that the parties concerned are given an open forum in which

whether the proposed expropriation satisfies the purposes of the proposed public interest and that such interest cannot be satisfied by other means.

b. Expropriation may be made only upon prior payment of compensation by the State. Where compensation is to be made in money, the amount must be determined according to the market price prevailing at the moment of expropriation. Where the compensation is to be made in kind or by other means, the compensation must be estimated in a manner commensurate to the market price then prevailing.

6. The manner by which foreign nationals may own property shall be determined by law.

#### **Article 41: Economic, Social, and Cultural Rights**

1. Every Ethiopian shall have the right to engage in any economic activity and gain his living by work which he freely chooses.

2. Every Ethiopian shall have the right to choose his vocation, work, and profession.

3. Every Ethiopian citizen shall have the right to equal access to social services run with state funds.

4. The State shall allocate progressively increasing funds for the purposes of promoting the people's access to health, education, and other social services.

5. The State shall, within the limits permitted by the economic capability of the country, care for and rehabilitate the physically and mentally handicapped, the aged, and children deprived of their parents or guardians.

6. The State shall devise policies designed to create employment of the poor and unemployed; issue programs designed to open up work opportunities in the public sector and undertake projects.

7. The State shall take necessary measures to expand the opportunities of citizens to engage in gainful employment.

8. Peasants shall have the right to be paid a fair recompense for their produce which would enable them to progressively attain an improved standard of living and in proportion to their productive contribution to the national wealth. The State shall be guided by this objective in determining its economic and social development policies.

9. The State shall have the responsibility to preserve the cultural and historical heritage and contribute to the promotion of the development of the arts.

#### **Article 42: Workers' Rights**

1. a. Factory and service sector employees, peasants, agricultural workers, other rural workers, government employees below a certain level of responsibility and the nature of whose employment so requires, shall have the right to form associations for the purpose of improving their economic and

employment conditions. This right shall include the right to form trade unions and other associations and to negotiate with their employers and other organizations affecting their interests.

b. The category of workers referred to in Paragraph (a) of this article shall have the right to express their grievances, which shall include the right to strike.

c. Government employees who may benefit from the rights recognized under Paragraphs (a) and (b) of this article shall be determined by law.

d. The right of women workers to equal pay for equal work is guaranteed.

2. Workers shall have the right to appropriately defined working hours, breaks, leisure, periodic leave with pay, paid public holidays, and a safe and healthy working environment.

3. Laws issued for the implementation of these rights shall, without derogating from the rights recognized under Subarticle 1 of this article, lay down procedures for the establishment of the said trade unions and the manner of conducting collective bargaining.

#### **Article 43: The Right to Development**

1. The right of the peoples of Ethiopia collectively, or the nations, nationalities, and peoples in Ethiopia, individually, to improve their standard of living and to sustainable development is guaranteed.

2. Citizens shall have the right to participate in national development, and in particular, to demand that their opinions be heard on matters of policies and of projects pertaining to the community of which they are members.

3. International agreements entered into or relations formed by the State shall be such as to guarantee the right to the sustainable development of Ethiopia.

4. The main objectives of development activities shall be the citizens' development and the fulfillment of their basic needs.

#### **Article 44: Right to the Protection of the Environment**

1. Everyone has the right to a clean and healthy environment.

2. Everyone who is uprooted from the place of his residence by virtue of programs undertaken by the Government, or one whose livelihood has been affected, shall have the right to receive adequate monetary or other alternative compensation, including transfer, with assistance, to another locality. ■



## ABOUT THE CARTER CENTER

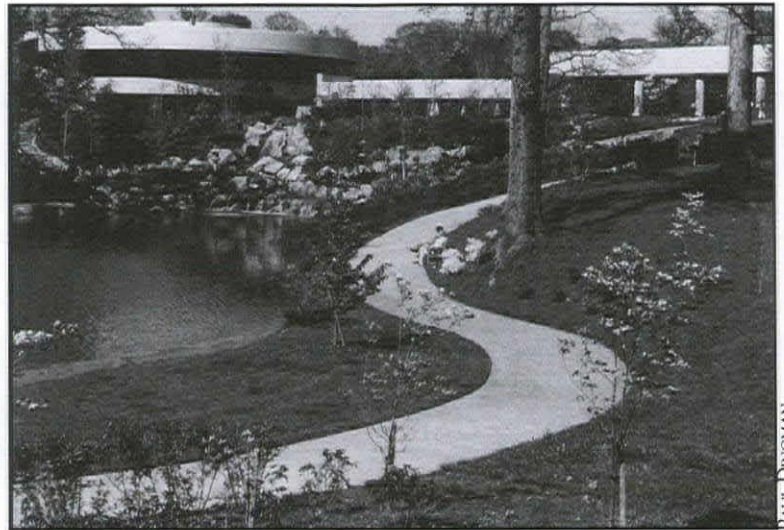
The Carter Center brings people and resources together to resolve conflicts; promote democracy; fight disease, hunger, and poverty; and protect and promote human rights worldwide. It is guided by the principle that people, with the necessary skills, knowledge, and access to resources, can improve their own lives and the lives of others.

Founded in 1982 by Jimmy and Rosalynn Carter in partnership with Emory University, the nonprofit Center undertakes action-oriented programs in cooperation with world leaders and nongovernmental organizations (NGOs). In this way, the Center has touched the lives of people in more than 65 countries.

The Center's programs are directed by resident experts or fellows, some of whom teach at Emory University. They design and implement activities in cooperation with President and Mrs. Carter, networks of world leaders, other NGOs, and partners in the United States and abroad. Private donations from individuals, foundations, corporations, and multilateral development assistance programs support the Center's work.

The Center is located in a 35-acre park two miles east of downtown Atlanta. Four circular, interconnected pavilions house offices for the former president and first lady and most of the Center's program staff. The complex includes the nondenominational Cecil B. Day Chapel, other conference facilities, and administrative offices. The Jimmy Carter Library and Museum, which adjoins The Carter Center, is owned and operated by the National Archives and Records Administration of the federal government and is open to the public. The Center and Library are known collectively as The Carter Presidential Center.

More information about The Carter Center, including Center publications, press releases, and speeches, is available on the World Wide Web at: [http://www.emory.edu/CARTER\\_CENTER](http://www.emory.edu/CARTER_CENTER).



*The Carter Center is located in a 35-acre park two miles east of downtown Atlanta.*

PAUL DINGMAN

The Carter Center  
One Copenhill  
453 Freedom Parkway  
Atlanta, Georgia 30307  
(404) 420-5100  
Fax (404) 420-5145  
[http://www.emory.edu/CARTER\\_CENTER](http://www.emory.edu/CARTER_CENTER)