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Table of Contents Alphabetical by Participant Name

Sally Carlton (UK/Australia/New Zealand).....	2
Hiruy Wubie Gebreegziabher (Ethiopia).....	6
Vasudha Gupta (United States).....	10
Myat Thida Hnin (Myanmar/United States).....	13
Nausheen Khan (Bangladesh).....	17
Viola Metaj (Albania).....	21
Christina Velentza (Greece).....	25
Anaba Wilberforce (Ghana/Canada).....	32

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Sally Carlton (Facilitator)

UK/Australia/New Zealand



In 2011, Sally completed a PhD in French History from the University of Western Australia (UWA). Having long volunteered in the human rights sector in Australia, particularly in the area of refugee rights and education, she applied for a position with the Australian Youth Ambassador for Development (AYAD) program and spent 2011-2012 working as a Research Fellow at the Nepal Institute for Policy Studies (NIPS). She has recently moved to Christchurch, New Zealand, where she is conducting research related to the role of the NGO sector in the city's post-earthquake rebuild and volunteering as Community Development Coordinator at the Canterbury Refugee Council. She is also an Associate of the online Peace and Collaborative Development Network.

Databases and development goals: Towards increased inter-NGO communication

Outlining the issue: Poor inter-NGO communication and its consequences

Across the world, organisations working on human rights issues must number in the hundreds of thousands. These organisations range in size from vast international outfits such as the United Nations, to national aid agencies, to small-scale local operations staffed by volunteers. These organisations have different development foci, strengths and agendas. Some of these organisations research, theorise and publish about human rights issues, while others adopt a practical, hands-on approach by engaging in activism and advocacy. Yet despite the innumerable differences between them, these organisations have one thing in common: they exist to further the cause of human rights.

At first glance, it would seem that the plethora of human rights organisations is a positive phenomenon for people eager to see human rights prevail around the world. Unfortunately, however, the multiplicity of not-for-profit and non-governmental organisations (NGOs) can in some instances actually work against furthering human rights. Yet although this issue might sometimes be recognised by people working within the sector, it is not often analysed or critiqued. Serious examination of this topic would, however, be immensely beneficial to advancing human rights.

The most obvious example of human rights organisations unintentionally harming the cause they seek to further is the duplication of work which occurs. Organisations devote hard-won and often limited resources (including physical resources, time, money and staff) to researching or acting on behalf of human rights causes; often, however, similar work has already been conducted. This duplication notably occurs in research (such as when organisations conduct feasibility studies or analyse the state of human rights in a community) but also occurs in tangible acts of human

rights aid such as resource distribution. This duplication results in unintended but nonetheless serious consequences: limited funds are unnecessarily squandered and donors (including the general public) can become disgruntled.

There are also direct consequences for the very people the NGOs are seeking to help. For example, if through mismanagement and lack of communication, two wells are dug in one community while the neighbouring community receives no well, the people in the first community are doubly benefitted but the people in the second community must continue to rely on fetching water from the river, which may be far away or polluted. In this situation, the second community has been unintentionally excluded from the development agenda with the result that the health risks of fetching and consuming river water remain unmitigated.

The main reason for the duplication of work amongst NGOs is lack of communication. Without effective communication and cooperation, NGOs cannot remain connected to the work of their peers; without knowledge of others' activities, it is inevitable that organisations may decide to tackle the problems already addressed by other groups, and in doing so perhaps repeat the same processes and even the same mistakes. In some instances, lack of communication may mean that NGO staff remain unaware not only of the *work* of other organisations, but also of their very *existence*. Without this knowledge, NGOs are unable to share or make use of each other's expertise and resources. A thoroughly collaborative approach is more likely to produce human rights outputs of the highest possible quality, and would simultaneously require the mobilisation of fewer resources.

There are a number of reasons why human rights groups do not always access existing resources or consult other organisations carrying out similar work. Small NGOs, for example, may lack the staff to conduct the necessary cross-checking. Alternatively, many NGOs are run by people who want to help the community but may lack the necessary knowledge or experience to seek out other groups. In some cases the decision to avoid inter-NGO collaboration can be conscious: the act of sharing resources and expertise may jeopardise jobs, making staff understandably fearful of the consequences of interaction.

Whatever the reason for limited inter-NGO communication, two facts remain indisputable. Firstly, one of the underlying aims and roles of most NGOs is to further the cause of human rights in the region and by extension, throughout the world. Secondly, sustained and high-quality inter-NGO communication and cooperation is a relatively simple but very effective means of achieving that aim. These two truisms mean that human rights groups should actively seek to establish, maintain and foster links with similar organisations.

Suggestions: What can be done to facilitate inter-NGO communication?

Efforts have been made towards addressing the issues engendered by poor inter-NGO communication, but these efforts can be improved upon. The most effective way of facilitating knowledge of others' work - and thus minimising duplication - is through the maintenance of a high-standard, all-encompassing database containing information pertaining to the work of every NGO in the world. Additionally, overarching bodies (possibly governments) could play their part in allowing new NGOs to be founded only after they have proved a veritable need within their community, in order to slightly curb the huge numbers of NGOs and also reduce duplication.

A database of NGOs already exists. The World Association of Non-Governmental Organisations (WANGO) was founded in 2000, to “help to provide the mechanism and support needed for NGOs to connect, partner, share, inspire, and multiply their contributions to solve humanity’s basic problems.”¹ In order to facilitate these aims, its website provides a space in which NGOs can share resources and post jobs. Yet although the Association provides invaluable information and serves as a database for NGOs across the world, it is far from perfect. The WANGO Worldwide NGO Directory, for example, lists approximately 550 NGOs in Nepal² - but it is rumoured that Kathmandu alone boasts 60,000 such organisations.

The exceptionally large number of human rights organisations in the world renders the task of maintaining a current NGO database near impossible. Other factors also complicate the feasibility of an NGO database. Firstly, non-governmental organisations can in many countries be easily formed and officialised (requiring only a few people and a very small budget to qualify). Secondly, many of these groups are formed in response to a particular perceived need in society, and these needs wax and wane depending on contemporary circumstances. The constant fluctuation of needs means that the NGOs established to address them also experience periods of intense activity interspersed with periods of relative inactivity. Once the need has been addressed, the utility of the NGO also diminishes and it often closes down (or simply ceases to exist, further complicating record-keeping). Thirdly, certain needs originate in times of disaster, during which NGOs can be isolated from communication networks and thus removed from official guidelines and records.

Such factors render the creation and maintenance of a database of NGOs exceptionally difficult. Yet because of the value of such a database in terms of facilitating communication and resource sharing, subscription to a database should be essential for any human rights group. The most effective system would incorporate multiple layers of database, so that NGOs could be searched either by region, human rights focus or current activities. A multi-national organisation like WANGO would be responsible for providing links to country databases, which would in turn provide links to regional databases (to which individual NGOs would subscribe). As all information uploaded to the regional databases would be automatically uploaded to the national and global systems, people would be able to use the database to search for groups around the world. By registering each NGO according to keywords (e.g. indigenous rights, environment, migration), thematic links could be established between groups.

As it would be impossible for a single organisation to monitor the validity of information on an NGO database, it must be the responsibility of each NGO to upload and keep current their contact information, publications, activities and future plans. In order to ensure organisations actually engage with this process, responsible bodies such as governments should make subscription to the regional NGO database one criterion of founding an NGO. Further, as information must be regularly updated on the database, this activity should be monitored, for example as part of regular updates submitted to donor or governmental agencies. Except when

¹ World Association of Non-Governmental Organisations, <<http://www.wango.org/about.aspx>> accessed 6 May 2013.

² World Association of Non-Governmental Organisations, <<http://www.wango.org/resources.aspx?section=ngodir&sub=list®ionID=62&col=FFCC00>> accessed 6 May 2013.

circumstances render such activity impractical or impossible, it might also be possible to introduce specific guidelines for the creation of new NGOs which require substantial research into the past, present and future work of existing human rights groups (which would be easily done with the help of a database).

In addition to a worldwide database of human rights groups, another step which could be taken towards furthering inter-NGO communication relates to the Millennium Development Goals (MDGs). Even MDG 8 - “Global partnership for development” - contains no mention of communication or cooperation between organisations working to further human rights.³ As we move towards 2015 and a new set of development agendas and aims, it would be worth including reference to collaboration amongst human rights groups within aspirations for “global partnerships.”

Two main means exist, then, through which inter-NGO communication could be relatively easily improved. The most important of these means is the creation and dedicated maintenance of a database of NGOs across the world, which builds on systems already implemented by organisations such as WANGO. The regular updating of this database would have to be monitored, for example as part of standard donor reports. Further, in recognition of the importance of inter-NGO communication, the post-2015 MDGs should promote collaboration within the category of “Partnerships.” Given the relative ease with which inter-NGO communication could be enhanced, and the immense benefit which this system would bring to human rights campaigns, it is important that organisations begin to critically engage with the issue.

