

**The Magnificence of Respecting Human Rights,  
Democracy & Freedoms in a Country &  
Organizations: (*Gathered Articles*): A North America,  
Asia, Africa, Oceania & Europe a 21st Century  
*Perspective***

**RUDOLPH.PATRICK.T.MUTESWA**

**FIRST EDITION**

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**Rudolph. Patrick. T. Muteswa**

**BBA, BCom Honors & MCom (UKZN South Africa)**

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## **The Magnificence of Respecting Human Rights, Democracy & Freedoms in a Country & Organizations: (*Gathered Articles*): A North America, Asia, Africa, Oceania & Europe a 21<sup>st</sup> Century Perspective**

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for-word quote will only end after proper referencing of open and closed brackets has been done at the end of the verbatim sentence clearly acknowledging the name and year of the source document that has been used by the author as shown (Rudolph, 2019, [www.rptmuteswa.ca.us](http://www.rptmuteswa.ca.us)). Furthermore, as the author of this textbook I have clearly highlighted the term ‘*Gathered Articles*’ on the book title meaning that the strategy I am using to write my book is using direct quotes I have gathered from various publications written by various authors and presenting them in a logical manner that creates a Book Chapter despite the fact that I will often at times present my own interpreted words in certain parts of the book. I was granted permission by the publishers of the information sources I obtained the information to use during my book writing process. In addition in certain instances there can be a full website link where the article or publication used in writing this textbook can be directly downloaded or viewed by the readers of this textbook for instance: during in-text referencing, the footnotes and or the bibliography section of the chapter as this enables the author of this textbook to clearly show the readers who the original owners of the published work are and also to fully acknowledge them. In addition readers please note that all the information sources used in this book are owned by the publishers/owners of the various websites, books, newspapers, magazines and journals used by the book author. Therefore readers of this textbook if you want to use any of the information from any of these referenced sources please may you directly contact the original owner(s)/publisher(s) of the information source for permission to use their information for whatever purpose you want to use it for. Readers of this textbook please be advised that all the organizations (*including the names of their employees or brands*) that are cited as information sources or examples in this book are neither affiliated, sponsored nor authorized with this book and its author/publisher. **This textbook is a ‘free-of-charge’ book and it shall not be sold to any individual, entity or institution that wants to use or read it for educational, training, coaching and or library purposes.**

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## **PREFACE TO THE FIRST EDITION**

The new popular term in the world in each and every country nowadays is the ‘respect for human rights’ and basic freedoms. Nowadays it has become inevitable for a nation to live without respecting the human rights and freedoms of its citizens since the success of any economy is now tied to its human rights cases. Interestingly, today countries with lower cases of human rights violations are now enjoying enormous economic development due to increased tourism, high export markets and high foreign direct investments and vice versa for countries with increased human rights violations. Therefore, in most countries around the world the government security organs; government officials (*parliamentarians, secretaries, cabinet ministers, provincial premiers/ministers, governors, councilors and so on*); monarch leaders, the top leadership of political parties including their organs such as the youth/women/war veterans associations all have a key role in shaping the future of a country in terms of respecting, promoting & protecting the human rights of citizens. **This book does not name any particular country’s human rights abuses issues as an example or reflect any particular country’s sanctions but it simply highlights factual information that focuses on the various topics covered on the topic of human rights issues from a perspective of a country and corporations.** Interestingly, this book intends to educate the world about the benefits of speaking-up against human rights abuses in general. In addition this book aims to promote national reconciliation in general for the benefit of their citizens’ successful future. Another key aim of this book is to highlight the different international bodies that are available to assist with issues of human rights and support structures that help countries to improve their respect for human rights. This book was authored to educate people about the benefits of living in a society: (1) where good moral behavior is adhered to, (2) where the respect for the rule of law is adhered to, (3) where people can exercise their right to freedom (*within reason*), (4) where people can freely protect & promote human rights, (5) where love is embraced, (6) where tolerance of one another’s voices (*whether political, religious, educational and or cultural*) are embraced since the actions/decisions that are carried-out by people currently living in the present day naturally impacts or shapes the lives of the next future generations. Furthermore, this book aims to educate its global readers in particular executive board of directors, shareholders of corporations, entrepreneurs, investors in the hospitality industry, politicians, international trade professionals, reserve bank/treasury officials, transport carriers (*airline, bus, railway, cruise ships & so on*), journalists, media houses, not-for-profit

humanitarian international bodies, diplomats, ambassadors, government security officials, political parties, young adults, business leaders, academics, students, the general population and so on about the definition of sanctions, types of sanctions and global sanctions. Notably, this book aims to educate its global readers that *countries* that want to be ranked as top tourism and foreign investment destinations in the world must ensure that they invest more resources (such as human, financial and technology resources) towards the promotion and protecting of the human rights of its citizenry. This book aimed to highlight the need to promote educational programs focusing on the promotion and protection of human rights in the corporate boardroom since organizations are now at the forefront of committing human rights violations globally. For example, some of the organizations nowadays are carrying-out illegal deforestation and environmental pollution thus a book is ‘*a source of wisdom*’ that can positively influence business leaders to be ethical and respect the human rights of people in the communities they carry-out their business activities. Furthermore, I wrote this book to help promote a culture of book writing amongst people of this 21<sup>st</sup> century in order to enhance knowledge sharing or academic wisdom through book publishing in both developed and developing countries. I noticed that in this life we live today humanity can only progress through consistent learning or knowledge sharing and the desire for consistent learning can only be strengthened through book writing and rigorously promoting a culture of book writing amongst all people located across the world in various career-fields.

**Acknowledgement:**

I would like to thank my family for tirelessly supporting me towards my education and personal life goals. I would also like to take this opportunity to greatly thank my late parents, aunties and uncles for the great role they played in my childhood. Furthermore, I shall forever be grateful to the great men and women in the continent of Africa, North America, Europe, Oceania and Asia who contributed in the writing of this book in particular all the named organizations & the various information sources cited in this book.

# Chapter 1: Introduction to human rights

After reading this chapter you should be able to:

- Describe the following terms 'human rights' and 'citizen'.
- Discuss the history of human rights.
- Highlight the various components of human rights by countries around the world.
- Identify the people who must be aware of their basic human rights in their country of origin.
- Highlight the different types of human rights abuses in various countries around the world.
- Discuss the importance of human rights. Briefly discuss the views of the business community in relation to human rights.

## 1.1 Introduction

In this modern day 21<sup>st</sup> century a new phenomenon has arisen that 'the greatness of a country is now determined by its ability to tirelessly promote and protect its citizen's human rights, freedoms and equality'.<sup>1</sup> "There is now near-universal consensus that all individuals are entitled to certain basic [rights](#) under any circumstances. These include certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety. Human rights are the articulation of the need for [justice](#), [tolerance](#), mutual respect, and human dignity in all of our activity<sup>2</sup>. Speaking of rights allows us to express the idea that all individuals are part of the scope of morality and justice. To [protect human rights](#) is to ensure that people receive some degree of decent, humane treatment. To violate the most basic human rights, on the other hand, is to deny individuals their fundamental moral entitlements. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are acts typically deemed "crimes

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<sup>1</sup> Maiese, Michelle. "Human Rights Violations." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Posted: July 2003  
<<http://www.beyondintractability.org/essay/human-rights-violations>>.

<sup>2</sup> Helena Kennedy. "Conflict Resolution and Human Rights: Contradictory or Complementary?" INCORE, 1.

against humanity," including [genocide](#), torture, slavery, rape, enforced medical experimentation, and deliberate starvation. Because these policies are sometimes implemented by governments, limiting the unrestrained power of the state is an important part of [international law](#). Underlying laws that prohibit the various "crimes against humanity" is the principle of nondiscrimination and the notion that certain basic rights apply universally"<sup>3</sup> (Maiese, Michelle, 2003, <http://www.beyondintractability.org/essay/human-rights-violations>). The definition of terms will be covered by the following section.

## 1.2 Definition of 'human rights'

<sup>4</sup>“[What are human rights?](#) Human rights are rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are **inherent** to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty. The **Universal Declaration of Human Rights (UDHR)**, adopted by the UN General Assembly in 1948, was the first legal document to set out the fundamental human rights to be universally protected. The UDHR, which [turned 70](#) in 2018, continues to be the foundation of all international human rights law. Its [30 articles](#) provide the principles and building blocks of current and future human rights conventions, treaties and other legal instruments. The UDHR, together with the 2 covenants - the International Covenant for Civil and Political Rights, and the International Covenant for Economic, Social and Cultural Rights - make up the [International Bill of Rights](#).”

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<sup>3</sup> Don Hubert and Thomas G. Weiss et al. *The Responsibility to Protect: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty*. (Canada: International Development Research Centre, 2001), 144.

<sup>4</sup> “From [*What Are Human Rights?*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

### 1.2.1 Universal and inalienable

The principle of **universality** of human rights is the cornerstone of international human rights law. This means that we are all equally entitled to our human rights. This principle, as first emphasized in the UDHR, is repeated in many international human rights conventions, declarations, and resolutions. Human rights are **inalienable**. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

### 1.2.2 Indivisible and interdependent

All human rights are **indivisible and interdependent**. This means that one set of rights cannot be enjoyed fully without the other. For example, making progress in civil and political rights makes it easier to exercise economic, social and cultural rights. Similarly, violating economic, social and cultural rights can negatively affect many other rights.

### 1.2.3 Equal and non-discriminatory

Article 1 of the UDHR states: "*All human beings are born free and equal in dignity and rights.*" Freedom from discrimination, set out in Article 2, is what ensures this equality. Non-discrimination cuts across all international human rights law. This principle is present in all major human rights treaties. It also provides the central theme of 2 core instruments: 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"<sup>5</sup> (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>). The following section will cover aspects about the history of human rights.

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<sup>5</sup> "From [*What Are Human Rights?*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations."

### 1.3 History of human rights

““Where do Human Rights come from? ANSWER: The modern human rights era can be traced to struggles to end slavery, genocide, discrimination, and government oppression. Atrocities during World War II made clear that previous efforts to protect individual rights from government violations were inadequate. Thus was born the Universal Declaration of Human Rights (UDHR) as part of the emergence of the United Nations (UN). The UDHR was the first international document that spelled out the “basic civil, political, economic, social and cultural rights that all human beings should enjoy.” The declaration was ratified without opposition by the UN General Assembly on December 10, 1948. When it was adopted, the UDHR was not legally binding, though it carried great moral weight. In order to give the human rights listed in the UDHR the force of law, the UN drafted two treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The division of rights between these two covenants is artificial, reflecting the global ideological divide during the Cold War. Though politics prevented the creation of a unified treaty, the two covenants are interconnected, and the rights contained in one covenant are necessary to the fulfillment of the rights contained in the other. Together, the UDHR, ICCPR, and ICESCR are known as the International Bill of Human Rights. They contain a comprehensive list of human rights that governments must respect, protect, and fulfill””<sup>6</sup> (The Advocates for Human Rights, 2021, [www.theadvocatesforhumanrights.org](http://www.theadvocatesforhumanrights.org)). In the following section aspects about the components of human rights will be covered in-depth.

### 1.4 The components of human rights

In general there are various components of human rights. <sup>7</sup>“Key elements of human rights<sup>8</sup>

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<sup>6</sup> The Advocates for Human Rights (2021) *Human Rights Basics*. Available from: [https://www.theadvocatesforhumanrights.org/human\\_rights\\_basics#HR%20Characteristics](https://www.theadvocatesforhumanrights.org/human_rights_basics#HR%20Characteristics) [Accessed May 31, 2021]

<sup>7</sup> Living Democracy (2021) *Student Handouts: Key Elements of Human Rights*. Available from: <https://www.living-democracy.com/textbooks/volume-3/part-1/unit-3/student-handout-10/> [Accessed March 18, 2021] ©Council of Europe

1. Right to life.
2. Freedom from torture.
3. Freedom from slavery.
4. Right to liberty and security.
5. Right to a fair trial.
6. Right to an effective remedy in case of violations.
7. Freedom from discrimination; right to equality.
8. Right to be recognised as a person; right to nationality.
9. Right to privacy and family life.
10. Right to marry.
11. Right to own property.
12. Right to movement of persons.
13. Right to asylum.
14. Freedom of thought, conscience and religion.
15. Freedom of expression.
16. Freedom of assembly and association.
17. Right to food, drink and housing.
18. Right to health care.
19. Right to education.
20. Right to employment.
21. Right to rest and leisure.
22. Right to social protection.
23. Right to political participation.
24. Right to take part in cultural life.
25. Prohibition of destruction of human rights.

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<sup>8</sup> This list is based on the teacher's resource sheet in Unit 5, "Rights, liberties and responsibilities".



26. Right to a social order that recognises human rights. Duties of the individual”<sup>9</sup> (Living Democracy, 2021, <https://www.living-democracy.com/textbooks/volume-3/part-1/unit-3/student-handout-10/>).

The following section will cover information about the people who must be aware of their basic human rights in their countries of origin in-depth.

### **1.5 The people who must be aware of their basic human rights in their country of origin.**

The list of people who must strongly be conscious about issues pertaining to the upholding of human rights in a country include the following:

- Security officials in the government security organs – generally the people who are more likely to be exposed to human rights violations are the security officials of a country as they have the duty to serve and protect the citizenry in order create law and order. Generally government security officials tend to deal with members of the public who come from different backgrounds, whom they meet under different circumstances (*for instance a football stadium or a music concert*), in different environments (*for instance when it is raining or at night*) therefore the rate of exposure to committing human rights related offences is very high. However, human rights ethics training is one of the most effective ways governments can use to educate their security officials to refrain from committing human rights related abuses on the citizenry.
- *Politicians* – in general in this modern day world people tend to respect and strongly follow their political leaders. Therefore, in most instances when politicians speak about: (1) upholding the rule of law and (2) the promotion and respecting of human rights to those they lead in a country often results in the country in question enjoying/experiencing lower rates of human rights violations on a yearly basis.

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<sup>9</sup> Living Democracy (2021) *Student Handouts: Key Elements of Human Rights*. Available from: <https://www.living-democracy.com/textbooks/volume-3/part-1/unit-3/student-handout-10/> [Accessed March 18, 2021] ©Council of Europe

- *Educators* – almost everyone in this world has passed through the education system and the mere fact that ‘education is a right for all’ it therefore becomes very important for educators to be fully aware about the latest information relating to human rights so that they can teach their learners about the benefits of respecting and promoting human rights in their day-to-day activities.

- *Learners/students* – the future of each and every nation is generally shaped by the mindsets of its young people. Young people mostly learners/students are becoming more conscious about issues related to human rights upliftment or violations. Numerous educational programs are being provided to learners/students at schools or tertiary institutions in order to adequately empower them to become well educated future leaders who value human life and dignity.

- *Parents* – when an individual becomes a father or mother to a child they immediately adopt the responsibility of ensuring protection and the fulfillment of the basic rights of their child. A parent can only uphold the basic human rights of children if they are fully knowledgeable about the history, importance and law of human rights. Therefore parents form part of the people in societies that must be aware of the respect of human rights for all.

- *Religious leaders* – religion is a fundamental cultural, values, sacred and motivational aspect of people in a country. People value their religion in general thus religious leaders have the moral choice to ensure that they lead by example when it comes to activities related to the respect for human rights. Religious leaders must ensure that they attend human rights ethics training on a regular basis in order to entrench a culture of zero tolerance to human rights violations in their religious activities with their followers. In the following section the various types of human rights abuses will be covered in-depth.

## **1.6 Types of human rights abuses in the world**

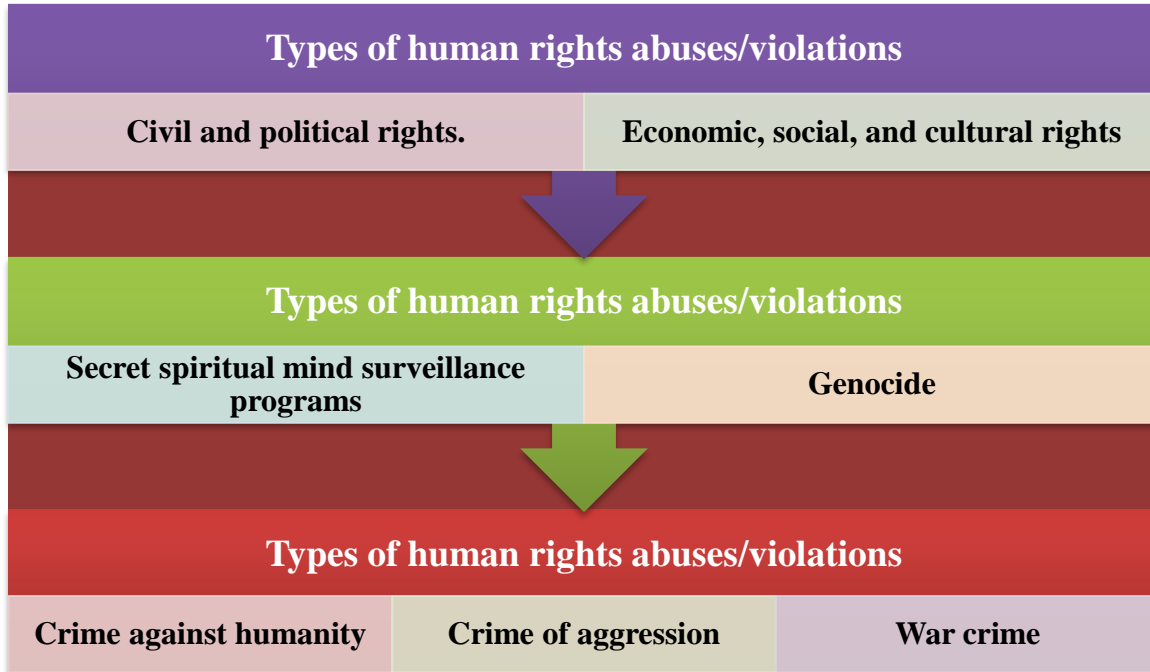
Each and every day there are numerous cases of human rights violations/abuses that are reported in various countries around the world. Some of the human rights violations are cases of situations that can easily be avoided through proper community education programs about the promotion and protection of human rights for example, gender based violence, child abuse and so on.

<sup>10</sup>“**Definition and types of human rights violations.** A state commits human rights violations either directly or indirectly. Violations can either be intentionally performed by the state and or come as a result of the state failing to prevent the violation. The *second type of violation* – failure by the state to protect – occurs when there’s a conflict between individuals or groups within a society. If the state does nothing to intervene and protect vulnerable people and groups, it’s participating in the violations” (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>). Nowadays the different types of human rights violations happening in different countries around the world keep evolving on a daily basis and some of the common types of human rights abuses are depicted by Figure 1.1 below.

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<sup>10</sup> Soken-Huberty, E. (2021) *What Are Human Rights Violations?* Available from: <https://www.humanrightscareers.com/issues/what-are-human-rights-violations/#:~:text=Civil%20and%20political%20rights%20are,known%20as%20a%20war%20crime> [Accessed March 19, 2021]

**Figure 1.1 Seven types of human rights abuses/violations around the world**



Source: Author’s Diagram Inspired by information from: (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>; Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org>; International Criminal Court, 2011, ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved).

As depicted in Figure 1.1 the different types of human rights abuses are further discussed as follows:

**1.6.1** <sup>11</sup>“**Civil and political rights.** Civil and political rights are violated through genocide, torture, and arbitrary arrest. These violations often happen during times of war, and when a human rights violation intersects with the breaking of laws about armed conflict, it’s known as a war crime.

<sup>11</sup> Soken-Huberty, E. (2021) *What Are Human Rights Violations?* Available from: <https://www.humanrightscareers.com/issues/what-are-human-rights-violations/#:~:text=Civil%20and%20political%20rights%20are,known%20as%20a%20war%20crime> [Accessed March 19, 2021]

Conflict can also trigger violations of the right to freedom of expression and the right of peaceful assembly”<sup>12</sup> (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

**1.6.2 “Economic, social, and cultural rights.** As described in the UDHR, economic, social, and cultural rights include the right to work, the right to education, and the right to physical and mental health. As is the case with all human rights, economic, social, and cultural rights can be violated by states and other actors. <sup>13</sup>The United Nations Office of the High Commissioner for Human Rights gives [a handful of examples](#) of how these rights can be violated. They include:

- Contaminating water, for example, with waste from State-owned facilities (the right to health)
- Evicting people by force from their homes (the right to adequate housing)
- Denying services and information about health (the right to health)
- Discriminating at work based on traits like race, gender, and sexual orientation (The right to work)
- Failing to provide maternity leave (protection of and assistance to the family)
- Not paying a sufficient minimum wage (rights at work)
- Segregating students based on disabilities (the right to education)
- Forbidding the use of minority/indigenous languages (the right to participate in cultural life)<sup>14</sup><sup>15</sup><sup>16</sup> (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

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<sup>12</sup> “From [*International Covenant on Civil and Political Rights*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>13</sup> Office of the United Nations High Commissioner for Human Rights (2021) *What are Examples of Violations of ESCR*. Available from: <https://www.ohchr.org/EN/Issues/ESCR/Pages/WhatareexamplesofviolationsofESCR.aspx> [Accessed March 28, 2021]

<sup>14</sup> Soken-Huberty, E. (2021) *What Are Human Rights Violations?* Available from: <https://www.humanrightscareers.com/issues/what-are-human-rights-violations/#:~:text=Civil%20and%20political%20rights%20are,known%20as%20a%20war%20crime> [Accessed March 19, 2021]

### 1.6.3 Secret spiritual mind surveillance programs

It is important to point-out that one of the key goals of this book is to pioneer new research in the field of security studies by leading universities in North America, Oceania, Africa, Europe and Asia particularly focusing on the topic of citizenry surveillance programs such as the use of secret spiritual surveillance programs in certain countries around the world. In general secret spiritual mind surveillance programs can be carried-out by security officials, political groups/ political parties, individuals and so on. In this modern day world we live in today there are certain people amongst us with super natural powers they are born with and it is important to note that some of these people use their super natural powers to do good in society while others due to the love of money or bad influence they end up abusing their natural powers in the communities they live in. For the purposes of this textbook a *secret spiritual mind surveillance program* is a form of intangible torture that causes a victim to be fearful, lack self confidence and also lack commitment to their local surrounding environment since this is due to the fact that the program makes use of religious leaders from various religious backgrounds/groups with some form of super natural powers including specialist training in mind control warfare/tactics in order to conduct mind reading in a person's brain in order to extract their secrets, thoughts, understand their general behavior or plans before they carry them out and so on. The invisible nature of the surveillance program makes it difficult for the victims to trace its origins. It is important to point-out the fact that in most cases due to the lack of evidence of this type of torture the victims continue to live in silence and or in certain instances if they speak-up they are more likely to get less attention. Some school of thought would argue that this type of torture falls under genocide

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<sup>15</sup> “From [*Universal Declaration of Human Rights*], by [United Nations Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx>]. © United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>16</sup> “From [*International Covenant on Civil and Political Rights*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

or a ‘crime against humanity’ since it intentionally targets and negatively affects the mental health of an individual to some extent. The ‘strategic thinking’ behind this type of invisible torture is to destroy the image and credibility of well accomplished, sane and highly functional individuals in society when they try to speak-out about their invisible torture experience and generally the main ‘push factor’ behind secret spiritual mind surveillance programs is to punish individuals who share a different preference, values, opinion or political viewpoint in a country, organization, institution, community and so on. However, it is strongly advised that when a person’s mind is negatively affected by secret spiritual mind surveillance programs to the extent that they can no longer function properly he/she must ensure that they seek medical assistance from registered and qualified general physicians and mental health practitioners in order to help them deal with any physical or mental issues they might be facing (*if any*). While on the other hand the victims of secret spiritual mind surveillance programs must generally ensure that they courageously visit or make an effort to contact their nearest credible human rights organizations in order to lodge a complaint about the human rights violations they will be experiencing. In general when victims of this type of torture live in silence it naturally empowers the perpetrator to continue carrying-out such inhumane human rights abuses on many other people.

#### 1.6.4 Genocide

<sup>17</sup>“Genocide was first recognised as a crime under international law in 1946 by the United Nations General Assembly ([A/RES/96-I](#)). It was codified as an independent crime in the [1948 Convention on the Prevention and Punishment of the Crime of Genocide](#) (the Genocide Convention). The Convention has been ratified by 149 States (as of January 2018). The International Court of Justice (ICJ) has repeatedly stated that the Convention embodies principles that are part of general customary international law. This means that whether or not States have ratified the Genocide Convention, they are all bound as a matter of law by the principle that genocide is a crime prohibited under international law. The ICJ has also stated that the prohibition of genocide is a peremptory norm of international law (*or ius cogens*) and consequently, no derogation from it is allowed. The definition of the crime of genocide as

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<sup>17</sup> “From [*Genocide*], by [United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>]. © United Nations [2021]. Reprinted with the permission of the United Nations.”

contained in Article II of the [Genocide Convention](#) was the result of a negotiating process and reflects the compromise reached among United Nations Member States in 1948 at the time of drafting the Convention. **Definition** [Convention on the Prevention and Punishment of the Crime of Genocide Article II](#) *In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group”<sup>18</sup> (United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>, 2021, Reprinted with the permission of the United Nations).

<sup>19</sup>According to the International Criminal Court (*Rome Statute of the International Criminal Court*) (2011:3) *Genocide*. For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group (International Criminal Court, 2011:3, <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>).

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<sup>18</sup> “From [*Genocide*], by [United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>]. © United Nations [2021]. Reprinted with the permission of the United Nations.”

<sup>19</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10



#### 1.6.4.1 ““Elements of the crime

The [Genocide Convention](#) establishes in Article I that the crime of genocide may take place in the context of an armed conflict, international or non-international, but also in the context of a peaceful situation. The latter is less common but still possible. The same article establishes the obligation of the contracting parties to prevent and to punish the crime of genocide. The popular understanding of what constitutes genocide tends to be broader than the content of the norm under international law.<sup>20</sup> Article II of the [Genocide Convention](#) contains a narrow definition of the crime of genocide, which includes two main elements:

3. *A mental element*: the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such"; and

4. *A physical element*, which includes the following five acts, enumerated exhaustively:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group

The intent is the most difficult element to determine. To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group. Cultural destruction does not suffice, nor does an intention to simply disperse a group. It is this special intent, or *dolus specialis*, that makes the crime of genocide so unique. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that element. Importantly, the victims of genocide are deliberately targeted - not randomly – because of their

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<sup>20</sup> “From [*Genocide*], by [United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>]. © United Nations [2021]. Reprinted with the permission of the United Nations.”

real or perceived membership of one of the four groups protected under the Convention (which excludes political groups, for example). This means that the target of destruction must be the group, as such, and not its members as individuals. Genocide can also be committed against only a part of the group, as long as that part is identifiable (including within a geographically limited area) and “substantial.”<sup>21</sup> (United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>, 2021, Reprinted with the permission of the United Nations).

### 1.6.5 Crime against humanity

<sup>22</sup>According to the International Criminal Court (*Rome Statute of the International Criminal Court*) (2011:3) Article 7. *Crimes against humanity*. 1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;

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<sup>21</sup> “From [*Genocide*], by [United Nations, <https://www.un.org/en/genocideprevention/genocide.shtml>]. © United Nations [2021]. Reprinted with the permission of the United Nations.”

<sup>22</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10

- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity<sup>23</sup>;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health (International Criminal Court, 2011:3, <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>).

#### 1.6.6 Crime of Aggression

<sup>24</sup>According to the International Criminal Court (*Rome Statute of the International Criminal Court*) (2011:7) <sup>25</sup>*Crime of aggression* 1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations. 2. For the purpose of paragraph 1, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations

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<sup>23</sup> International Criminal Court (2011) Rome Statute of the International Criminal Court. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10

<sup>24</sup> International Criminal Court (2011) Rome Statute of the International Criminal Court. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10

<sup>25</sup> Inserted by resolution RC/Res.6 of 11 June 2010.

General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

- (a) <sup>26</sup>The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
- (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- (c) The blockade of the ports or coasts of a State by the armed forces of another State;
- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein (International Criminal Court, 2011:8, <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>).

