

UFER

International Movement for Fraternal Union
Among Races and Peoples



An Idea in Action

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The International Movement for Fraternal Union among Races and Peoples (UFER) is a federation of organizations and persons involved in the promotion of understanding, dialogue and cooperation between races, peoples, ethnic and cultural groups, in the spirit of the Universal Declaration of Human Rights

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EDITORIAL

By Elly Koenig, President of UFER

Looking through my window, I see trees in the sunlight, with bare branches, last month the colors were beautiful. The world, nature is so beautiful and shines with such a serenity, that you easy forget how cruel the same nature can be. We remember the tornados which affected a lot of people; some lost their lives, and others their homes. The suffering was huge. We people can also be cruel to each other: the new upsurge of violence between the Palestinians and the Israelis was a new manifestation of this. We can only hope that the truce will bring a better solution.

There are, however, some signs of hope: first, the re-election of Barack Obama; God bless the People of the United States, especially those who made this choice. Another good news was brought to me in a reportage on television concerning the trial that is now coming up in Argentina against the military Junta, that ruled the country from 1976 until 1983 and eliminated people by torturing and throwing them alive from airplanes into the sea. A political refugee from Uruguay, who was working together with the resistance against the Junta, got asylum in the Netherlands about 30 years ago. Before he fled the country, he collected pieces of evidence, by taking photographs of the bodies of the murdered people that he found on the beach in Uruguay. The work of his life has been to register and document these crimes. Already in 1982, he presented his findings to the Inter-American Commission on Human Rights in Washington. Nobody listened to him. At that time the Juntas in Argentina and Uruguay were still in power. The Western countries were closing their eyes on the situation. A few weeks ago, he was finally able to present his pieces of evidence to the court investigating the crimes committed during the Junta period. This also means a lot for the Grand-Mothers of the Plaza de Mayo whose struggle UFER has been supporting for many years. Some of them can slowly feel that justice finds its way.

The politics concerning migrants all over the world is a big problem. The Dutch government is coming up in the near future with a law that declares illegality punishable. The States are tackling this issue only from the point of view of border control. Money, however, can travel free all over the world, while human beings must be controlled. States see people from other countries not as human beings whose rights should be protected, but as problems. They forget about the Declaration of Human Rights when it comes to economic interests and relations with allied countries. The case of Argentina and Uruguay mentioned above was a good example.

We remember here the strong involvement of Eileen Schaeffler, who passed away recently, in favour of the principles promoted by UFER, which she ably represented at the United Nations in New York for many years. She has been for a long time an inspiration for many of us and will remain a shining light for us in the future. Raymonde Martineau is paying tribute to her dedicated life.

On behalf of the board of UFER, I wish you and your family and friends a very happy, healthy New Year 2013 as well as all the necessary courage and patience to go on with your work for the promotion and protection of human rights. I hope that we can continue all together to make the world a better place for all human beings. UFER shall focus, in the months to come, on violence against women and girls, the theme of the upcoming UN Commission on the Status of Women. One of the worst contemporary forms of this violence is exploitation of women and girls through trafficking. UFER wants to join forces with all those who combat this crime as we have done in the case of the disappearances. We will need your cooperation and support for this struggle.

HUMAN RIGHTS COUNCIL

From the 21st session of the Human Rights Council (HRC)

By Paul Beersmans, member of the Board of Directors of UFER

I participated in the first of the three weeks of the autumn session of the Human Rights Council, which took place from 10 to 28 September, 2012. On the opening day, the Secretary-General, Ban Ki-moon, addressed the Council. His presence attracted a vast audience. In his speech, the Secretary-General reminded States of the responsibility to protect those who “courageously advocate and risk their lives to defend human rights and the values of the Charter.” He also stressed the need to fight for the rights of women, including “their reproductive rights and their political, social and economic empowerment.”¹

High ranking politicians from all over the world also took the opportunity to address the Council, among them the Minister for Foreign Affairs of Uruguay, the Minister of Justice of Sudan, the President of Slovakia, the Commissioner for Political Affairs of the African Union Commission, the Minister of Foreign Affairs of Bangladesh, etc.

As usual, many informal, parallel and side events were organised by permanent missions, intergovernmental organisations, specialised agencies, the office of the High Commissioner for Human Rights, as well as by national Human Rights Institutions and NGOs. These activities are increasing and are also being held during the meetings of the Council, which makes it difficult for NGOs with only one representative. I followed some of them.

Parallel events organized by NGOs

- The first parallel event I attended, organised by the International Human Rights Association of American Minorities and the International Council for Human Rights, was entitled “**India Universal Periodic Review 2012 – A Kashmir Perspective**”. It dealt with the situation in Jammu and Kashmir on the Indian side of the Line of Control and focused on the abolition of the Armed Forces Special Powers Act. According to one of the panellists, Professor Lawrence Saez, India is moving in the right direction with regard to human rights by signing different conventions.
- The second parallel event, organised by the International Movement against all Forms of Discrimination and Racism, Anti-Slavery International, Franciscans International, Minority Rights Group International and International Dalit Solidarity Network, dealt with “**Stigma and Untouchability : Root Causes and Manifestations of Caste-Based Human Rights Violations**”. The participants highlighted different types of stigmatisation: untouchables are sometimes not allowed to take water or to enter health centres; they are denied relief in refugee camps, access to education; they are victims of forced prostitution ... There is also political discrimination. There are a lot of laws and instruments to eradicate stigmatisation but the problem is the lack of implementation.
- “**Self-Determination, Democracy and Equitable International Order**” was the subject of the third parallel event organised by Indian Council of South America, International Human Rights Association of American Minorities, OCAPROCE International, Women’s International League for Peace and Freedom, Indigenous