³ United Nations, <<http://www.un.org/millenniumgoals/global.shtml>> accessed 6 May 2013.

Hiruy Wubie Gebreegziabher

Ethiopia



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Fostering the development of a society enjoying freedom from fear and want through coordinated human rights advocacy

Problem Identification

One among the objectives of the Universal Declaration of Human Rights (UDHR) is creating a society enjoying freedom from fear. UDHR characterizes enjoying freedom from fear and want as the highest aspiration of the common people.⁴ This shall be fulfilled by the public rather than few groups, as it is sometimes the case in third world countries where few urban-based groups advocate human rights without mass mobilization. A free society built upon the foundations of justice and freedom will decidedly be a defender of human rights. Human rights are concessions that the powerful have to respect in their relations with the voiceless. If left unchecked, powerful regimes are more likely to be tempted to place their people in a state of perpetual fear and crippling the mass from demanding respect and protection of fundamental rights. The best solution for this is public mobilization and human rights education.

In pseudo democracies like my country, Ethiopia, human rights advocacy remains to be a challenge. In Ethiopia, there are a number of draconian legislations making human rights advocacy an unsafe venture. The anti-terrorism law is crafted in a manner to incriminate whatever is intended to be; the press law cripples the free press and the Charities and Societies Proclamation make human rights advocacy an unlikely venture. However, the youth shall find a way to coordinate efforts in fostering the development of a society enjoying freedom from fear and want. Gone are the days when it used to be believed that 'whatever the government decides is right'. Though it looks like challenging, the future is with us to integrate our efforts in nurturing a human rights friendly society.

⁴ The Universal Declaration of Human Rights (UDHR), Preamble, Paragraph 2.

Human Rights Framework

Human rights instruments reiterate the truth stated in the UDHR that ‘all human beings are born free and equal in dignity and rights’.⁵ Universal rights can make sense only when the right holders are fully cognizant of them and stand thereto. That is the reason why human rights education is considered as human rights.⁶ International human rights covenants ordain that ‘the ideal of free human beings enjoying civil and political freedom can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights as well as his economic, social and cultural rights.’⁷ Though all rights are indivisible and interdependent⁸, some rights might have unique relevance in a given state. Having the Ethiopian context in view, I found it more appealing to explain the nexus between freedom from fear and want and protection of the freedom of opinion and expression.

Freedom of Opinion and Expression

Everyone has the natural right to freedom of expression.⁹ It is often rightly contended that this right is a champion of all rights since it is not only an end in itself but as well means to achieve all other rights by assisting the process of human rights protection. Human rights protection cannot be achieved with a top-down approach. It is more plausible for to follow a bottom-up approach where a society, with informed knowledge of human rights, can stand out as human rights defender. This can be achieved in a scene wherein we have a free media and public conscience destined to create a human rights friendly society. It is a pious wish to expect human rights protection where there is demonstrated violation of the right to freedom of expression.

Though my country, Ethiopia, has constitutionally recognized the right to freedom of expression¹⁰, it mainly remains a paper tiger which the government is characteristically known to be against. Electronic media is reserved for state use alone and it rarely entertains diverse opinions and works only to justify whatever is done by the government. Besides precluding other actors from engaging in the electronic media, the government jams websites and Diaspora based media that are critical about its human rights records. It also uses draconian legislations to paralyze human rights defenders who use the media to sensitize the public. It suffices to mention the ever increasing number of detainees for thinking and expressing differently. This has created an unexplainable fear where many Ethiopians, including those in the academics, consider ‘silence’ as the right way to sustain. To mention an example of mine, many of my colleagues ‘advise’ me to be a ‘better professional’ avoiding ‘risky encounters’ with the ‘government’ just for posting my thoughts in Face-book. In fact, I received a caution, by way of an ‘advise’, from the university ‘administration’ even for ‘liking’ a Face-book post by a friend. The widespread fear is not an unfounded one but something that dictatorial laws like the antiterrorism law have

⁵ UDHR, Art. 1

⁶ UDHR, Art. 26. See also, United Nations Human Rights Office of the High Commissioner, World Program for Human Rights Education, Second Phase Plan of Action, 2012, p. 12.

⁷ See, The International Covenant on Civil and Political Rights, Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 2200A (XXI) of December 1966, entry into force 23 March 1976, Preamble, Paragraph 4.

⁸ The Vienna declaration and program of action, 1993, Paragraph 5.

⁹ UDHR, Art. 19.

¹⁰ Constitution of the Federal Democratic Republic of Ethiopia, Proc. No. 1/1995, Federal Negarit Gazeta, Year 1, No. 1, Art. 29.

created.¹¹ Though freedom of expression is a limitable right, not all limits are acceptable.¹² If we simply sit back and observe, the society will accept, as it did previously, that authoritarianism is something that we can't do anything about other than praying; making it unlikely for it to stand for respect and protection of human rights.

Looking forward and proposing solutions: A perspective of the youth

I believe that youthfulness comes with vigor to dream a better future in all fields of life. The same is true regarding my prediction of what the future has to offer in achieving freedom from fear and want in our society. Though the objective realities in Ethiopia trigger pessimist thoughts regarding the future of human rights advocacy, I still see a bright future ahead and the inevitable awakening of the public. This is not a mere talk; but a walk that we have already started, albeit at a scale that cannot address the problem. The following lessons from my experience show that we still have a bright future to come if we coordinate efforts.

Finding ways to bypass policy bottlenecks

As stated above, there is no convenient system enabling us mobilize the community through human rights education towards achieving freedom from fear and want. However, it should not be forgotten that we have to open doors rather than waiting someone to unlock them. Let me take an example of my own experience which might be scaled up for further achievement. University of Gondar, legal aid center, was established in 2009. That was the most unfriendly period to work on human rights issues as it was a year when the country adopted the widely criticized¹³ Charities and Societies Proclamation¹⁴ in Ethiopia. Among other things, the law precludes NGOs with more than ten percent foreign source funds from all sorts of human rights advocacy.¹⁵

Our center was established by the university with an understanding that it will further be funded by NGOs. However, the CSO law closed this door forcing us to shut our center. Instead of sitting back and complain on the situation, we approached the Ethiopian human rights commission. Fortunately, it was ready to respond to the critics¹⁶ following the law and the commission allowed us to use World Bank project fund to expand our offices. By now, we have surely crossed that line and have already made the legal aid center, with its eleven branches, part of the university's permanent structure. In effect, we are doing what the government precludes NGOs.

I sincerely believe that what we did with respect to our legal aid center may be cross-fertilized in the process of mobilizing the society for the common objective i.e. developing a society enjoying freedom from fear and want. I mentioned in my letter of intent that I inspired my human rights

¹¹ See, Hiruy Wubie, *Some Points on the Ethiopian Anti-terrorism Law from Human Rights Perspective*, Journal of Ethiopian Law, Volume 25, Number 2, September, 2012, Addis Ababa University Press, PP. 59-61.

¹² S.I. Bushnell, Freedom of Expression-the First Step, Alberta Law Review, Vol. 15, 1977, p. 93.

¹³ Sandra Babcock (Ed.), *Sounding the Horn: Ethiopia's Civil Society Law Threatens Human Rights Defenders*, Center for International Human Rights, Northwestern University, School of Law, Nov. 2009

¹⁴ Charities and Societies Proclamation No. 621/2009, Federal Negarit Gazeta, Year 15, No. 25.

¹⁵ Ibid, See also Sandra, Supra note, 10, at 5-6.

¹⁶ By the time we approached the commission i.e. September 2010, it was looking for partners. As a government organ, it must be filling gap created by the CSO law. Later it becomes the prominent source of funds to local NGOs as it had the mandate to solicit from foreign sources. Its support for us remained only for a year and the initiative was a short lived one.

law students to propose an association named ‘fearless society’ with a similar objective, albeit not yet materialized. This sort of straightforward approach might not be practical in our tight ‘Big Brother’ controlled system where the government takes every excuse to send activists to jail on terrorism or other charges. We can achieve the objective by establishing a center for human rights education wherein we can mobilize our students to educate the public and create the public consciousness¹⁷ we look forward to see.

Conclusion

Having regard to the challenges we have at home, it may be hugely challenging, if not impossible, for the Ethiopian youth to mobilize the public following a bottom-up approach instead of the futile exercise to continue the top-down approach. In addition to the zeal and courage of the youth, the international community of states shall stand together¹⁸, in cooperation with the United Nations so as to achieve universal freedom from fear and want following with relativist models that fit into each country’s context.