### 1.6.7 War crime

<sup>27</sup>According to the International Criminal Court (*Rome Statute of the International Criminal Court*) (2011:7) <sup>28</sup>Article 8 *War crimes*.

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<sup>26</sup> International Criminal Court (2011) Rome Statute of the International Criminal Court. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-

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1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) <sup>29</sup>Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

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<sup>27</sup> International Criminal Court (2011) Rome Statute of the International Criminal Court. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10

<sup>28</sup> Paragraphs 2 (e) (xiii) to 2 (e) (xv) were amended by resolution RC/Res.5 of 11 June 2010 (adding paragraphs 2 (e) (xiii) to 2 (e) (xv)).

<sup>29</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated<sup>30</sup>;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

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<sup>30</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10.

viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xi) Killing or wounding treacherously individuals belonging to the hostile nation or army; (xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

(xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

(xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war<sup>31</sup>;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

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<sup>31</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10.

(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions<sup>32</sup>;

(xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;

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<sup>32</sup> International Criminal Court (2011) Rome Statute of the International Criminal Court. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-



(xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture<sup>33</sup>;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

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<sup>33</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10.

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) <sup>34</sup>Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

(vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

(ix) Killing or wounding treacherously a combatant adversary;

(x) Declaring that no quarter will be given<sup>35</sup>;

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<sup>34</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] **ISBN No. 92-9227-232-2** Copyright © International Criminal Court 2011 All rights reserved p1-10.

<sup>35</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] **ISBN No. 92-9227-232-2** Copyright © International Criminal Court 2011 All rights reserved p1-10.

(xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(xiii) Employing poison or poisoned weapons;

(xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xv) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or reestablish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means<sup>36</sup> (International Criminal Court, 2011:7, <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>). The following section will cover the importance of human rights in-depth.

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<sup>36</sup> International Criminal Court (2011) *Rome Statute of the International Criminal Court*. Available from: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> [Accessed March 28, 2021] ISBN No. 92-9227-232-2 Copyright © International Criminal Court 2011 All rights reserved p1-10.

## 1.7 Importance of human rights

<sup>37</sup>“Why are human rights important? Values of tolerance, equality and respect can help reduce friction within society. Putting human rights ideas into practice can help us create the kind of society we want to live in. In recent decades, there has been a tremendous growth in how we think about and apply human rights ideas. This has had many positive results - knowledge about human rights can empower individuals and offer solutions for specific problems. Human rights are an important part of how people interact with others at all levels in society - in the family, the community, schools, the workplace, in politics and in international relations. It is vital therefore that people everywhere should strive to understand what human rights are. When people better understand human rights, it is easier for them to promote justice and the well-being of society” (Australian Human Rights Commission, 2019, <https://humanrights.gov.au/our-work/education/introduction-human-rights>). The various reasons why the issue of human rights is very important in this modern day world was clearly highlighted in an article authored by Soken-Huberty, E. (2021) titled ‘10 Reasons Why Human Rights Are Important’ published via [www.humanrightscareers.com](http://www.humanrightscareers.com). <sup>38</sup>Some of the common reasons human rights are important include the following:

### #1 They help to fulfill the basic needs of human beings

The most basic needs of each and every human being in a society includes: food, shelter, clean water and adequate healthcare. Therefore, human beings that have full access to the above mentioned basic needs can be referred to as ‘enjoying some form of dignity’ (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

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<sup>37</sup> Australian Human Rights Commission (2019) *An Introduction to Human Rights*. Available from: <https://humanrights.gov.au/our-work/education/introduction-human-rights> [Accessed April 18, 2021] Copyright ©Australian Human Rights Commission ©Commonwealth of Australia 2021.

<sup>38</sup> Soken-Huberty, E. (2021) *10 Reasons Why Human Rights Are Important*. Available from: <https://www.humanrightscareers.com/issues/10-reasons-why-human-rights-are-important/> [Accessed March 19, 2021]

#2: They help to shield society's most vulnerable people or groups from having all their rights violated

Human rights defenders and organizations (*that deal with issues related to human rights*) tend to place more emphasis on helping people who are much more vulnerable from having their basic rights being violated by either: the State, other people and or any legal entity in a society than completely letting them fight for their rights on their own without proper guidance and empowerment (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

#3: They help to promote Speaking-Up towards the fight against corruption in each and every society

The essence of human rights is that people become conscious and more willing to freely speak-up towards exposing corruption and its related violations to their rights in a society (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

#4: They help to uphold and protect freedom of speech and expression

The pillar that makes human rights critical in a society is that they help to uphold freedom of speech amongst people without 'fearing the unknown' or injustices. Therefore, human rights help to protect and freely promote dialogue or the generation of ideas amongst people in a society (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

#5: They help to provide a conducive environment in a society that embraces the freedom to practice or not practice any religion

The essence of human rights is that they allow people to practice any religion without any form of interference and they also allow people who do not want to practice any religion to be able to do so in peace<sup>39</sup> (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>).

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<sup>39</sup> Human Rights Careers (2021) *How to Prevent Bullying*. Available from: <https://www.humanrightscareers.com/issues/how-to-prevent-bullying/> [Accessed March 17, 2021]

## #6: They help to empower people to freely love anyone they choose

This is one of the most critical human right that is having the ability to enjoy the freedom to love anyone you choose in your life. A person's romantic life is very important including having the freedom to choose who you should love at any particular time or place<sup>40</sup> (Soken-Huberty, E., 2021, <https://www.humanrightscareers.com>). The conclusion of this chapter will be covered in the following section.

### 1.8 Conclusion

It can be concluded that human beings are entitled to all the rights to life in order for them to have a dignified and free life. Every person living in a country deserves to enjoy the protection of their basic human rights that are fundamental to their way of life. It can also be concluded that all the basic human rights are universal and interdependent of each other. When people are free and enjoying their liberty they become a highly productive and happy population. The list of people who must strongly be conscious about issues pertaining to the upholding of human rights in a country include: security officials, government officials, politicians, educators, learners, parents, religious leaders and so on.

### 1.9 Review questions

- 1) Discuss the terms 'human rights' and 'citizen'?
- 2) Describe the history of human rights?
- 3) Outline the various components of human rights by countries around the world?
- 4) Explain the people who must be aware of their basic human rights in their country of origin?
- 5) List the different types of human rights abuses in various countries around the world?

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<sup>40</sup> Soken-Huberty, E. (2021) *10 Reasons Why Human Rights Are Important*. Available from: <https://www.humanrightscareers.com/issues/10-reasons-why-human-rights-are-important/> [Accessed March 19, 2021]

6) Explain the importance of human rights? Briefly discuss the views of the business community in relation to human rights?

# Chapter 2: Benefits of respecting human rights in a country

After reading this chapter you should be able to:

- Describe the definition of the following terms ‘benefit’ and ‘branding’.
- Discuss what is ‘national reconciliation’.
- Describe the interrelationship between maintaining a good human rights record as a country and having a good national image or national brand as a country.
- Highlight the objectives of a national rebranding program to develop a country.
- Identify the parties involved in a national rebranding exercise of a country.
- Explain the various benefits enjoyed by countries that respect & greatly value human rights around the world.

## 2.1 Introduction

<sup>41</sup>According to the Australian Trade and Investment Commission (2021) a country’s reputation drives political, commercial and economic success. In the world today, there is intense competition for trade, investment, tourism, talent and influence. A consistent approach to nation branding can change how a country is perceived internationally across different sectors. **How the world sees us.** Nation brands are measured through a number of attributes. These include a nation’s physical beauty, business environment, contributions to the global culture, technological standing, and the quality of its workforce. A nation’s overall rank is a combination of ‘harder’ and ‘softer’ attributes, for example, technology and physical beauty (Australian Trade and Investment Commission, 2021, [www.austrade.gov.au](http://www.austrade.gov.au)). The days of nations, organizations,

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<sup>41</sup> Australian Trade and Investment Commission (2021) *Why a Nation Brand*. Available from: <https://www.austrade.gov.au/nation-brand/why-a-nation-brand> [Accessed March 21, 2021] The Australian Trade and Investment Commission (Austrade) is the Australian Government’s international trade promotion and investment attraction agency. © Commonwealth of Australia 2021



groups and individuals disrespecting and violating people's human rights and freedoms and getting away with it are long gone. Nowadays there are numerous international human rights bodies and laws that help to identify perpetrators of human rights abuses and they also provide adequate professional support to the victims in need of it. As a result of the continuous promotion of human rights laws and support centres from international bodies in the global media, educational learning programs and the corporate world most of the countries have now accepted that human rights are indeed 'rights to life'. This is despite the fact that the implementation of issues related to the protection and promotion of human rights, equality and freedoms are still being poorly embraced, implemented and or adopted in some of the countries around the world. In addition the interrelation of human rights violations to global sanctions (*see Chapter 10*) has somehow put enormous pressure to countries around the world to start taking issues of applying the rule of law, freedoms, human rights, equality and much more seriously by investing adequate financial, human and technology resources to educate their people including corporations about the benefits of respecting human rights. Each and every country wants to present a certain desired good image in the international community and the number one factor that ties a nation with a good image is its record or ratings on issues related to the respecting of human rights, freedoms and equality. When a country is rated as having an excellent human rights rating or record it automatically becomes a champion of the promotion and protection of human rights across the globe and a major attraction to tourists or investors in general. The following section will cover the definition of terms.

## **2.2 Describe the definition of 'benefit' and 'branding'**

Today there are various definitions of the term 'benefit' that was authored by various academics and business gurus. The term '*benefit*' refers to something an individual, group, entity or organization will gain after consuming, doing, giving, receiving, thinking and or assuming another thing with the expectation to enjoy some form of gain in one way or another (Rudolph. Patrick. Tawanda. Muteswa, 2021). For purposes of this textbook '*branding*' refers to how a country, organization, group or individuals want to: (1) appeal, (2) be viewed, (3) be differentiated, (4) be identified, (5) benchmarked and so on by both its internal stakeholders (*such as citizens, people, community, domestic market and so on*) and external stakeholders (*such as the international community, international bodies, foreign market and so on*) (Rudolph.

Patrick. Tawanda. Muteswa, 2021). The following section will help to cover aspects about national reconciliation in greater detail.

### **2.3 Discuss what is ‘national reconciliation’**

It is generally human nature to find it more complex to simply speak-out the words *‘I am sorry’* especially in certain instances where egoistic characters are involved. While it is vice versa when strategic, progressive, humble and futuristic characters are involved. The pillar behind successful reconciliation efforts is when the parties involved are fully committed and when all the parties have finally seen the greater benefits of working together to achieve a common goal. The term *‘national reconciliation’* is when a country and its people from all walks of life (*in terms of different age groups, gender, religion, political opinion, marital status, race and so on*) decide to reach-out to each other in solidarity of achieving mutual relations, cooperation, peace, the rule of law, promotion & protection of freedoms/human rights with the main aim of developing their country’s sovereign wealth, legacy and unity (Rudolph. Patrick. Tawanda. Muteswa, 2021). A shared unity purpose is the fuel behind most the world’s successful reconciliation efforts. In general it is practically impossible for people who are divided or abusing each other’s human rights (*such as peace, right to freedom and life*) to have a common purpose and restore relations. National reconciliation efforts take time to yield results and they must not be rushed since certain issues (*hidden elements*) under the iceberg must first be addressed to pave way for proper negotiations to take place. An independent third party must be able to ask parties involved in the national reconciliation efforts to choose a mediator who will help with the reconciliation efforts and it is important to highlight the fact that in other national reconciliation efforts a panel of mediators are selected such as retired judiciary judges, academics, former Heads of States/Former Presidents/Former Prime Ministers or religious leaders to lead/control the discussions of the reconciliation efforts. Another key aspect about reconciliation efforts is the willingness to be completely truthful all the time and exposing any hidden wrongdoings done in the past to pave way for a fresh start guided by strong ethics, transparency and honesty. During national reconciliation discussions a lot of pain may be inflicted to others involved in the reconciliation exercise through testimonies or confessions but at the end of the day the bigger picture of attaining national unity ultimately overrides it. Typical examples of instances where national reconciliation efforts are used is when a country is trying to start afresh after: (1) a civil

war, (2) it recently gained independence from its colonial masters, (3) genocide incidence, (4) attracting global sanctions related to human rights violations and lack of freedoms, (5) conflict related to disputed voting results (*all major political groups in the country will be claiming victory*) and so on. The *ten key terms* that easily identify with national reconciliation exercises include the following: (1) solidarity, (2) cooperation, (3) development, (4) peace, (5) humanity, (6) right to life, (7) ‘respect for human rights’, (8) equality, (9) freedom and (10) national branding. Most of the countries that successfully implement national reconciliation programs tend to significantly boost their national brand value in the international community since a unity purpose and many other benefits are also achieved. A typical good example of a country that initiated and implemented a national reconciliation commission after gaining its independence in 1994 is Africa’s unquestionable leading economic powerhouse the Republic of South Africa. The national reconciliation effort in South Africa was founded during the year 1995 and it was conducted for several years and it was called the ‘Truth and Reconciliation Commission’. Today South Africa is one of the most successful country on the continent of Africa across all its economic sectors namely: manufacturing, mining, agriculture, tourism, education, wild life conservancy, transport and so on. Therefore, the Republic of South Africa will forever have a legacy of being a nation that initiated and conducted a ‘Truth and Reconciliation Commission’.

<sup>42</sup>“As long as unresolved historic injustices continue to fester in the world, there will be a demand for truth commissions. Unfortunately, there is no end to the need. The goal of a truth commission — in some forms also called a truth and reconciliation commission, as it is in Canada — is to hold public hearings to establish the scale and impact of a past injustice, typically involving wide-scale human rights abuses, and make it part of the permanent, unassailable public record. Truth commissions also officially recognize victims and perpetrators in an effort to move beyond the painful past. Over the past three decades, more than 40 countries have, [like Canada](#), established truth commissions, including Chile, Ecuador, Ghana, Guatemala,

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<sup>42</sup> Bonny Ibhawoh Professor of History and Global Human Rights, McMaster University

(2019) *Do truth and reconciliation commissions heal divided nations?* Available

from: <https://theconversation.com/do-truth-and-reconciliation-commissions-heal-divided-nations-109925> [Accessed March 23, 2021]

Kenya, Liberia, Morocco, Philippines, Rwanda, Sierra Leone and South Korea. There has been a range in the effectiveness of commissions designed to resolve injustices in African and Latin American countries, typically held as those countries made transitions from civil war, colonialism or authoritarian rule” (Bonny Ibhawoh Professor of History and Global Human Rights, McMaster University, 2019, <https://theconversation.com/>). The following section will cover aspects about the interrelationship between maintaining a good human rights record as a country and also having a good national image or national brand as a country in-depth.

## **2.4 The interrelationship between maintaining a good human rights record as a country and also having a good national image or national brand as a country**

Nowadays various countries around the world are aiming to achieve a unified national development agenda in peace and harmony. Thus countries tend to care more about their national image or national brand and by doing so they have successfully managed to significantly grow their economies and global influence. Some of the globally recognized not-for-profit human rights/equality organizations in the world are now playing a key role towards the national branding rankings of countries around the world by ensuring that they rank the national brands of countries based on each country’s human rights policies, efforts towards the promotion & protection of human rights and above all based on the number of human rights violations/abuses cases recorded after a certain period of time (*for example on a quarterly or yearly basis*). The reasoning behind this strategy is that if countries care more about their image and national branding they should also place more value towards the ‘rights to life’ of their citizens so that they all join hands to reduce the number of human rights violations in order to be ranked as good destinations for tourism and investments. While on the other hand countries with a record high number of human rights violations are lowly ranked as poor destinations for tourism and investments. <sup>43</sup>“It’s nothing new for nations to care about image, but the past ten years represent a turning point in the methods states use to manage their reputations. In many cases,

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<sup>43</sup> Teslik, L. H. (2007) *Nation Branding Explained*. Available from: <https://www.cfr.org/backgrounder/nation-branding-explained> [Accessed March 21, 2021]

governments now hire public relations firms and apply brand management theory—formerly the domain of corporate communications departments and business-school seminars. Meanwhile, branding efforts have branched out well beyond simple efforts at attracting tourism. Countries now hire firms to help them launch sophisticated branding campaigns aimed at luring foreign investment, facilitating trade, improving private-sector competitiveness, or even securing geopolitical influence” (Teslik, L., 2007, [www.cfr.org/](http://www.cfr.org/)).

“A *nation brand* is the sum of people’s perceptions of a country. In a fiercely competitive world, the degree to which a country is admired, trusted and respected can have direct economic and social impact on that nation. As the world begins to re-emerge from challenging times, strengthening Australia’s reputation will attract more people to invest, study and visit here, and to buy our products and services”<sup>44</sup> (Australian Trade and Investment Commission, 2021, <https://www.austrade.gov.au/nation-brand>). ““What does “nation branding” mean? Very simply, it means applying corporate branding techniques to countries. Similarly, experts in the industry refer to “place branding” and “city branding.” [Simon Anholt](#), who edits a [journal](#) on nation branding and advises countries on how to strengthen their national brands, says in this CFR.org [interview](#) that two main concepts separate new forms of nation branding from more traditional forms of public diplomacy. First, Anholt says, nations have become far more cognizant of the value of their brand as an asset. Understanding valuation helps countries better understand the investments they make in their image. For instance: To what extent does a catchy slogan help attract foreign investment? How about a national radio station? As researchers work to better quantify the answers to questions like these, countries see the possibility of more efficiently investing in their futures. The second major change, Anholt notes, is a focus on the behavioral aspects of managing a nation’s image. He suggests officials from government, nonprofits, and the business world can better collaborate to make sure the

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<sup>44</sup> Australian Trade and Investment Commission (2021) *Australia’s Nation Brand*. Available from: <https://www.austrade.gov.au/nation-brand/why-a-nation-brand> [Accessed March 21, 2021] The Australian Trade and Investment Commission (Austrade) is the Australian Government’s international trade promotion and investment attraction agency. © Commonwealth of Australia 2021

messages a country is putting out represent what they view as “the fundamental common purpose” of their country.

<sup>45</sup>**How big of a field is nation branding?** If you count tourism advertising, direct investment outreach, or communications as “nation branding,” the estimated size of the industry skyrockets. Anecdotally, at least, interest in nation branding has entered a boom period. Thomas Cromwell, who runs East-West Communications, a nation-branding consultancy, says individual nations’ contracts for branding projects range into the millions of dollars. Still, he hesitates to estimate the overall extent of nation branding globally, noting that in each country, expenses are spread among many different ministries. **How do you measure the strength of a nation’s brand?** The Nation Brands Index, a project run jointly by Simon Anholt and a polling firm called Global Market Insite (GMI), is the only major source for numerical data on the relative strengths of national brands. Every three months, Anholt and GMI record the opinions of consumers in thirty-five different countries, mainly in developed markets, tracking their perceptions of several different aspects of a country’s image. Anholt divides the idea of nation branding into six main subfields. These are: tourism, exports, governance, people, culture and heritage, and investment and immigration. The poll asks several different questions in each category, establishing subfield ratings that are then compiled into a single numerical index. The goal of this index is to give an overall sense of the strength of international opinion on a given country, positive or negative. This system does not meet uniform approval.

**What are countries doing to improve their brand ratings?** The vast majority of countries now work with communications consultants or PR firms, though the specific kinds of guidance they seek depend greatly on the circumstances faced by the country. Some branding campaigns seek to improve the competitiveness of a nation’s exports by linking them to positive preconceptions of the country.

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<sup>45</sup> Teslik, L. H. (2007) *Nation Branding Explained*. Available from: <https://www.cfr.org/background/nation-branding-explained> [Accessed March 21, 2021]

**What does the rise of nation branding mean for foreign policy?** Anholt says the rise of interest in nation-brand-focused consulting is “potentially a very dangerous thing.” He notes the easy allure for countries to think they can simply pay somebody to fix problems that are in fact caused by bad policy. “I don’t tell countries how to do marketing,” he says. “I advise them on what sorts of policies they need to undertake in order to *earn* the reputation they feel they deserve.” With all these caveats, there are also plentiful benefits to be gained by countries that successfully embrace branding techniques”<sup>46</sup> (Anholt, S., 2020; Cromwell, T., 2021 cited in Teslik, L., 2007, [www.cfr.org/](http://www.cfr.org/)). In the following section aspects highlighting the objectives of national rebranding to develop a country will be discussed in much greater detail.

## **2.5 Highlight the objectives of national rebranding to develop a country**

There are various objectives that can be set by a country that intends to achieve a national rebranding exercise. The five key objectives of national rebranding in a country include the following:

- to reconcile the people of a country with a common vision or future path to walk towards in a unified manner,
- to revamp the image and solidarity of a country amongst its citizenry and the international community at large,
- to strengthen the mutual relations, cooperation and solidarity of a country with its foreign allies and partners,
- to kick start the economic growth and innovation strategies of a country,
- to position a country as a key promoter of basic freedoms, respect for human rights and non-selective rule of law amongst its citizenry.

The following section will help identify the parties involved in a national rebranding exercise of a country.

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<sup>46</sup> Teslik, L. H. (2007) *Nation Branding Explained*. Available from: <https://www.cfr.org/backgrounders/nation-branding-explained> [Accessed March 21, 2021]

## 2.6 Identify the parties involved in a national rebranding exercise of a country

In general there are several parties that are involved in a national rebranding exercise. The parties involved in a national rebranding exercise include:

- **the State or government** – a country that is carrying-out a national rebranding exercise must first start with all the government structures in its branding activities (*for instance changing its logos, emblems, national anthem, names of its departments that were previously tainted by human rights violations/corruption or abuse of office and so on*). When a rebranding exercise is being carried-out in a country generally it is the government that must lead by example so that the rest of the country is able to follow in its footsteps by easily accepting and embracing the changes that will be associated with the rebranding exercise. Rebranding by a State is usually associated with strict adherence to good governance principles, adopting credible transparency measures in the entire government system, enforcing mandatory training on certain key topics such as ethics & compliance, code of good conduct, respect for human rights, promotion of peace or conflict management, good customer service, diversity & inclusion, employee wellness and so on.
- **the leaders of all registered political parties in a country** –almost each and every country in the world has a ruling political party and an opposition political party except for a few absolute monarch Kingdoms still found in different parts of the world (*for example in Africa, Europe, the Middle East and Asia*). Despite the narrow difference in the number of seats in parliament or congress at the end of the day each political party has an obligation to serve its country and its people/voters through participating in a national rebranding exercise. The joining of hands by political parties to develop the national brand of the country is of utmost importance since the speeches, conferences, political rallies or party newsletters that leaders of political parties communicate to their people must be in direct alignment with the promotion of the national rebranding exercise of the country. For instance, during the time of a national rebranding exercise political leaders must ensure that they put their differences aside and promote foreign direct investments, tourism, the rule of law, peace efforts, education programs that help encourage citizens to speak up against all forms of human rights abuses or the repression of the basic political freedoms of the citizenry and so on. The benefits of effective rebranding exercises



in a country are generally enjoyed by both the ruling and the opposition parties thus it is important for both parties to work together by any means necessary.

- **the business community** – businesspeople for example CEOs, CFOs, Board of Directors, entrepreneurs, farmers and so on are all part of the business community in a country. Nowadays an organization's employer, product and corporate brand value in the market strongly influences the success of a country's rebranding exercise. A typical good example is that of countries that are well known for manufacturing state-of-the-art and high quality yachts as they are more likely to take advantage of their powerful image of their already existing locally produced brands to boost their rebranding strategy in the global environment. Business leaders help to boost the Gross Domestic Product (GDP) rates of a country to enable it to enjoy better international trading rankings or ratings by global economic performance rating agencies since this helps to boost the image of the organization.

- **trade unions** – organizations that represent employees at the workplace in terms of their workplace health & safety, grievances, compensation rates and negotiations tend to play a critical role in influencing the rebranding exercise of an economy. A typical example is when trade unions in various sectors of the economy join hands and avoid calling for national strike actions since strike actions tend to have a negative effect towards a rebranding exercise in a country. During national strikes many businesses are closed and in certain instances incidences of violence may take place thereby attracting negative global media publicity. Therefore, it is important for all the parties involved in a rebranding exercise to ensure that they strongly liaise with the local trade union organizations to avoid future misunderstandings or conflict whilst at the same time all parties must uphold both the labour and freedom of association laws of the country in question.

- **employer federations in various sectors of the economy** – in general workers need their employers and jobs to successfully earn a living. Employers have the right to lock-out employees during negotiations of compensation with trade union representatives in certain countries as guided by the local Labour Relations or Employment Act of certain countries. As discussed earlier strike actions by employees or lock-outs by employers often results in attracting negative media publicity in a country that is in the middle of conducting its national rebranding exercise. Therefore, it is important for all the parties involved in a rebranding exercise to ensure that they

strongly liaise with employer federations in various sectors of the economy to avoid future misunderstandings or conflict whilst at the same time all parties must uphold both the labour and property rights laws of the country in question.

- **educators and or academics** – the most critical ingredient to a national rebranding exercise is ‘word-of-mouth’ education and in general teachers carry-out this practice in their day-to-day work activities in schools, universities and colleges. The fact that teachers speak with large audiences of learners they have the power to shape a country’s national rebranding activity. In addition academics by profession conduct research studies and write books that are published for readers around the world to use in a particular career-field thus this platform of book writing can also be used to market or educate about a national rebranding exercise. Therefore it is critical that educators or academics to be involved in a national rebranding exercise.

- **media houses** – the media helps to provide a key platform for a national rebranding exercise to be advertised or demonstrated to its targeted audience. Branding strongly relies on effective publicity and public relations communicated via the media (*for instance newspaper, television, radio and the Internet*). It is of utmost importance for media organizations to be provided with an opportunity to participate in a national rebranding exercise.

- **local and international organizations that operate in the global tourism sector** – every national rebranding exercise that is carried-out in an economy ultimately benefits the tourism sector of that particular country. Tourism thrives when a country’s national brand is powerful and well respected in the global community. In general tourism sector organizations often have vast knowledge in marketing and branding countries in order to attract high tourism revenue and global tourism rankings. It is very important for both local and international organizations that operate in the global tourism sector to participate in a national rebranding exercise.

- **transport sector** (*airlines, cruise ships, railway coaches/tube trains and taxi industry*) – similar to the tourism sector the back-borne of the transport sector in each and every country lies with the brand status of the country in the global economy. Transport firms such as cruise-ships, the taxi industry and airlines all rely on the brand value attached to their country of origin. A national rebranding exercise aims to implement change towards the way the world views or perceives the image of a country in a manner that continuously attracts a plethora of benefits

such as high tourist attraction rates, high exports rates and so on. Businesses that operate in the transport sector of a country are critical stakeholders to its national rebranding strategy as they can help to boost the image of the country by consistently providing commuters with adequate, safe, high quality, cost-effective and convenient transport services.

- **sports clubs** (*for example soccer teams, golf clubs, tennis tournament bodies, basketball teams, American football teams and so on*) – the modern day sports clubs thrive on technological marketing and branding to increase their fan base, revenues from sportswear and media advertising. Sports clubs are now the hubs of advertising, selling and brand marketing in this 21<sup>st</sup> century. A national rebranding exercise that aligns its activities with sporting activities is more likely to: (1) accelerate its acceptance rate in a country, (2) innovate, (3) attract positive responses from its targeted audiences, (4) entrench its vision in the minds of the citizenry and the international community at large and so on. The following section will help cover information about the benefits enjoyed by countries that respect and greatly value human rights around the world.