¹ The 21st session of the Human Rights Council opens in Geneva:
<http://www.ohchr.org/EN/NewsEvents/Pages/HRCSession21.aspx>

Peoples and Nations Coalition and the International Council for Human Rights. The most interesting speaker was Professor Alfred de Zayas, recently appointed as Independent Expert on the Promotion of a Democratic and Equitable International Order. According to him, the UN Charter is the world constitution. Although there are many mechanisms and laws, implementation is the problem. Mechanisms of enforcement must be put in place, we must create a legal status: only concrete action will lead to remedy, according to him.

- In a fourth event on “**Reprisals against Human Rights Defenders**”, organised by Women in Governance, Pax Romana, Unrepresented Nations and Peoples Organisation and Human Rights Alert, the situation in Sri-Lanka, China (especially Tibet) and India was highlighted. Democracy is linked with human rights, freedom of expression, freedom of association and peace. Human Rights defenders must be protected but the recommendations of the Human Rights Council in that respect are not implemented. Governments cannot succeed in protecting human rights defenders unless they create a conducive environment to allow civil society activists to work properly.

Once more, we realize how many human rights violations are committed all over the world. NGO's and the civil society must continue to expose the culprits to the benefit of sufferers and the victims.



HRC 21 - Miscellaneous

On the last day of the HRC, a panel was organized to mark **Nelson Mandela International Day** (18 July) proclaimed by the UN General Assembly in 2009. Mandela is an “exemplary global citizen with a steadfast belief in justice, human rights and equality, who reconciled with his most ardent persecutors and those who had incarcerated him for almost three decades,” said Navi Pillay, High Commissioner for Human Rights, herself from South Africa.² On that occasion, nobody mentioned, however, the violence which was occurring at the same time against miners in South Africa, a serious violation of human rights and a stain on South Africa human rights record.

Universal Values

The Human Rights Council adopted a controversial resolution entitled “promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices”.³ The resolution, although “reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing”, also states that “all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards”. The resolution finally “requests the Office of the United Nations High Commissioner for Human Rights to collect information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity”.

² *Mandela: an exemplary citizen with a steadfast belief in human rights:*
<http://www.ohchr.org/EN/NewsEvents/Pages/NelsonMandela.aspx>

³ Resolution A/HRC21/L.2 of 21/09/2012
<file:///C:/Documents%20and%20Settings/poste/Mes%20documents/UFER/Bulletin%202012.02/Traditional%20Values.Res>

There was a long debate on the resolution. The main arguments in favour of the resolution were that the international community should respect the right of each country to respect human rights according to their specific cultural, historical and religious backgrounds (China) and that no single country or group of countries should monopolise norms in the area of human rights (Russia). The arguments against were that there was no agreed upon definition of traditional values nor of its link with human rights and that some traditional values clearly conflicted with human rights (European Union). The resolution was adopted by 25 votes in favour (countries from the South), 15 against (countries from the North) and 7 abstentions.

Many see this resolution as a threat to women's rights as well as to marginal groups such as gay and lesbians (see Berhane Raswork's and Monica Maher's articles below). The international community must remain vigilant in order not to compromise the progress made towards the recognisance of these rights.

UNIVERSAL PERIODIC REVIEW (UPR)

By Berhane Raswork, UFER representative in Geneva

The Working Group on the Universal Periodic Review, established in 2007 by the Human Rights Council, met for its 14th session, from 22 October to 5 November, 2012. I attended the review of the reports of Benin, Togo, Gabon, Ghana, Switzerland, Pakistan and Sri Lanka. All the reports, of course, showed the efforts made by the governments to promote human rights. Gender equality figured highly on the national agenda of these countries. They reported on the various actions they have undertaken, such as the establishment of special institutions or ministries for gender equality, the adoption of measures in relation to education, health, political participation at all levels, violence and for the implementation of the Convention on Elimination of all Forms of Discrimination against Women and all other conventions on human rights.

I was particularly satisfied to hear the African delegates and the representative of Switzerland state that they have adopted measures to fight violence against women especially female genital mutilations (FGM). This issue came up so many times both from the floor as well as in the reports presented. I believe that we NGOs have successfully brought this problem up and pushed it into the agenda of the UN. Now governments are taking pride in the preventive measures they have taken.

With regard to the protection and promotion of the rights of the child, Benin mentioned its commitment to protect children from FGM and ritual killing. Traditionally, children born with some defects are considered to be witches and are often killed. The government has legislated against these practices and is working with traditional leaders to stop them.

Parallel event

I attended a parallel event on forced disappearances organized by Geneva for Human Rights whose president is Adrien Zoller. The experts and speakers included the Ambassador of Argentina, H.E. Alberto Pedro Dalotto. He spoke of the time when Argentina was known for its large number of disappearances. But at present there is democracy and the perpetrators of this crime are now on trial. He gave details on this. During the discussion, I mentioned the fact that UFER had given the Grandmothers of the Plaza de Mayo the possibility to voice their concern at the Commission on Human Rights for many years. He himself was aware of this and was grateful. Later he came to me and expressed his thanks to UFER. I think UFER should do more research on the topic and write about it as a successful contribution.