¹⁷ The fact that Article 3 of the CSO law excludes religious organizations and cultural institutions such as ‘*Edir*’ and ‘*Ekub*’ from the scope of its application is an opportunity for us to use in order to find a legal way of mobilizing the society through coordinated efforts.

¹⁸ See, UDHR, Preamble, Paragraph 6.

Vasudha Gupta

United States

Vasudha Gupta was raised in New York City, though she has had the fortune of traveling abroad during her college years. She attended the Massachusetts Institute of Technology for her undergraduate and graduate studies in city planning and management. Vasudha has experience working with community-based organizations, local governments, and enterprise-driven non-profits. She currently works for the Port Authority of NY & NJ, which is a public transportation and economic development agency.

Problem Identification in the Human Rights Framework

The beauty of the term “human rights” is that it applies to the fundamental and collective species of the human race. Yet, in our world today, we are faced with more and more divisions, stratifications, and boxes to separate us from one another. These distinctions not only cause people to differentiate from each other, but also create an ordinal comparison where a particular characteristic becomes preferential and its counterpart undesirable. These distinctions are propagated through the use of media and further perpetuated by numbing people of any awareness to their intrinsic rights as noted in the Human Rights Declaration, such that of the first Article of having been born free and equal in dignity and rights.

I am not applying these distinctions to the variety of cultures and people around the world; I believe cultural differences make up a beautiful spectrum of the human race and these qualities should be celebrated. My emphasis is on the idolization of a particular persona or a specific quality that becomes the epitome of and reach for a false ideal. Each person is unique and our individual characteristics are our own; and one should not want to change her/himself to fit a mold in a preferential and stratified society. One example is the comparative nature of genders, where the male gender is often preferred to the female gender; and it would not be atypical for a female to wish that she were treated as an equal. Other distinctions are immigration status and socioeconomic status that separate people and create boundaries; these characteristics can be more complex because they are not as overtly recognized, but they play a vital role differentiating and segmenting people. The problem of social stratification is a human rights concern. Divisions, stratification, and the competitive nature that arises from such separations give preference to one group of people while making the other feel “less dignified” and essentially “not equal.”

The role of media in this phenomenon is that certain characteristics have been chosen by the industry and marked as the ideal, such as being tall or being wealthy. These characteristics are often repeatedly perpetuated and become pervasive in what people hear, see, and discuss. This, in turn, causes a level of questioning for those who do not see themselves in the projected form of society. For example, it can be difficult for a large-framed girl to feel that she “fits in” because the media mainly portrays thin female casting. Likewise, it may be “embarrassing” for a boy to pursue his dream of becoming a designer, because this field is not portrayed as being masculine. Additionally, I believe social stratification is exasperated because the message of being truly equal in dignity and rights as human beings is masked from our general consciousness, which removes us from recognizing our own beauty. Furthermore, the exact

opposite message of inequality, competition, and winner/loser scenarios is over-saturated in media, making one feel inadequate and out of touch with human rights and self-dignity.

It is imperative for us to recognize this injustice because it causes a great deal of separation among people, as well as resentment toward self and others. The distinction between the “haves” and the “have-nots” places emphasis on a group of people that have something that the other does not, whether it be political clout or access to material wealth, and in the process leaves behind the belief that even with these added divisions, we all have the same needs as human beings for dignity and rights.

Further Analysis

Social stratification exists in all cultures and all over the world. It is creation of an ideal persona that everyone wants to achieve. The repercussion of this reality is creating an environment where one does not feel that s/he is actually perfect in their natural self. The media is used to perpetuate certain stereotypes and falsely-idealistic views, which causes harmful behaviors and the abandonment of one's self-worth and dignity. Different cultures may have various forms of setting their ideal yet the lack of celebration of one's natural self is a human rights concern. In Europe, fair, thin, blonde women may be worshiped, while in Latin American, bronze, curvy, brunettes may be the societal envy – yet neither of these illustrations adequately represents the infinitely diverse spectrum of women in either of these cultures. In the end, the comparative nature of this phenomenon leads to unhealthy competition and feelings of inadequacy.

The concept of social mobility, which is very popular in the United States, suggests that one has the ability to move up the socioeconomic ladder. Yet, intrinsic in this model is the assumption that there is an established ladder to climb, where one is better off in a higher socioeconomic class than in one that may reside on a lower rung. I want to discuss two aspect of this statement. First, the philosophical question of what it means to be “better off” – does this grant a particular group of people with more dignity or rights? Can one stand taller if s/he is in a higher monetary class? Could this argument be applied to other characteristics, such as skin tone? Foreign accent when speaking? Highest educational degree? And if the answer is yes: someone with money, fair skin, no accent, and a professional degree can stand taller – I wonder, does the reverse apply? Does someone with little money, tan skin, a slight accent, and only a high school degree – does s/he slouch? Does s/he have any different rights to her/his dignity and humanity?

I think the answer is no, yet society perpetuates a different norm. The second point I want to discuss is the economics of the statement: social stratification continues to exist because it is tied to a significant monetary stream. The creation and sale of an image is associated with an entire product line ranging from the way one sets their hair, to the clothes they wear, to the car they drive, and ultimately the way people treat themselves and others. In the creation of an “ideal image,” there is a significant portion of people who are left out, which deviates from the human rights belief of being equal, as one is naturally.

Looking Forward as a Youth

I believe there is a significant shift in consciousness happening among the upcoming generations and youth today, which will be a driving force for change in coming years. Communication and the ability to learn about one another life experiences, within state boundaries as well as internationally, has increased one's general understanding of the experiences across different cultures and perspectives. I believe the youth are more willing to listen and learn from one another and simultaneously, I believe the younger generations are more likely to question and challenge established norms to make the state more just for all.

In my experience with peers and like-minded youth, many older teens and young adults recognize the privilege of having been raised in the United States. I, personally, feel truly grateful for the opportunities and exposure I have had access to. With respect to particular actions that can be taken, I believe it is imperative to continue to nurture communication between diverse groups of people so their perspective of human experiences can widen. It is vital to speak with one another and better understand each other's thought processes and life experiences, instead of making certain assumptions that may have been instigated by media.

Additionally, I believe it is important for us to get closer to our own beliefs and values so we can stand for our own rights as well as those of others. While the media is often successful in hiding the value of natural human characteristics, which causes one to feel inadequate, I believe we need to spend more time building ourselves up. I would recommend that, in an environment where divisions and competitiveness thrives, it is time to celebrate ourselves as we are, instead of criticizing what we are not.

Conclusion

Human rights as defined by the Human Rights Declaration are universal as well as inherent to the human being. The Declaration is founded on dignity, freedom, and choice, which is foundation of having been "endowed with reason and conscience[ness]" as noted in Article One. The issue of stratification and division as perpetuated by the media, however, pulls us away from our dignity, freedom, and choice, because it outlines a way that we "should" be, as opposed to how and who we truly are.

Myat Thida Hnin

Myanmar/United States



Myat Thida Hnin was born and raised in the golden country of Yangon, Myanmar. Her family is of Chinese descent, but has been living in Myanmar for decades. As a child, she had the privilege of going to an international school, but she didn't realize the importance of human rights and education injustice until she started getting involved in many community service and organizations. Now, my dream is to justify it.

Environmental Justice - Are air and water really more polluted in communities with poverty and minorities?

Air and water pollutions are caused by many sources including but not limited to chemical and nuclear plants, industrial factories, oil spills, human sewage, mining, littering, overcrowded landfills, deforestation, wildfire, oil and antifreeze from cars to hairspray that some of us use every day. For most of us in this generation, these activities are inevitable and have to be done in some way even if in small amount. But, what if someone purposely build waste facilities in certain region of a country for the purpose of saving air and water pollution and health of the citizens in other parts of the country?

Environmental Justice according to The United States Environmental Protection Agency is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (Wikipedia). Environmental In-justice on the other hand is opposite of it and usually political or governmental power is involved. Environmental injustice issues have been existing around the world over the last decades and it may continue to exist if no action is taken. In a recent case study, Innovative Waste Utilization (IWU), a hazardous waste facility in South Phoenix, Arizona proposed to expand their waste facility near the City of Yuma, Arizona. All scientific experiments have proven that toxic wastes from the waste facilities could harm people, animals and plants with its hazardous chemicals if exposed. EPA (The United States Environmental Protection Agency) stated that there are a lot of dangers involved with waste management; the most technologically advanced landfills will leak some day, tanks used for storing petroleum products and other chemicals can leak and catch fire; underground storage tanks may weaken over time and leak their hazardous contents, transportation accidents, such as train crashes and overturned trucks, can also occur while transporting hazardous substances (EPA). Waste facilities will basically pollute both water and

air in a community. So why did IWU considered expanding their waste facility particularly in South Phoenix area?