## **2.7 Explain the various benefits enjoyed by countries that respect & greatly value human rights around the world**

The golden rule that each and every political leader, government official, business professional, educator, academic, investor, executive board of director, entrepreneur and so on must take into account is that ‘human life’ must be respected and valued by any means necessary. In general the days of ignoring the rule of law and suppressing people’s human rights are long gone and today is now a new world where the respect of human rights in a country is celebrated and rewarded endlessly to promote repeat behavior. There are many examples of countries around the world that have successfully managed to turnaround their terrible human rights records over the past number of years to a fresh start of respecting all the components of the basic human rights of people. The various benefits that are enjoyed by a country that is located anywhere in the world (*both developed and developing*) for respecting human rights are many and it is important that these benefits are tied to the national brand of a country. Therefore the benefits enjoyed by a country that is located anywhere in the world (*both developed and developing*) for respecting the human rights of its citizens or international visitors include the following:

- **High export rates** – a country that adheres to the <sup>47</sup>UN Universal Declaration of Human Rights automatically gains a high value national brand in the global community and as result any of its products that are produced within its borders tends to easily find new foreign markets where it can be sold. The international community often easily aligns trust, quality and brand power to a nation winning its race towards becoming a top human rights promoter in the region and continent.
- **High tourism rates** – the movement of people to other countries temporarily or permanently is generally aligned with the following factors: (1) desire for a peaceful and safe living environment, (2) better infrastructure networks, (3) basic freedoms and the respect for human rights and so on. Naturally tourists enjoy basic freedoms to do what they feel is right for them anytime and they also want to be highly valued in terms of their lives and thus a country that offers them these benefits is more likely to consistently attract a large number of international visitors at its international destination resorts.
- **Adherence to good governance principles in both the public and private sector** – one of the key fundamental responsibilities of the citizenry is to hold their leaders accountable in both public or private organizations. A country where the rule of law is implemented unselectively without fear or favor and where all the issues pertaining to the respect of human rights are upheld its leaders in both politics or business often adhere to good governance and ethical principles in order to create integrity.
- **Peaceful national environment** – conflict naturally starts when peoples’ human rights are violated for example war crimes, genocide, torture and so on. When people decide to take the law into their own hands that is when all kinds of conflict arise and also more human rights violations are committed in a country. However, a country that wins its race towards becoming a key human rights player by respecting the basic freedoms of its people and protecting its citizens rights to life naturally prevails into a peaceful nation. When people in a nation are freely moving

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<sup>47</sup> The Office of the United Nations High Commissioner for Human Rights (2021) *The Universal Declaration of Human Rights*. Available from: <https://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx> [Accessed March 20, 2021] ©United Nations 2021

around and not fighting each other and or the State is not fighting another foreign enemy/State that is called 'peace'.

- **High attraction rates of foreign direct investments (FDI)** – a national brand that is benchmarked on the country's human rights success rate easily attracts foreign direct investments. Generally investors tend to come in large numbers to invest in countries that have strong records of peace and an impressive record of respecting and promoting human rights as this is a good signal that their investment assets will be protected over a long time period. Whereas in a country with regular human rights violations it is more exposed to all forms of conflict that repel foreign investors due to lack of security. Therefore, foreign direct investment is strongly associated with good and unquestionable human rights records in a country.

- **Higher rate of hosting international activities or festivals** – as mentioned earlier that a country that successfully implements its human rights objectives is more likely to naturally win the trust of the international community. In general that particular country becomes a preferred destination to host highly recognized international events such as global sports tournaments, music concerts, medical conferences, international business conferences and so on. When a country hosts global international events it helps boost its national brand and international trade activities (*exports/imports of goods/services*) as well.

- **Reduced statistical figures of human rights abuses** – today the world is moving towards permanent world peace and the topic of the respect for human rights has become a popular slogan or vision for many nations around the world. The respecting of human rights by a country leads to reduced statistical figures of human rights abuses/violations. Most of the countries that have reduced figures of human rights abuses/violations have very low incidences of the following types of human rights abuses: gender based violence, child abuse, war crimes, political repression, physical and psychological torture and so on.

- **Higher standards of living** - due to high exports that bring increased foreign currency revenues more money is available to enable the State to fulfill its day-to-day financial obligations of: (1) buying state-of-the-art medical equipment to use in public hospitals, (2) buying water chemicals to use to purify water for citizens to access clean water, (3) buying oil/electricity from neighboring countries to avoid shortages in supply and (4) lastly high Foreign Direct Investment

rates enable the mass population of a country to easily access decent employment which leads to them being able to afford better housing, transport and clothing. The next section will cover aspects on how to use technology tools to educate about human rights.

## **2.8 How to use information, communication & technology tools to boost human rights issues and education**

<sup>48</sup>“**ICTs and Human Rights.** The use of ICTs in the realm of human rights can be broken down broadly to four main realms whose level and quality of interaction - amongst themselves and with one another - has been vastly heightened as a result of the deployment of communications networks. Individuals, NGOs, national governments, and supranational institutions have all been empowered insofar as they have the means to effectively communicate their stories, agendas, laws and agreements, respectively and with maximum impact (see Table)<sup>49</sup>. The evolving relationship of each of civil society entities with one other – as enhanced and strengthened by ICTs – is significant to any analysis of governance” (Selian, A.N., 2002:20, <https://www.itu.int/osg/spu/wsis-themes/humanrights/ICTs%20and%20HR.pdf>).

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<sup>48</sup> Selian, A.N. (2002) *ICTs in Support of Human Rights, Democracy and Good Governance*. Available from: <https://www.itu.int/osg/spu/wsis-themes/humanrights/ICTs%20and%20HR.pdf> [Accessed March 20, 2021]

<sup>49</sup> J. M. Ayres, “From the streets to the Internet: The cyber-diffusion of contention,” *Annals of the American Academy of Political and Social Science* 566 (1999): 132-143, quoted in Pippa Norris, *Digital Divide? Civic Engagement, Information Poverty & the Internet in Democratic Societies* (New York: Cambridge University Press, 2001), 6, Link : <http://ksghome.harvard.edu/~pnorris.shorenstein.ksg/acrobat/digitalch1.pdf>. 48 “1999 Country

**Table 2.1: International Entities and ICT Applications**

Sectors	ICT Applications
<b>Individuals</b>	<sup>50</sup> “Empowered through the use of wireless communication (voice and SMS/data), email, the internet (with access to reporting procedures like the Options Protocol under CCPI), as well as radio/television” (Selian, A.N., 2002:20, <a href="https://www.itu.int">https://www.itu.int</a> ).
<b>Activist NGOs</b>	“Empowered through the use of internet, email, and wireless communications to contact media, other NGOs, national governments, and supranational governing bodies from all locations; ICTs have facilitated transnational networking as well as fundraising” (Selian, A.N., 2002:20, <a href="https://www.itu.int">https://www.itu.int</a> ).
<b>National Governments</b>	“Practice traditional forms of public diplomacy (including traditional broadcast (unidirectional media like TV and radio), and utilize networked communications for enhancing transparency and access to laws and national policies” (Selian, A.N., 2002:20, <a href="https://www.itu.int">https://www.itu.int</a> ).
<b>Supranational Governing Body</b>	“Use communications to optimize engagement of member states in international organizations, and for consultation with major non-governmental organizations, as well for heightening accessibility of all to international documentation of treaties, accords, agreements and international dispute settlement” (Selian, A.N., 2002:20, <a href="https://www.itu.int">https://www.itu.int</a> ).

Source: (International Telecommunication Union cited in Selian, A.N., 2002:20, <https://www.itu.int>).

<sup>50</sup> Selian, A.N. (2002) *ICTs in Support of Human Rights, Democracy and Good Governance*. Available from: <https://www.itu.int/osg/spu/wsis-themes/humanrights/ICTs%20and%20HR.pdf> [Accessed March 20, 2021]

### 2.8.1. “Information Sharing and Systems

The importance of general information sharing and more transparent and accessible knowledge management systems (typically private sector specializations that are now being transposed upon organizations of the public sector) are being emphasized through ICT coordination in the promotion of humanitarian aid. Most notably, the UN Office for Coordination of Humanitarian Affairs (OCHA), which coordinated a symposium in February 2002, has called for: information systems driven by operational needs (particularly in assessments and “who is doing what where” databases); the development of standards of information quality; the identification and dissemination of successful technology applications; the establishment of ways to connect disparate information systems; and general improvement to preparedness, including baseline data for high-risk areas and rapid response humanitarian information centers<sup>51</sup>. The idea that ICTs can help to avoid the duplication of work and enhance the organizational efficiency of those working in the field of humanitarian aid is only just beginning to be explored. Information gathering as far as ‘human rights data’ is concerned is in itself a tremendous challenge, for prior to the actual sharing of information between various organizations and networks arises the question of how to quantify and represent acts of violence. Only thus can researchers make systematic, comparative analyses of patterns of human rights violations in time and space. Dr. Patrick Ball, Deputy Director of the Science and Human Rights Program with the American Association for the Advancement of Science is, for example, particularly concerned with the design of information management systems that provide quantitative analysis for large-scale human rights projects for truth commissions, grassroots human rights NGOs, monitoring missions, etc<sup>52</sup>. ICTs thus obviously play an instrumental role – not only in terms of spreading ‘the word’ about human rights violations and protection through communication networks between civil society, national and international entities – but also in terms of formulating what ‘the word’ is, and determining how real world incidents can be communicated to the realm of factual, accessible information

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<sup>51</sup> 50 Mark Jones, “Agencies urged to use technology and share info”, AlertNet (February 8, 2002), Link: [www.reliefweb.int](http://www.reliefweb.int).

<sup>52</sup> 51 Patrick Ball, “Who Did What to Whom? Planning and Implementing a Large Scale Human Rights Data Project”, The American Association for the Advancement of Science (1996), Link: <http://shr.aaas.org/www/contents.html>.



and data”<sup>53</sup> (Selian, A.N., 2002:20, <https://www.itu.int/osg/spu/wsis-themes/humanrights/ICTs%20and%20HR.pdf>). The conclusion of this chapter will be covered in the next section.

## 2.9 Conclusion

It can therefore be concluded that countries that want to be ranked as top tourism and foreign investment destinations in the world must ensure that they invest more resources (such as human, financial and technology resources) towards the promotion and protecting of the human rights of its citizenry. The way a country is viewed by the international community is completely interrelated to its human rights records and rule of law. Countries that are facing serious internal societal divisions or conflicts must ensure that they initiate national reconciliation programs in order to help unite their people to work together for a better future. It has become inevitable for national branding to be unrelated to the human rights violations/abuse cases of a country and this has somehow forced many countries to place more value in introducing new educational programs that help the general public about the importance of human rights and freedoms to help grow the economy through increased tourism or high foreign investments.

## 2.10 Review questions

- 1) Explain the definition of ‘benefit’ and ‘branding’.
- 2) Describe what is ‘national reconciliation’.
- 3) Discuss the interrelationship between maintaining a good human rights record as a country and having a good national image or national brand as a country.
- 4) Describe the objectives of national rebranding to develop a country.
- 5) Outline the parties involved in a national rebranding exercise of a country.

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<sup>53</sup> Selian, A.N. (2002) *ICTs in Support of Human Rights, Democracy and Good Governance*. Available from: <https://www.itu.int/osg/spu/wsis-themes/humanrights/ICTs%20and%20HR.pdf> [Accessed March 20, 2021]

<sup>54</sup> “From [About OCHA], by [Office of the Coordination of Humanitarian Affairs (OCHA)], <https://www.unocha.org/about-ocha>. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

6) Explain the various benefits enjoyed by countries that respect & greatly value human rights around the world.

# Chapter 3: Global business community's views on human rights

After reading this chapter you should be able to:

- Define the following terms 'global' and 'business community'.
- Explain the views of the business community in relation to human rights.
- Discuss issues related to human rights in the boardroom.
- Describe the importance of human rights 'due diligence' as a mandatory concern for board of directors in organizations.
- Explain why companies have a role to play to help avoid attacks on human rights defenders, the rights of employees and the society at large.
- Discuss the role of human rights defenders and civic freedoms in maintaining high productivity & profitability in organizations.

## 3.1 Introduction

Nowadays it has now become inevitable for human rights and basic freedoms issues to be an outside the organization's premises topic since workplaces also deal with people related issues everyday and as a result human rights related issues arise on a daily basis (*whether in a positive or negative way*). Therefore, this has put immense pressure on organizations/executive management not to ignore issues related to human rights by investing more financial resources in the training, protection and promotion of human rights, freedoms and equality at the workplace. Over the past number of years there has been several world news headlines of human rights violations that were carried-out by large corporations and these headlines shocked the world. While on the other hand these headlines they clearly revealed that the issue of creating educational programs that help to create an organizational culture of upholding the promotion and protection of human rights, equality and basic freedoms has become a matter of urgency in most of the organizations located in different parts of the world in particular starting with the board of directors up to the lower level employees. Typical examples of some of the news headlines that shocked the world over human rights violations by large corporations operating across the world include the following: (1) deforestation of nature reserves located in villages

without community approval; (2) forced resettlement of villagers from their communities without compensation or any form of assistance in order to pave the way for an operational facility; (3) environmental pollution activities by large corporations such as the polluting of water resources in communities and so on. The definition of terms will be covered in the following section.

### **3.2 Definition of the following terms ‘global’ and ‘business community’**

A definition is critical in each and every textbook in order to help readers to easily understand the sense of what is being communicated by the author. The term ‘*global*’ refers to instances when something whether a product, internet website, organization or publication becomes available worldwide beyond many international borders or land demarcation boundaries of nations to reach a wider target audience or target market (Rudolph. Patrick. Tawanda. Muteswa, 2021). In addition the term ‘*business community*’ for the context of this textbook refers to a collection of organizations (*both private and public*) and their executive management including not-for-profit organizations that carry-out business activities in a country, geographic region, continent and worldwide (Rudolph. Patrick. Tawanda. Muteswa, 2021). The following section will help to highlight the views of the business community in relation to human rights.

### **3.3 Views of the business community in relation to human rights**

<sup>55</sup> ““*What is the business view on human rights?* The Economist Intelligence Unit (EIU) recently published a [report](#) exploring the views of businesses worldwide on their responsibility to respect human rights. Its findings are mainly based on a global online survey of 853 senior corporate executives carried out in November and December 2014. The EIU report is a fundamental piece of research in the business and human rights field, in particular given the importance of tracking progress in the implementation of emerging global standards, such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. This article offers a brief summary of the most interesting findings of the EIU

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<sup>55</sup> de Felice, D. (2015) *What is the business view on human rights?* Available from:

<https://www.weforum.org/agenda/2015/05/what-is-the-business-view-on-human-rights/> [Accessed march 19, 2021]

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report, based on my experience as co-director of the [Measuring Business & Human Rights](#) project.

### 3.3.1 Reasons for optimism

One of the most encouraging findings of the EIU report is that a very large number of business executives acknowledge that companies should respect human rights, wherever they operate. Eighty-four percent of the respondents disagreed with the statement that “respecting human rights is a matter for governments, not for business”, while 71% of them disagreed with the statement that “the corporate responsibility to respect for human rights means only complying with relevant local laws”. This finding holds true even when business executives are confronted with real-case scenarios where adverse human rights impacts are not directly caused by their companies but indirectly linked to them through business relationships. For example, 85% of the respondents think that “sponsors of major global sporting events should use their influence to ensure the rights of workers and local communities involved with the preparation are respected by all”. Human rights issues are also increasingly mainstreamed within companies. Eighty-five percent of respondents reported that the CEO of their company is involved in meeting their company’s responsibility to respect human rights. Almost half of the respondents further specified that the CEO is actually taking the lead in this process. Furthermore, the survey challenged the assumption that companies generally oppose regulation.<sup>56</sup> According to 57% of the respondents, a new legally-binding international treaty on business and human rights would be useful in helping their business respect human rights. Thirty percent of the respondents highlighted that mandatory human rights due diligence would enable companies to better fulfil their corporate responsibility to respect human rights.

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<sup>56</sup> de Felice, D. (2015) *What is the business view on human rights?* Available from:

<https://www.weforum.org/agenda/2015/05/what-is-the-business-view-on-human-rights/> [Accessed march 19, 2021]

### 3.3.2 Reasons for concern

<sup>57</sup>According to the UNGPs and the OECD guidelines, the first (and arguably easiest) step of human rights due diligence is the adoption of a public statement on human rights. Disappointingly, only 22% of the companies surveyed by the EIU have already adopted a policy statement that explicitly references “human rights”. Even worse, short-term improvement seems unlikely. Only 6% of the companies plan to issue a public statement of policy outlining our commitment to respect human rights in the next 12 months. The low levels of adoption of human rights policies are linked to a serious problem of misperception. The EIU report performed a separate analysis of the quarter of respondents who *strongly* agreed with the statement that their company outperforms competitors on human rights policy. The companies in this self-benchmarked group of 210 firms were defined by the EIU as “leaders”. Unsurprisingly, “leaders” are more likely than others to have a public statement of policy. Yet, the percentage is still very low: 30% (compared with 19% among non-leaders). This means that 130 self-benchmarked human rights “leaders” think that they outperform their competitors on human rights even though they still lack a publicly available policy statement on human rights. Misperception is accompanied by lack of vision. The survey asked the human rights priorities for the respondents’ companies over the next 12 months. The EIU facilitated the task, and suggested several options, such as “strengthen company’s ability to monitor and assess the impact on human rights related to its business relationships (eg, business partners, suppliers, etc.)” and “strengthen relationship with national governments on human rights issues”. One fifth of the respondents answered: “None of the above”. An additional 12% replied that they do not know. Lastly, the EIU report confirmed that short-termism from investors and shareholders still represents a crucially missing link between wider societal concerns and corporate actions. Only 11% of the respondents considered pressure/encouragement from shareholders (including state owners) to be one of the biggest drivers for their company’s commitment to respect human rights. When asked about the

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<sup>57</sup> de Felice, D. (2015) *What is the business view on human rights?* Available from:

<https://www.weforum.org/agenda/2015/05/what-is-the-business-view-on-human-rights/> [Accessed March 19, 2021]

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level of involvement of different functions in meeting the company's responsibility to respect human rights, "investor relations" ranked very low.

### 3.3.4 The importance of tracking progress

As the business community seems to agree that companies have human rights responsibilities, tracking the evolution of corporate thinking vis-à-vis emerging global standards becomes a crucial exercise. Without a clear understanding of the corporate perception regarding business and human rights issues, it is impossible to know which topics need more attention, and which initiatives are likely to be more effective"<sup>58</sup> (de Felice, D., 2015, <https://www.weforum.org/agenda/2015/05/what-is-the-business-view-on-human-rights/>). The following section will cover aspects about human rights in the boardroom.

## 3.4 Human rights in the boardroom

<sup>59</sup>“Human rights must find a permanent place in the boardroom. Here's why

- Today is [Human Rights Day](#), and we ask, where does business sit?
- Human rights needs to find a permanent place in the boardroom: addressing the economic and social inequalities resulting from flawed business practices.
- Businesses must also acknowledge legacies of racism, sexism and other forms of discrimination and must call for greater supply chain transparency and decent work as crucial to tackle economic inequality.

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<sup>58</sup> de Felice, D. (2015) *What is the business view on human rights?* Available from: <https://www.weforum.org/agenda/2015/05/what-is-the-business-view-on-human-rights/> [Accessed March 19, 2021]  
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<sup>59</sup> Morrison, J. and Olofsson, J. (2020) *Human rights must find a permanent place in the boardroom. Here's why.* Available from: <https://www.weforum.org/agenda/2020/12/business-human-rights-must-find-a-permanent-place-in-the-boardroom/> [Accessed March 22, 2021] ©2021 World Economic Forum

10 December is Human Rights Day marking 72 years since the signing of the [Universal Declaration of Human Rights](#), forged amid the destruction and persecution in the aftermath of the Second World War. Recent decades have ushered in unprecedented levels of development and progress. Yet, the world continues to face [growing inequality](#). At the start of this year, the UN Secretary General António Guterres warned that [70%](#) of the world’s population was facing ever increasing inequality, fueling both anger and desperation. Within weeks of the announcement, the COVID-19 virus had spread to every corner of the planet. “We are all in this together” reflected Guterres in [April 2020](#). But the virus and the response to it so far has only laid bare deepening

### 3.4.1 No further forward in 2020?

Where does business sit in the face of such societal demands? We have made progress since 1995, with milestones such as the [UN Guiding Principles on Business and Human Rights](#), modern slavery legislation, emerging mandatory due diligence demands and greater disclosure requirements. The [Corporate Human Rights Benchmark](#) has shown year on year improvement across hundreds of companies. But there are as many laggards as there are leaders.

### 3.4.2 Our message for Human Rights Day 2020 is for human rights to find a permanent place in the boardroom itself.

<sup>60</sup>Our message for Human Rights Day 2020 is for human rights to find a permanent place in the boardroom itself. This means addressing the economic and social inequalities resulting from flawed business practices. Businesses must also acknowledge legacies of racism, sexism and other forms of discrimination. In addition, calls for greater supply chain transparency and decent work are crucial in tackling economic inequality. But while this is welcome, it is not enough to overcome inequality on its own. We must ask how greater transparency and diversity can

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<sup>60</sup> Morrison, J. and Olofsson, J. (2020) *Human rights must find a permanent place in the boardroom. Here’s why*. Available from: <https://www.weforum.org/agenda/2020/12/business-human-rights-must-find-a-permanent-place-in-the-boardroom/> [Accessed March 22, 2021] ©2021 World Economic Forum



challenge the power structures that are driving increasing inequality both within business and across society itself?

### 3.4.3 The human rights challenge for 2021

During 2021, we would like to see business asking deeper questions about how it will challenge inequality and respect human rights. Within business this must include considerations for workers to earn a wage that supports them and their families to afford a decent life. It also means that women are paid the same as men for equal work, fair treatment and have equal opportunities. Workers should have a voice and the right to organize and no one should be forced to buy their own job through recruitment fees. Executives must lead by example: board remuneration committees must act to narrow the differential between the highest and lowest paid members of staff – from the CEO to the cleaner. Boardrooms must have the right skills and knowledge around the table to allow them to make the right decisions in terms of human as well as business impact; and perhaps one day the two will be seen as the same thing. Outside of the company itself, business must proactively engage in wider societal discussions about how to reduce inequality and stand up for human rights. Young people around the world are demanding that as we look to re-build in the post-pandemic world, the focus should be on “[restructuring the economy so it deals better with challenges like inequality and climate change](#),” rather than just “[getting our economy back to normal as soon as possible](#)”. Perhaps less "building back" and more "moving forward differently". The jobs of millions of women, minorities and low-income earners around the world have been put at risk as the pandemic accelerates digitalization and automation. While jobs are central for the transitions ahead, so are new forms of investment, financial equity and informed consent for all communities. The transition must be a “just” one, ensuring respect for fundamental rights, in particular for the most vulnerable and marginalized. Business advocacy for human rights is welcomed when building on the fundamental respect for human rights and an understanding of its own role in contributing to inequality”<sup>61</sup> (Morrison, J.

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<sup>61</sup> Morrison, J. and Olofsson, J. (2020) *Human rights must find a permanent place in the boardroom. Here's why*. Available from: <https://www.weforum.org/agenda/2020/12/business-human-rights-must-find-a-permanent-place-in-the-boardroom/> [Accessed March 22, 2021] ©2021 World Economic Forum

and Olofsson, J., 2020, <https://www.weforum.org/agenda/2020/12/business-human-rights-must-find-a-permanent-place-in-the-boardroom/>). In the following section aspects about the importance of human rights due diligence will be covered in greater detail.

### **3.5 Importance of human rights due diligence as a mandatory concern for board of directors in organizations**

“Responsibility from the top down: Why human rights due diligence must be a mandated concern of corporate boards” (Morrison, J., Bloomer, P. and Le Pors., C, 2021, [www.business-humanrights.org](http://www.business-humanrights.org)). A good example of a human rights violation by an organization is during the year 2020 a large corporation destroyed an old native cultural site in Western Australia without getting the approval of the owners of the cultural site (Morrison, J., Bloomer, P. and Le Pors., C, 2021, [www.business-humanrights.org](http://www.business-humanrights.org)). ““This example raises fundamental questions about the relationship of board governance and human rights – something a new legislative initiative of the European Commission looks set to address. The European Commission (EC) proposes to make mandatory human rights due diligence (mHRDD) a requirement for companies, the scope of which has yet to be defined. One of the key questions is how much board oversight is needed for effective management of a company’s environmental and human rights risks and whether this oversight should be mandated directly in law. The existing French law on mHRDD (*loi de vigilance*) does not make this a requirement, while the insistence on board approval of corporate compliance statements for the Modern Slavery Act in the [UK](#) is one of its few strengths. [Australia](#) has also made board sign-off a legal requirement of its modern slavery legislation and, in the Netherlands, the recent child labour mHRDD legislation for supply chains also includes potential criminal sanctions for [company directors](#). How much knowledge should boards have of such risks and is it up to governments to mandate this? The answer, we believe, is already out there based on the collective experience of recent years<sup>62</sup>.

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<sup>62</sup> Morrison, J., Bloomer, P. and Le Pors., C. (2021) *Responsibility from the top down: Why human rights due diligence must be a mandated concern of corporate boards*. Available from: <https://www.business-humanrights.org/en/blog/responsibility-from-the-top-down-why-human-rights-due-diligence-must-be-a-mandated-concern-of-corporate-boards/> [Accessed March 20, 2021]

### 3.5.1 But does it matter?

In recent years, the *Corporate Human Rights Benchmark* (CHRB) has helped make the case for mHRDD. Of the 230 companies across all sectors that CHRB assessed in 2020, nearly half (46%) failed to score any points at all in the area of HRDD. We found similar results in 2017, 2018 and 2019. While a minority of companies are working hard to improve their performance, many are not, despite the pressure of *institutional investors* and others. Under the existing, mainly voluntary, approach the gap between those companies that undertake HRDD, and those that do not, is not closing. If anything it continues to widen. This makes a solid case for a mandatory approach in our eyes and one we have advocated since the Finnish Presidency of the European Union in 2019.

*At present, in an environment of mainly voluntary HRDD, the 30-40% of companies that have demonstrated some seriousness about human rights are likely to demonstrate this in the boardroom as well. In other words, for some of these companies, human rights are an issue of strategy as well as compliance.*

<sup>63</sup>For those companies that have engaged in HRDD, the CHRB data also shows a strong correlation with board engagement. At present, in an environment of mainly voluntary HRDD, the 30-40% of companies that have demonstrated some seriousness about human rights are likely to demonstrate this in the boardroom as well. In other words, for some of these companies, human rights are an issue of strategy as well as compliance. As Europe moves to a more level playing field in a new world of mHRDD is it also important to maintain such board level engagement? Some specific examples suggest that it is. In a nutshell, HRDD is more potent when it is integrated into decision-making at all levels within a company – including the strategic function of boards.

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<sup>63</sup> Morrison, J., Bloomer, P. and Le Pors., C. (2021) *Responsibility from the top down: Why human rights due diligence must be a mandated concern of corporate boards*. Available from: <https://www.business-humanrights.org/en/blog/responsibility-from-the-top-down-why-human-rights-due-diligence-must-be-a-mandated-concern-of-corporate-boards/> [Accessed March 20, 2021]

In his recent Harvard commentary, the former UN Special Representative for Business and Human Rights, Professor John Ruggie [urged those in favour of mHRDD](#) not to link the effort to that of reforming director duties. When asked specifically on this issue of board-level oversight of the mHRDD itself, his position is nuanced. As he expressed to us in preparation for this commentary: *"I think the answer depends on how well specified the mHRDD requirement is. If it becomes a legal duty for the company, with specific steps spelled out (as in the UNGPs, especially with regard to stakeholder engagement and communication), then a board would be failing in its own fiduciary responsibility if it did not exercise sufficient oversight – as is true for any other legal obligation of the company. Framed and elaborated in this manner, HRDD becomes the process of determining whether a duty of care exists in a given case."*

Our own position is that the European Commission should act unambiguously to make the issue of board oversight an explicit part of its mHRDD approach. The evidence from France suggests that not doing so risks making mHRDD an administrative issue and not a strategic one. Looking at other companies that have failed in areas of their human rights performance also reinforces the same conclusion<sup>64</sup> (Morrison, J., Bloomer, P. and Le Pors., C, 2021, [www.business-humanrights.org](http://www.business-humanrights.org)). The following section will help discuss the role played by companies to avoid attacks on human rights defenders.