WOMEN'S RIGHTS

- The 57th session of the **Commission on the Status of Women** will take place at the UN in New York, from 4 to 15 March, 2013. The priority theme will be: *Elimination and prevention of all forms of violence against women and girls*. On this occasion, UFER will organize a parallel event on the issue of women and girls trafficking, in cooperation with the Grail and the Dutch Foundation of Religious against Trafficking in Women (SRTV). The panel will comprise both survivors of trafficking and activists working in prevention and rehabilitation such as Mrs. Ivonne van de Kar from SRTV, who made a presentation on this issue at UFER General Assembly, in 2010. The moderator will be Mrs Berhane Raswork, UFER representative in Geneva.
- The United Nations Office on Drugs and Crime (UNDOC) has just published its **2012 Global Report on Trafficking in Persons**.⁴ According to the Report, victims of 136 countries were detected in 118 countries between 2007 and 2010. A cause for concern is that 27 per cent of all victims detected globally between 2007 and 2010 are children, up 7 per cent from the period 2003 to 2006. Two-thirds of these are girls. Trafficking victims from East Asia have been detected in more than 60 countries, making them the most geographically dispersed group around the world. Victims from the largest number of origin countries were found in Western and Central Europe. The Report raises concerns about low conviction rates - 16 per cent of reporting countries did not record a single conviction for trafficking in persons between 2007 and 2010. The Report contains a lot of interesting information, statistics and charts.
- The Third Commission of the current 67th session of the **UN General Assembly** has adopted resolutions on female genital mutilations⁵, violence against women⁶ and trafficking in women and girls⁷.
- On 11 October 2012, the United Nations marked the first **International Day of the Girl Child** calling for an end to child marriage. "Education for girls is one of the best strategies for protecting girls against child marriage," Secretary-General Ban Ki-moon said in his message for the Day. "When they are able to stay in school and avoid being married early, girls can build a foundation for a better life for themselves and their families."

⁴ Global report on Trafficking in Persons, UNDOC, 2012: http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf

⁵ A/C.3/67/L.2: http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/67/L.2 and A/C.3/67/L.21/Rev.1: http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/67/L.21/Rev.1

⁶ A/C.3/67/L.19/Rev.1: http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/67/L.19/Rev.1

⁷, A/C.3/67/L.20/Rev.1: http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/67/L.20/Rev.1

UNIVERSALITY OF HUMAN RIGHTS

There are a lot of debates around the concept of basic human rights. They are too often used to promote economic and political interests. There is, however, one fundamental principle contained in article 1 of the Universal Declaration of Human Rights which humanity took centuries to proclaim and which is inalienable: *All Human Beings are born free and equal in dignity and rights*". This means, as Desmond Tutu says on Human Rights Day 2012, that *"we should all have the right to express ourselves, all have the right to be heard, all have the right to be what we can be: To reach for the sky and touch the stars. No matter who we are, no matter whether we are man or woman, or rich or poor"*⁸.

Through the articles below, which are the fruits of presentations and discussions which took place at the 2010 UFER General Assembly, we want to initiate a reflection on the universality of human rights in our Newsletter. We are looking forward to your reactions and contributions.

HISTORY OF THE STRUGGLE FOR HUMAN RIGHTS

*By Cruz Melchor Eya Nchama
Vice-President of UFER*

The history of the struggle for human rights and fundamental freedoms is as old as the history of Humanity. We still do not have any idea today as to how many declarations, conventions or other expressions have been produced by the various human communities for the cause of human rights and fundamental freedoms. We propose here some of these expressions and declarations which we have gathered here and there.

The most ancient sacred texts of the history of Humanity (3rd millennium before J.-C.) can be found in the pyramids of the Pharaohs of the 5th and 6th dynasties. These texts constitute the "Book of the Dead" or the "Book of emerging forth into the Light". In chapter 25 of this book, we find the "**Forty-two Commandments of God**" also called the Negative Confession or Declaration of Innocence. "The Forty-two Commandments" is a document for the promotion and protection of human rights **in Ancient Egypt**. This text was popularized during the New Kingdom (1500-1070 before J.-C.).

The traditional African juridical system is based on the idea that there are original laws, essential principles which govern the world and all creatures on this earth. All these principles and the way they should be applied are contained, in ancient Egypt, in **the concept of Maât** represented under the feature of a black woman with an ostrich feather on her head, symbol of equality among all (Fatou Kiné CAMARA, 2004).

⁸ My Voice counts, 2012 Human Rights Day: <http://www.ohchr.org/EN/NewsEvents/Day2012/Pages/HRD2012.aspx>

Code of Hammurabi, King of Babylonia (1728-1686 before J.-C.)

The code of Hammurabi, also called "the laws of justice of Hammurabi" is a document of 282 articles written with the objective of combating the wicked, so that the strongest cannot harm the weakest; another objective of the code was to educate the population in order to ensure the well-being of all. This code, however, applied to adult men and excluded women, youth and slaves.

Magna Carta

The rebellion of the English aristocracy against its King John Lackland (1199-1216), in 1215, was at the origin of the elaboration of a constitutional document called "Magna Carta", the Great Charter. This rebellion of the clergy, the merchants of the city of London and the entire aristocracy was the beginning of the democratization of the English society. The Great Charter concerned only the nobility and excluded the other members of society.