Researches have found out that Yuma City and its surrounding are famous for its minorities and low income families. According to demographic survey there are at least 2901 people living there and at least 78% of them are African American and Hispanic race. Although there are already lots of waste facilities in South Phoenix, Arizona Department of Environmental Quality (ADEQ) supported IWU's proposal of expansion. The manager of ADEQ, Dennis Clayton said that he supported the IWU's proposal because "it would protect the public and help concentrate hazardous waste in one easily regulated industrial area". "One easily regulated area" caused an uproar of the citizens in South Phoenix; a large opposition from the community to the proposal was involved. Many people think it is not right to develop a waste facility where many people have already settled down for past couple of years and the fact that ADEQ didn't make a clear loud announcement of the expansion made the situation worse. A few months later, South Phoenix Citizens with the help of the environmental justice law were able to advocates at The Center on Race, Poverty and the Environment and charged the ADEQ with violation of Title VI of the 1964 Civil Rights Act. Title VI states that agencies that receive federal funding are prohibited from actions that have a disproportionate and discriminatory impact on people of color.

"The human rights framework shows that members of any family, including all races, are entitled to all of their rights. Everyone everywhere has the same rights as a result of our common humanity. All human beings, rich and poor, strong and weak, male and female, of all races and religions, are to be treated equally and with respect for their natural worth as human beings. The United Nation had set a common standard for human rights with the adoption of the universal Declaration in 1948. Although this Declaration is not a part of the international law, it is accepted by all countries around the world. The instruments of the international human rights framework includes Universal Declaration of Human Rights and the six core human rights treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Elimination of All Forms of Discrimination against Women. These treaties are used as a framework for discussing and applying human rights. All countries have at least ratified one of them and a couple ratified all" (UNICEF). IWU and ADEQ in this case violated the International Human Rights of the United Nations by not informing the public properly about the expansion, by discriminating against minorities and by expanding the waste facility for the sake of one's profit or benefit. Citizens' rights to protect their health and their environment have also been violated by IWU and ADEQ.

Consequences of expanding waste facilities in South Phoenix if ADEQ wasn't charged may include increases in diarrhea and respiratory diseases. Aquatic life due to severely degraded bays caused by nitrogen and phosphorous pollution could be also affected. Diarrhea disease according to World Health Organization (WHO) could degrade health, cause disability and is life threatening if the situation becomes too severe; studies have shown that gastrointestinal infections caused by water pollution kills around 2.2 million people globally each year (WHO). A research team led by UC San Francisco scientists has also found that exposure in infancy to nitrogen dioxide (NO₂), a component of air pollution, is strongly linked with later development of childhood asthma among African Americans and Latinos (Fernandez).

There are many disadvantages of expanding waste facility here in South Phoenix but the main question to this case is whether it's a coincident that the IWU and ADEQ would both want to expand the waste facilities because of its "already existence" factory or whether they think South Phoenix is really a easily regulated area because of the minorities and low income families. The answer to this question would be clearer by observing cases in other areas. Environmental injustice issues could be seen anywhere throughout a country; for example, 1996 Toxic Release Inventory from US Environmental Protection Agency (EPA) shows that in Los Angeles County, there are more toxic release facilities in areas with more people of color than anywhere else. Barr foundation, a Massachusetts foundation finds that low income families have higher exposure from hazardous waste sites compared to families that has higher income.

Other cases of environmental injustice due to income or race include oil operations in Ogoniland, Nigerian Delta. Nigerian Delta is one of the best agricultural lands in Africa, as well as vast oil resources. Many tribal groups like Ogoni people have lived there for over 500 years. Despite the strong opposition, several oil companies, including Shell has set up oil operations for extraction since the 1950s. The result of oil spills and industrial waste dumped into the Niger River Delta affected many people's health, environment and income. The polluted water killed the fishes in the river which Nigerian people made a living on and made the underground water unsafe to drink. Reports said that Ogoni people have been living in poverty for at least 30 years because of Shell's drilling. The construction crew would tear up the planted fields without notice to support continuous drilling. And flaring stations would shot soot into the air from exploding natural gas next to villages that desperately needed energy for electricity and cooking. These oil operations not only polluted air and water in Nigeria, but made people to have no electricity, no sewer system, and no water filtration. Schools and hospitals were also almost non-existent during those times (King). "After more than thirty years of Shell Oil threatening their way of life, the Ogoni people finally organized and began to protest. In 1990 the Movement for the Survival of Ogoni People (MOSOP) was formed. MOSOP developed an Ogoni Bill of Rights, demanding environmental justice and opposing the method of allocation of oil funds. They also organized a number of peaceful protests. These protests received international attention. In 1993 MOSOP managed to rally over 300,000 Ogoni people to a peaceful protest. Shell later finally decided to pull out of Ogoniland" (King).

As a young adult of 21st century generation, I believe that environmental injustice issues in the future would be considered a much serious topic. Organizations and governments may be also more aware of how their decisions and proposals would affect the environment and the communities. In my experience and observation, there has been a big improvement in preventing discrimination towards minorities and low-income families from happening nowadays. Government officials and organizations had been trying their best to improve and protect human rights. Nonetheless, if environmental injustice issues occur again, I would suggest preparation in advance. Government officials should ban home builders to build homes near waste management facilities to prevent debates between whether waste facilities or the communities moved-in first. Leadership trainings like conferences should be endorsed to teach the younger adults of the events occurring and to create new leaders. New regulations or policies should be implemented to protect the nature. More efficient and effective plans to provide inevitable activities like waste management should be brain stormed. Researches to find new technology and ideas to protect the environment should be also strongly sponsored. Lastly media and news should make the issue louder by transmitting information in the most effective way to interest all kind of people (i.e. radio, TV programs, internet). In conclusion, environmental injustice issue could cause

larger major issues like health and violent if left unconcerned. Both South Phoenix and Ogoniland in this case had solved the environmental injustice problem by protesting peacefully. I hope our future generation can learn the causes, effects and problems from cases like these and prevent environmental injustice from happening.

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Nausheen Khan

Bangladesh



Nausheen is from Bangladesh, where about half the population of 160 million people is below the age of 25. Growing up in a country that suffers from poverty and inequality, she has always been inclined towards social work and public service. She recently graduated from Mount Holyoke College with an Economics and Politics double-major and since then has been working at Khan Foundation, a non-government organization that focuses on democracy, development and human rights.

Problem Identification:

In Bangladesh, there are over 60 million children today, about half of which continue to live below the international poverty line. Children face a number of challenges and the most important ones relate to violence against children include child marriage and child labor. Bangladesh has one of the highest rates of child-marriage in the world. 66% of women (aged 20-24) were married before they turned 18. Also 13% of children are involved in child labor. Child laborers are frequently denied an education and are vulnerable to violence and abuse. Additionally, Bangladesh has one of the lowest rates of birth registration in the world. This makes it difficult to protect children from trafficking, child labor and child marriage (Source: UNICEF). Some of the target groups include the child domestic workers, school children, violence victims etc. If we look at preventing or ending domestic violence, there is shortage of measures being taken to monitor and report these violations. Lack of governance has also obstructed the provision of basic necessities including health and nutrition, which therefore makes a child more vulnerable to violence. These are from the supply side. On the demand side, there is not enough information or knowledge about child rights issues among the children as well as the caretakers of the children including the parents and the teachers.