### **3.6 Companies have a role to play to help avoid attacks on human rights defenders, the rights of employees and the society at large**

The various ways organizations are promoting and protecting human rights of employees/society across the world were clearly highlighted in an article published by the International Chamber of Commerce World Business Organization (ICC WBO) (2017) titled ‘3 Ways Business is Promoting Human Rights’ via <https://iccwbo.org>. According to the International Chamber of Commerce World Business Organization (ICC WBO) (2017) as stakeholders from around the world prepare for the 2017 UN Forum on Business and Human Rights, here are three areas in

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<sup>64</sup> Morrison, J., Bloomer, P. and Le Pors., C. (2021) *Responsibility from the top down: Why human rights due diligence must be a mandated concern of corporate boards*. Available from: <https://www.business-humanrights.org/en/blog/responsibility-from-the-top-down-why-human-rights-due-diligence-must-be-a-mandated-concern-of-corporate-boards/> [Accessed March 20, 2021]

which business is already making a difference. As the world’s largest and most representative business organisation, with a network of over six million members in more than 100 countries, ICC has a broad view of how business and human rights intersect. Moreover, as the only private sector organisation that is an Observer to the UN, ICC has a key role to play in engaging business’ commitment to human rights and the UN sustainable development goals within the UN’s international decision-making system. At the Forum, companies from around the world will be showing how they are providing access to remedy through multi-stakeholder engagement and other means. The development of the 2017 [Corporate Human Rights Benchmark](#)—an initiative that assesses and ranks 98 of the largest publicly-traded companies according to human rights indicators—also provides a powerful incentive for companies to showcase their corporate human rights records. At the Business and Human Rights Forum, ICC will be co-organising a business briefing and networking event on the first day. <sup>65</sup>As we approach the November Forum, here are three areas in which business is already making a difference:

### 3.6.1. Advancing gender equality

<sup>66</sup>Ensuring that women are afforded equal opportunities and pay in the workplace makes solid business sense. According to estimates by the International Monetary Fund, the underutilisation of the female labour force results in losses of up to 27% of GDP in some world regions. While government policies can be helpful in addressing persistent gender gaps in economic participation and pay, the private sector has already stepped up to combat such structural inequalities. In India, Tata Steel has created a “Women Empowerment Cell” comprising members of management and junior staff charged with organising needs-based training for female employees with the aim of maximising their potential within the company. In accordance

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<sup>65</sup> International Chamber of Commerce World Business Organization (ICC WBO) (2017) *3 Ways Business is Promoting Human Rights*. Available from: <https://iccwbo.org/media-wall/news-speeches/3-ways-business-is-promoting-human-rights/> [Accessed May 31, 2021] © International Chamber of Commerce (ICC)

<sup>66</sup> International Chamber of Commerce World Business Organization (ICC WBO) (2017) *3 Ways Business is Promoting Human Rights*. Available from: <https://iccwbo.org/media-wall/news-speeches/3-ways-business-is-promoting-human-rights/> [Accessed May 31, 2021] © International Chamber of Commerce (ICC)

with its role as a global standard-setter, ICC promotes pragmatic guidelines for gender equality like the UN's Women's Empowerment Principles.

### 3.6.2. Promoting rights online

ICC [strongly promotes](#) the principle that the rights people have offline must also be protected online. Freedom of expression and free flow of information is paramount to the success of a knowledgeable and economically-viable Internet society, so any limitations to these rights should only be for legitimate public policy objectives, such as protecting the rights of others and the rule of law consistent with international treaties. Data flows play a central role both in fuelling the digital economy and enabling online freedom of expression to be fully realised. To that end, business takes seriously the need to put in practice effective and accountable privacy and security measures while working with governments to design appropriate policies to meet these common goals<sup>67</sup>.

### 3.6.3. Responding for refugees

Few members of society are more vulnerable today than refugees and migrants, many of whom have been victims of discrimination, exclusion and racism. Private sector companies have often been vocal in challenging negative narratives around migrants and have a key role to play in helping the newly arrived men, women and children integrate into economies and societies. Last April, ICC announced the development of a new partnership with the UN Refugee Agency to enhance business engagement in the international response to the global refugee crisis and has a strong record in defending the essential role that migration plays in creating jobs and economic growth around the world (International Chamber of Commerce World Business Organization, 2017, <https://iccwbo.org/media-wall/news-speeches/3-ways-business-is-promoting-human-rights/>). © International Chamber of Commerce (ICC). The following section will discuss the role of human rights defenders and civic freedoms in maintaining high productivity in organizations.

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<sup>67</sup> International Chamber of Commerce World Business Organization (ICC WBO) (2017) *3 Ways Business is Promoting Human Rights*. Available from: <https://iccwbo.org/media-wall/news-speeches/3-ways-business-is-promoting-human-rights/> [Accessed May 31, 2021] © International Chamber of Commerce (ICC)

### 3.7 The role of human rights defenders and civic freedoms in maintaining high productivity & profitability in organizations

Businesses across the world have realized that it is now inevitable to avoid dealing with issues related to human rights, freedoms and democracy at the workplace, amongst employees and or the society at large. The role of human rights and freedoms in maintaining profitability was clearly highlighted by an article published by Zbona, A. (2018) titled '*Human rights defenders and civic freedoms essential for profitable business, say major companies*' published on <https://www.business-humanrights.org>.<sup>68</sup> According to Zbona, A. (2018) **Human rights defenders and civic freedoms essential for profitable business, say major companies**. The statement is the first of its kind, with supporters including **ABN AMRO** and stresses that when human rights defenders are under attack, so is sustainable and profitable business. Since 2015, we at Business & Human Rights Resource Centre have tracked more than 1,300 attacks on activists working on human rights issues related to business. Nearly six in ten countries are seriously restricting people's freedoms of association, peaceful assembly and expression, according to **CIVICUS**. Civil society organizations are under pressure and human rights defenders, including trade unionists, anti-corruption activists and journalists are increasingly threatened, attacked or killed. Human rights defenders, civil society organizations, international organizations and progressive governments have been insisting for years that this situation is unacceptable; that if civic freedoms which allow citizens to propose solutions to social problems, and to push governments to respect and protect human rights, are eroded, so are any prospects for sustainable development and just and inclusive economic growth. Now, these voices have been joined by a group of powerful allies: well-known brands and investors who are vocal about how they, too, depend on the rule of law, accountable governance, stable investment environments and respect for human rights. These businesses and investors "affirm[ed] the crucial role of human rights defenders and [their] firm commitment to the protection of civic freedoms" and recognize the responsibility of businesses and investors to respect human rights defenders. They committed "to find effective ways business can positively contribute to situations where civic freedoms and human rights

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<sup>68</sup> Zbona, A. (2018) *Human rights defenders and civic freedoms essential for profitable business, say major companies*. Available from: <https://www.business-humanrights.org/en/blog/human-rights-defenders-and-civic-freedoms-essential-for-profitable-business-say-major-companies/> [Accessed May 31, 2021]

defenders are under threat”.<sup>69</sup> Companies taking this stand are doing so because it is the right to do, and because it aligns with their values and their vision for society. They are also doing it because it makes business sense. Employees everywhere are demanding that businesses they work with match their actions with their values. Consumers reward such behavior and are encouraging companies to play a more ethical role in society - to have an opinion and stand up for the things their customers care about. One study, for example, found that “three-quarters of consumers would stop purchasing from a company if it shared a different perspective on these social justice issues.” Generation Z consumers are the most likely to favor social action by companies: according to 2017 research, 94 percent of Gen Z respondents believe companies should help address critical issues. That figure compares with 87 percent of Millennials, 83 percent of Gen X and 89 percent of Baby Boomers.

So it is perhaps not surprising that **Maria Anne van Dijk, global head of environmental, social and ethical risk and policy at ABN AMRO**, one of the signatories, said, when asked why they decided to support the statement:

*"ABN AMRO is very happy to receive positive signals from clients after sharing our support for this statement. Many of our clients - especially NGOs - experience restrictions on their civic freedoms as well as access to financial services. This problem can only be effectively addressed in collaboration between governments, civil society and business"*

On the eve of the 70th anniversary of the Universal Declaration on Human Rights, this statement sends a clear message that the current wave of attacks is intolerable for leading companies and investors.

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<sup>69</sup> Zbona, A. (2018) *Human rights defenders and civic freedoms essential for profitable business, say major companies*. Available from: <https://www.business-humanrights.org/en/blog/human-rights-defenders-and-civic-freedoms-essential-for-profitable-business-say-major-companies/> [Accessed May 31, 2021]



**<sup>70</sup>Michael Ineichen, Programme Director of the International Service for Human Rights**, said:

*“Human rights defenders work to ensure that every person has access to quality education, a decent job, secure housing, a healthy environment and a doctor when we’re sick. By standing alongside human rights defenders, leading companies protect this critical contribution to a more positive future.”*

The next step is the practical implementation of these commitments. While hesitance or even skepticism on the side of civil society is understandable, this statement should be a signal that business is not homogenous and that some can be partners on these issues. Governments should work with these and other leading businesses to act on their own commitments to protect civic freedoms and human rights defenders, and do so multilaterally, for example through the Organisation for Economic Co-operation and Development. Meanwhile, other companies from all sectors should quickly catch up, and take on this increasingly inescapable agenda – it is their short and their long-term interest to do so.

**Phil Bloomer, Executive Director of the Business & Human Rights Resource Centre (BHRRC)**, said:

*“Hats off to these ground-breaking companies and investors. In a context of worsening attacks on civic freedoms worldwide, this international group of companies speaks up to protect civic freedoms, human rights defenders, and rule of law. This is vital to workers and communities and wider society. It is also crucial to stable, profitable, and sustainable business. Other responsible businesses and investors should follow rapidly. There is no time to lose.”* (Zbona, A., 2018, <https://www.business-humanrights.org/en/blog/human-rights-defenders-and-civic-freedoms-essential-for-profitable-business-say-major-companies/>). The conclusion for this chapter is covered in the following section.

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<sup>70</sup> Zbona, A. (2018) *Human rights defenders and civic freedoms essential for profitable business, say major companies*. Available from: <https://www.business-humanrights.org/en/blog/human-rights-defenders-and-civic-freedoms-essential-for-profitable-business-say-major-companies/> [Accessed May 31, 2021]

### **3.8 Conclusion**

It can therefore be concluded that matters relating to human rights, freedoms and equality are inalienable in organizations. Nowadays news headlines of human rights violations by organizations have clearly highlighted the need for investors, board of directors and executive management to start taking the issue of human rights as a major priority in order to avoid future costly violations and public relations disasters. It can also be concluded that investors are now the kingmakers in the promotion and protection of human rights in organizations since they can advise the board or management to invest adequate resources towards creating educational programs and partnerships with business human rights entities to help their organization win the goal of becoming a key human rights defender/champion. The Universal Declaration for Human Rights has now become a key document that organizations must ensure that all their employees and board of directors read regularly and promote it in their day-to-day activities.

### **3.9 Review questions**

- 1) Define the following terms ‘global’ and ‘business community’?
- 2) Describe the views of the business community in relation to human rights?
- 3) Explain issues related to human rights in the boardroom?
- 4) Discuss the importance of human rights due diligence as a mandatory concern for board of directors in organizations?
- 5) Describe why companies have a role to play to help avoid attacks on human rights defenders, the rights of employees and the society at large?
- 6) Explain the role of human rights defenders and civic freedoms in maintaining high productivity & profitability in organizations?

# Chapter 4: Speaking Up against human rights abuses and platforms available for victims

After reading this chapter you should be able to:

- Describe the definition of the following terms ‘speaking up’ and a ‘victim of human rights abuse’.
- Explain what is a ‘human rights defender’. Identify the characteristics of a human rights defender.
- List the characteristics of a human rights defender. Describe the duties of a human rights defender in a country, community or organization.
- Highlight the prerequisites of becoming an effective human rights defender. Explain the different types of human rights defenders job titles in the world.
- Identify the various ways a victim of human rights abuses in a country can use to ‘Speak Up’ against the violation of their human rights.
- Describe the various tips on how human rights defenders & stakeholders can write effective reports. Explain how to write human rights violations incidences/investigation reports by human rights defenders

## 4.1 Introduction

Embarrassment is a term that almost each and every human being on earth tries by all means to avoid in their day-to-day activities. Generally we all have our comfort zones and certain things we believe people should know about us while on the other hand there are certain private personal information we keep to ourselves. Therefore, speaking up is one of the most difficult part about reporting abuse and fortunately nowadays victims of human rights abuses now have access to a plethora of support services or centres where they can be easily assisted by qualified professionals in the field and some of these human rights organizations that promote protection of victims will be covered in the next Chapter 5. The defending of human rights has become a necessity and it has also become a key job responsibility in this modern day living environment. Interestingly, nowadays modern information, communication and technology is now playing a key role in the promotion and protection of human rights in particular providing platforms where

complaints related to human rights abuses/violations can be submitted. The following chapter will help cover the definition of ‘speaking up’ and ‘victim of human rights abuse’

## **4.2 Definition of the terms ‘speaking up’ and ‘victim of human rights abuse’**

There are various definitions of terms nowadays that are used in different textbooks. The term ‘*speaking up*’ refers to a situation whereby an individual also referred to as a victim (*in certain instances*) makes a formal complaint at a government or non-government organizations (NGO) centre about a certain incident they may have experienced in their life that negatively affected their rights as a result of another individual’s, organization’s, group of people or the State’s actions for example, war crimes, physical or mental torture, genocide and so on (Rudolph. Patrick. Tawanda. Muteswa, 2021). Furthermore, the term ‘*victim of human rights abuse*’ refers to the person who has been negatively affected in an unfair manner by the human rights violations they have been exposed to at a particular point in time (Rudolph. Patrick. Tawanda. Muteswa, 2021). The following section will cover the details of a human rights defender.

## **4.3 What is a ‘human rights defender’**

Over the past years societies around the world they have consistently experienced numerous changes which have somehow managed to negatively or positively influenced the manner in which people live, manage conflict, develop and value their culture for instance the respecting of the rights to life, the four basic freedom rights, peace, love and so on. In general human rights defenders tend to play a major role in educating communities about the benefits of knowing their human rights, types of human rights abuses and the various platforms the victims can use to report the human rights violations cases that they will be experiencing in the community. ““*Human rights defender*” is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner””<sup>71</sup> (Office of the United Nations High Commissioner for Human Rights, 2021,

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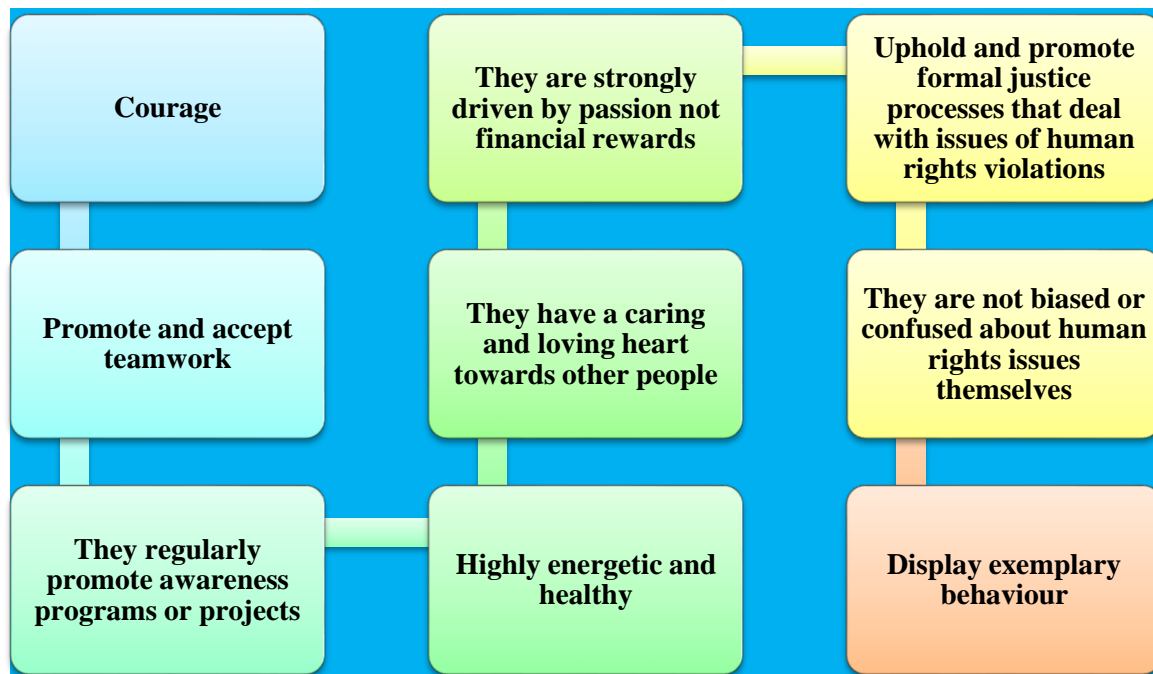
<sup>71</sup> “From [*Defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx#ftn1> ]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

[https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders.in%20many%20instances%2C%20tremendous%20courage\).](https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders.in%20many%20instances%2C%20tremendous%20courage).) “Reprinted with the permission of the United Nations.” The following chapter will help highlight the characteristics of human rights defenders.

#### 4.4 Characteristics of a human rights defender

There are many traits that are possessed by human rights defenders located in different parts of the world. Some of the common traits of human rights defenders are depicted in Figure 4.1 below.

**Figure 4.1 Traits of a human rights defender**



Source: Diagram created by Rudolph Patrick. T Muteswa, 2021

As depicted by Figure 4.1 some of the traits of human rights defenders are explained as follows:

**4.4.1 Courage** – in general human rights defenders are considered to be the most courageous people in the world since some of them conduct their everyday duties in some of the most difficult socio-economic and political environments across the world. In most instances the perpetrators of human rights (*such as the State, employers, corporations, political groups and so on*) often possess enormous power over them and they can willfully abuse that excessive power

at anytime to injure or threaten the human rights defenders physical/mental health to some extent. Thus courage is the fuel that keeps human rights defenders focused on carrying-out their duties of defending human rights and civic freedoms in an organization, country, community and so on.

*4.4.2 Promote and accept teamwork* – well devoted human rights defenders generally embrace team work as this enables them to allocate tasks based on the skills and knowledge of their team members. Human rights defenders often support team work since they greatly value and need the opinions/ideas of other people in order for them to effectively carry-out their duties in their country or communities. Teamwork generally helps to: (1) produce new innovative ideas, (2) the drafting of effective plans, (3) better devising of new projects/objectives, (4) enhanced writing and reporting of human rights violations in their community/country and so on.

*4.4.3 They regularly promote awareness programs or projects* – the main goal of human rights defenders is to create education and awareness about the benefits of their job (*upholding and protecting human rights and civic freedoms in organizations, countries and communities*). All new projects that are implemented by human rights defenders must be properly planned, promoted and coordinated to avoid failure due to lack of exposure via the media (*print, radio, television, social and internet*), word-of-mouth and so on.

*4.4.4 They are strongly driven by passion not financial rewards* – it is important to point-out the fact that some of the top human rights defenders in the world entered this career-field as a result of being victims of human rights abuses and or experiencing highly excessive oppression on their civic freedoms. Therefore, the desire to make a difference by promoting the upholding and respect for human rights in their countries or communities motivated them to become passionate about their careers. In addition human rights defenders tend to be fully aware of the fact much of their work is humanitarian in nature.

*4.4.5 They have a caring and loving heart towards other people* – generally humanitarian work requires individuals to be selfless, sympathetic, loving and caring to other people in need of their help or special skills. Human rights defenders work in some of the world's most difficult environments and in most instances they still manage to carry-out their day-to-day tasks and help all the people in need of their help.

*4.4.6 Highly energetic and healthy* – humanitarian work requires lots of travelling in a country, community or area and a lot of research work is needed as well. Therefore, human rights defenders have to be highly energetic and healthy as well in order to cope with high workloads and travel requirements associated with their job.

*4.4.7 Uphold and promote formal justice processes that deal with issues of human rights violations* – devoted human rights defenders strongly believe in seeking justice on issues related to human rights violations from either local or international justice systems that deal with human rights and civic freedoms violations. Human rights defenders are willing to go the extra mile in helping victims of human rights abuses to report violations at well recognized international bodies of justice so that the perpetrators are exposed and trialed under international criminal law.

*4.4.8 They are not biased or confused about human rights issues themselves* – one critical requirement for an individual to become a human rights defender is the fact that he/she must not be biased towards human rights issues themselves for instance gender, religion, marital status, racial, and political tolerance bias themselves. Human rights defenders must ensure that they uphold all the rights to life and civic freedoms in their personal lives as much as they require other people, governments, organizations or political groups to do. “**Accepting the universality of human rights**. Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights.<sup>72</sup> A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights” (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx#ftn3>). “Reprinted with the permission of the United Nations.”

*4.4.9 Display exemplary behaviour* – in general exemplary behavior starts when all the human rights defenders ensure that they uphold all the rights to life and civic freedoms in their day-to-day personal lives so that the State, people and organizations they educate or advise on human

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<sup>72</sup> “From [*About human rights defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx#ftn3>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

rights issues can easily imitate their positive behaviour. Discipline is one of the key requirements of successfully becoming an effective and well respected human rights defender in society. The following section will cover aspects about the duties of human rights defenders in-depth.

#### **4.5 Duties of a human rights defender in a country, community or organization**

There are many tasks that are performed by human rights defenders on a day-to-day basis in a country, [organization](#) or community. Some of the common tasks/[duties](#) that are carried-out by human rights defenders that were identified by the Office of the United Nations High Commissioner for Human Rights (2021) are listed in Figure 4.2 below.



**Figure 4.2 Nine common duties of a human rights defender in a country, community or organization**



Source: Diagram created by the author & it was inspired by information from the Office of the United Nations High Commissioner for Human Rights (2021)

As depicted by Figure 4.2 the nine common duties that are carried-out by human rights defenders include the following:

**4.5.1** <sup>73</sup>“All human rights for all. To be a human rights defender, a person can act to address any human right (or rights) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights. Human rights defenders address any human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of

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<sup>73</sup> “From [About human rights defenders], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders.in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

categories of persons, for example women's rights, children's rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, the rights of persons with disabilities and the rights of national of linguistic.

**4.5.2 Human rights everywhere.** Human rights defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong democratic practice; in States that are developing economically as well as those that are classified as developed. They seek to promote and protect human rights in the context of a variety of challenges, including HIV/AIDS, development, migration, structural adjustment policies and political transition.

**4.5.3 <sup>7475</sup>Local, national, regional and international action.** The majority of human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some defenders act at the regional or international level. They may, for example, monitor a regional or worldwide human rights situation and submit information to regional or international human rights mechanisms, including the other special rapporteurs of the United Nations Human Rights Council and treaty bodies. <sup>[2]</sup> Increasingly, the work of human rights defenders is mixed, with the focus being on local and national human rights issues, but with defenders making contact with regional and international mechanisms which can support them in improving human rights in their countries.

**4.5.4 Collecting and disseminating information on violations.** Human rights defenders investigate, gather information regarding and report on human rights violations. They may, for example, use lobbying strategies to bring their reports to the attention of the public and of key

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<sup>74</sup> “From [About human rights defenders], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders.in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

<sup>75</sup> “From [About human rights defenders], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx#ftn2>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

political and judicial officials with a view to ensuring that their investigative work is given consideration and that human rights violations are addressed. Most commonly, such work is conducted through human rights organizations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse.

**4.4.5 <sup>76</sup>Supporting victims of human rights violations.** A very large proportion of the activities of human rights defenders can be characterized as acting in support of victims of human rights violations. Investigating and reporting on violations can help end ongoing violations, prevent their repetition and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

**4.5.6 Action to secure accountability and to end impunity.** Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by its ratification of international treaties. In more specific instances, the focus on accountability can lead human rights defenders to bear witness, either in a public forum (for example, a newspaper) or before a court or tribunal, to human rights violations that have already occurred. In this way, defenders contribute to securing justice on behalf of victims in specific cases of human rights violation and to breaking patterns of impunity, thereby preventing future violations. A significant number of defenders, frequently through organizations established for the purpose, focus exclusively on ending impunity for violations. The same groups of defenders might also work to strengthen the State's capacity to prosecute perpetrators of violations, for example by providing human rights training for prosecutors, judges and the police.

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<sup>76</sup> “From [*About human rights defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

**4.5.7 Supporting better governance and government policy.** Some human rights defenders focus on encouraging a Government as a whole to fulfill its human rights obligations, for example by publicizing information on the Government’s record of implementation of human rights standards and monitoring progress made. Some defenders focus on good governance, advocating in support of democratization and an end to corruption and the abuse of power, and providing training to a population on how to vote and why their participation in elections is important.

**4.5.8 <sup>77</sup>Contributing to the implementation of human rights treaties.** Human rights defenders make a major contribution, particularly through their organizations, to the implementation of international human rights treaties. Many non-governmental organizations (NGOs) and intergovernmental organizations help to establish housing, health care and sustainable income-generation projects for poor and marginalized communities. They offer training in essential skills and provide equipment such as computers to give communities improved access to information. This group merits particular attention as its members are not always described as human rights defenders and they themselves may not use the term “human rights” in a description of their work, focusing instead on terms such as “health”, “housing” or “development” which reflect their area of activity. Indeed, many of these activities in support of human rights are described in general terms as development action. Many NGOs and United Nations bodies fall within these categories. Their work, as much as that of other human rights defenders, is central to respect for and protection and achievement of human rights standards, and they need and deserve the protection given to their activities by the Declaration on human rights defenders.

**4.5.9 Human rights education and training.** Further action of significance undertaken by human rights defenders is the provision of human rights education. In some instances, education activities take the form of training for the application of human rights standards in the context of a professional activity, for example by judges, lawyers, police officers, soldiers or human rights monitors. In other instances, education may be broader and involve teaching about human rights in schools and universities or disseminating information on human rights standards to the general

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<sup>77</sup> “From [*About human rights defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

public or to vulnerable populations. In summary, the gathering and dissemination of information, advocacy and the mobilization of public opinion are often the most common tools used by human rights defenders in their work. As outlined in this section, however, they also provide information to empower or train others. They actively participate in the provision of the material means necessary to make human rights a reality – building shelter, providing food, strengthening development, etc. They work on democratic transformation in order to increase the participation of people in the decision-making that shapes their lives and to strengthen good governance. They also contribute to the improvement of social, political and economic conditions, the reduction of social and political tensions, the building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights”<sup>78</sup> (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>). “Reprinted with the permission of the United Nations.” The following section will cover aspects about the prerequisites of becoming an effective human rights defender.

#### **4.6 Prerequisites of becoming an effective human rights defender**

““Is a minimum standard required of human rights defenders? No “qualification” is required to be a human rights defender, and the Declaration on human rights defenders makes clear, as explained above, that we can all be defenders of human rights if we choose to be and act peacefully. Nevertheless, the “standard” required of a human rights defender is a complex issue, and the Declaration clearly indicates that defenders have responsibilities as well as rights”” (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>). “Reprinted with the permission of the United Nations.” ““Who can be a human rights

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<sup>78</sup> “From [*About human rights defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

**defender?** There is no specific definition of who is or can be a human rights defender. The Declaration on human rights defenders (see annex I) refers to “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” (fourth preambular paragraph). In accordance with this broad categorization, human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector” (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>). “Reprinted with the permission of the United Nations.” The following section will cover in-depth aspects about professional and non-professional types of human rights defenders in the world.