The oath of the Manden people of 1222 (Mali)

The oath of the Manden people or "Manden Kalikan" is the result of the rebellion of this people against the oppression in the context of the conquest of Islam in Western Africa. As a result of this conquest, slavery, kidnapping and selling of man by man had become common fact (Tidiane N'Diaye, 2008). The Manden hunters' brotherhood rose up against this horrible practice in the name of the creed of their society, the "donsoton", which preaches universal brotherhood, love for the neighbour, moral and spiritual honesty, protection and defence of the poor and the weak against arbitrary and tyranny (Cissé et Sagot-Dufauvroux, 2003). This oath was made the day of the enthronement of Soundjata Keita, the founder of the Kingdom of Mali, in the city of Dakadjalan, capital of the kingdom of Mali of that time. This oath concerned only the men of the people of Mali and excluded women and slaves.

The Charter of Kurukan Fuga (Mali)

This Charter, proclaimed in 1236 after the war between Emperor Soundjata Keita and King Soumaro Kanta, contains 44 articles and is divided into four parts: social organization, goods, preservation of nature and final disposals: "Children's education behoves the entire society. The paternal authority in consequence falls to everyone." (Art.9) "The society is divided into age groups. Each group elects a chief. Those (men or women) born during a period of three years in succession belong to the same age-group" (Art.4). "Never offend women, our mothers" (Art.14). "Women, apart from their everyday occupations, should be associated with all our managements" (Art.16). This Charter of the 12th Century is not perfect, but, compared to other charters and oaths of the same period, it is certainly more advanced.

Habeas Corpus Act

The adoption of the Habeas Corpus Act, in 1679, and of the Declaration of Rights, ten years later (1689) by the British Parliament is the result of several revolutions and rebellions of the English people. The law of Habeas Corpus adopted by the English Parliament has become a universal law for the protection of detainees. However, forced disappearances are still on the agenda of several States.

The Revolution of the United States, which ended with the proclamation of independence of the country in 1776 as well as the proclamation of human rights which accompanied this independence, is the result of the oppression of the American people. It is, however, only in 1908 that the United States granted the right to vote to women. It is only thanks to the movement of civil rights, led by Rosa Park, Luther King, Malcolm X and others that the Black people of USA obtained the right to vote in the 1960-1970.

At **the French Revolution of 1789**, a Declaration of the Rights of Man and of the Citizen was proclaimed for the first time as a result of the struggle of the French people against its oppressors. This revolution concerned only the white adult men. Mrs Olympe de Gouges (1748-1793) drafted a Declaration of the Rights of Woman and of the Citizen at the same time as the men elaborated the Declaration of the Rights of Man and of the Citizen. Her declaration was not accepted by the Convention and she was condemned to death and guillotined on 3 November 1793. The French government granted women the right to vote only in 1945. Even if the French revolution abolished slavery in 1795, it was re-established in 1802, till its final abolition in 1848.

The Declaration of the Rights and Duties of the Social Man, adopted by the nation of Geneva, on 9 June 1793, is the result of the struggle of the people of Geneva against its oppressors. This declaration did not apply to women, the poor and the popular class. The women of Geneva were granted the right to vote in 1960.

The Haitian revolution of 1802, which culminated in the independence of the country, on 1st January 1804, and the Declaration of Rights which accompanied this independence, is the result of the struggle of this people against its oppressors. This Declaration of Rights excluded the settlers and all the white people; however, slaves coming from other colonies to Haiti became automatically Haitians and free.

The proclamation of independence of Liberia, on 26 July 1847, as well as the declaration of rights of this country is the consequence of the struggle of the Liberian people against its oppressors. In 1847, those considered as full-fledged Liberians were the former African slaves coming from United-States and the West Indies. All indigenous Africans and the former women slaves repatriated in Africa were excluded.

The Mexican revolution which started in 1910 ended with the adoption of a constitution, in 1917, in which article 23 is dedicated to economic, social and cultural rights; it is the first time in the history of human rights that economic, social and cultural rights are mentioned. This revolution excluded the indigenous population, women and African slaves.

The Declaration of Rights of the Labouring and Exploited People of 1918 was the result of the struggle of the Russian people against its oppressors. This declaration of rights excluded the bourgeois and the “reactionaries”.

The Declaration of the Rights of the Negro Peoples of the World of 1920 was the consequence of the struggle of the children of the former African slaves in the Americas. This Declaration, made under oath in New York on 15 August 1920, is totally dedicated to the cause of the Negro peoples of the world.

The struggle for women’s rights started in the 19th century in relation with the struggle for the right to vote. This is the chronological order of countries in which women obtained the right to vote: New-Zeeland in 1893, Australia in 1902, Finland in 1906, Norway in 1913, the Soviet Union in 1917, Germany in 1918, England in 1928, France in 1945, etc. , and Switzerland in 1971 (at the federal level). Generally, Africans, men and women, obtained the right to vote after the Second World War, when the countries were still European colonies; with the accession to independence, all Africans of both sexes acquired the right to vote.

The League of Nations, predecessor of the United Nations, established the principle of primacy of human dignity over states interests. It put in place a system of protection of linguistic, racial and religious minorities with the purpose of providing their members some basic rights. The League of Nations produced a Convention on slavery adopted in Geneva on 25 September 1926; it also addressed the issue of the refugees of the First World War. Mr. Fridtjof Nansen (1861-1930) played an important role during that period; he was the one who produced the first travel document for refugees. An international organization for refugees was established, conventions and protocols were signed on 12 May 1926, 30 June 1928, 28 October 1933, 10 February 1938 and 14 September 1939.