Human Rights Framework*

Human rights are inalienable and fundamental rights inherent to all human beings without discrimination. Human rights are universal, i.e. applicable everywhere and equal, i.e. the same for everyone. According to the Conventions of the Rights of the Child (CRC), "A *child is any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier*". Therefore, children fall into the category of human beings and should enjoy the same freedoms and protections as their senior counterparts. Violence against children is a barrier to ensuring child rights. Children are the most important components of any nation because they have the potential to transform into human capital, however to achieve this,

* The statistics for this section are from UNDP Bangladesh and UNICEF Bangladesh Websites.

it is essential that children receive the proper education, health and nutrition, safety and justice, and other forms of assistance. Since Bangladesh is so densely populated with around one-third children, it is important that these children have access to these basic necessities so that they can contribute to economic growth and development. Here I would like to draw upon Goal 1 of the MDGs, which is "*Eradicate Extreme Poverty and Hunger*". Poverty is the biggest obstruction that hampers the survival and development of children, and denies the full realization of their rights. Poverty becomes a perpetual cycle as it is passed from one generation to the next and is interdependent on various factors. For instance, in Bangladesh, 40% (2005 est.) of the population is below the minimum level of dietary energy consumption at 2122 kcals, which means that a large number of mothers are malnourished who give birth to unhealthy children. The prevalence of underweight children under-five years of age (6-59 months) is 45% (2009 est.). This means that the likelihood of these children surviving till their fifth birthday is in question; the current under-five mortality rate being 50 per 1000 live births (2009 est.) and if they do survive, are constantly faced with various illnesses including malnutrition, childhood diseases and other illnesses. This affects their school performance and leads to drop-outs; in Bangladesh, only 80% of students enrolled in grade one complete primary school and only 46% of boys and 53% of girls attend secondary school. Without completing secondary education, these children are cut off from the job markets that offer competitive salaries above the poverty-line. This complex web can help us understand why it is so important to achieve Goal 1. Bangladesh has made good progress in this respect by halving the proportion of the population below the poverty line from 56.6% in 1992 to 31.5% in 2010. However, much more needs to be done in addressing child poverty and violence against children specifically. The problem of violence against children has a significant impact on the community as a whole. Democracy is weakened and development is hindered. From a social aspect, law and order situation worsens as the number of crimes and other disturbances go up. This is particularly seen in the urban regions where children in the urban poor community resort to such activities. Also, it leads to breakdown in families and household environment as issues of stigma and taboo become prominent. From an economic standpoint, child marriage can reduce national output, as girls tend to refrain from completing their education and entering the labor market. From a political perspective, violence against children puts a negative image on the country as a whole including making the government more vulnerable to blame for not carrying out its role and responsibilities effectively and the policy-makers for not formulating the correct policies. As mentioned earlier, violence against children is gender-related, since child marriage and child rape affects mainly women, which has other harmful consequences such as suicide or loss of self-respect for the victims.

Cross-reference or comparative analysis:

Worldwide, children are vulnerable and have become victims of injustice and poverty, their survival, development and protection at stake. Therefore, the CRC, which reflects a global commitment to the principles of children's rights, was adopted and has been ratified almost universally by 193 countries. One best practice is the development of national programmes using the CRC as the framework. In terms of legal protection, laws and regulations, Bangladesh in 2011 saw the approval of the National Policy on Children by the Council of Ministers. According to UNICEF publication, "*The State of the World's Children 2012*" globally, hundreds of millions of children today live in urban slums without access to basic services and in Bangladesh also, about 28% of the population are living in urban areas where

children are deprived of education and nutrition. Some of the best practices in tackling this challenge include investing heavily in education and not just ensuring primary enrollment but preventing drop-outs. One recommendation is to prioritize children's issues in urban planning. Another best practice from advanced countries is data collection, investigation and monitoring of status of children and rates of violations and abuse against children. This is difficult for countries like Bangladesh with weak means of implementation and M& E strategies, however, this is one area where there is potential for significant improvement.

Looking forward as a youth:

Worldwide, more than half of the population today is under 30 years. In a world, where over half the population falls into the youth category, it is very important to give them a voice in political decision-making. Although the term '*youth*' has not been defined under international law, it usually refers to persons between ages of 15-24/34. Since children and youth share the deep connection of being young, youth cannot help but feel concerned about the plight of children including violence against children. As a youth, I believe that knowledge is power and only through education and awareness can we create a nation where children can practice their rights and achieve their goals. Alongside, issues such as poverty and hunger need to be addressed as these significantly impact the direction that the children will take in the near future. As a youth, I think that the problem of violence against children will improve in the future however in order to do so, some conditions have to be met. In other words, I am hopeful but cautious at the same time. The positive signs I see around me is that commitment by the government to invest in education; in 2012-2013 fiscal year, 11.2 % of national budget was allocated to the education sector although there are arguments only one-third contributes development expenditure while the rest includes teachers' salaries, logistic and maintenance among others. Additionally, we have seen that primary school enrollment has been rising, 86 % for boys and 85% for girls in 2009. Also, trends in volunteerism in Bangladesh has been moving in a positive direction, with large numbers of young people organizing themselves towards achieving the MDGs including increasing access to education and nutrition. Last but not least, the NGOs have been supporting the government relentlessly to combat poverty, strengthen democracy, foster development and provide protection especially to marginalized groups including the poor, children, women and minorities. As a young professional myself, I am working at an NGO and involved in a project which combats violence against women and children using a 24-Hour Mobile Hotlink that provides emergency services, legal support, referral to shelter homes/crisis centers as well as information about various laws and contact numbers of law enforcement agencies. Another innovative idea for fighting the challenge is using digital technology including the use of mobile phones and the Internet to raise awareness about human rights and children's issues.

Proposal for possible solution:

As highlighted in the previous section, one solution is the organizing of youth groups to raise awareness about human rights issues, laws and policies including constitutional rights, Right to Information Act among others. Youth can take leadership and form committees themselves or NGOs can gather youth volunteers provide them with necessary support and guidance to organize widespread and rigorous campaigns.

Another idea for solving the problem is through the use of social accountability tools such as the community scorecard to monitor public services. NGOs can form citizen groups at the local level who monitor primary schools for instance, looking at teacher attendance rates, student attendance rates, number of teaching hours, school conditions etc and then these reports can be presented to the local government to increase transparency and accountability and improve access to and quality of education. NGOs can also act as pressure groups and motivate policy-makers to introduce or amend certain policies that would act to prevent violence against children and other human rights violations as well as implement the existing laws in place that favor protection of children's and women's rights.

Conclusion:

Bangladesh has a population of over 160 million, with about 52% of the population below the age of 25. I believe that the innovative ideas, enthusiasm and commitment of the youth result in positive action and outcome. Therefore, as a youth, I feel that there is an urgent need for us to come together and end violence against children. We are one of the most important players in the development process and can work with civil society, government and NGOs to help them achieve their goals. In order to end violence against children, we need to ensure awareness of child-rights at home, schools and most importantly at the community level. The government also has to take initiative to address the legal needs as well as improve governance so that each and every child will have access to education and nutrition.

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Viola Metaj

Albania



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“Communication and Organization of Human Rights Groups”.

Human rights are the foundation of freedom, justice and peace in the world. Every human being has equal and inalienable rights from the other members of the human family. However, the remaining problem is the violation of these rights and therefore the need for their protection by human rights groups arises. A very disturbing phenomenon which violates human rights is trafficking in persons.

Albania is a source country for men, women, and children subjected to sex trafficking and forced labor. Albanian victims are subjected to sex trafficking within Albania and in Greece, Italy, Macedonia, Kosovo, Belgium, Netherlands, Germany, Switzerland, Ireland, and the United Kingdom. (TIP Report, 2013). Besides trafficking in persons outside the country, from 2005 and onwards, Albania is facing internal trafficking which is currently predominating over that external in the ratio 65% with 35%. Trafficking of women, girls and children (for sexual exploitation or begging) is taking place mainly in the big and tourist cities of the country such as: Tirana, Durrës, Vlorë, Berat, Fier etc.

Victims who have fallen prey to this phenomenon need the support of society and society must fight to protect them. Therefore, state institutions, NGOs, media, international institutions and organizations, family and community in general need to raise awareness in order to understand the risks and rebel in protection of freedom, which they may be deprived of at any time by evil-doing and criminal elements.

Human trafficking is one of the largest criminal activities in the world today. Every year throughout South and South East Asia, individuals fall victim to both sex and labor trafficking both within their countries and after crossing international borders. (USAID Anti-Trafficking in Persons Programs in Asia: A Synthesis 2009). Trafficking in human beings first appeared in the region of Western Balkans in the late 1980s and was present throughout the 1990s. (Human Trafficking in the Republic of Serbia Report 2000-2010). Albania has been affected by this phenomenon after the 90s when hundreds and thousands of women and girls have been

exploited into prostitution in the Western European countries. Found for years in a difficult political and economic situation, the Albanian society is still at the levels of a fragile society without a defined identity, due to the low development of the economy, compared with the other European countries, the patriarchal mentality inherited from the past, shattering of family balance, the lack of emancipation of the population, etc; indicators that represent the extent of civilization of a country aspiring for democracy.¹⁹

If we refer to Article 1 of the Universal Declaration of Human Rights "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood " nobody has the right to take the freedom of another person and traffic him/her for his/her own interests.. But in order to understand trafficking in persons as a phenomenon firstly we must know its definition. What does trafficking in persons mean? According to Council of Europe Convention, 2005 ratified from the Albanian government by law No. 9642, dated 20/11/2006 its definition is:

"Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

The Albanian government has taken important steps to combat human trafficking in terms of establishment of anti-trafficking structures, in the legislation field and drafting of anti-trafficking strategies and action plans. But on the other hand it has not implemented them properly. As a consequence victims of trafficking and NGOs treating this target group encounter numerous problems that have to do with a) compensation law.