## **4.7 Professional & non-professional types of human rights defenders in the world**

Nowadays there are many job titles that perform the work of human rights defenders but they use other job titles. Some job titles that play a significant role in defending human rights both in a professional and non-professional manner will be clearly highlighted as follows:

**4.7.1** <sup>79</sup>“Defending human rights through professional activities – paid or voluntary. The most obvious human rights defenders are those whose daily work specifically involves the promotion and protection of human rights, for example human rights monitors working with national human rights organizations, human rights ombudsmen or human rights lawyers. However, what is most important in characterizing a person as a human rights defender is not the person’s title or the

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<sup>79</sup> “From [*About human rights defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders.in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

name of the organization he or she works for, but rather the human rights character of the work undertaken. It is not essential for a person to be known as a “human rights activist” or to work for an organization that includes “human rights” in its name, or to work for an organization at all in order to be a human rights defender. Many of the staff of the United Nations serve as human rights defenders even if their day-to-day work is described in different terms, for example as “development”. Similarly, the national and international staff of NGOs around the world working to address humanitarian concerns can typically be described as human rights defenders. People educating communities on HIV/AIDS, activists for the rights of indigenous peoples, environmental activists and volunteers working in development are also playing a crucial role as human rights defenders. Many people work in a professional capacity as human rights defenders and are paid a salary for their work. However, there are many others who work in a professional capacity as human rights defenders but who are volunteers and receive no remuneration. Typically, human rights organizations have very limited funding and the work provided by these volunteers is invaluable. Many professional activities do not involve human rights work all of the time but can have occasional links with human rights. For example, lawyers working on commercial law issues may not often address human rights concerns and cannot automatically be described as human rights defenders. They can nevertheless act as defenders on some occasions by working on cases through which they contribute to the promotion or protection of human rights. Similarly, leaders of trades unions undertake numerous tasks, many of which bear no relation to human rights, but when they are working specifically to promote or protect the human rights of workers they can be described as human rights defenders. In the same way, journalists have a broad mandate to gather information and disseminate it to a public audience through print, radio or television media. In their general role, journalists are not human rights defenders. However, many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen. Teachers who instruct their pupils in basic principles of human rights fulfill a similar role. Doctors and other medical professionals who treat and rehabilitate victims of human rights violations can also be viewed as human rights defenders in the context of such work; and doctors have special obligations by virtue of the Hippocratic oath. Those who contribute to assuring justice – judges, the police, lawyers and other key actors – often have a particular role to play and may come under considerable pressure to make decisions that are favourable to the State or other powerful interests, such as the leaders

of organized crime. Where these actors in the judicial process make a special effort to ensure access to fair and impartial justice, and thereby to guarantee the related human rights of victims, they can be said to be acting as human rights defenders. A similar “special effort” qualification can be applied to other professions or forms of employment that bear no obvious relation to human rights. The individuals who hold these jobs may sometimes choose to conduct their work in a way that offers specific support to human rights. For example, some architects choose to design their construction projects in a way that takes into consideration relevant human rights, such as the right to adequate (temporary) housing for the people who will work on the project, or the rights of children to be consulted on the design, if the building is of particular relevance to them” (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>). “Reprinted with the permission of the United Nations.”

4.7.2 <sup>80</sup>“Defending human rights in a non-professional context. Many people act as human rights defenders outside any professional or employment context. For example, a student who organizes other students to campaign for an end to torture in prisons could be described as a human rights defender. An inhabitant of a rural community who coordinates a demonstration by members of the community against environmental degradation of their farmland by factory waste could also be described as a human rights defender. A politician who takes a stand against endemic corruption within a Government is a human rights defender for his or her action to promote and protect good governance and certain rights that are threatened by such corruption. Witnesses in court cases to prosecute the perpetrators of human rights abuses, and witnesses who provide information to international human rights bodies or domestic courts and tribunals to help them address violations, are also considered to be human rights defenders in the context of those actions. People all over the world strive for the realization of human rights according to their circumstances and in their own way. The names of some human rights defenders are

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<sup>80</sup> “From [*About human rights defenders*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”



internationally recognized, but the majority of defenders remain unknown. Whether an individual works as a local government official, a policeman upholding the law or an entertainer using his or her position to highlight injustices, all can play a role in the advancement of human rights. The key is to look at how such people act to support human rights and, in some instances, to see whether a “special effort” is made. Clearly, it is impossible to catalogue the huge variety of contexts in which human rights defenders are active. However, common to most defenders are a commitment to helping others, a commitment to international human rights standards, a belief in equality and in non-discrimination, determination and, in many instances, tremendous courage”” (Office of the United Nations High Commissioner for Human Rights, 2021, <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx#:~:text=However%2C%20common%20to%20most%20defenders,in%20many%20instances%2C%20tremendous%20courage> e). “Reprinted with the permission of the United Nations.” The following section will cover information about the various ways a victim of human rights and civic freedoms can use to Speak Up against the violation of their human rights.

## **4.8 Various ways a victim of human rights abuses in a country can use to ‘Speak Up’ against the violation of their human rights**

There are numerous ways that can be fully maximized by the victims of human rights in a country, organization, community and so on.

**4.8.1 Writing (*textbooks, news articles and notice boards*)** – intentional injustices on people’s rights and civic freedoms must consistently be well documented and publicized to deter repeat behaviour by the identified perpetrators on the victims, citizens, employees and or communities concerned. Victims of human rights violations can effectively create awareness whilst at the same time educate other people about their past incidents when their human rights or civic freedoms were violated via a book or news article in order to reach a mass audience. When people are well educated about the different types of human rights and violations they become fully aware of the do(s) and don’t(s) pertaining to human rights thereby avoiding repeat behaviour or incidences in a country or society. When victims of human rights Speak Up through mass communication their identified perpetrators often find it difficult to easily violate the human rights of others than in instances where the victims remain silent due to fear or victimization.

**4.8.2 Production of Human Rights Violations Monitor publications such as Watchdog Reports** – there are various mouthpieces that can be used by victims of human rights abuses in a country, organization or community. A typical good example is when victims of human rights have their human rights violation incidences well documented and investigated by local or international human rights monitor organizations. Nowadays various international bodies and NGOs are producing accurate and factual reports of human rights violations in different economic sectors, countries, regions and communities on a regular basis (*for example on a weekly, monthly, half year or yearly*).

**4.8.3 Social media** – one of the strengths of social media is the fact that communication that is posted or sent to the targeted audience or recipients generally arrives instantly. Victims of human rights violations in a country, organization or community can use the popular various social media platforms to Speak Up about their human rights violation incidences. Billions of people around the world are now using social media to share their messages about human rights abuse incidences. In addition it is important to point-out the fact that ethical reporting must be adhered to by the victims sharing their story on social media as this helps to avoid creating unnecessary clutter around their communicated message through either: (1) starting controversy on the language or typing mistakes presented on the message posted, (2) negative public reactions commenting about discriminatory tendencies presented in the information being communicated by the victim, (3) breaching national communication laws and so on.

**4.8.4 Contacting International Human Rights Bodies hotlines or Speak up call centres or email** – most of the local and international human rights bodies have hotlines and call centres displayed on their websites and media adverts in order to encourage victims of human rights abuses to report or Speak Up against human rights perpetrators in their country, organizations or communities. In addition some of these call centres help to offer counseling services to victims of human rights violations and various support initiatives.

**4.8.5 Physically filing complaints at the local Human Rights Non-Governmental Organizations' (NGOs) offices** – in most countries NGOs in the field of human rights have a mandate to promote and protect the human rights and civic freedoms of the citizenry. One of the most effective ways NGOs help to protect the human rights of citizens is through allowing walk-ins to file complaints about human rights violations experienced in the country, organizations and or

communities and in many instances they partner with both local and international law enforcement institutions. In some instances NGOs have human rights lawyers they use to help fight perpetrators of human rights violations through the local or international justice system (court of law). The following section will cover information about the various tips that can be used by human rights defenders to write effective reports.

## **4.9 Tips on how human rights defenders & stakeholders can write effective reports**

Generally the reporting of human rights issues is one of the most critical ingredient in producing accurate and unbiased information about the human rights situation in a country, organization or community. Thus reporting generally becomes more effective when the writers of documents or written reports are properly educated or trained about the key principles and styles of producing well prepared reports that easily reach their targeted audiences on a regular basis. Effective report writing tips to human rights defenders was clearly highlighted in an article published by the Office of the United Nations High Commissioner for Human Rights (2011:4) titled '*Manual on Human Rights Monitoring Chapter 13*' via <https://www.ohchr.org/>. The abbreviation 'HRO' in the following article refers to 'Human Rights Officer'.<sup>81</sup> According to the Office of the United Nations High Commissioner for Human Rights (2011:4) **General principles of reporting**. Although reports can take many forms and follow different approaches, HROs should apply the following principles in the preparation of all their human rights reports.

**4.9.1 Purpose and target audience.** As human rights reports can be produced for a variety of reasons, managers and HROs should think strategically to define the main objective(s) that a report aims to achieve, as well as its desired impact. For instance, when planning the preparation of a public report, they should consider its expected impact at different levels, including on the Government, civil society and the international community. This reflection should help field presences and HROs identify the report's key messages, the intended audience, the timing and

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<sup>81</sup> "From [*Manual on Human Rights Monitoring*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations."

the manner in which information should be presented – regarding content, form, level of detail, language and style – to ensure that the underlying message is conveyed properly and in a timely manner to the readers.

**4.9.2 Accuracy and thoroughness.** Human rights reports should be accurate and precise, based on information that has been carefully corroborated according to agreed standards (see sect. D below). Moreover, as a general principle, when drafting reports HROs should make no assumptions of the prior knowledge of the reader. Reports should be self-standing and thorough, requiring as little reference to previous reports or other documents as possible. HROs should provide sufficient detail and information to accurately portray the human rights situation or problem in a way that can be understood by the intended audience, while also being concise<sup>82</sup>.

**4.9.3 Style.** Generally, reports should be written in simple and neutral language, without subjective elements, jargon or unnecessary adjectives. They should be clear, concise and well organized. HROs should describe events or human rights problems impartially, and refrain from using politically or otherwise loaded words or emotive language that may lead to a perception of bias.

**4.9.4 Promptness.** Prompt reporting on a human rights problem is crucial to the effectiveness of the human rights field presence, not only in raising concerns with the authorities and other stakeholders in a timely manner, but also in improving the chances of a positive impact, in serving as an early warning mechanism and in preventing future violations. HROs should write up detailed notes of any interview, meeting or field visit they have conducted in relation to a human rights problem as soon as possible, while the information is still fresh in their memory, preferably in a database. Reports should then be produced based on the various sets of notes.

**4.9.5 Quality control and clearance.** Depending on the structure of a field presence, different clearance procedures may be in place for the issuance of different types of reports, and HROs

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<sup>82</sup> “From [*Manual on Human Rights Monitoring*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

should be aware of those. Generally, supervisors must carefully review initial draft documents prepared by HROs before sharing them with the central office, to guarantee quality control, ensure that relevant information and analysis have been incorporated, that politically sensitive issues are presented appropriately and that they fulfil the intended purpose. For public reports, drafts must be cleared by the head of the field presence (and others depending on existing procedures for specific reports), who sends them to OHCHR headquarters for review and approval before their release. Where appropriate, draft reports may also be shared with relevant mission components and United Nations entities<sup>83</sup> (Office of the United Nations High Commissioner for Human Rights, 2011:6, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>). “Reprinted with the permission of the United Nations.” The following section will cover aspects about how to write human rights violations incidences/investigation reports by human rights defender.

#### **4.10 How to write human rights violations incidences/investigation reports by human rights defenders**

Each and every human rights defender and victim desires to have all human rights violations well documented and investigated by domestic and international human rights bodies so that justice may prevail. Therefore it is important to point-out the fact that one of the gateways to getting justice on all issues related to human rights abuses is through proper writing of incidence reports. <sup>84</sup>*Incident or investigation reports*. An incident or investigation report is normally prepared by HROs during the inquiry and is finalized towards its end, when most relevant information about the human rights problem or incident has been gathered and corroborated. Incident or investigation reports should provide a detailed description of the events based on all

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<sup>83</sup> “From [*Manual on Human Rights Monitoring*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

<sup>84</sup> “From [*Manual on Human Rights Monitoring*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>]. © Office of the United Nations High Commissioner for Human Rights [2011]. June 01, 2021. Reprinted with the permission of the United Nations.”

available information gathered (including from all interviewees, direct observations and on-site visits by HROs, written documentation and other means) and indicate which human rights provisions were breached, if any. HROs should provide an overall assessment summarizing the events, the action(s) taken by the field office, the main conclusions regarding the alleged violations and any recommendations for action by the central office. Incident or investigation reports should contain:

- An executive summary (only for long reports);
- Introduction;
- Methodology, challenges faced and any protection concern with regard to the sources of information” (Office of the United Nations High Commissioner for Human Rights, 2011:13, <https://www.ohchr.org/Documents/Publications/Chapter13-MHRM.pdf>). “Reprinted with the permission of the United Nations.” The conclusion of this chapter will be covered in the next section.

## **4.11 Conclusion**

It can be concluded that speaking up is often difficult by the victims of human rights abuses and it is important to point-out the fact that nowadays several platforms are now available for use to report human rights abuses cases. There are several human rights organizations around the world that help victims of human rights abuses and they employ qualified professionals to help record the violations. It is important for victims to ethically (within the confinements of the law) Speak Up against the perpetrators of human rights abuses through various ways such as book writing, social media, media campaigns, filing formal complaints at international human rights bodies and so on. Effective writing of human rights monitor reports by human rights defenders or organizations is one of the most effective ways to ensure that all issues related to human rights violations are well publicized, exposed and dealt with at both a national and international level to help avoid repeat behaviour. Therefore, it can also be concluded that human rights defenders are the key people on the frontline of defending the rights of citizens in various countries around the world with the aim of protecting and promoting human rights.

## 4.12 Review questions

- 1) Explain the definition of 'speaking up' and a 'human right defender'? Why is 'Speaking Up' important?
- 2) Outline the characteristics of a human rights defender? Identify the duties of a human rights defender in a country, community or organization? Explain the prerequisites of becoming an effective human rights defender?
- 3) Discuss the different types of human rights defenders job titles in the world?
- 4) Explain the various ways a victim of human rights abuses in a country can use to 'Speak Up' against the violation of their human rights?
- 5) Outline the various tips on how human rights defenders & stakeholders can write effective reports?
- 6) Describe how to write human rights violations incidences/investigation reports by human rights defenders?

# Chapter 5: International bodies that support the respect of human rights in the world

After reading this chapter you should be able to:

- Describe the definition of the following terms ‘support’ and ‘international body’.
- Explain the global declaration of human rights.
- Highlight the importance of human rights organizations across the world.
- Identify the different globally recognized human rights organizations in the world
- Describe the basic steps to follow to start a human rights organization in any country.
- Discuss the advantages of funding human rights organizations and why it is important in both developed and developing nations.

## 5.1 Introduction

Equality and the promotion of human rights have become the trending topic almost everywhere for instance in companies, communities, government meetings, universities/schools, conferences and so on. The world has finally shifted its mindset towards embracing peace, the protection of human rights and freedom. Generally this shift has been made possible by international human rights bodies that employ and partner with dedicated people who have the sole mandate to defend human rights. Nowadays there are many newly registered non-governmental or not-for-profit organizations that share a vision of protecting and sharing human rights in their respective home countries. Many countries around the world are now introducing legislation that helps to facilitate the registration of new non-governmental or not-for-profit organizations that share a vision of protecting and sharing human rights. This is due to the fact that this can help to increase the value of these countries’ national brand in the international community and it also helps to easily attract high numbers of foreign investors or tourist visits on a yearly basis. The following section will deal with aspects relating to the definition of terms.

## 5.2 Definition of the following terms ‘support’ and ‘international body’

When words are defined they significantly empower readers to understand the context in which terms are used in a book. The term ‘*support*’ for the context of this book refers to the assisting,



helping, facilitating and working together of an individual or organization to achieve a uniform goal (Rudolph. Patrick. Tawanda. Muteswa, 2021). In addition the term ‘*international body*’ refers to a legally compliant not-for-profit organization that operates worldwide on a voluntary basis in order to cater for a specific need in society whilst at the same time effectively defending/representing all the issues that are related to that particular need for example human rights, peace, refugees and so on (Rudolph. Patrick. Tawanda. Muteswa, 2021). The following section will cover the global declaration of human rights.

### 5.3 The global declaration of human rights

<sup>85</sup>“**The Universal Declaration of Human Rights.** The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, it set out, for the first time, fundamental human rights to be universally protected.

The Declaration was adopted by the UN General Assembly in Paris on 10 December 1948 during its 183rd plenary meeting:

- Text: [resolution 217 A \(III\)](#)
- Voting information: [Meeting record](#) and [Voting record](#)

#### One of the most translated documents in the world

Translated into hundreds of languages and dialects from Abkhaz to Zulu, the UDHR set a [world record](#) in 1999 for being the most translated document in the world. Our goal is to share the UDHR with the entire world, and anyone is welcome to [contribute a new translation](#) that is not already in the collection”” (Office of the United Nations High Commissioner for Human Rights,

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<sup>85</sup> “From [*The Universal Declaration of Human Rights*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. April 21, 2021. Reprinted with the permission of the United Nations.”

2021, <https://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx>). The following section will highlight the importance of human rights across the world.

## 5.4 Importance of human rights organizations across the world

In general human rights organizations (*NGOs*) play a pivotal role in the present day modern society as they now shape the culture, values and behavior of citizens on a daily basis. Some of the common advantages that human rights organizations provide are depicted in Figure 5.1 below.

**Figure 5.1 Six advantages that human rights organizations provide in a society**



As depicted by Figure 5.1 the advantages that are provided by human rights organizations are explained in-depth as follows:

**5.4.1 They help to gather accurate statistics and data about human rights issues/violations in their jurisdictions** – research is the cornerstone of each and every NGO in the human rights field since issues related to human rights occur in each and every country, community or organization on a daily basis. It is important to point-out the fact that these human rights issues evolve from time to time due to the dynamic political, socio-economic and technological patterns of modern day societies. Human rights organizations play a critical role of gathering facts and data through

research initiatives in a country or community and this data is later on analyzed and presented in such a manner that helps to make it useful to make accurate and sound decisions related to the human rights situation, environment or trends in a country to stakeholders such as the government, employers, community leaders, citizens, media, business community and so on.

**5.4.2 They help to educate the general population about human rights related issues and their importance** – human rights organizations across the world tend to play the critical role of carrying-out well devised educational and training projects in schools, universities, colleges, government departments, communities and so on. The main aim of such projects is to empower citizens with the required necessary tools of gaining adequate knowledge and skills that help them to highly value, promote and protect their basic human rights and civic freedoms across all sectors of an economy. In general when people are well-educated and literate about human rights related issues the national statistics of human rights violations caused by either the State, organizations, community, political groups, individuals, other groups and so on tend to be much lower as compared to instances where the mass population is poorly educated about human rights education.

**5.4.3 They help to make governments, organizations and leaders fully accountable or answerable for human rights related violations to their people** – generally it is very easy for business leaders or political/national government leaders to commit human rights violations towards the citizenry for instance genocide, crimes against humanity, spiritual surveillance, forced community evictions, environmental degradation and so on. Human rights organizations generally have the duty of representing victims of human rights violations whose rights have been violated by either the government or organizations. Thus human rights organizations help to ensure that the perpetrators of the human rights violations are held responsible/accountable by the formal justice system such as a court of law (*both local or international*) without fear or favor.

**5.4.4 They help to provide support and legal assistance to victims of human rights violations in a country, organization and community** – In certain instances due to low educational levels, increased poverty and unemployment many people fail to afford legal representation to help them fight-off their human rights abusers and this situation is further worsened by their low educational levels/illiteracy which ultimately empowers the human rights abusers to continue to repeat their abusive behavior on the victims. Therefore, human rights organizations (*for example*

*human rights lawyers NGOs*) help to provide support in the form of counseling and free legal assistance to victims of human rights/civic freedoms abuses in a country or organization in order to help them see the wheels of justice prevail upon those who infringe on their human rights and civic freedoms willfully.

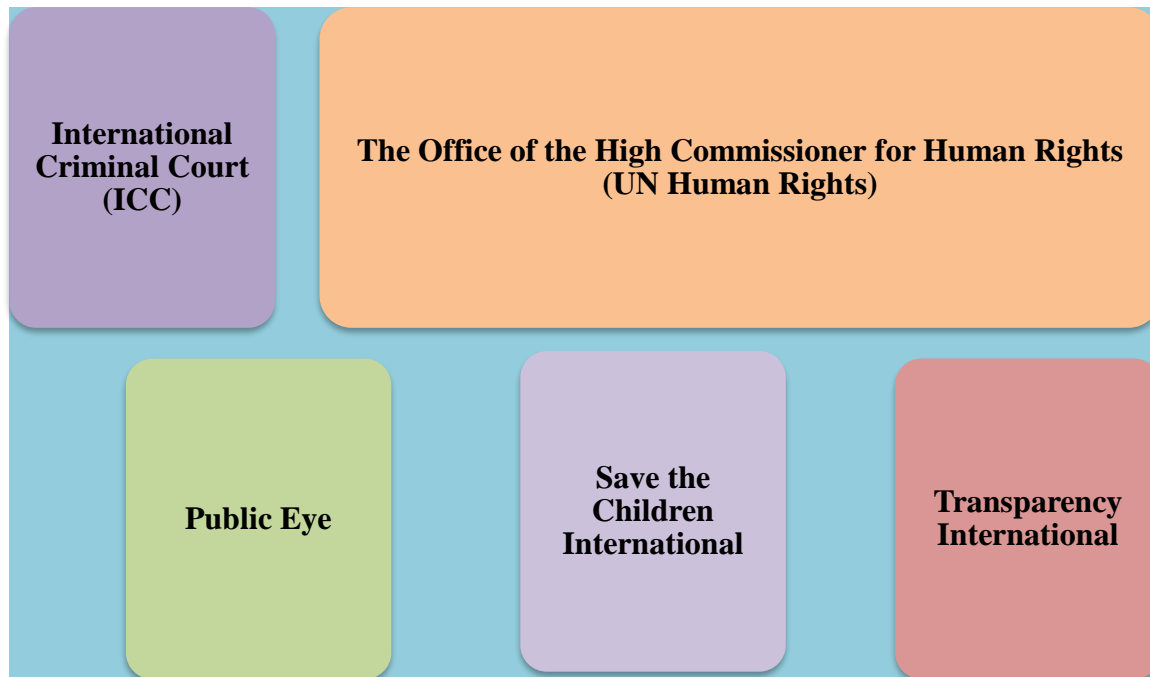
**5.4.5 They help to empower individual citizens to become human rights defenders in their communities or organizations** – some people in general do not even know that what they do to make a living is considered to be a human rights defender's duties. Human rights organizations or international bodies help to categorize jobs across the various sectors of the economy in order to identify what type of work falls under the scope of a human rights defender's role or not. When people are alerted and well educated about the critical role their job plays in defending the rights of other people they start to work with a clear, accurate and motivating vision and goal.

**5.4.6 They help to develop strong relations with the media to create consistent awareness about human rights and civic freedoms violations in a country, organization and community** – the fuel behind every human rights and civic freedoms promotion/protection agenda in a country or organization is the media community. The media helps to provide a platform for human rights organizations to create awareness of their human rights campaigns through advertising, interviews, press releases and so on. Therefore, human rights organizations help to ensure that a strong mutual relationship is formed with the media community through carrying-out media conferences, exhibitions of projects, releasing press releases when requested, exposing human rights violation incidences and so on. The following section will discuss the various globally recognized human rights organizations in the world.

## **5.5 Different globally recognized human rights organizations in the world**

There are several global organizations of human rights and these are depicted in Figure 5.1 below.

**Figure 5.2 Globally recognized organizations of human rights**



Source: Diagram Created By The Author & was Inspired By Information From (European Center for Constitutional and Human Rights e.V., 2021, <https://www.ecchr.eu>; International Criminal Court, 2021, <https://www.icc-cpi.int>, Office of the High Commissioner for Human Rights, 2021, <https://www.ohchr.org>; Save the Children International, 2021, <https://www.savethechildren.net/>; Public Eye, 2021, <https://www.publiceye.ch>; Transparency International, 2021, <https://www.transparency.org>).

As depicted above by Figure 5.2 the five globally recognized human rights organizations are further discussed as follows:

### **5.5.1 International Criminal Court (ICC)**

<sup>86</sup>“*The International Criminal Court* in The Hague is a permanent international criminal court. The court deals with what are known as core crimes under international criminal law: genocide, crimes against humanity, war crimes, and – as of July 2018 – also the crime of aggression. The ICC’s jurisdiction is far-reaching but not universal. The ICC can only act if: the accused is a national of a state party, the incident(s) occurred on the territory of a state party, or if a non-state

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<sup>86</sup> European Center for Constitutional and Human Rights e.V. (2021) *International Criminal Court*. Available from: <https://www.ecchr.eu/en/glossary/international-criminal-court-icc/> [Accessed March 25, 2021]

party accepts the jurisdiction of the court in relation to a specific crime or situation. While many countries have ratified the ICC's statute, there are notable exceptions such as China, the United States and Russia. The ICC is not part of the United Nations" (European Center for Constitutional and Human Rights e.V., 2021, <https://www.ecchr.eu/en/glossary/international-criminal-court-icc/>).<sup>87</sup>“The International Criminal Court (ICC) investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. The Court is participating in a global fight to end impunity, and through international criminal justice, the Court aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again. The Court cannot reach these goals alone. As a court of last resort, it seeks to complement, not replace, national Courts. Governed by an international treaty called the Rome Statute, the ICC is the world's first permanent international criminal court.

### **Towards stability and lasting peace**

Justice is a key prerequisite for lasting peace. International justice can contribute to long-term peace, stability and equitable development in post-conflict societies. These elements are foundational for building a future free of violence.

### **Key features**

#### ***Trials are fair***

ICC judges conduct judicial proceedings and ensure the fairness of proceedings.

#### ***The Prosecution is independent***

The Office of the Prosecutor is an independent organ of the Court. The Prosecutor conducts preliminary examinations, investigations and is the only one who can bring cases before the Court.

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<sup>87</sup> The International Criminal Court (ICC) (2021) *About*. Available from: <https://www.icc-cpi.int/about>  
[Accessed March 25, 2021]

### **Defendants' rights are upheld**

Defendants are entitled to public, fair proceedings that they can follow in a language they fully understand, and [more](#).

### **Victims' voices are heard**

Victim's voices are heard in the Courtroom, as the Rome Statute grants victims unprecedented rights to [participate in ICC proceedings](#). [Watch now](#).

### **Participating victims and witnesses are protected**

The ICC has a victim and witness protection programme that uses both operational and procedural protective measures.

### **Outreach creates two-way dialogue**

The Court engages in two-way dialogue directly with communities that have suffered from crimes under its jurisdiction, so that they can communicate directly with the Court and gain a sense of ownership in the judicial process.

### **The fight against impunity continues**

By supporting the Court, the countries that have joined the Rome Statute system have taken a stand against those who, in the past, would have had no one to answer to after committing widespread, systematic international crimes. The ICC calls on all countries to join the fight against impunity, so that perpetrators of such crimes are punished, and to help prevent future occurrences of these crimes

### **Facts and Figures**

#### **Today the Court has:**

- Over 900 staff members: From approximately 100 States.
- 6 official languages: English, French, Arabic, Chinese, Russian and Spanish.
- 1 ICC Liaison Office to the United Nations in New York and 7 ICC Country Offices in Kinshasa and Bunia (Democratic Republic of the Congo, “DRC”); Kampala (Uganda); Bangui (Central African Republic, “CAR”); Abidjan (Côte d’Ivoire); Tbilisi (Georgia); and Bamako (Mali).

- 2 working languages: English and French.
- Headquarters: The Hague, the Netherlands.
- 2020 budget: €149,205,600<sup>88</sup> (The International Criminal Court – ICC, 2021, <https://www.icc-cpi.int/about>).

### 5.5.2 ““The Office of the High Commissioner for Human Rights (UN Human Rights)

#### Who we are: an overview

<sup>89</sup>The Office of the High Commissioner for Human Rights (UN Human Rights) is the **leading UN entity on human rights**. We represent the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the [Universal Declaration of Human Rights](#). Both the [High Commissioner](#) and the Office have a unique role to:

- **Promote and protect all human rights:** We speak out objectively in the face of human rights violations and help elaborate the standards that are used to evaluate human rights progress worldwide.
- **Help empower people:** Our research, education, and advocacy activities, contributes to the increased awareness and engagement by the international community and the public on human rights issues. This means thousands of people in all regions of the world are empowered to claim their rights.
- **Assist Governments:** Through our field presences, we help prevent abuses and contribute to defusing situations that could lead to conflict. Our monitoring and analysis feeds sensitive decision-making and development programming. We also provide capacity-building and legal

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<sup>88</sup> The International Criminal Court (ICC) (2021) *About*. Available from: <https://www.icc-cpi.int/about> [Accessed March 25, 2021]

<sup>89</sup> “From [*Who We Are*], by [The Office of the High Commissioner for Human Rights, <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”



advice to thousands, supporting the development and judicious enactment of laws and policies the world around.