The International Labour Organization (ILO) was created in 1919 as a specialized agency of the League of Nations with the conviction that peace could only prevail in the world if it was based on social justice and respect for the dignity of the workers. These principles were largely developed, on 10 May 1944, in the declaration of Philadelphia incorporated later in the Constitution of the ILO. The ILO drew up Convention No 29 related to forced labour, adopted on 28 June 1930.

A meeting took place somewhere in the Atlantic North (during the Second World War), between Franklin Delano Roosevelt (1882-1945), President of the United States and Winston Leonard Spencer Churchill (1874-1965), Prime Minister of Great Britain, on 14 August, 1941. They signed the **Atlantic Charter** which was later approved and signed by 47 countries. In this Charter, the two men expressed the hope “to see established a peace which will afford to all nations the means of

dwelling in safety within their own boundaries and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want". This Declaration became, on 1st January, 1942, the Declaration of the United Nations.

Between the months of August and October 1944, the representatives of China, United States, France, United Kingdom and the Union of Soviet Socialist Republics met in Dumbarton Oaks, near Washington, DC; they elaborated proposals for the creation of the Organization of the United Nations. These proposals were sent to San Francisco where a conference of 50 States was held between 25 April and 26 June 1945. On 26 June, **the Charter of the United Nations** was adopted.

The Charter of San Francisco or the Charter of the United Nations is a Charter of human rights and fundamental freedoms. Practically all the United Nations organs work for human rights and fundamental freedoms.

In 1946, the Economic and Social Council (ECOSOC) created the **Commission on Human Rights**. This Commission was first called the Nuclear Commission and was composed of 18 members; it went up to 43 members and finally to 53 members. In 2007, the Commission was replaced by the Human Rights Council with 47 members.

In 1946, the mandate of the Commission on Human Rights was to present proposals, recommendations and reports to ECOSOC on issues related to: 1) an international declaration on human rights; 2) international declarations or conventions on civil liberties, the status of women, freedom of information and related issues; 3) the protection of minorities; 4) the prevention of tensions based on race, sex, language or religion; 5) any other issue not mentioned under items 1,2,3, and 4. At its first session in 1947, the Commission created the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**.

The first Commissions on Human Rights met under the presidency of **Anne Eleanor Roosevelt** (1894-1962), great human rights activist and widow of Franklin Delano Roosevelt, President of the United States. The Commission was composed of very dynamic personalities such as René Samuel Cassin (France, 1887-1976), Charles Habib Malik (Lebanon, 1906-1987), Peng Chun Chang (China, 1893-1957), Hernan Santa Cruz (Chile, 1906-1999), Alexandre Bogomolov (Soviet Union, 1900-1969), Charles Dukes or Lord Dukeston (United Kingdom, 1880-1948), William Hodgson (Australia, 1892-1958). The Secretariat of the Commission was under the responsibility of John Peters Humphrey (Canada, 1906-1995). This Secretariat was called the United Nations Division for Human Rights, which later became the United Nations Center for Human Rights. At the Vienna Conference, in June 1993, the post of High Commissioner for Human Rights was created and, since 1997, the High Commissioner for Human Rights and the Center for Human Rights are unified. Today we have the Office of the High Commissioner for Human Rights.

John Peters Humphrey, first director of the Division for Human Rights, prepared the first preliminary draft of the **Universal Declaration of Human Rights** which was sent to the Drafting Committee presided by Mrs. Roosevelt. This Committee finalized the draft Declaration and sent it to the Commission on Human Rights. On 10 December, 1948, the General Assembly of the United Nations examined this draft which contained many amendments; the Assembly voted 1400 times and the declaration was adopted, in resolution 217 A (III), at 11.30 p.m., at Palais Chaillot, in Paris, by 48 votes with 8 abstentions.

Before 1948, the declarations were made in relation to a national revolution, a rebellion or an upheaval against a Prince or the leaders of a State in a particular historical moment. On the other hand, the 1948 Declaration came at a time when the mentality which governed the world had already accepted, at least in theory, the promotion and protection of human rights without discriminations based on sex, race, social origin, religious consideration, etc. All the rights proclaimed in the 1948 Declaration apply to all human beings, from the North and the South, the East and the West. These human rights are global without any discrimination. Since 1948, the elaboration of human rights norms is made by the United Nations General Assembly where all the States of the community of nations are represented.

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THE UNIVERSALITY OF HUMAN RIGHTS

*By Berhane Ras-Work, UFER representative at
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The human society has continuously developed norms and values as well as legal systems in order to constrain the brutal, ensure social harmony and cohesion. Despite such attempts which were expressed in terms of tradition and beliefs, the right of the individual within the community took longer time to be recognized as an essential ingredient for peace and development.

The **Universal Declaration of Human Rights**, which was adopted as the most important outcome document after the 2nd World War, can be referred to as the first clear agreement on the part of nations to recognize the right of the individual as a prerequisite for international peace and development. The subsequent covenants, conventions, protocols, declarations and agreed conclusions reaffirm the importance of respect for human rights despite the origin, race, religion or sex of the individual. Conferences, consultations, monitoring and other mechanisms have been developed for application of human rights principles at the national, regional and international levels.