The law on the compensation of the victims has been approved. According to the legal provisions of the Code of Civil Procedure, the victim must pay the court fee when presenting the request for compensation in court, which is 1% of the requested amount. Also the same problem is even with the decision execution by the Bailiff's office where the victim must pay in advance 2% of the amount. Taking into consideration the social and economic situation of the victims of trafficking, no victim of trafficking is able to pay this fee. During 2011, one victim of trafficking who required compensation, withdrew this request in the moment she had to pay the fee. b) addressing of internal trafficking, Until a year ago, Vatra Centre²⁰ has raised the concern with regard to the addressing of internal trafficking which from the State Police Institution and Prosecution is treated as a penal case "exploitation into prostitution" and not as trafficking in persons. Meanwhile in the end of 2012, from the assisted cases Vatra identified that 1 girl, exploited in Greece, was identified by the relevant structures, Police and State Social Service based on the SOPs²¹ as "victim of trafficking" and the victim willingly denounced the trafficker. Although she was identified as a victim of trafficking, the police officers transferred her case of

¹⁹ Vatra Annual Report 2009

²⁰ Psycho-Social Centre "Vatra" is one of the oldest organizations in Albania fighting the trafficking in persons and is also the organization where I work. All problems related to trafficking in persons in Albania raised in this essay derive from the inputs that this Centre has provided to EU Progress Report 2012 and U.S Department of State Report 2013.

²¹ Standard Operating Procedures for the Identification and Referral of Victims of Trafficking and Potential Victims of Trafficking, Tirana 2011.

denunciation to the District Prosecution as a penal case for "exploitation into prostitution in aggravating circumstances" and not to the Prosecution of Serious Crimes as the competent body for the investigation of human trafficking cases (within or outside the country). **c)** replacement of trained police officers with untrained ones, Another problematic in particular during the second 6 months period of 2012 is that trained police officers of the anti-trafficking structures in the Police Directorates in districts have been replaced with untrained and unspecialized police officers on anti-trafficking issues. This certainly affects the inexact identification of victims of trafficking and as a result of not being identified they remain unprotected. **d)** funding of basic needs provided to victims of trafficking In early 2011 the Ministry of Labour, Social Affairs and Equal Opportunities allocated funding for food for victims of trafficking based on law no. 10 252, dated 11.3.2010. This funding was only for 6-months January - June 2011, only for victims of trafficking excluding children of victims of trafficking and potential victims of trafficking, even though these are identified and referred mainly by the State Social Service and Police, thus by state institutions themselves.

A good practice in mitigating the trafficking in persons phenomenon can be found in Serbia where state institutions precisely the Ministry of the Interior and National Coordinator take active part in the prevention of this phenomenon.

The Ministry of the Interior's prevention work is conducted mostly through joint initiatives with NGO-s. The representatives of the Ministry of the Interior participate in workshops, training sessions and panel discussions focusing on trafficking. They also visit schools with the NGO-s and participate in lectures for students. (Trafficking in Human Beings in South Eastern Europe, 2005).

The situation of trafficking in persons will be mitigated if all anti-trafficking laws, strategies and action plans are implemented properly and all anti-trafficking stakeholders (state and non-state) cooperate closely with each other. It will take time before these phenomenon is tackled effectively. Young people should play a more active role to combat this phenomenon. There should be more youth organizations and networks in Albania which should send 1 young person representative of the organization in each secondary, high school and community area of the country to inform, sensitize, raise awareness of the people on human trafficking as well as to know the current problems these people encounter. Following this sensitizing work each representative should present these problems to the Head of each organization, who then will present them to High state institutions such as: the Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Culture, Youth and Sports. If problems are not found solution by these national institutions young people should address them to Higher International Institutions such as: the European Commission, Hague Court in order to push the Albanian government to solve these problems.

Possible solutions to tackle the human trafficking phenomenon should be seen firstly in the implementation of anti-trafficking legislation and social policies by the state. Secondly, the government and local authorities should improve the social and economic situation of young people by providing free vocational courses to all young people, creating new jobs, providing greater economic support to the victims of trafficking, engaging youth in projects that increase their social inclusion for e. g they can provide their volunteerism to vulnerable groups, in terms of environment, culture, sports, etc. Thirdly, through the organization of informative and sensitizing campaigns by civil society organizations. Being more educated and informed and having secure incomes young people do not fall prey to human trafficking.

Human rights are universal; the trans-border cooperation between NGOs on the implementation of human rights is therefore an important means to become aware of each other's situations, problems and solutions. (Vesna Nikolic-Ristanovic, Mirjana Dokmanovic 2006).

Referring to trafficking in persons which is a phenomenon that goes beyond the borders we can address the issue of human rights as universal. Trafficked and exploited persons have the same needs and rights everywhere they are. Thus, regardless of religion, race, ethnicity they are entitled to benefit from services that different countries offer and have the right to protection and reintegration assistance. In a relativistic aspect we can refer to the fact that all states should provide victims of trafficking a more specific approach of services referring to cultural, religious aspects, etc.

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Christina Velentza

Greece



Christina Velentza studied Law at Democritus University of Thrace, Greece and Strasbourg University, France, where she completed postgraduate studies in European and International Law. Her research activities focus in human rights protection, with emphasis to refugees and migration, internally displaced persons, minorities and intercultural education, international cooperation. She has worked for the European Commission, the Legal Service of the EU Council, the International Criminal Court and NGOs in the field of human rights. Apart from Greece she has lived and worked in Belgium, France, Netherlands, Romania, Turkey and sub-Saharan Africa.

Law as a Tool for Social Change, Immigration and Asylum, the Question of Internally Displaced People (Idps) through the Case of Great Lakes, Africa

This research attempts to analyze the phenomenon of internal displacement within the international legal system. The research attempts to approach the existing protective framework in international refugee law and international humanitarian law. It also aims to depict the resemblances and differences accorded to a refugee and an internally displaced person (IDP) through the existing protective framework (guiding principles as adopted in the World Summit in New York) to the adoption of the first legally binding text, the Convention for the protection of internally displaced people in 2011, known as Kampala Convention. The research aims to analyze how law was used as a tool for social change and the protection of IDPs through the examination of the case at the region of Great Lakes in Central Africa until the final repatriation and reintegration of internally displaced people. It is a fact that 40% of displaced populations worldwide are in Africa (10.4 million IDPs in sub-Saharan Africa) in the year 2012, usually the result of an internal conflict or violence. In Africa, the number of internally displaced persons is almost four times greater than the number of refugees. Finally, best practices and possible solutions are proposed to tackle the problem.

Introduction- Problem Identification

The displacement of internal persons and entire populations within the borders of their country arises more and more frequently in recent years. Due to the frequency observed in the last decade and the displacement of millions of people affected in countries where the problem became widely known and mainly in Africa, the international community decided to face the problem. The concern expressed by the international community is fully justified, since IDPs are facing enormous difficulties and very often they see their physical integrity violated, especially during the period they live away from their homes and their belongings. Their situation can be better understood if one considers the high death rate observed among the displaced, particularly among physically weaker - children, the elderly and pregnant women.

The Human Rights Framework

According to the Article 13 (1) of the Universal Declaration on Human Rights "every person should enjoy the right of free movement and residence within the borders of each country." Internal movement of people is prohibited and the prohibition applies in cases of ethnic cleansing, apartheid, or forced displacement when used as a means of punishment including collective punishments. Thus, it is clear that states violate their international obligations when they cause arbitrarily displacement of individuals or populations.

In any event, natural disasters should not be used as a pretext for moving ethnic or religious minorities. The same should be applied to governments' acts which cannot be regarded as arbitrary unless they are justified by the protection of public interest. Even if public interest is a priority, IDPs should receive the relevant compensation provided by the competent authorities. Moreover, as noted by the "Guiding Principles on Internal Displacement within a Country" (the "Guidelines") for the protection of internally displaced persons, the internal displacement must be a temporary measure when appeared. For this reason, states along with the international community in situations of internal displacement should act as soon as possible.

The protective framework for the refugees

The Convention Relating to the Status of Refugees was adopted on 28 July 1951 in Geneva and entered into force on 22 April 1954. According to Article 1 of the Convention relating to the Status of Refugees, the term "refugee" shall apply to any person who "(...) founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country or, if no nationality (stateless) and is outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return."

The Convention of the Protection of Refugees in Africa, 1969 and the Cartagena Declaration on Refugees, 1984 contributed to the expansion of the interpretation of the refugee definition, as included people fleeing from events seriously disturbing public order such as armed conflict or unrest. The Convention also provides safeguarding fundamental rights of refugees as, for example, the right to hold official documents, free access to courts and the right to education. One of the key provisions of the Convention provides that "the refugees should not be expelled or deported to a country where they have reason to fear persecution" (principle of non-refoulement).