- **Inject a human rights perspective into all UN programmes:** We mainstream human rights into all UN programmes to ensure that peace and security, development, and human rights - the three pillars of the UN - are interlinked and mutually reinforced.

[Learn more about our Mandate](#)

### 5.5.1.1 History of the mandate

<sup>90</sup>The UN General Assembly established The Office of the High Commissioner for Human Rights in December 1993 through its [resolution 48/141](#) which also details its mandate. This was just a few months after the World Conference on Human Rights adopted the [Vienna Declaration and Plan of Action](#). Adopted by 171 States, the Vienna Declaration renewed the world's commitment to human rights. It also called for strengthening and harmonizing the monitoring capacity of the United Nations system with regards to human rights.

[Read more about the history of UN Human Rights](#)

#### 5.5.1.1.1 Our mission

In carrying out our mission UN Human Rights:

- Gives priority to addressing the most pressing human rights violations, both acute and chronic, particularly those that put life in imminent peril
- Focuses attention on those who are at risk and vulnerable on multiple fronts
- Pays equal attention to the realization of civil, cultural, economic, political, and social rights, including the right to development

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<sup>90</sup> “From [*Who We Are*], by [United Nations, <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx>]. © Office of the High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

- Measures the impact of its work through the substantive benefit that is accrued, through it, to individuals around the world

[View more about our Mission](#)

#### **5.5.1.1.2 Our strategic vision for human rights work**

To fulfill its mission, UN Human Rights follows a robust framework of results known as the OHCHR Management Plan (OMP). This roadmap is based on the outcomes of consultations with Member States, the UN system, civil society, the donor community and the private sector. The current OMP is strongly anchored to the 2030 Development Agenda and covers the period from 2018-2021 inclusive”<sup>91</sup> (The Office of the High Commissioner for Human Rights, 2021, <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx>).

#### **5.5.3 Save the Children International**

<sup>92</sup>“**WE BELIEVE EVERY CHILD HAS THE SAME RIGHTS.** Over the last 100 years, we have helped to ensure that the world's most vulnerable children survive, learn and are protected. Every year, we reach tens of millions of children in over 117 countries through our work. **A CLOSER LOOK AT THE CHILDREN WHO INSPIRE US.** In 2019, we directly reached over 38.7 million children in 117 countries around the world. We responded to 130 humanitarian emergencies across 64 countries and contributed to 80 significant policy or legislation wins for children's rights. This is the bigger picture of our work. Behind these numbers are the inspiring stories of the wonderful children we help. Our Annual Review puts our work around the world into context and gives a clearer sense of what we do for and with children. Take a look at our [2019 Annual Review](#)” (Save the Children International, 2021, <https://www.savethechildren.net/about-us>).

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<sup>91</sup> “From [*Who We Are*], by [United Nations, <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx>]. © Office of the High Commissioner for Human Rights [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>92</sup> Save the Children International (2021) *About Us*. Available from: <https://www.savethechildren.net/about-us> [Accessed June 03, 2021] © 2021 Save the Children International

<sup>93</sup> “*Who we are. We believe every child deserves a future.* Around the world, too many children start life at a disadvantage simply because of who they are and where they come from. Millions of children are dying from preventable causes, face poverty, violence, disease and hunger. They are caught up in war zones and disasters they did nothing to create. And they are denied an education and other basic rights owed to them. All children deserve better. We champion the rights and interests of children worldwide, putting the most vulnerable children first. With 25,000 dedicated staff across **117 countries**, we respond to major emergencies, deliver innovative development programmes, and ensure children's voices are heard through our campaigning to build a better future for and with children. **Accelerating progress for children.** Our ambition for 2030 is to create a world in which all children:

- **Survive:** No child dies from preventable causes before their fifth birthday
- **Learn:** All children learn from a quality basic education
- **Are Protected:** Violence against children is no longer tolerated.

Our bold ambition builds on 100 years' experience of bringing communities, civil society, governments, businesses and donors together to achieve lasting change for children. We believe this is the only way that we can inspire real progress and breakthroughs in the way the world treats children” (Save the Children International, 2021, <https://www.savethechildren.net/about-us/who-we-are>).

#### **5.5.4 Public Eye**

<sup>94</sup> “**About Public Eye.** Shining a light where nefarious people prefer their activities to remain hidden in the shadows, denouncing harmful actions and proposing specific solutions: these are Public Eye's aims. Through our research, advocacy and campaigning, we express the voice of close to 27,000 members in calling for a responsible Switzerland” (Public Eye, 2021,

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<sup>93</sup> Save the Children International (2021) *Who we are*. Available from: <https://www.savethechildren.net/about-us/who-we-are> [Accessed June 03, 2021] © 2021 Save the Children International

<sup>94</sup> Public Eye (2021) *About Us*. Available from: <https://www.publiceye.ch/en/about-us> [Accessed June 09, 2021]

<https://www.publiceye.ch/en/about-us>). “**Our vision.** Focus on Global Justice. We are convinced that it is possible to make the world fairer and more sustainable. To make it a world where all humans can live in dignity. A world where environmental limits are respected, and where the environment is preserved for the generations to come. A world free from discrimination; a peaceful and democratic world. A world in which the economy exists to serve people by guaranteeing fair working conditions and equitable salaries” (Public Eye, 2021, <https://www.publiceye.ch/en/about-us>).

### 5.5.5 Transparency International

<sup>95</sup>“**ABOUT.** Transparency International is a global movement working in over 100 countries to end the injustice of corruption. We focus on issues with the greatest impact on people’s lives and hold the powerful to account for the common good. Through our advocacy, campaigning and research, we work to expose the systems and networks that enable corruption to thrive, demanding greater transparency and integrity in all areas of public life. **Our mission.** Our mission is to stop corruption and promote transparency, accountability and integrity at all levels and across all sectors of society. **Our vision.** Our vision is a world in which government, politics, business, civil society and the daily lives of people are free of corruption. We are independent, non-governmental, not-for-profit and work with like-minded partners across the world to end the injustice of corruption” (Transparency International, 2021, <https://www.transparency.org/en/about>). “**Global.** We advocate for anti-corruption policy on a global level through engaging with high-level policy makers, such as the Group of 20 and our investigations into grand corruption. **National.** We combat corruption on a national level through our regional chapters, pushing legislation and actively engaging with key government ministries. **Local.** We work with individuals and organizations against corruption on a local level by pushing cases through our 60+ Advocacy and Legal Centres” (Transparency International, 2021, <https://www.transparency.org/en/about>). The next section will cover the basic steps to follow to start a Non-Governmental Organization in greater detail.

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<sup>95</sup> Transparency International (2021) *About*. Available from: <https://www.transparency.org/en/about> [Accessed June 09, 2021] © Transparency International. Some rights reserved.

## 5.6 The basic steps to follow to start a human rights organization in any country

The process to follow when starting a Non-Governmental Organization (NGO) was clearly highlighted in an article published by <sup>96</sup>FUNDSFORNGOS LLC (2021) titled: *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy* published on <https://www3.fundsforngos.org>. According to FUNDSFORNGOS LLC (2021):

### 5.6.1. Understanding the basics of an NGO

Over the past few decades NGOs have gained significant popularity as the third pillar of development and have played a key role in providing social, economic and environmental services to the marginalized.

### 5.6.2 What is a Non-Governmental Organization?

Historical records suggest that the term Non- Governmental Organizations (NGOs) came in to use in 1945. The term was coined during one of the conferences of The United Nations, as a measure to distinguish organizations from inter-governmental and member organizations. Though the term NGO received recognition only after 1945, studies suggest that several organizations were actively engaged against slavery, racism and women suffrage during the late eighteenth century.

### 5.6.3 Functions of an NGO

<sup>97</sup>NGOs worldwide perform a wide range of services aimed towards human wellbeing and social welfare. These organizations relentlessly work towards development and bringing a positive

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<sup>96</sup> FUNDSFORNGOS LLC (2021) *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy*. Available from: <https://www3.fundsforngos.org/category/how-to-start-and-build-a-successful-ngo/> [Accessed April 19, 2021]  
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<sup>97</sup> FUNDSFORNGOS LLC (2021) *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy*. Available from:

change in the society. NGOs may have different structures, activities and policies, but all NGOs are committed towards their cause and perform their functions to achieve their respective goals.

#### 5.6.4 Fundamental Principles/Values of an NGO

Successful people and organizations follow a certain set of rules that helps them grow and sets them apart. These rules are the fundamental principles that largely influence the working style of people and their organizations. A principle can be defined as a rule that helps people in understanding the context around us and then accordingly suggests the best way to operate in the given condition.

#### 5.6.5 Starting your NGO

Starting an NGO is a time consuming process and requires a great deal of research, discussions, paper work and expert advice. So before investing your time and energy into it, make sure that this is what you really want to do. Devote time in meeting people who are engaged in NGO work and seek their help to understand all aspects of NGO management from them.

#### 5.6.6 Research

Research is an essential ingredient for the success of any project, be it taking admission into college or preparing for a job interview, you cannot get away with research. The same true holds while establishing an NGO. Research may sound a little boring to you, but successful NGOs are backed by sufficient research data.

#### 5.6.7 Setting up an effective Board

<sup>98</sup>For the smooth functioning of the organization, it is important for you to establish an Initial Board of Directors. The Board members will constitute of individuals with a specific skill set

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<https://www3.fundsforngos.org/category/how-to-start-and-build-a-successful-ngo/> [Accessed April 19, 2021]

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<sup>98</sup> FUNDSFORNGOS LLC (2021) *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy*. Available from:

(legal, financial, sectorial etc.) who will be helping in laying down the foundation of the NGO. The board is essential for developing good governance structure in the organization.

#### 5.6.8 Establishing the vision and mission for your NGO

Once your initial board members are finalized and you have discussed with them your preliminary ideas about the organizations, it is time to establish the NGO's values, vision and mission statements. These statements are crucial for the success of your organization, as they explain to your stakeholders the organizations purpose in a concise manner (FUNDSFORNGOS LLC, 2021, <https://www3.fundsforngos.org/category/how-to-start-and-build-a-successful-ngo/>). Furthermore, according to FUNDSFORNGOS LLC (2021)

#### 5.6.9 Writing the article of Incorporation

Article of Incorporation provide legal description to your NGO by establishing the existence of the organization as per government rules. The articles of incorporation define the purpose of your organization, along with describing the operational processes and membership details. The number of articles required will largely depend on the country laws. While drafting the article of incorporation, check with the government authorities about the various forms that you require to fill. Depending on the complexity of the content you can either fill in the form or take legal advice from a legal expert.

#### 5.6.10 Developing the By-laws

By-law is a rule established by an organization to regulate its activities and manage internal affairs. Well defined and clear set of by-laws provide a clear structure to the NGOs and facilitates in smooth functioning. Along with providing consistency in working, by-laws also help in developing networks with local organizations and government entities. It is important for

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your organization to have a set of by-laws as they will guide you in operating and managing all your activities<sup>99</sup>.

#### 5.6.11 Registering your organization

Once you have written the by-laws and the articles of incorporation, you can register the organization as per the country norms. Refer to the country specific guidelines to legally register your organization as per the rules of the country you wish to operate.

#### 5.6.12 Successful management of your NGO

Congratulations! You just got your dream NGO registered. You might be really stressed out and tired during the entire process of getting the organization registered, but now is not the time to rest. Getting the organization registered is one thing and successfully managing it, is a different ball game altogether.

#### 5.6.13 Initial board meeting

Once the NGO comes into existence, you should hold the first meeting with the board members. It is during this meeting that the board members formally adopt the bylaws and also discuss about important issues related to the NGO functioning.

#### 5.6.14 Policy Matters

Policies are one of the most important documents that will guide the NGO staff in carrying out routine office work. Creation of policies is definitely a time consuming process, but well written and comprehensive policy documents yields several benefits.

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<sup>99</sup> FUNDSFORNGOS LLC (2021) *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy*. Available from: <https://www3.fundsforngos.org/category/how-to-start-and-build-a-successful-ngo/> [Accessed April 19, 2021]  
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### 5.6.15 Project management

Successful NGOs provide high quality service to the beneficiaries and ensure that their projects make a difference in the lives of the target community. With the growing competition amongst NGOs it is essential that you develop effective project management strategies that could enhance your visibility both amongst the beneficiaries and also the donors. This will require you to manage and operate all project activities professionally<sup>100</sup>.

### 5.6.16 Fundraising Essentials

Many experts consider fundraising to be the backbone of the nonprofit sector, as continuous flow of funds ensures NGOs to implement projects effectively. Raising money is indeed a challenge, but with some help and practice you can boost up your fundraising efforts.

### 5.6.16 Types of Donors

It is necessary for you to understand the types of donors and the types of funding opportunities, before you start fundraising. There are several sources for you to avail funding for your organization, and to make the most of this opportunity, you will have to understand the various types of donors, their priorities and their core values. Most donors can be classified in to the following categories.

### 5.6.17 Writing a fundraising strategy

<sup>101</sup>A fundraising strategy helps you to identify financial needs of your organization and accordingly outline the activities required to meet those needs. It typically helps you to plan the fundraising process for a period of 3-5 years by setting necessary deadlines and responsibilities.

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<sup>100</sup> FUNDSFORNGOS LLC (2021) *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy*. Available from: <https://www3.fundsforngos.org/category/how-to-start-and-build-a-successful-ngo/> [Accessed April 19, 2021] ©FUNDSFORNGOS. All rights reserved.

<sup>101</sup> FUNDSFORNGOS LLC (2021) *How to Start and Build a Successful NGO: From Developing a Vision to Implementing Your Fundraising Strategy*. Available from:

### 5.6.18 Sustaining the NGO

The one ingredient that is essential for your organization to create long lasting impact is Sustainability. The term sustainability has gained significant popularity in policy-oriented research, business development and social sector over the last few decades. Sustainability, a word frequently used across several disciplines, has become part of our everyday lexis. Origin of the word Sustain dates back several centuries, from two latin words sus which means- up and tenere meaning to hold. The current use of the word implies something that continues for a long time (FUNDSFORNGOS LLC, 2021, <https://www3.fundsforngos.org/category/how-to-start-and-build-a-successful-ngo/>). The following section will help cover information relating to the advantages of funding human rights organizations globally.

## 5.7 Advantages of funding human rights organizations in both developed and developing nations

- **They will be able to hire appropriately qualified and committed human rights defenders** – a well financed organization easily succeeds in creating a highly attractive employer brand status in the labour market. A powerful employer brand naturally attracts appropriately qualified, experienced and committed employees such as human rights defenders that help the human rights organization to achieve its clearly defined goals to uphold human rights actions and end/fight any form of human rights violations. In general a well funded human rights organization is in a much better position to offer highly competitive remuneration packages and effective talent retention strategies to its employees.
- **They will be able to create effective human rights and freedom of association promotional strategies** – one of the key advantages of funding human rights organizations is that they will be much better able to pay for their regular promotional (*marketing, advertising, public relations and so on*) costs. Most of the activities of human rights organizations require both adequate advertising (*media adverts*) and public relations (*exhibitions or conferences*) budgets to successfully make a meaningful impact in the different societies they serve.

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- **They will be able to acquire the latest technological tools and assets to use in carrying-out their day-to-day operations** – nowadays technology is evolving at a highly accelerated rate and this therefore puts pressure on human rights organizations to adopt the latest technologies in information, communication and technology to use in their operational activities for example, computers, laptops, mobile phones, cameras and so on. Similar to any other organization human rights organizations require assets such as building premises, motor vehicles, land and so on to properly function and attain their key operational goals.
- **They will be able to have perpetual life and be able to continuously serve their purpose** – when human rights organizations receive adequate funding from their donors the number of years they will operate to serve their targeted audiences ultimately increases as well. Poorly funded not-for-profit organizations end up closing down their doors due to lack of financing to use to cater for their day-to-day financial obligations.
- **They will be able to develop effective educational programs and offer training facilities to their targeted audiences** – the main strategy of any human rights organization that wants to successfully reach-out to its targeted audiences is the implementation of well designed training programs that help to teach about the basic rights of citizens, types of abuses, how to report abuses and how to protect victims of abuse. Training programs can be well designed if the required funding is adequate. It is important to point-out the fact that people tend to enjoy their training experience in proper training facilities with the right equipment and furniture.
- **They will be able to partner with other international human rights bodies and be able to effectively contribute towards collaborative research initiatives** – generally it takes money for a human rights organization to succeed in its endeavors of partnering with other credible well recognized international human rights organizations. The directors, staff and human rights defenders of the organization must be able to travel for training workshops, conferences or meetings with their foreign partners on a regular basis therefore costs such as airfares, hotel accommodation and food will have to be fully paid for in order for this to be successfully achieved. The conclusion chapter of this chapter will be covered next.

## **5.8 Conclusion**

Equality and the promotion of human rights have become the trending topic almost everywhere for instance in companies, communities, government meetings, universities/schools, conferences and so on. The world has finally shifted its mindset towards embracing peace, the protection of human rights and freedom. All this has been made possible by international human rights bodies that employ and partner with dedicated people who have the sole mandate to defend human rights. Nowadays there are many newly registered non-governmental or not-for-profit organizations that share a vision of protecting and sharing human rights in their respective home countries. Many countries around the world are now introducing legislation that helps to facilitate the registration of new non-governmental or not-for-profit organizations that share a vision of protecting and sharing human rights since this can help increase the value of their national brand in the international community and easily attract high foreign investors or high tourist visits on a yearly basis.

## **5.9 Review questions**

- 1) Explain the definition of ‘support’ and ‘international body’?
- 2) Describe the global declaration of human rights?
- 3) Outline the importance of human rights organizations across the world?
- 4) Explain the different globally recognized human rights organizations in the world?
- 5) Discuss the basic steps to follow to start a human rights organization in any country?
- 6) Identify in greater detail the advantages of funding human rights organizations’ is important in both developed and developing nations?

# Chapter 6: Refugees & seeking political asylum

After reading this chapter you should be able to:

- Describe the definition of the following terms ‘refugee’ and ‘political asylum’.
- Discuss the current brief statistics of refugees around the world and the importance of continuously assisting refugees.
- Highlight the international law protecting refugees.
- Identify the push factors that force people to become refugees.
- Discuss why people seek political asylum in other countries around the world. Describe the benefits of seeking asylum.
- Explain the interrelation of asylum and migration.

## 6.1 Introduction

Refugees are found in each and every part of the world and there are international laws that protect them as well. It is important to point-out the fact that ‘*anyone can become a refugee all of a sudden in this 21<sup>st</sup> century we live in*’ and it is important for people around the world to be fully aware of the fact that uncontrollable factors in a country often force people to abandon their usual way of living and seek a safe new life in another country.<sup>102</sup> “*Every human being deserves a life free from persecution and discrimination.* But displacement can affect anyone. Hundreds of thousands of people are forced to flee their homes every day – young and old, sick and healthy, sons and daughters” (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/protection.html>). The very fact that anyone can become a refugee must be able to encourage people to assist others in any way they can especially people legally seeking refuge in foreign countries. It has become a moral choice for people to choose to love other people in need of their kindness and a warm heart and in general it takes courage for people to stand up and play a critical role in promoting the human rights of refugees in any society since

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<sup>102</sup> “From [*Protection.*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/protection.html>].

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at the end of the day we all share one thing in common ‘humanity’. The following section will cover the definition of terms.

## 6.2 Definition of the following terms ‘a refugee’ and ‘asylum seeker’.

<sup>103</sup>According to Save the Children Federation, Inc. (2021) a [refugee](#) is a person who is seeking a safe haven after being forced to flee violence, persecution or war (Save the Children Federation, Inc., 2021, [www.savethechildren.org](http://www.savethechildren.org)). <sup>104</sup>According to The UNHCR, the UN Refugee Agency (2021) *Refugees* are people who have fled war, violence, conflict or persecution and have crossed an international border to find safety in another country (UNHCR, the UN Refugee Agency, 2021). “And seeking asylum is not a crime. While every refugee is initially an [asylum seeker](#), not every asylum seeker will ultimately be recognized as a refugee” (Save the Children Federation, Inc., 2021, [www.savethechildren.org](http://www.savethechildren.org)). <sup>105</sup>“An *asylum-seeker* is someone whose request for sanctuary has yet to be processed. Every year, around one million people seek asylum (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/asylum-seekers.html>)”. The next section will cover the current brief statistics of refugees in the world.

## 6.3 Current brief statistics of refugees in the world

<sup>106</sup>““*Facts About Refugees Around the World*. As the world is now witnessing the highest levels of displacement on record, here are some things to know about refugees.

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<sup>103</sup> Save the Children Federation, Inc. (2021) *What is a Refugee?* Available from: <https://www.savethechildren.org/us/what-we-do/emergency-response/refugee-children-crisis/what-is-refugee> [Accessed March 17, 2021]

<sup>104</sup> “From [*What is a Refugee*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/what-is-a-refugee.html>]. ©UNHCR, the UN Refugee Agency [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>105</sup> “From [*Asylum Seekers*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/asylum-seekers.html>]. ©UNHCR, the UN Refugee Agency [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>106</sup> Save the Children Federation, Inc. (2021) *What is a Refugee?* Available from: <https://www.savethechildren.org/us/what-we-do/emergency-response/refugee-children-crisis/what-is-refugee> [Accessed March 17, 2021]

- By the end of 2019, there were nearly **26 million refugees in the world** — a record number.
- **Half of the world's refugees are children.**
- In Syria alone, more than [6.6 million people have fled](#), seeking safety in Lebanon, Turkey, Jordan and beyond.
- In [Lebanon](#), where more than 1 million Syrian refugees reside, approximately **70% of Syrian refugees live below the poverty line.**
- Over the past three years, more than **75,000 children have been born in the [refugee camps of Cox's Bazar](#).**
- About **30% of refugees arriving through the Balkans are children**, while roughly 25% of these children are unaccompanied<sup>107</sup>.
- At least **3.7 million refugee children are out of school**, a figure likely worsened by [the COVID pandemic](#).
- **Less than 1% of all refugees are ever able to resettle** and find a new life in safety and security.

### How many child refugees are there in the world?

Half of the global refugee population, nearly 13 million, are children below the age of 18.

Far too many refugee boys and girls are living in [conditions not suitable for children](#), with limited access to education and healthcare, no freedom of movement, and almost entirely dependent on aid.

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<sup>107</sup> Save the Children Federation, Inc. (2021) *What is a Refugee?* Available from:

<https://www.savethechildren.org/us/what-we-do/emergency-response/refugee-children-crisis/what-is-refugee>

[Accessed March 17, 2021]

Before the COVID-19 pandemic, it was estimated that half of all refugee children in the world – 3.7 million – were out of school”” (Save the Children Federation, Inc., 2021, [www.savethechildren.org/](http://www.savethechildren.org/)).

<sup>108</sup>“**Children:** Over half the world’s refugee population is made up of children. **Minorities:** In many parts of the world, minorities and indigenous persons can be victims of severe human rights violations. **Women:** Women can be especially vulnerable to abuse in mass displacement situations. **Youth:** Having fled war or persecution, displaced youth are thrust into an uncertain world. **LGBTI Persons:** We work to protect LGBTI refugees and asylum-seekers everywhere. **Men:** Men and boys can find themselves neglected or dismissed during times of displacement. **Persons with Disabilities:** Persons with disabilities remain largely invisible or forgotten in their uprooted communities. **Older Persons:** During times of displacement, older persons have urgent rights and needs”” (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/protection.html>). The next section will cover the aspects of the international law protecting refugees.

## 6.4 The international law protecting refugees

“**Protection.** Governments normally guarantee the basic human rights and physical security of their citizens. But when people become refugees this safety net disappears. Refugees fleeing war or persecution can be very vulnerable. They have no protection from their own state and it is often their own government that is persecuting them. If other countries do not let them in or protect them, they may be condemned to an intolerable situation where their basic rights, security and even their lives are in danger.

### Promoting Refugee Protection

Our activities to promote refugee protection include:

- Promoting accession to the [1951 Convention](#) relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to the 1961

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<sup>108</sup> “From [*Protection*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/protection.html>].

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Convention on the Reduction of Statelessness. In 1999, UNHCR launched a campaign to promote accession to the 1951 Convention that culminated on its 50th anniversary in July 2001 and the Ministerial Meeting of States Parties to the 1951 Convention on 12 and 13 December 2001.

- Assisting States to enact or revise national refugee legislation, including administrative instructions and operational guidelines, and to implement national refugee status determination procedures.
- Strengthening relevant administrative and judicial institutions, training staff of government and non-governmental agencies, and liaising with relevant human rights bodies.

UNHCR is also involved in:

- Research and advice on new laws and regulations affecting people of concern
- Technical and financial support for law schools, governmental agencies (including the police and the military) and other institutes to develop refugee law courses”<sup>109</sup> (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/protection.html>). The following section will deal with aspects related to the push factors that force people to become refugees.

## **6.5 Push factors that force people to become refugees.**

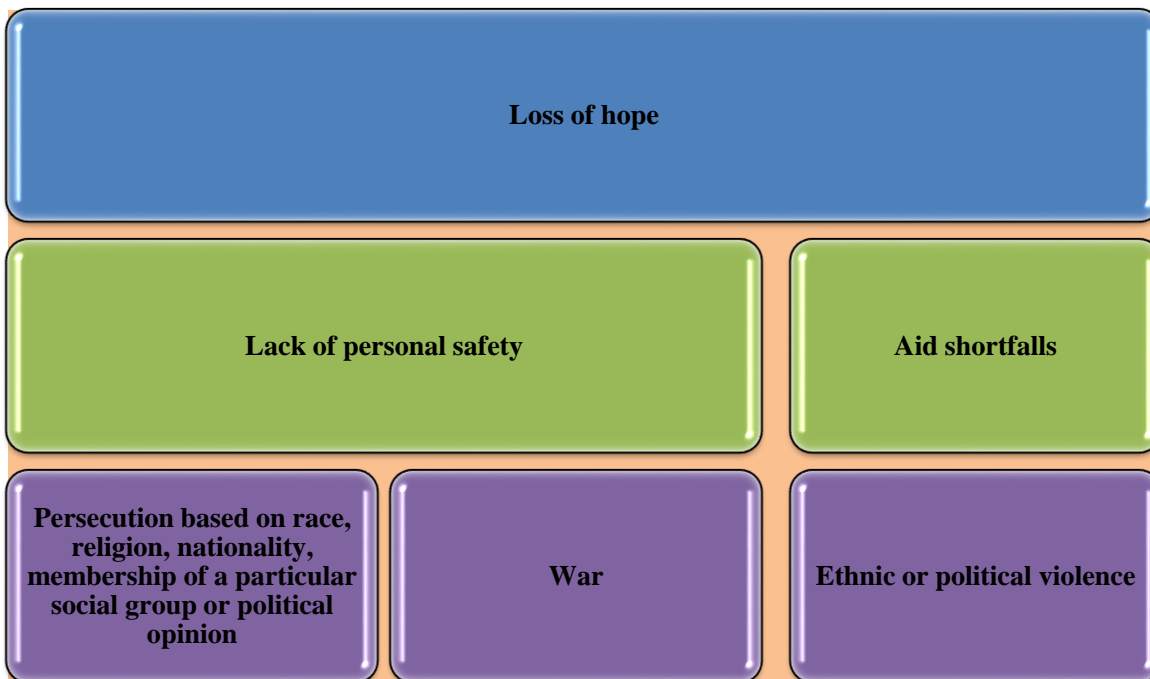
There are many push factors that force people to become refugees in other areas or countries. Some of the push factors that force people to become refugees are depicted in Figure 6.1 below.

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<sup>109</sup> “From [*Protection*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/protection.html>].

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**Figure 6.1 Six common push factors that force people to become refugees**



Source: (Diagram Created by the Author Using Information Published by Save the Children Federation, Inc., 2021, [www.savethechildren.org/](http://www.savethechildren.org/); UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/>).