The **World Conference on Human Rights** held in Vienna in 1993 was yet another international effort to reaffirm the universality, inalienability, indivisibility and interdependence of human rights principles. This conference required several and serious preconference and conference consultations in order to agree on a common declaration and programme of action. In general and clear terms the outcome documents stated that neither religion nor tradition and custom could be cited as justifications for the violation of human rights. This development is of high importance in terms of upholding respect for the right of the individual including women whose rights are violated with tradition and misinterpretation of religion used as reasons. Globally women have been subjected to inhuman and degrading treatments with tradition cited as a ground. Practices such as female genital mutilation have been perpetuated victimizing millions of women and girls since tradition and religion are freely used as reasons behind. Due to ignorance and lack of alternatives women accept cruel treatments such as the mutilation of their bodies without challenging the dictates of their societies. This reality has been with us for centuries at the risk of the lives and well being of women.

At the present time, however, with the development of international human rights instruments and commitments which have to be observed rigorously, this reality is fortunately and gradually losing its ground.

The Vienna Declaration and Programme of Action put emphasis on the importance of the respect of the rights of the individual as opposed to customs traditions or even religious misinterpretations.

Article 38 states: "In particular, the World Conference stresses the importance of working towards the elimination of violence against women in public and private life....and the eradication of any conflict which may arise between the rights of women and the harmful effects of certain traditional or customary practice, cultural prejudices and religious extremism ..."

Article 48 states: "Exploitation and abuse of children should be actively combated including by addressing their root causes ..."

Article 49 states: "The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practice which discriminate against and causes harm to the girl child".

Paragraph 5 of the Vienna Declaration and Programme of Action reaffirms that "all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".

As we approach the 20th anniversary of the Vienna declaration and Programme of action, it is time to recognize the importance of these commitments and also take stock of their impact on the protection of human rights world wide.

The emerging debate on freedom of religion has to be carefully followed up so that there will not be any contradiction that would open the door to the use of religion to justify the violation of human rights especially that of women.



Universality of Human Rights: Fixed Concept, Evolving Content

By Monica Maher, member of the Board of Directors of UFER, Visiting Scholar and Professor, Gender and Culture Program, Latin American Faculty of Social Sciences (FLACSO), Quito, Ecuador.

In discussing the universality of human rights, it is important to make the distinction between concept and content. Although most nations in the world might agree on the concept of an unchanging corpus of human rights universal to all people, they would not agree on what constitutes the content of those rights. Indeed, the field of human rights has been in constant evolution since the landmark Universal Declaration of Human Rights of 1948. New claims and new claimants have emerged over the last 64 years that would have been unheard of at the time of the document's drafting.

One example is the breakthrough in the decade of the 1990s to recognize the legitimacy of respecting, promoting and protecting the rights of women, including in the "private" sphere of the home. This has led to landmark legislation at the international and national levels which affirms "women's rights as human rights" and criminalizes intimate partner violence

and other forms of violence against women. In this example, the new claimants are women, hitherto without legal standing in many countries, and the new claims are their rights to protections both in public as well as private arenas.

There is usually great resistance against such new claims and claimants whenever they emerge. The arguments against are often based on religious or cultural justifications and the call to the relativism of the rights demanded of the new claimants. Yet human rights are indivisible and interdependent. One cannot argue for example that the right of indigenous peoples trumps women's rights; on the contrary, indigenous women's rights must be respected within indigenous legal systems. In fact, the UN has stated repeatedly in many documents that States cannot renege on their human rights obligations through resorting to arguments based on religion and culture (see Berhane Raswork's article above). In a word, violence against women cannot be defended as a cultural or religious value. As absurd as "violence as value" sounds, it is in fact the argument often made. Leaders frequently refuse to recognize advances in human rights because it challenges their monopoly of power and calls for recognition of hitherto unrecognized people (eg. women and girls) as equal in dignity and rights as full citizens of the country.

Currently in the human rights field there are several cutting edge issues and actors. These include the rights of nature, as well as the rights of gay, lesbian, bisexual and transgender people.

Indigenous people's advocacy for the rights of "nature" has shifted the paradigm from simply "human" rights to more broadly conceived rights. The constitutions of Bolivia and Ecuador do recognize the rights of nature, yet it is still unclear how such rights will be protected in the face of neoliberal capitalist appropriation of land, privatization of water, extraction of oil and mining of precious metals. But these problems are precisely the reason for which indigenous communities have demanded the recognition of the rights of land, water and other natural resources. In the Andean cosmovision of "Sumak Kawsay" or "Living Well," all life is sacred and must be protected.

A second shift in human rights has been the increasing recognition by international bodies, such as the Organization of American States and UN Human Rights Council, and States, such as Argentina, Spain and Mexico, of the rights of sexual minorities or gay/lesbian/bisexual and transgender people. As with the breakthrough in the advocacy of women's rights, the rights of GLBT people has been a highly charged issue giving rise to fervent resistance on the part of many States, who challenge the new claim on the basis of religion, tradition and culture.