Then, the Convention sets out the obligations of refugees in the host country and specify the categories of persons, with the exception of war criminals, who cannot obtain this status. It is true that there was often confusion between refugees and internally displaced persons. The fundamental difference between refugees and internally displaced persons as refugees is that refugees are those who fled their country, crossing national borders of their home country, while IDPs have not crossed national borders; it is a kind of internal mobility within boundaries of their own country of origin.

The refugees are the main group of the protection afforded by international refugee law and are under the protection of the UN High Commissioner for Refugees (UNHCR). If refugees are in the territory of a country engaged in an armed conflict, they are also protected by

international humanitarian law, as in this case, and enjoy the protection of the Geneva Conventions.

The protective framework for the IDPs

(i) The "Guiding Principles on Internal Displacement within a country:"

Initial reflections to create a framework of rules designed for the protection of IDPs in the world depicted in the report adopted by the United Nations during the General Assembly in 1992, when the Security Council thoroughly examined the issue of protection of civilians in armed conflicts. Besides, similar views were expressed when the Security Council underlined reexamining the issue in September 2001.

During the period between 1999 and April 2000, the UN Secretary General noted that, "as there was no clear international legal framework that defined the rights and freedoms of IDPs the first Representative on internal displacement, Mr. Francis M. Deng, decided the adoption of the first guidelines which formed the basis of the legal system for IDPs based on international humanitarian law and human rights law."

In 1998, the UN Commission on Human Rights (renamed the Council for Human Rights) and then the UN Economic and Social Council took into account the principles stating their intention to recognize them in this way. The guidelines were presented to the Commission on Human Rights in the fifty-fourth session in 1998. Later, the Security Council adopted a resolution on the situation in Burundi in which it said that the United Nations and regional and non-governmental organizations, in cooperation with the host governments of internally displaced, invoked the guidelines within countries, especially in the African region.

Then more and more regional organizations made reference to the specific guidelines in order to establish the legal protection of internally displaced persons in international law. With the encouragement of the Commission on Human Rights member states started to gradually use the guidelines. Then, the Inter-American Commission and the Organization of American States (OAS) expressed their consent to use the guidelines as well as the Committee on the Rights of the Organization of African Unity and the Organization for Security and Cooperation (OSCE).

For example, Colombia, as a member of the OAS, was one of the first countries which included judicial rules for the protection of internally displaced persons into their national legislation. Moreover, in the African region, Angola was one of the first countries in Africa to adopt these principles at national level.

We note the general principles of 1998 based on international law with a focus on protecting the rights of IDPs and their assistance during displacement and during their return or repatriation or resettlement. The principles apply to "persons or groups of persons who have been forced or obliged to leave their homes or habitual residence, in particular due to armed conflict, situations of generalized violence, violations of human rights, natural disasters or man-made disasters, and have not crossed internationally recognized borders."

When we are talking about internal displacement due to internal conflict civilians are additionally protected by international humanitarian law and assistance programs which are implemented by the International Committee of the Red Cross (ICRC). The guiding principles No. 10-23 encode the principles governing the protection of displaced due to military attacks, detention, inhuman and degrading treatment, and forced separation of families and other serious violations of human rights. The first part of the authorities concern the safety of internally

displaced persons, the second the rights of families displaced, the third their economic and social rights and the fourth their civil and political rights.

It is known that these principles provide a descriptive definition and not a formal legal definition. These principles are not binding and are consistent with human rights, international humanitarian law and the law on the protection of refugees. However, they provide orientation for the protection of internally displaced persons in countries facing internal displacement and principles, groups and individuals related to the protection of internally displaced persons, as well as intergovernmental and non-governmental organizations with a primary mission to tackle internal displacement and as a consequence lead to social change.

It is appropriate to distinguish the populations which move voluntarily for economic, social and cultural reasons where the general principles do not apply. In some instances, internal displacement may be caused by the policy of the state to prevent the growth minorities that exist inside. Ethnic and religious minorities can be considered as groups displaced when the targeted governments hamper their economic growth.

However, the recognition of a person as internally displaced does not provide legal status or recognition at the international level for these individuals. However, not all cases involving internal displacement raised the interest of the international community. It is believed that if local governments can adequately address situations of internally displaced people, the international community does not seem necessary to act, unless governments explicitly express a request to the international community to help displaced people. In this case the national and international legislation also apply for the displaced as they would apply to citizens of their own country.

(ii)The Convention for the protection and assistance of internally displaced persons (Kampala Convention):

While these principles were applied as often as possible for the protection of internally displaced persons, they were considered as not sufficient to solve the problem of displaced persons since they were not legally binding compared with the legal effects of an international convention. For this reason, the need to conclude a treaty under international law which would be binding on all parties to the convention appeared compelling. The first legally binding text for the protection and assistance of internally displaced persons was signed in Kampala, Uganda in Africa in October 2009. The Treaty of Kampala as usually mentioned was adopted by 31 states of the African Union out of 53 and came into force on 6 December 2012, 30 days after ratification by 15 states. It is the cornerstone for the protection of internally displaced persons worldwide.

Comparative Analysis- the Examples of Great Lakes Region

The Great Lakes region is a prime example of the commitment of the international community to rebuild after the end of conflict in the area, and find solutions to the repatriation of large numbers of internally displaced populations. More specifically: Creating conditions that allow the development of security, stability and reconstruction in the Great Lakes region has been one of the main goals of the reconstruction process undertaken in this area. It is true that half of the populations that have been displaced within the country have their habitual residence in the African continent, including half who live in the Great Lakes.

Historically, the Great Lakes region in Africa is one of the most densely populated areas in the world, with an estimated population of 107 million inhabitants. The site is organized into many small states. Historically the most powerful of these was Rwanda, Burundi, Bouganta (Buganda) and Bounioro (Bunyoro). The area has undergone civil wars, intense violence, violations of humanitarian law and human rights, including genocide, the most famous the case of Rwanda, in recent years.

Other cases where a significant number of displaced people forced to shift is the case in the Darfur region that led to the creation of five million displaced, then the region of Northern Uganda with a population of 1.7 million displaced people and then the Democratic Republic of Congo (Kivu region), with 1.1 million people displaced within their own country. In this region the main reason for these population movements was armed conflicts and outbursts of violence, usually in cases of elections. Another key reason is natural disasters and especially flooding in some parts of Sudan and Uganda.

In successive initiatives undertaken systematically in order to put an end to internal conflicts in the Great Lakes region, the most important step taken was the adoption of the Pact for Stability, Security and Development in the Great Lakes, which entered into force in June 2008 and ratified by 11 African countries. More specifically, the initiative was taken at the International Conference on the Great Lakes Region after the initiative of the Security Council of the United Nations and said that "the situation that existed in the Democratic Republic of Congo (DRC) was a threat to ensure the peace and international security. The DRC is one of the countries affected by the events in the Great Lakes, causing insecurity in Central and East Africa. Armed conflicts in the Democratic Republic of Congo, Rwanda and Burundi have caused massive displacement of populations across the sub-region."

The conference aimed to bring together all countries in the region to achieve the signing of a pact on security, stability and development in this region, and the adoption of a regional action plan for the implementation of the pact. It focuses on four themes, including "peace and security," "good governance and democracy," "economic development and regional integration," and "humanitarian and social issues."

Another important piece of legislation was the Protocol on the protection and assistance of internally displaced persons who had the aim of establishing a permanent framework for the protection of internally displaced persons, which sets forth the legal framework for the protection of internally displaced persons. Second, it imposes obligations on States Parties to introduce mandatory guiding principles in their national legislation for the protection of internally displaced persons.

Possible Solutions/Involvement of Youth

Having analyzed the way in which the international rules resulted in the internal displacement, we find that the internal movement of people within a country's borders is a phenomenon that requires a multifaceted approach, and the active participation of all those who have the experience and ability in this field of activity (involvement of young leaders in competent bodies, instruments, state institutions, intergovernmental organizations, governments and non-governmental organizations, effective participation to decision-making, participation to raise-awareness campaigns on internal displacement and migration in schools, universities, forums, public bodies).

The promotion of institutional cooperation with the involvement of young people worldwide is perhaps the greatest challenge to the protection of displaced people since the institutional framework exists as described in detail above.

The UN acts as a "guardian of the Universal Declaration of Human Rights" and so indeed it is necessary to continually and effectively implement at international agreements and adopt an effective approach to protect IDPs with the involvement of young leaders worldwide. This includes continuing dialogue and redefining relations between the UN and states as well as the adoption of effective methods and possible penalties imposed on a government that violates the rights of displaced persons.