As depicted by Figure 6.1 the six common reasons that force people to become refugees include the following:

**6.5.1 “Loss of hope.** Feelings of uncertainty about the future are compounded by miserable conditions, fuelling a sense of despair and desperation”<sup>110</sup> (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/news/briefing/2015/9/560523f26/seven-factors-behind-movement-syrian-refugees-europe.html>). © UNHCR, the UN Refugee Agency [2021]. In general ‘hope’ is the energy and an unexplainable drive that makes people enduring difficult times in a country or community to carry-on doing their day-to-day livelihood activities. The fact that people are human beings with feelings, senses and limitations this makes it possible for them to reach a

<sup>110</sup> “From [*Seven factors behind movement of Syrian refugees to Europe*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/news/briefing/2015/9/560523f26/seven-factors-behind-movement-syrian-refugees-europe.html>]. © UNHCR, the UN Refugee Agency [2021]. “Reprinted with the permission of the United Nations.”

point in their life where they decide that they can no longer be able to continue holding any form of ‘hope’ due to the never ending persistent pain or unconducive living environment hence they end up becoming refugees in other countries.

**6.5.2 Lack of personal safety.** Generally it becomes a never ending burden to continue to live in fear on a daily basis in a country or community due to persecution or torture. Globally there are many conflicts happening for instance wars, political violence, physical/mental torture and so on which results in people opting to migrate to other countries in order to seek refuge (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/news/briefing/2015/9/560523f26/seven-factors-behind-movement-syrian-refugees-europe.html>). © UNHCR, the UN Refugee Agency [2021].

**6.5.3 “Aid shortfalls.** Aid programmes for refugees and host communities in the region have been plagued by chronic funding shortages. Many refugees in Jordan told UNHCR the WFP food aid cuts were the last straw in their decision to leave the country. Tens of thousands miss out on cash assistance, sinking deeper into debt. As a result people resort to negative coping strategies - including begging, child labour, and increased indebtedness. Shrinking humanitarian aid was cited by refugees as cause of desperation and a driver of onward movement”<sup>111</sup> (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/news/briefing/2015/9/560523f26/seven-factors-behind-movement-syrian-refugees-europe.html>). © UNHCR, the UN Refugee Agency [2021].

Some of the additional factors that push people to become refugees were clearly highlighted by a website owned by Save The Children Inc (2021) titled ‘What is a Refugee?’ via [www.savethechildren.org/](http://www.savethechildren.org/). <sup>112</sup>“People become refugees for a number of different reasons, including:

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<sup>111</sup> “From [*Seven factors behind movement of Syrian refugees to Europe*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/news/briefing/2015/9/560523f26/seven-factors-behind-movement-syrian-refugees-europe.html>]. © UNHCR, the UN Refugee Agency [2021]. “Reprinted with the permission of the United Nations.”

<sup>112</sup> Save the Children Federation, Inc. (2021) *What is a Refugee?* Available from: <https://www.savethechildren.org/us/what-we-do/emergency-response/refugee-children-crisis/what-is-refugee> [Accessed March 20, 2021]

- Persecution based on race, religion, nationality, membership of a particular social group or political opinion
- War
- Ethnic or political violence

For well over a decade, the number of people forced to flee their homes because of [conflict](#) and persecution has steadily increased. In 2012, these numbers spiked, resulting in what is now recognized as a global refugee crisis” (Save the Children Federation, Inc., 2021, [www.savethechildren.org/](http://www.savethechildren.org/)). The following section will cover aspects about the benefits of seeking asylum when your life is in danger.

## 6.6 Benefits of seeking asylum when your life is in danger

<sup>113</sup>“**Protection.** Governments normally guarantee the basic human rights and physical security of their citizens. But when people become refugees this safety net disappears. Refugees fleeing war or persecution can be very vulnerable. They have no protection from their own state and it is often their own government that is persecuting them. If other countries do not let them in or protect them, they may be condemned to an intolerable situation where their basic rights, security and even their lives are in danger.

### Promoting Refugee Protection

Our activities to promote refugee protection include:

- Promoting accession to the [1951 Convention](#) relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness. In 1999, UNHCR launched a campaign to

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<sup>113</sup> “From [*Protection*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/protection.html>].

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promote accession to the 1951 Convention that culminated on its 50th anniversary in July 2001 and the Ministerial Meeting of States Parties to the 1951 Convention on 12 and 13 December 2001.

- Assisting States to enact or revise national refugee legislation, including administrative instructions and operational guidelines, and to implement national refugee status determination procedures.
- Strengthening relevant administrative and judicial institutions, training staff of government and non-governmental agencies, and liaising with relevant human rights bodies”” (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/protection.html>). The following section will help to deal with aspects that are interrelated to the terms asylum and migration.

## **6.7 The interrelation of asylum and migration**

<sup>114</sup>““**Asylum and Migration**. Mixed movements (or mixed migration) refers to flows of people travelling together, generally in an irregular manner, over the same routes and using the same means of transport, but for different reasons. The men, women and children travelling in this manner often have either been forced from their homes by armed conflict or persecution, or are on the move in search of a better life. People travelling as part of mixed movements have varying needs and may include asylum-seekers, refugees, stateless people, victims of trafficking, unaccompanied or separated children, and migrants in an irregular situation. Mixed movements are often complex, and can present challenges for all those involved. **Refugee or Migrant?** **Refugees** are people who cannot return to their country of origin because of a well-founded fear of persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require international protection. The tendency to conflate refugees and migrants, or to refer to refugees as a subcategory of migrants, can have serious consequences for the lives and safety of people fleeing persecution or conflict. Without question, all people who move between countries deserve full respect for their human rights and human dignity.

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<sup>114</sup> “From [*What is a Refugee*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/what-is-a-refugee.html>]. © UNHCR, the UN Refugee Agency [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

However, refugees are a specifically defined and protected group in international law, because the situation in their country of origin makes it impossible for them to go home. Calling them by another name can put their lives and safety in jeopardy. The important distinction between refugees and migrants was acknowledged by the UN General Assembly in the [New York Declaration for Refugees and Migrants](#)” (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/what-is-a-refugee.html>). The following section will cover the role played by information, communication and technologies to refugees in-depth.

## **6.8 Role played by information, communication and technologies towards assisting refugees**

<sup>115</sup>“Large numbers of refugees continued to arrive in Europe in 2016 and the trend has shown no signs of abating in 2017. By mid-2015, aid workers and volunteers quickly recognised that many refugees not only had smartphones, but saw them as a critically important tool for organising their journey and staying in touch with friends and family. So important were mobile phones that, on arrival, many refugees asked for Wi-Fi or charging services ahead of food, water, or shelter. This phenomenon has generated significant interest, both from aid agencies—which are now recognising that refugees regard connectivity as a basic necessity—and mobile network operators (MNOs), which see new customer bases, growing markets, and an opportunity to develop and provide innovative new services that can have a positive impact on the lives of refugees. The political and media focus on the refugee crisis in Europe has demonstrated how mobile technology has proved to be a lifeline for refugees to navigate their journeys and resettle in new European countries. However, the fact remains that all of the world’s top ten refugee hosting countries are outside of Europe. MNOs and humanitarian agencies have been delivering

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<sup>115</sup> GSMA (2017) *The Importance of Mobile for Refugees: A Landscape of New Services and Approaches*. Available from: [https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees\\_a-landscape-of-new-services-and-approaches.pdf](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees_a-landscape-of-new-services-and-approaches.pdf) [Accessed March 18, 2021] *This GSMA report was funded by UK aid from the UK government; however, the views expressed do not necessarily reflect the UK Government’s official policies*©<https://www.ukaidirect.org/>. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

mobile connectivity and creating innovative services for refugees in a variety of rural and urban contexts in Africa, Asia and the Middle East for many years. There are wide-ranging lessons that can be shared across sectors and regions on the challenges and opportunities of providing mobile connectivity and services to this segment of the population which will be explored in this report”” (GSMA, 2017:3, [https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees\\_a-landscape-of-new-services-and-approaches.pdf](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees_a-landscape-of-new-services-and-approaches.pdf)). According to the GSMA (2017:3) **Current research and activities on refugees use of mobile technology focus largely on the following themes:**

### 6.8.1 Connectivity

<sup>116</sup>The magnitude of the refugee crisis has highlighted the critical importance of connectivity and the unique challenges of accessing and providing mobile services for refugees in different contexts. In addition to mobile network coverage, connectivity also involves issues of access, usage and affordability, ranging from mobile device and SIM card ownership to charging facilities, digital literacy, relevant content, and data services. Providing reliable and sustainable mobile connectivity is crucial as it enables a range of other mobile services—education, financial, information, and others—that can improve the livelihoods of refugees over the long term.

### 6.8.2 Education

It is estimated that 51% of refugees are children, with the majority facing long-term displacement. This makes it critical to address interruptions in schooling and make educational continuity a priority. There has been heavy interest in the potential of mobile services to overcome the many challenges of providing education to refugees, including a lack of language-

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<sup>116</sup> GSMA (2017) *The Importance of Mobile for Refugees: A Landscape of New Services and Approaches*. Available from: [https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees\\_a-landscape-of-new-services-and-approaches.pdf](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees_a-landscape-of-new-services-and-approaches.pdf) [Accessed March 18, 2021] *This GSMA report was funded by UK aid from the UK government; however, the views expressed do not necessarily reflect the UK Government’s official policies*©<https://www.ukaidirect.org/>. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

appropriate school materials and the availability of teachers. Assessments of these programmes have found that digital education services need to be planned with care and require appropriate commitments of time and money to deliver.

### 6.8.3 Livelihoods and mobile money

The humanitarian sector's interest in mobile technology for delivering aid is strongest in the livelihoods sector. Mobile phones are an important tool in the livelihood strategies of refugees, enabling them to find employment, run small businesses and work in ancillary services, such as selling charging or credit services and mobile phone repair, as well as mobile money services.

An interest in cash transfers, combined with the growing importance of digital platforms in managing financial transfers, has led humanitarian organisations to dedicate resources to projects focused specifically on digital financial services, and to try to leverage mobile money infrastructure and other digital platforms to deliver services. However, having proof of identity is a serious issue for refugees as it can be a potential barrier to accessing financial services and owning a mobile phone. Also, the mobile money ecosystem is still nascent in many refugee contexts and not always a viable option<sup>117</sup> (GSMA, 2017:4, [https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees\\_a-landscape-of-new-services-and-approaches.pdf](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees_a-landscape-of-new-services-and-approaches.pdf)). The conclusion of this chapter will be covered in the following section.

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<sup>117</sup> GSMA (2017) *The Importance of Mobile for Refugees: A Landscape of New Services and Approaches*. Available from: [https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees\\_a-landscape-of-new-services-and-approaches.pdf](https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/02/The-Importance-of-mobile-for-refugees_a-landscape-of-new-services-and-approaches.pdf) [Accessed March 18, 2021] *This GSMA report was funded by UK aid from the UK government; however, the views expressed do not necessarily reflect the UK Government's official policies* ©<https://www.ukaidirect.org/>. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0



## **6.9 Conclusion**

It can be concluded that it is the responsibility of everyone to protect and assist refugees within reason and in this world there are numerous uncontrollable factors that push people to become refugees. Some of the common push factors that force people to become refugees include: hunger, political/race/religious persecutions, war and so on. Today there are more than 10 million refugees in the world and unfortunately children form almost 50percent of the total number of refugees in the world. It can be concluded that seeking asylum in a foreign country is not illegal and there are international laws that protect asylum seekers or refugees and these laws must be abided by the receiving countries of people seeking refuge. The use of mobile technology by refugees around the world has enormously played a vital role in boosting their access to information (news), access to educational programs for their children and connectivity with their family/friends when they travel to seek safety in foreign countries.

## **6.10 Review questions**

- 1) Explain the definition of ‘refugee’ and ‘political asylum’?
- 2) Discuss the current brief statistics of refugees in the world?
- 3) Identify the benefits of refugees in a host country they start a new life?
- 4) Highlight the international law protecting refugees?
- 5) Identify the push factors that force people to become refugees?
- 6) Describe the benefits of seeking asylum?
- 7) Explain the interrelation of asylum and migration?
- 8) Identify the role played by information, communication and technologies to refugees?

# Chapter 7: Human trafficking and its negative consequences

After reading this chapter you should be able to:

- Describe the following terms ‘human trafficking’ and ‘negative consequences’.
- Explain the difference between human trafficking and people smuggling.
- Identify the various ways to help victims of human trafficking.
- Discuss what is people smuggling.
- Brief background on people smuggling trends around the world
- Describe the organizations involved in the fight against people smuggling and the current efforts to combat people smuggling.

## 7.1 Introduction

*The world has been immensely affected in a negative way and divided by this inhumane crime of human trafficking. People must learn to love money within reason and it is important to point-out that humanity is more valuable than money* (Rudolph. Patrick. T. Muteswa, 2021). Various facts and figures are published every year to show the trends of human trafficking around the globe. <sup>118</sup>“Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. The traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims (United Nations Office on Drugs and Crime, 2021, <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>). The following section will cover the definition of terms.

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<sup>118</sup> “From [*Human Trafficking*], by [United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

## 7.2 Definition of the following terms human trafficking and negative consequence

<sup>119</sup>“*Human Trafficking* is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit” (United Nations Office on Drugs and Crime, 2021, <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>). In general a ‘*negative consequence*’ is an unfavorable aftermath or result that is achieved when a specific action is taken and or after a certain judgement has been made (Rudolph. Patrick. T. Muteswa, 2021). The following section will cover the difference between commonly used terms.

## 7.3 Difference between human trafficking and people smuggling

<sup>120</sup>““Victims of trafficking end up in the hands of traffickers because they are being deceived, being forced or abducted. Human trafficking and smuggling are two different crimes. However, the two are related and often intertwined. *Human trafficking* is involuntary and victims are exploited, whereas *smuggling* is voluntary, yet still bears life-threatening risks. A *smuggling case can become human trafficking* if the victims are exploited, for example by being held for ransom, or to pay off a smuggling debt through forced labour or sex work”” (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/human-trafficking.html>). The following section will deal with the various ways that can be used to help victims of human trafficking.

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<sup>119</sup> “From [*Human Trafficking*], by [United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>120</sup> “From [*Trafficking in persons*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/human-trafficking.html>]. © UNHCR, the UN Refugee Agency [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

## 7.4 Various ways to help victims of human trafficking

“*How UNHCR is helping victims of human trafficking.* While UNHCR does not have a specific mandate on supporting victims of trafficking and smuggling, it is recognized that victims or potential victims of smuggling with aggravating circumstances or trafficking may in some cases be persons of concern to UNHCR: refugees, asylum seekers, internally displaced or stateless persons. Victims of trafficking or those falling victim to serious crimes and human rights’ violations when being smuggled, may also have international protection needs and therefore qualify for refugee status. In these cases, UNHCR has the mandate to protect and find solutions for them.<sup>121</sup>To quickly identify victims of trafficking and refer them to UNHCR, partners and governments for assistance, it is crucial that those involved in working with people of concerns are:

- aware of the trafficking phenomenon and raising awareness among colleagues on the ground
- understanding the vulnerabilities that can put people at risk of becoming victims of trafficking
- understanding the regional or country specific context where trafficking can occur

***Joint global initiatives to address human trafficking.*** UNHCR works in close partnership with several organizations – including UNODC, UNICEF, OHCHR, UNFPA, ILO and IOM – to develop joint global initiatives to address human trafficking at large. In 2020, UNHCR and IOM published an updated Joint Framework on Developing Standard Operating Procedures for the Identification and Protection of Victims of Trafficking. The Framework has enhanced referrals and outlines the cooperation between the two agencies on trafficking in persons. The [IOM-UNHCR Framework document on developing standard operating procedures to facilitate the identification and protection of victims of trafficking \(published in June 2020\)](#) can

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<sup>121</sup> “From [*Trafficking in persons*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/human-trafficking.html>]. © UNHCR, the UN Refugee Agency [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

be found here. Among other initiatives, UNHCR co-leads the Task Team on Anti-Trafficking Global Protection Cluster together with IOM and the Heartland Alliance. The team is tasked with developing global guidance and capacity building on practical measures needed to address trafficking in persons in situations of internal displacement through the cluster response. ***International and Regional Cooperation in the fight against human trafficking.*** The Inter-Agency Coordination Group against Trafficking (ICAT) is a policy forum mandated by the General Assembly to improve international cooperation and coherence in approaches to trafficking in persons. As an active member of the ICAT working group, UNHCR has contributed expertise to several policy papers and short issue briefs – such as the issue brief on Trafficking in Persons and Refugee Status. Other resources, including the ICAT Toolkit on Evaluating Counter Trafficking Programs can be found on the ICAT website. Trafficking in persons is also addressed in the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM), committing to end trafficking in persons, improve identification, screening and referral of victims of trafficking to appropriate processes and procedures and victim support, including identification of those with international protection needs. As a member of the OSCE Alliance against Trafficking, UNHCR has played a key role in the design and facilitation of the OSCE Live Simulation training on Combatting Human Trafficking along Migration Routes. UNHCR also participates in country-level coordination structures on mixed movements in several countries, using these fora as avenues for addressing trafficking in persons comprehensively through a multi-stakeholder approach”<sup>122</sup> (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/human-trafficking.html>). In the next section the aspects relating to people smuggling will be covered in-depth.

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<sup>122</sup> “From [*Trafficking in persons*], by [UNHCR, the UN Refugee Agency, <https://www.unhcr.org/afr/human-trafficking.html>]. © UNHCR, the UN Refugee Agency [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

## 7.5 What is ‘people smuggling’

“*People smuggling*. The smuggling of migrants, as defined in Article 3(a) of the [Smuggling of Migrants Protocol](#), involves the facilitation of a person’s illegal entry into a State, for a financial or other material benefit. Although it is a crime against a State, smugglers can also violate the human rights of those they smuggle, ranging from physical abuse to withholding food and water. Given increasing obstacles to access safety, however, refugees, asylum-seekers and other persons in need of international protection are often compelled to use smugglers as their only means to flee persecution, conflict and violence” (UNHCR, the UN Refugee Agency, 2021, <https://www.unhcr.org/afr/smuggling-of-migrants-and-refugees.html>). In the following section a brief background of people smuggling will be covered in-depth.

## 7.6 Brief background on people smuggling trends around the world

<sup>123</sup>““Complex criminal networks facilitate the illegal passage of migrants across borders – for a price. *High profits*. People smuggling syndicates are run like businesses, with high profit margins and relatively low risks. Hundreds of thousands of people leave their home countries every year to escape conflict and poverty. Many are willing to take desperate measures in the hopes of finding a better life. Transnational organized crime groups know this and take advantage of people’s desperation. They facilitate the passage of migrants with little or no regard for their safety and wellbeing. What matters is the money. The United Nations Office on Drugs and Crime estimates that at least 2.5 million migrants were smuggled in 2016, generating nearly USD 7 billion for people smugglers. People smuggling is closely tied to the use of fraudulent travel documents and is linked to other crimes such as illicit money flows, corruption, terrorism, trafficking in illicit goods and human trafficking. At INTERPOL, our activities focus on identifying and arresting the criminals involved in smuggling, but not the migrants themselves. Our response includes:

- Operations to dismantle the criminal networks behind people smuggling and related crimes;

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<sup>123</sup> INTERPOL (2021) *People Smuggling*. Available from: <https://www.interpol.int/en/Crimes/People-smuggling> [Accessed March 22, 2021] Copyright © INTERPOL All rights reserved.

- Specialized training for frontline officers in our member countries;
- Investigative support for complex international cases;
- The INTERPOL Specialized Operational Network of experts on smuggling” (INTERPOL, 2021, <https://www.interpol.int/en/Crimes/People-smuggling>). © Interpol

## **7.7 Organizations involved in the fight against people smuggling and the current efforts to combat people smuggling**

<sup>124</sup>“**What is INTERPOL?** Our full name is the International Criminal Police Organization and we are an inter-governmental organization. We have 194 member countries, and we help police in all of them to work together to make the world a safer place. To do this, we enable them to share and access data on crimes and criminals, and we offer a range of technical and operational support. **Who makes up INTERPOL?** The [General Secretariat](#) coordinates our day-to-day activities to fight a range of crimes. Run by the [Secretary General](#), it is staffed by both police and civilians and comprises a headquarters in Lyon, a global complex for innovation in Singapore and several satellite offices in different regions. In each country, an INTERPOL [National Central Bureau \(NCB\)](#) provides the central point of contact for the General Secretariat and other NCBs. An NCB is run by national police officials and usually sits in the government ministry responsible for policing. The [General Assembly](#) is our governing body and it brings all countries together once a year to take decisions. **Connecting police.** We connect all our countries via a communications system called I-24/7. Countries use this secure network to contact each other, and the General Secretariat. It also allows them to access our databases and services in real-time, from both central and remote locations. We also coordinate networks of police and experts in different crime areas, who come together through working groups and at conferences to share experiences and ideas. **What we do.** The General Secretariat provides a range of expertise and services to our member countries. We manage 18 police databases with information on crimes and criminals (from names and fingerprints to stolen passports), accessible in real-time to countries. We offer investigative support such as forensics, analysis, and assistance in locating

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<sup>124</sup> INTERPOL (2021) *What is INTERPOL?* Available from: <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL> [Accessed March 22, 2021] **Copyright © INTERPOL** All rights reserved.

fugitives around the world. Training is an important part of what we do in many areas so that officials know how to work efficiently with our services. This expertise supports national efforts in combating crimes across three global areas we consider the most pressing today; terrorism, cybercrime and organized crime. Officials working in each specialized crime area run a variety of different activities alongside member countries. This can be investigative support, field operations, training and networking. Importantly, since crimes evolve, we keep an eye on the future through research and development in international crime and trends”” (INTERPOL, 2021, <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL>). © Interpol

<sup>125</sup> ““*Partnerships against smuggling*. Cross-sector coordination is essential for sustainable action against migrant smuggling.

### Partners

We work with a number of international organizations who are also involved in the fight against people smuggling, including:

- Europol
- Frontex
- International Organization for Migration
- United Nations Office on Drugs and Crime

On the ground, we also work with a number of NGOs and social services to ensure migrants receive appropriate care and are protected throughout law enforcement and judicial processes.

Private sector partners play a key role in preventing, identifying and reporting suspected cases of migrant smuggling. For this reason, we have built strong relationships with financial institutions, transportation and online service providers.

### Global conference

The Global Conference on Human Trafficking and Migrant Smuggling is an annual event, which brings together experts from law enforcement, the public and private sectors, non-governmental and international organizations to share and develop practices against the international groups

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<sup>125</sup> INTERPOL (2021) *People Smuggling*. Available from: <https://www.interpol.int/en/Crimes/People-smuggling>  
[Accessed March 22, 2021] Copyright © INTERPOL All rights reserved.



behind smuggling and trafficking” (INTERPOL, 2021, <https://www.interpol.int/en/Crimes/People-smuggling>). © Interpol The conclusion of this chapter will be discussed in the next section

## **7.8 Conclusion**

One of the most inhumane ways of making money is the use of human trafficking and people smuggling methods. It can therefore be concluded that society has a critical role to play in combating this global crime called human trafficking through partnering with international organizations that are dedicated towards apprehending the criminals involved in this unjust activity. Human trafficking is now being experienced in all parts of the world and it has become a never-ending international crisis. It can therefore be concluded that human conflict and poverty are some of the key push factors behind the forced migration of people around the world.

## **7.9 Review questions**

- 1) Explain the following terms ‘human trafficking’ and ‘negative consequences’?
- 2) Describe the difference between human trafficking and people smuggling?
- 3) Highlight the various ways to help victims of human trafficking?
- 4) Identify what is people smuggling?
- 5) Give a brief background on people smuggling trends around the world?
- 6) Explain the organizations involved in the fight against people smuggling and the current efforts to combat people smuggling?

# Chapter 8: Celebrating World Human Rights Day & Global Peace

After reading this chapter you should be able to:

- Describe the following terms ‘celebrate and ‘world’.
- Describe ‘World Human Rights Day’.
- Discuss how to celebrate Human Rights Day as citizens of a country.
- Identify the various ways schools or universities can celebrate Human Rights Day.
- Explain what is ‘peace’.
- Describe the ‘International Peace Day’.

## 8.1 Introduction

An accomplishment must be celebrated regularly and therefore this ends up making the celebration of accomplishments or victories a tradition that society follows. *A human being becomes whole or complete when they have the ability to enjoy basic human rights thus this puts more emphasis on the issue of making the respect for human rights an integral part of the development of mankind. One of the basic rights of mankind is the ability to enjoy, maintain and promote peace* (Rudolph. Patrick. T. Muteswa, 2021). A peaceful environment is conducive for growth, education, productivity and reconciliation. Peace can easily be destroyed by mankind’s poor choices, greed, ignorance and cruelty. While on the other hand it is easier for any individual, country or organization to create peace and maintain it until eternity via investing in the following: (1) ethical and good governance practices educational programs, (2) good relationships (*domestic & foreign*), (3) entrenching a culture of love/tolerance, (4) respecting human rights, (5) the rule of law and (6) the promotion of peace via word-of-mouth by political/business/respected opinion leaders amongst their followers in a society. The definition of terms will be covered in the following section.

## 8.2 Definition of the following terms ‘celebrate’ and ‘world’

Words become easier to grasp if what they mean is properly defined in a much simpler manner by authors to clearly highlight the logic of whatever they intend to communicate to readers. “The

term ‘*celebrate*’ refers to the carrying-out of planned and well designed fun activities to commemorate a positive result or a worthy accomplishment in life” (Rudolph. Patrick. Tawanda. Muteswa, 2021). In addition the definition of the term ‘*world*’ refers to everything that we see and touch from the North, South East or West in all the countries (Rudolph. Patrick. Tawanda. Muteswa, 2021). The next section will discuss in-depth aspects related to Human Rights Day.

### **8.3 World Human Rights Day**

““[Human Rights Day](#). Human Rights Day is observed by the international community every year on 10 December. It commemorates the day in 1948 the United Nations General Assembly adopted the [Universal Declaration of Human Rights](#). The formal inception of Human Rights Day dates from 1950, after the Assembly passed resolution 423 (V) inviting all States and interested organizations to adopt 10 December of each year as Human Rights Day. When the General Assembly adopted the Declaration, it was proclaimed as a "common standard of achievement for all peoples and all nations", towards which individuals and societies should "strive by progressive measures, national and international, to secure their universal and effective recognition and observance". The Universal Declaration of Human Rights sets out a broad range of fundamental rights and freedoms to which all of us are entitled. It guarantees the rights of every individual everywhere, without distinction based on nationality, place of residence, gender, national or ethnic origin, religion, language, or any other status. Although the Declaration is not a binding document, it inspired more than 60 [human rights instruments](#) which together constitute an international standard of human rights. Today the general consent of all United Nations Member States on the basic Human Rights laid down in the Declaration makes it even stronger and emphasizes the relevance of Human Rights in our daily lives. The [High Commissioner for Human Rights](#), as the main United Nations rights official, and the Office of the High Commissioner play a major role in coordinating efforts for the yearly observation of Human Rights Day””<sup>126</sup> (The Office of the High Commissioner for Human Rights, 2021,

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<sup>126</sup> “From [*Human Rights Day*], by [The Office of the High Commissioner for Human Rights,<https://www.ohchr.org/en/aboutus/pages/humanrightsdays.aspx#:~:text=Human%20Rights%20Day%20is%20observed,Universal%20Declaration%20of%20Human%20Rights>]. ©United Nations [2021]. April 24, 2021.

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<https://www.ohchr.org>). The next section will deal with how to celebrate Human rights day as a country.

## **8.4 How to celebrate Human Rights Day as citizens of a country**

The various effective ways to celebrate Human Rights Day were clearly highlighted in an article authored by the United Nations 1995 – 2021. “**Introduction.** <sup>127</sup>This paper has been developed in the framework of the United Nations Decade for Human Rights Education (1995-2004) by a group of human rights education experts from the five continents, who met in January 1997 at the United Nations High Commissioner/Centre for Human Rights in Geneva, as their contribution to the preparations for the 50th Anniversary of the Universal Declaration of Human Rights. This list is not exhaustive and it is hoped that it may serve as inspiration for other ideas which could be shared with all interested partners.