To conclude, the field of human rights is a site of struggle and conflict, a field that responds to social movements changing as new claimants come forward with new claims, and human understandings of the diversity, integrity and complexity of life unfold. This is why, though we may all agree on the concept of "universal human rights," we most likely will not fully agree on the content of such rights. In sum, while the concept of "universal human rights" remains fixed, their specific content will continue to evolve and expand.⁹

⁹ *References: Abdullahi Ahmed An-Na'im, Human Rights Lecture at Harvard Divinity School, Cambridge, MA, fall 2007; An-Na'im spoke of the distinction between concept, content and context in human rights. Professors Lynn Freedman and Ali Miller, Columbia University Mailman School of Public Health, course on "Health and Human Rights," fall 2001; the class emphasized the field of human rights as a site of power struggle in which new claimants sought to make new claims.*

UFER CHRONICLE

In March 2014, UFER is planning to organize, in Nepal, a Seminar with a view of bringing together people from our networks, who are working on violence against women and girls, particularly in relation to **exploitation/forced labor and trafficking**. The objectives of the seminar will be to:

1. Hear testimonies and receive information from both survivors and people working in prevention and rehabilitation.
2. Share information and experience among participants coming from different parts of the world and concerned by these issues.
3. Open channel of communication, identify proper mechanisms and develop common strategies, among members of our networks, to assist each other in the fight against exploitation and trafficking of women and girls.

In preparation for this seminar, **we are looking for information** related to these issues from our members and associates. What is the situation in your country? Are you directly affected by this phenomenon or involved in prevention or rehabilitation of victims. We are looking forward to hearing from you: raymonde.martineau@sympatico.ca.

Visit our Website: www.ufer-international.org

TESTIMONY

UFER inspires me since fifty years

By Gaëtane Gascon, Gatineau, Québec, Canada

I discovered UFER in 1961 in Brussels, thanks to Ghislaine Duqué who presented the movement to our group during the AFI international training program. The United Nations dimension of social action that UFER represents helped me throughout my career which took place at the grassroots as well as in the national or international fora.

From 1962, I worked for ten years in India in support of rural and coastal communities in the pursuit of food security. In Geneva, in 1972, at the AFI international secretariat, through UFER, I supported initiatives related to decolonization in Africa and the equitable place of women in society. In 1975, back to Canada, I joined Canadian international organizations such as Development and Peace and Oxfam, and was responsible for programs of solidarity with African groups while promoting public education and policies favorable to international justice. Now, I am part of the volunteer team that produces the UFER Newsletter.

Through all these commitments, I have realized that poverty and underdevelopment are the results of inappropriate national and international policies. This led me to strongly support civil society organizations. Since they are not of the same value, I favor those, like UFER, that promote exchanges and reflection on the experiences of communities and disseminate information on human rights issues. I like those with a neutral approach while recognizing the values represented by various cultures and religions. Within the United Nations, UFER nourishes the relationships between grassroots and decision makers with the view of promoting common good, basic human rights, peace building and human solidarity.

UFER is not unique, but it is precious. When reports on wars, natural disasters or bad development fill the media, I turn to organizations such as UFER with the hope of hearing affected people's voices. I want to know their views and the solutions they propose. UFER brings a little fresh air, a little hope speaking about men, women and children that creatively rebuild their networks and their livelihood. Their courage stimulates me to continue to work in my own environment.

To-day, more than fifty years later, UFER continues to inspire me.

Together with this Newsletter we are sending you a small leaflet of presentation of UFER. Use it to make UFER known around you and encourage your friends and acquaintances to join UFER in order to promote our ideals and support our activities

TRIBUTE TO EILEEN SCHAEFFLER

By Raymonde Martineau, Secretary General of UFER

Eileen Schaeffler, a life-long militant for human rights and a former representative of UFER at the United Nations in New York, left this world on 4 August, 2012, at the age of 85. Eileen was born in New York, on 3rd June 1927. She joined the Grail movement in 1946. She obtained a B.A. degree in Social sciences in 1948.

After several years of involvement at community level in Brooklyn and Detroit, she was awarded a Fulbright Scholarship grant, in 1955, to study efforts at developing community in Europe. After her return to USA, Eileen held various functions within the Grail. In 1967, she became International president. Based in Paris during her four-year mandate, she traveled around the world.

When she returned to the United States, in 1972, she started working with the non-governmental community at the United Nations in New York as representative of UFER. She worked especially on issues concerning South Africa and decolonization in Southern Africa. This is when I got to know Eileen, being myself UFER representative at the United Nations in Geneva, from 1973 to 1975. We exchanged reports and communications across the ocean and met for the first time at an UFER meeting in Paris, in 1974. We were on the same wave-length. She was very dedicated to UFER and believed in the mission of the organization.

From 1978 to 1981, she worked as an administrator in the Women's Bureau at the US Department of labour in Chicago, because, as she said, "I wanted to become involved in the struggles of my own country". In her work, she paid particular attention to black household workers and Native American women. She left this job because she could not cope for long with a huge bureaucracy. She also managed to complete a master's degree in International Relations. She then went to work as Special Assistant to the president of the Pontifical Mission for Palestine.

From 1984 to 1987, she worked as a liaison officer with non-governmental organizations (NGOs) in the Division for Palestinian Rights of the United Nations. We were colleagues again, since I had joined the United Nations as Liaison Officer with NGOs in Geneva, in 1976. We met on various occasions and spent time together in New York and Geneva, when our work brought us on the other side of the ocean.

Eileen retired in 1987 and resumed her work as UFER representative in New York till her health forced her to withdraw from active life.

Eileen was totally dedicated to the promotion of human rights, justice and dialogue between men and women from various social, religious, ethnical and cultural backgrounds. She worked all her life towards, understanding, peace and reconciliation. She was politically aware, socially concerned and a real humanist. Anna Boekstegen, former president of UFER, sent this testimony: "She was such a generous, dedicated person, concerned about women and open to international justice and peace issues". Thank you, Eileen, for what you have been. You were an inspiration to all of us.