Although the problem of internal displacement is one of the oldest appearing in the international arena, with the main causes of war and internal conflict, the response of the international community is a very recent phenomenon. So we believe that creating a system that allows the mobility of displaced persons and gathers information about the protection is needed with proactive engagement of youth.

Conclusions

In February 2005, Kofi Annan urged states to promote the adoption of the guidelines through their national legislation noting that "internal displacement is a big tragedy nowadays. IDPs are one of the vulnerable groups of human race." In conclusion, it is understood that the development of law led to social change for this vulnerable group and resulted in the update of the problem. The role of youth to tackle the issue is crucial.

We finally note that the UN along with the African Union and other regional organizations have contributed significantly to establishing the legal framework for the protection of displaced persons and particularly in the Great Lakes since the legal instruments adopted are numerous. Within the terms of the analysis above, we note that the regional systems of protection of human rights in Africa, Europe and America are becoming increasingly involved with issues relating to the protection of internally displaced persons worldwide. This potentially leads to the expansion of current conceptions of human rights on the protection of internally displaced people which could be an interesting matter for further debate.

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Anaba Wilberforce

Ghana/Canada



Anaba Adongo Wilberforce is a second year student at York University. He was born on March 24, 1986 in the Ashanti Region of Ghana to Comfort Labani, a florist, and Kingsford Adongo, a contractor. He is the first twin of two boys with three brothers and two sisters. He has a well-balanced and pleasant personality, and he is very spontaneous and polite. He exhibits a great deal of leadership skills, and a good sense of purpose.

Human rights are typically defined as the indivisible and inalienable rights that all persons are granted for the reason that they are human; moreover, all human beings are born free and equal in their dignity and privileges. Although many African countries, including Ghana, have made notable strides in advancing human rights, some traditional Africans, particularly ethnic groups, still carry out the antiquated and gruesome practice of female genital mutilation/cutting (FGM/C), which is a gross social injustice and violation of the fundamental human rights of women.

FGM involves the complete or partial removal or alteration of the genital for non-medical reasons. Although no religions mandate this practice, it occurs across cultures, religions, and continents, particularly in Africa, Asia, and the Middle East. It even occurred in the United States, primarily among immigrants from the aforementioned regions, until it became a federal crime in 1997.

FGM/C is currently practiced in 28 African countries. In these countries, the prevalence of the practice ranges from 5 percent to nearly 100 percent. In Ghana, FGM is performed in the three Northern Regions, especially the Brong-Ahafo Region and parts of the Volta Region. It is also predominant among ethnic groups like the Kusasis, Frafra, Kassena, Busanga, Walla, Dagarba, Builsa and Sisala. For instance, in my hometown, which is located in the Upper East Region, it is performed as part of puberty rites and considered sacrilegious for a girl to marry without being mutilated.

To me, FGM is the most dangerous and degrading surgical procedure that women and girls are made to endure in the name of tradition, a destructive cultural practice that is an affront to women's equality, dignity, and pride. It also has serious health implications and egregiously violates most of the universally accepted articles proclaimed in the Universal Declaration of Human Rights, including the very first, second, third, fifth and twenty-second. These five articles, respectively, affirm that we are all born free and equal; have the right to life, liberty and security; are to be protected from torture, cruelty and any inhuman or degrading treatment; and are guaranteed the right to social security. But it is not just the rights of women that this intolerable practice undermines. FGM is also a major setback to achieving most of the Millennium Development Goals (MDGs), including: number three, which aims to promote

gender equality by empowering women; number five, which aims to improve maternal health; and number six, which aims to combat HIV/AIDS, and other diseases.

A 1994 amendment to the Criminal Code, 1960 Section 69A, of Ghanaian law prohibits the practice of FGM/C. It states that anyone found practicing FGM/C is liable on summary conviction to imprisonment for a term of not less than three years and not more than 10 years. Ghana is also a signatory of most international and regional human rights treaties, documents and laws against FGM/C including: the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the 1966 International Convention on Economic, Social and Cultural Rights; the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); the 1990 Convention of the Rights of the Child; the 1993 Declaration on Violence Against Women; the African Charter on Human and Peoples' Rights (the Banjul Charter) and its Protocol on the Rights of Women in Africa; and the African Charter on the Rights and Welfare of the Child among others. Although it nominally supports the aforementioned conventions and laws, according to GhanaHomePage (a Ghanaian online information service), a report released by the government notes several economic, social, cultural and political problems (e.g. inadequate national resources, a hostile social and economic climate) as significant roadblocks to realizing the protections of women's rights outlined in these conventions, especially against FGM/C.

What was not included in the aforementioned report though were the annual budgetary allocations to service agencies opposed to FGM/C (e.g. the Ghana National Commission on Children, the Commission on Human Rights and Administrative Justice) compared with government expenditures for other social services. Offering this juxtaposition would have revealed how much the government has prioritized eradicating this barbaric practice. Moreover, although a plethora of legislation designed to protect women and girls from neglect and abuse exists in Ghana, there is a lack of enforcement of these laws. Therefore, it cannot be claimed that women and children's rights are actually being protected. Many in Ghana, particularly law enforcement agencies, have promulgated the misguided belief that "culturally, it is more appropriate for abuse to be dealt with at the family and community level." The Police believe socio-cultural matters involving family members should be settled quietly within family circles, thus they are reluctant to take up such cases. Therefore, criminal matters like FGM/C become matters for arbitration within families.

Meanwhile, the tepid response to criminalizing FGM/C in Ghana is in sharp contrast to the response in France, a country with a high number of immigrants, partially due to the historical legacy of the European colonization of Africa. It is estimated that between 40,000 and 65,000 women and girls from FGM/C risk countries live in France—the only country that has systemically tried criminal court cases dealing with FGM/C from as early as 1979. FGM/C, in France, is recognized as a form of mutilation and prohibited by the French Penal Code of 1994 under articles 222-9 and 222-19, title 1, paragraph 2, under violent acts, which it considers a severe category of criminal offense. The French definition of mutilation is employed, in this case, to stress the broad scope of the term as understood within psychological, medical, and social contexts. Medical professionals are also involved in the signaling and reporting of cases and threats of FGM in France. Detections usually take place during medical examinations. The National Academy of Physicians in France also issues recommendations to routinely check the sexual organs of girls and register the status of their sex organs in medical files. Systematic checkups on the outer sexual organs of children are also performed by infant care centers across France.

These precautionary measures and interventions in France help ensure the effectiveness of the fight against FGM/C and can serve as an example for Ghana and, indeed, other African countries. Although France's precautionary measures in fighting FGM/C are mainly focused on criminal prosecutions, I believe FGM/C can be abolished in Ghana and in other African countries, if a combination of preventive strategies and criminal proceedings are employed.

I remain hopeful because when communities come to understand the physical and psychological trauma FGM/C causes and its legal implications (backed by an effective and competent tribunal), they often become advocates for its eradication, including parents who refuse to allow their daughters to be subject to the practice. Thus, raising awareness of the physical and psychological trauma of FGM/C can bring the desired positive social change required to bring it to an end. This I believe can be realized through the concerted efforts of youth and health professionals through community sensitization programs involving practicing communities. Such programs help people learn and reflect upon hazards associated with the practice. Penalties for engaging in this practice should also be cited to make such programs more effective. Accordingly, there is also the need to unite with influential leaders and groups in these communities and collaborate with them to ensure the success of these programs. This may result in the willful formation of watchdog committees to supervise and report persons involved in the practice and encourage communities to abolish the practice to promote stronger, healthier futures for girls and women.

When collaborating with law enforcement agencies, female activists, the media, religious leaders, health workers, and youth it is indispensable for them to speak with one voice against the practice and to also promote education and counseling on FGM/C. Some NGOs (e.g. Youth for Human Rights, the Ghana Association for Women's Welfare) are actively leading the crusade in the fight against FGM/C and have called for the cooperation and intervention of the government in legislation; the right to initiate and participate in court proceedings, implementation and provision of resources and logistics to carry out comprehensive educational campaigns to sensitize the public and disseminate information on the destructive effects of this dehumanizing practice. With such measures in place, violators would no longer be able to claim ignorance, for ignorance of the law is no excuse.

In today's mutually dependent world, although some particular human rights are relativistic according to sociocultural perspectives, the international community is becoming increasingly integrated and moving towards the formation of a global culture. Therefore, the problems in one part of the world, directly or indirectly, affect other parts. This is the case of the sociocultural practice of FGM/C, which is still being practiced in Europe, Australia and America by immigrants from African and Middle Eastern countries. But, as human rights groups continue to raise awareness on this issue, there is hope that someday this practice can be eradicated in all corners of the world.

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