The General Assembly declared 2013 the International Year
of Water Cooperation

FOLLOW-UP TO THE LAST NEWSLETTER

- **Brett Hartmann**, who has been on death row in Ohio for the past 14 years, has been executed by lethal injection, on 13 November, 2012. He had had two prior stays of execution (in April 2009 & August 2011). UFER had joined efforts with many others in trying to spare him the capital punishment. (See articles in Newsletters since 2009). Till the last moment Brett has maintained his innocence. There remain many unanswered questions in Brett's case which was based on circumstantial evidence. The state's public defence team did little to defend him. He had asked for additional DNA testing which were refused.

Brett left peacefully surrounded by family members and friends, including his aunt Arletta who is an AFI/ICA member. His sister witnessed the execution. In an interview to a journalist on the day before his execution, he said: "It's the road I got to walk It's my time. It's hard, especially for my family. But it's not overwhelming for me. I've just never had any luck."¹⁰ Replying to an invitation by a journalist who had written to all death-row inmates due to be executed in 2012, Brett wrote two letters in May¹¹ and June¹². He also gave a long video interview, which can be found on YouTube¹³. He speaks about his case and also about the life on death row. We experience the person behind the so-called "criminal", his evolution, his relations to the outside world, his family and his fellow detainees. In the May 2012 letter, he says: "(I fear that) once I am executed I will go down in history as a murderer no one ... wants to go down in history as something they are not. If executed I would love for someone to continue working to prove my innocence."

NEWS FROM MEMBERS & PARTNERS

- **The Union for the Development of Humanity (UDH)** continues with its training programs on human rights. In July 2012, it organized in Kinshasa, two **seminars** on sexual violence against women and HIV/AIDS, poverty, citizenship and human rights, in cooperation with the National Program to Combat AIDS and the UN Mission in Congo (MONUSCO). These seminars were particularly dedicated to young girls/women (16-25 years old) and young mothers (25-40 years old).

During these seminars, the UDH stressed the importance for girls to go to school and learn a trade and encouraged the young girls who are victims of sexual violence to denounce these acts of violence and to seek support from the advocates of UDH. The organization has established branches in order to provide assistance to the populations in their efforts to defend their inalienable rights.

¹⁰ Beacon Journal, *Ohio executes Brett Hartmann in slaying of Highland Square woman*, 13/11/2012, <http://www.ohio.com/news/local-news/ohio-executes-brett-hartmann-in-slaying-of-highland-square-woman-1.349829>

¹¹ Letter of 26 May, 2012: <http://gawker.com/5913076/letters-from-death-row-brett-hartmann-ohio-inmate-357+869>

¹² Letter of 10 June, 2012: <http://gawker.com/5919222/letters-from-death-row-brett-hartmann-on-justice>

¹³ Brett Hartmann interview conducted at the Chillicothe Correctional Institution, on 11/10/2012: <http://www.youtube.com/watch?v=QvRcp69h6jU>

UDH is also preoccupied by the phenomenon of **migration** in DRC. It discourages illegal migration and encourages legal migration through public awareness campaigns. We have to recognize the positive impact of migration on the socio-economic development of the country. The transfer of funds constitutes an important income for the families. In addition, equipments sent enable some families to start small informal businesses. For example, vehicles for public transport in Kinshasa, provided and financed by migrants, contribute to solving problems of transport which the State cannot cope with. It is clear that transfers of funds mainly have a micro-economic impact, responding to the immediate needs of the beneficiaries. Unfortunately, many obstacles hold up this economic contribution: lack of information and institutional framework, cumbersome administrative procedures, under-development of the banking system, etc.

UDH also calls on the international solidarity for an end to the massive violations of human rights in the **Eastern part of the country (KIVU)** and for the reestablishment of peace in the whole country.

- **Augustin Karenzi**, originally from Rwanda, who participated in a panel during the UFER GA in 2010, finally obtained the status of refugee in Belgium. His wife Véronique and his son Roger, who had remained in Rwanda, were finally able to join him a few months ago. **Véronique Niyonsaba** is now the new Secretary-general of the Inter-Cultural Association (AFI-ICA), one of the founding members of UFER.

PUBLICATIONS

- The next **Human Development Report**– “The Rise of the South: Human Progress in a Diverse World” – will be published in early 2013. The Report will examine the profound shift in global dynamics that is being driven by the fast-rising powers of the developing world – and the important implications of this phenomenon for human development. Looking ahead at the critical long-term challenges now facing the international community, from inequality to sustainability to global governance, the 2013 Report identifies policies and institutional reforms reflecting the new reality of the rising South that could promote greater human progress throughout the world for decades to come. ¹⁴
- **Mary Robinson**, Former UN High Commissioner for Human Rights (1997-2002) and first woman President of Ireland (1990-1997) has just written her **memoirs: *Everybody Matters, A Memoir***, published by Hodder and Stoughton.

A Reminder

The annual membership for 2012 is of 35 € or 50US\$. It can be:

- # sent to the following account in Belgium
Banque Fortis: IBAN: BE50 0013 6970 0018 BIC: GEBABEBB
- # or transmitted to a member of the Board of Directors or the IS of AFI/ICA

We need your support for our future activities!

¹⁴ 2013 Human Development Report : <http://hdr.undp.org/en/>