### **General Activities:**

1. Logo: Develop a national UDHR 50th Anniversary logo for widespread general use (e.g., public documents, publications, banners, tee shirts, pins).
2. Postage stamp and coins: Issue UDHR 50th Anniversary commemorative postage stamp and coins.
3. "A UDHR in every pocket": During the anniversary year, make one-page copies of the UDHR available in every public place (e.g., post offices, libraries, polling places, schools). Where possible, include in official mailings (e.g., with tax notices, telephone bills). Include a copy when issuing public documents (e.g., marriage licences, birth certificates, driver's licences, passports, telephone books, telephone cards, etc.). Reproduce the Declaration using various formats (bookmarks, brochures, etc.). Introduce the Declaration into everyday life by printing the entire text/selected articles on public transit, milk containers, etc.
4. A UDHR 50th Anniversary national calendar: Select two or three UDHR articles on which to focus each month during the anniversary year. Coordinate these with local, national, and

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<sup>127</sup> From [*Introduction*], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/Education/Training/Pages/50ideas.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

international holidays (e.g., Article 15 during the month of a national independence day; Article 18 during a religious holiday period; Article 23 in May).

5. A UDHR 50th Anniversary award (annual award): Institute an award honouring national human rights heroes/defenders. These might be categorized by specific areas (e.g., an "Article 14 award" for contributions to refugee rights). Interested organizations would be best able to find ways to honour the contributions of local human rights heroes. Celebrate your own heroes, particularly the un-sung ones. Invite leaders, peace laureates, and others who have struggled publicly and internationally for human rights to your country to be honoured<sup>128</sup>.

6. An international moment for the UDHR: Plan a specific date and time, perhaps on 10 December 1998, at 12 noon, when all citizens will honour the UDHR. Let citizens across the country unite in a common symbolic action (e.g., lighting of candles, a moment of silence, ringing of bells or sirens, raising of flag, half-an-hour human rights programmes at schools, concerts for children).

7. "Human rights communities": Encourage communities or sectors of all sizes (e.g., a village, a school, a university, a workplace, a senior citizens' centre) to declare themselves to be "human rights communities". As such they will promote the observance of and respect for human rights and evaluate how their community lives up to the standards set out in the UDHR. These may form into a network of "human rights communities".

8. "Human rights spaces": Dedicate a "human rights space" for UDHR 50th Anniversary activities in every village, town, or city neighbourhood (e.g., a meeting hall, a gallery, a display area or bulletin board at the market, a public garden). Individuals or community groups could use it in a variety of ways to express/illustrate/discuss how they experience human rights in their professional, religious, cultural, or personal lives.

9. Human rights walkways/murals: Designate a public walkway where each article of the UDHR is illustrated in some way. Such a walkway might be designed around sculpture, stepping stones through a public garden, or graphics in any frequently used public place (e.g., transportation centers, shopping areas, sports centers). Murals could also be developed.

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<sup>128</sup> From [Introduction], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/Education/Training/Pages/50ideas.aspx>]. © Office of the United Nations High Commissioner for Human Rights [2021]. June 01, 2021. Reprinted with the permission of the United Nations.”

10. UDHR "Travelling textbooks": Paint or decorate public vehicles (e.g., trains, streetcars, utility vehicles) with UDHR celebration information; a fleet of vehicles or series of train cars could each bear a different article of the UDHR. Offer an award for original design (e.g., the best decorated UDHR taxi).
11. December 10 -public holiday: Declare December 10 a public holiday (each year from 1997 onwards).
12. Public readings: Organize public readings of the UDHR (in schools, parliaments, meetings of ministers, markets, etc.).
13. Twinings: Organize twinings between countries/cities or sectors in different countries which will contribute to raising the profile of activities in the respective countries in order to share ideas and to provide mutual support for twinned entities.
14. Fund-raising: Fund-raise for national/international human rights funds (as a part of national income)<sup>129</sup> (Office of the United Nations High Commissioner for Human Rights, 1995 – 2004, <https://www.ohchr.org/EN/Issues/Education/Training/Pages/50ideas.aspx>). “Reprinted with the permission of the United Nations.” In the following section the various ways schools or universities can celebrate Human Rights Day will be covered in-depth.

## **8.5 Various ways schools or universities can celebrate Human Rights Day**

<sup>130</sup>“10 Ways to Celebrate Human Rights Day on December 10. On December 10th, 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, a groundbreaking document which outlined the 30 fundamental rights that people are entitled to across the world. In celebration, December 10th has been named Human Rights Day; how is your Campus Chapter going to celebrate it? Here at UNA, our resident team of college interns has come up with 10

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<sup>129</sup> From [Introduction], by [Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/Education/Training/Pages/50ideas.aspx>]. © Office of the United Nations High Commissioner for Human Rights [1995-2004]. June 01, 2021. Reprinted with the permission of the United Nations.”

<sup>130</sup> United Nations Association of the United States of America (2019) *10 Ways to Celebrate Human Rights Day*. Available from: <https://unausa.org/10-ways-to-celebrate-human-rights-day-on-december-10/> [Accessed March 21, 2021]

great suggestions for celebrating Human Rights Day on your campus. In addition to supporting UN campaigns like [Free and Equal](#) and [He for She](#), you can:

1. Pass a student government resolution: Work with a member of your student government or student council to pass a resolution in honor of Human Rights Day.
2. Write an op-ed or article in your school's newspaper: School newspapers can be a great place to talk about the importance of human rights around the world.
3. Stage a public reading: Set up a microphone in your student center or, if the weather's right, outside and read the Universal Declaration of Human Rights in full.
4. Set up a free expression wall: Set up a blank wall or giant piece of paper and encourage your friends to write about what human rights mean to them.
5. Make a viral video about human rights day: Film your UNA chapter to celebrate human rights and put the video online: it'll go viral in a matter of minutes.
6. Start a campaign: Encourage your friends to change their profile pictures to an individualized Human Rights Day banner.
7. Hand out t-shirts and other gear: If you have the funds, buy t-shirts, sunglasses, or even 90's-style sweatbands featuring a slogan about human rights to give to your classmates.
8. Coordinate an extra-credit lecture: Work with professors in the history department, the law school, or the international relations program to host a lecture about human rights, and work with other professors in the department to get attendees extra credit—trust us, your friends will thank you.
9. Hold a candlelight vigil or other commemorative event: While it's important to have fun, human rights are serious business. Consider holding a vigil or other event to commemorate those who have suffered human rights abuses and those whose human rights are still violated.
10. Hold a talent show, dance, or party: Big social events are a great way to bring awareness to an issue, so why not have a human rights-themed party?

Human Rights Day is awfully close to time for final exams, so commemorate it earlier or later if it works better for your campus””<sup>131</sup> (United Nations Association of the United States of America, 2019, <https://unausa.org/10-ways-to-celebrate-human-rights-day-on-december-10/>).

The following section will deal with the meaning of the term peace in-depth.

## 8.6 What is ‘peace’

<sup>132</sup>“We are in a special time when peace is most needed. The good thing is that we can all contribute to it. The truth is that we all benefit from peace for our own wellbeing. And, peace can be achieved even in home with family and at work place with co-workers. We know that peaceful people live much happier lives than others. Peace, inner peace, or peace of mind is a state of being mentally, emotionally, and spiritually at peace in face of daily stresses, anxieties, worries, disturbances, and chaos. It is consciously keeping our mind at peace regardless of external circumstances, including what people might think or say about us. **How can I achieve peace?** Every day, there are many ways to accomplish that, including practicing:

- Gratitude
- Meditation
- Patience
- Listening
  
- Exercising
- Forgiveness
- Relaxation
- Caring for others
  
- Clearing the mind

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<sup>131</sup> United Nations Association of the United States of America (2019) *10 Ways to Celebrate Human Rights Day*. Available from: <https://unausa.org/10-ways-to-celebrate-human-rights-day-on-december-10/> [Accessed March 21, 2021]

<sup>132</sup> Peace Worldwide Organization (P.W.O) (2021) *Peace Now!* Available from: [http://reports.peaceworldwide.org/peace-now/?gclid=Cj0KCQjw--GFBhDeARIsACH\\_kdZZGgCKiZamrlBwpUTLKVUXrX9NXbBVGPKOkL7CTwCni1r2IISYjdAaAluIEALw\\_wcB](http://reports.peaceworldwide.org/peace-now/?gclid=Cj0KCQjw--GFBhDeARIsACH_kdZZGgCKiZamrlBwpUTLKVUXrX9NXbBVGPKOkL7CTwCni1r2IISYjdAaAluIEALw_wcB) [Accessed June 03, 2021]



- Thinking before speaking
- Reasoning before responding
- Loving adversaries”<sup>133</sup> (Peace Worldwide Organization, 2021, [http://reports.peaceworldwide.org/peace-now/?gclid=Cj0KCQjw--GFBhDeARIsACH\\_kdZZGgCKiZamrlBwpUTLKVUXrX9NXbBVGPkOkL7CTwCni1r2IISYjdAaAluIEALw\\_wcB](http://reports.peaceworldwide.org/peace-now/?gclid=Cj0KCQjw--GFBhDeARIsACH_kdZZGgCKiZamrlBwpUTLKVUXrX9NXbBVGPkOkL7CTwCni1r2IISYjdAaAluIEALw_wcB)).<sup>134</sup>“**Defining the concept of peace.** In this excerpt from our IEP Peace Academy, learn why understanding the different definitions of peace is crucial for peacebuilders. There are two common conceptions of peace — **Negative Peace**, or actual peace, and **Positive Peace**. IEP’s definition of **Negative Peace** is understood as ‘the absence of violence or fear of violence — an intuitive definition that many agree with, and one which enables us to measure peace more easily. **Positive Peace** provides a framework to understand and address the many complex challenges the world faces. Positive Peace provides a framework to understand and then address the multiple and complex challenges the world faces. Positive Peace is transformational in that it is a cross-cutting factor for progress, making it easier for businesses to sell, entrepreneurs and scientists to innovate, individuals to produce, and governments to effectively regulate. In addition to the absence of violence, Positive Peace is also associated with many other social characteristics that are considered desirable, including better economic outcomes, measures of well-being, levels of inclusiveness and environmental performance” (Institute for Economics & Peace, 2021, <https://www.visionofhumanity.org/defining-the-concept-of-peace/>). The following section will cover aspects about the International Peace day.

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<sup>133</sup> Peace Worldwide Organization (P.W.O) (2021) *Peace Now!* Available from:

[http://reports.peaceworldwide.org/peace-now/?gclid=Cj0KCQjw--GFBhDeARIsACH\\_kdZZGgCKiZamrlBwpUTLKVUXrX9NXbBVGPkOkL7CTwCni1r2IISYjdAaAluIEALw\\_wcB](http://reports.peaceworldwide.org/peace-now/?gclid=Cj0KCQjw--GFBhDeARIsACH_kdZZGgCKiZamrlBwpUTLKVUXrX9NXbBVGPkOkL7CTwCni1r2IISYjdAaAluIEALw_wcB) [Accessed June 03, 2021]

<sup>134</sup> Institute for Economics & Peace (2021) *Defining the Concept of Peace*. Available from:

<https://www.visionofhumanity.org/defining-the-concept-of-peace/> [Accessed June 03, 2021] © 2021 Institute for Economics & Peace. All rights reserved.

## 8.7 International Peace Day

<sup>135</sup>“Each year the International Day of Peace is observed around the world on 21 September. The UN General Assembly has declared this as a day devoted to strengthening the ideals of peace, through observing 24 hours of non-violence and cease-fire. This year, it has been clearer than ever that we are not each other’s enemies. Rather, our common enemy is a tireless virus that threatens our health, security and very way of life. COVID-19 has thrown our world into turmoil and forcibly reminded us that what happens in one part of the planet can impact people everywhere. In March, UN Secretary-General António Guterres [called on all warring parties to lay down their weapons](#) and focus on the battle against this unprecedented global pandemic. While the message is intended for armed parties, solidarity and cooperation across borders, sectors and generations are also needed to win this new fight against the worst public health crisis of our time. For the United Nations, 2020 was already meant to be a year of listening and learning. To mark its 75th anniversary, the UN has invited millions of people worldwide to join [UN75](#), the largest and furthest-reaching global conversation on building the peaceful and prosperous future that we want. As we struggle to defeat COVID-19, your voice is more important than ever. In these difficult times of physical distancing, this International Day of Peace will be dedicated to fostering dialogue and collecting ideas. The world will be invited to unite and share thoughts on how to weather this storm, heal our planet and change it for the better. Even though we may not be able to stand next to each other, we can still dream together. The 2020 theme for the International Day of Peace is “Shaping Peace Together.” Celebrate the day by spreading compassion, kindness and hope in the face of the pandemic. Stand together with the UN against attempts to use the virus to promote discrimination or hatred. Join us so that we can shape peace together.

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<sup>135</sup> “From [*International Day of Peace*], by [United Nations, <https://www.un.org/en/observances/international-day-peace>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

**Background.** The International Day of Peace was established in 1981 by the United Nations General Assembly. Two decades later, in 2001, the General Assembly unanimously voted to designate the Day as a period of non-violence and cease-fire. The United Nations invites all nations and people to honour a cessation of hostilities during the Day, and to otherwise commemorate the Day through education and public awareness on issues related to peace”<sup>136</sup> (United Nations, 2021, <https://www.un.org/en/observances/international-day-peace>). The conclusion of this chapter will be covered next.

## 8.8 Conclusion

Accomplishments must be celebrated on a regular basis and generally victories on issues related to human rights must become anniversary traditions in a society to encourage repeat behavior for example celebrating Human Rights Day. It can be concluded that people must be well educated about the contents of the ‘Universal Declaration of Human Rights’ adopted by the United Nations General Assembly in 1948. In general peace is an integral part of every modern day society and it is a recognized human right as well. People around the world must continuously work together to create and maintain peace in their societies. Societal thinking that places high value toward peace building programs and the promotion of human rights will never fail in achieving national reconciliation, a reputable national image/brand and international solidarity.

## 8.9 Review questions

- 1) Explain the term ‘celebrate and ‘world’?
- 2) Discuss what is ‘World Human Rights Day’? Explain how to celebrate Human Rights Day as citizens of a country?
- 3) Outline the various ways schools or universities can celebrate Human Rights Day?

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<sup>136</sup> “From [*International Day of Peace*], by [United Nations, <https://www.un.org/en/observances/international-day-peace>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

- 4) Describe what is 'peace'?
- 5) Explain why peace is a human right?
- 6) Discuss what 'International Peace Day'?

# Chapter 9: Freedom and democracy

After reading this chapter you should be able to:

- Describe the following terms ‘freedom’ and ‘freedom of expression’. Outline the various types of freedoms.
- Briefly highlight the four basic freedoms. Identify the countries that celebrate their freedom anniversary every year.
- Discuss ‘World Press Freedom Day’.
- Describe what is ‘democracy’.
- Explain the history of democracy.
- Identify the two principles of democracy.

## 9.1 Introduction

The feeling of being free in life is self fulfilling, amazing and joyous. Generally everyone wants to be free to pursue their own dreams, day-to-day activities and or life goals. Inner peace is nurtured by freedom and happiness. Historically many people around the world worked hard to gain their freedom in their respective countries and the reason that motivated them to work hard is that they knew when people are free they can make their own choices such as choosing who to associate with, ability to speak freely, ability to assemble and so on. When people have freedom they practically possess enormous power to choose anything that relates to their way of life. Human rights are the gateway to unquestionable freedom of people in society. *“A free society is one that enjoys unrestricted freedoms, unselective rule of law and dignity”* (Rudolph. Patrick. Tawanda. Muteswa, 2021). *“Democracy is the tool that is used to develop all the basic freedoms society desires and it helps entrench the value of liberty amongst the cultural beliefs, norms and opinions of people in general”* (Rudolph. Patrick. Tawanda. Muteswa, 2021). The definition of terms will be covered in the following section.

## 9.2 Definition of the following terms ‘freedom’, ‘freedom of expression’ & ‘freedom of association’

There are several definitions of the term freedom being used in various career fields. For the purposes of this textbook the term ‘*freedom*’ means the ability to freely decide and choose your day-to-day passions, ideas, choices and rights without any restrictions (Rudolph. Patrick. Tawanda. Muteswa, 2021). “*Freedom of expression* refers to the ability of an individual or group of individuals to express their beliefs, thoughts, ideas, and emotions about different issues free from government censorship”<sup>137</sup> (Freedom Forum Institute, 2021, <https://www.freedomforuminstitute.org/about/faq/what-is-freedom-of-expression/>). *Freedom of association* occurs when citizens or entities enjoy the liberty, democracy, choice or preference to become part of a group or team that aims to achieve a goal/vision they want to be part of under the guidance of the national legislation. Generally freedom of association is usually interlinked to the liberty to join a trade union at a workplace, a political group, a religion, a social or sports club and so on. In the following section the different types of freedoms will be covered in-depth.

## 9.3 Types of freedoms

One of the first pioneers to develop the different types freedoms was Isaiah Berlin and today there are many types of freedoms that have been developed by numerous scholars across the world. In an article authored by renowned United States of America-based academic Professor & Associate Dean Peter Levine titled ‘*Six Types of Freedom*’ (2020) published on <https://peterlevine.ws/?p=12571>.<sup>138</sup> According to Peter Levine (2020) Much in the spirit of his work, I extend the list of freedoms to six:

**9.3.1. Negative liberty:** freedom from constraint in the form of tangible action against the person or her property or (much more commonly) the threat or fear of such. Because fellow human beings can threaten violence, anarchy poses dangers to negative liberty. Although

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<sup>137</sup> Freedom Forum Institute (2021) *What is Freedom of Expression?* Available from: <https://www.freedomforuminstitute.org/about/faq/what-is-freedom-of-expression/> [Accessed March 20, 2021]

<sup>138</sup> Stanford Encyclopedia of Philosophy (2016) *Positive and Negative Liberty*. Available from: <https://plato.stanford.edu/entries/liberty-positive-negative/> [Accessed March 18, 2021]

parents *must* constrain the negative liberty of their children, they can abuse that power. To combat anarchy, intra-family abuse, and other forms of violence among citizens, states are probably necessary.

*9.3.2. Positive liberty:* the freedom to do something. You are not free to travel, for example, unless you can afford a fare. Positive liberty is a matter of degree, since human beings are simply not able to do everything we want. But there may be a list of fundamental [capabilities](#) that everyone should be able to exhibit, and they require external support. You can't learn to read unless someone teaches you. If one has a meaningful right to a positive liberty (e.g., the right to read), then some other person or community has a duty to provide it; and the state may be the best means to enforce that duty.

*9.3.3. Individuality:* the freedom to develop and express a unique personality and life-story in both the public and private spheres. Individuality may require a degree of negative and positive liberty, but it also faces threats not yet mentioned. The social norms that are strongest in tight, traditional communities and the mass culture that dominates today's global society both inhibit individuality<sup>139</sup>.

*9.3.4. Freedom from manipulation:* I am treated as a means to someone else's ends when the other person sways, threatens, or pays me to do what he wants. I am treated as an end when the other person tries to decide with me what we should do. States and markets arrange people as means to each others' ends, perhaps unavoidably. Freedom (in this fourth sense) exists in ethical communities whose members treat each other as ends in themselves. Neither positive nor negative liberty guarantees such communities.

*9.3.5. Freedom to make the world (or to live in a world that we make).* Society is an artifact. We are born into the society of our ancestors, with all its flaws. But we are not compelled to replicate it. We become freer in this fifth sense the more that we design and fashion the world that we inhabit. That is a collaborative task, so it requires some limitations on negative liberty. But it is

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<sup>139</sup> Peter Levine (2020) *Six Types of Freedom*. Available from: <https://peterlevine.ws/?p=12571> [Accessed March 18, 2021]

also not the positive liberty of being *given* an education or an airplane ticket. It is a matter of active co-creation.

**9.3.6. *Equanimity*:** freedom from the dread, doubt, disquiet, and sorrow that are consequences of being vulnerable and mortal creatures who care about other fragile living things. Although it is harder to achieve equanimity under conditions of extreme duress (e.g., given a complete lack of negative or positive liberty), and although mass culture threatens equanimity, inner peace seems to have different conditions. Indeed, when positive liberty means incessantly choosing consumer goods, it is incompatible with equanimity, as is individuality when it turns into narcissism, or co-creation when it becomes a vain yearning to build wholly new and permanent things (Peter Levine, 2020, <https://peterlevine.ws/?p=12571>). In the following section the four basic freedoms will be covered in-depth.

## **9.4 Four basic freedoms**

<sup>140</sup>“In 1941, President Franklin D Roosevelt gave what is now known as his [Four Freedoms Speech](#), in which he proposed four fundamental rights that he believed the entire world should enjoy. Those freedoms were the freedom of speech, freedom of worship, freedom from want and freedom from fear. Over 70 years later, on Human Rights Day, Secretary-General Ban Ki-Moon renewed the commitment to those freedoms in a modern and global context. On 6 January 1941, the United States was not yet involved in World War 2. In fact, sentiment in America was largely isolationist. President Franklin Roosevelt, in his State of the Union address broke with that tradition, citing four freedoms that he perceived as under threat from the ongoing war, and which should be protected as global and universal. In his original speech, Roosevelt defined these freedoms as follows:

1. Freedom of speech and expression, everywhere in the world.
2. Freedom of every person to worship God in his own way, everywhere in the world.

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<sup>140</sup> Armbrecht, A. (2015) *What are your four basic freedoms?* Available from: <https://www.weforum.org/agenda/2015/12/what-are-your-four-freedoms/> [Accessed March 19, 2021] ©2021 World Economic Forum



3. Freedom from want, which, translated into world terms, means economic understanding that will secure to every nation a healthy peacetime life for its inhabitants; everywhere in the world.

4. Freedom from fear, which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbour; anywhere in the world.

The president concluded that those freedoms were “no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation.” On 10 December 2015, in a special message, the secretary-general said that Human Rights Day needed a more concentrated and global approach to achieve what he called “timeless principles”. Though the challenges of today’s world are different from when the principles were first proposed, the values for which they stand still endure. <sup>141</sup>*The four freedoms, placed in the context of our contemporary global challenges are:*

1. *Freedom of expression*, which is denied to millions of people and increasingly under threat. We must defend, preserve and expand democratic practices and space for civil society. That is essential for lasting stability.

2. *Freedom of worship*. Around the world, terrorists have hijacked religion, betraying its spirit by killing in its name. Others are targeting religious minorities and exploiting fears for political gain. In response, we must promote respect for diversity based on the fundamental equality of all people and the right to freedom of religion.

3. *Freedom from want is still a relevant challenge*. World leaders adopted the [2030 Agenda for Sustainable Development](#) with the aim of ending poverty and enabling all people to live in dignity on a peaceful, healthy planet. Now we must do everything possible to realize this vision.

4. *Freedom from fear*. Millions of refugees and internally displaced people are a tragic product of the failure to fulfill this freedom. Not since the Second World War have so many people been

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<sup>141</sup> Armbrrecht, A. (2015) *What are your four basic freedoms?* Available from:

<https://www.weforum.org/agenda/2015/12/what-are-your-four-freedoms/> [Accessed March 19, 2021] ©2021 World Economic Forum

forced to flee their homes. They run from conflict, violence and injustice across continents and oceans, often risking their lives. In response, we must not close but open doors and guarantee the right of all to seek asylum, without any discrimination. Migrants seeking an escape from poverty and hopelessness should also enjoy their fundamental human rights”<sup>142</sup> (Armbrecht, A., 2015, <https://www.weforum.org/agenda/2015/12/what-are-your-four-freedoms/>). The following section will cover the reasons why freedom of expression is important.

## **9.5 Common reasons why freedom of expression is important**

There are many advantages why people must enjoy freedom of expression in society. Some of the reasons why freedom of expression is critical where highlighted in an article authored by the United Kingdom-based Media Defence (2021) titled ‘*10 reasons Freedom of Expression is Important*’ published via <https://10years.mediadefence.org/>. The 10 reasons why Freedom of Expression is important identified by the Media Defence are depicted in Figure 9.1 below.

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<sup>142</sup> Armbrecht, A. (2015) *What are your four basic freedoms?* Available from: <https://www.weforum.org/agenda/2015/12/what-are-your-four-freedoms/> [Accessed March 19, 2021] ©2021 World Economic Forum

**Figure 9.1 Ten reasons why Freedom of Expression is important**



Source: (Modified: Diagram Created by the Author Using Information Published From Media Defence, 2021, <https://10years.mediadefence.org>)

As highlighted by Figure 9.1 according to the Media Defence (2021) *10 reasons freedom of expression is important*:

1. <sup>143</sup>**Freedom of expression is a foundation for many other rights.** Freedom of expression is a human right and forms Article 19 of the Universal Declaration of Human Rights. Freedom of expression covers freedom of speech, freedom of the press, and gives individuals and communities the right to articulate their opinions without fear of retaliation, censorship or punishment. (The right to freedom of expression wouldn't be worth much if the authorities also had the right to imprison anyone who disagrees with them.) An effective media also depends on the legal basis that freedom of expression gives the right to function and report freely, sometimes critically, without threat or fear of punishment. Freedom of expression is not an absolute right: it does not protect hate speech or incitement to violence. That said, many other rights which are intrinsic to our daily lives build on and intersect with this protection for free thought and

<sup>143</sup> Media Defence (2021) *10 reasons Freedom of Expression is Important*. Available from: <https://10years.mediadefence.org/10-reasons-freedom-of-expression/> [Accessed March 19, 2021]

individual expression. Freedom of expression covers everything from satire to political campaigns to conversations in your own home. It's a fundamental human right which allows for citizens to speak freely and without interference.

**2. A free press helps inform the public.** Knowledge is power. In print, on line, or on TV or radio: without a free exchange of information, people can't be fully aware of what's going on around them and so can't meaningfully participate in their communities or democracies. Local and national reporters, bloggers and news outlets can keep people informed about what is happening in the world around them. Freedom of expression is the legal underpinning which allows people to access information about current events and matters of public interest – whether that's from large media companies, local newspapers, or from each other through citizen journalism and social media. When freedom of expression is respected and recognised the media are able to freely report on politics, economics and societal events as they occur.

**3. Informed voters = stronger democracies.** A democratic society hinges on the people being able to hold informed opinions and express them – both in voting booths and more broadly in their day-to-day lives. It's important that people are able to ask tough questions of the people in power and find out about decisions which affect them and their fellow citizens. Freedom of expression is a core value in the democratic process. It ensures people are able to discuss, exchange, and debate ideas. This human right allows individuals and communities to find information which is important to them and share it with others, without censorship or reprisals. Through the media and through public debate – on and offline – freedom of expression supports the development of informed citizens and voters<sup>144</sup>.

**4. Fairer elections = more, better democracy.** If you don't know all the facts: how do you know who to vote for? To vote for the candidate who best represents your own views, you need to have accurate information. Elections give huge amounts of power to individuals, parties and institutions, so it's crucial that the media are able to report accurately and critique the work of people who hold office – even when it is unflattering. In the run-up to elections the importance of the media is amplified. However, often in the run-up to elections, powerful individuals and institutions aim to affect votes by influencing or restricting the information people receive from

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<sup>144</sup> Media Defence (2021) *10 reasons Freedom of Expression is Important*. Available from: <https://10years.mediadefence.org/10-reasons-freedom-of-expression/> [Accessed March 19, 2021]

the media. Freedom of expression is crucial to the process of participating in a democracy. It influences everything from newspapers to social media posts and campaign adverts. By allowing voters to make their voices heard and make educated choices about the topics which matter to them, freedom of expression strengthens democracies.

**5. Discovery of truth.** It's crucial to quality journalism to be able to ask difficult questions, follow interesting stories, query inconsistencies and report accurately on the issues. By dedicating time, energy and skill to finding out what's going on in the world around us, a free press is able to bring important information out into the public arena. Accurate information is of huge importance to public debate: forming shared values and influencing policies at local, national and international levels. Investigative journalism is one of the most public-facing ways of sharing new information. Freedom of expression supports and protects the press's ability to freely research and report in the public interest.

**6. An independent press can hold powerful interests to account.** Sunlight is the best disinfectant. Independent reporting shines a light on sometimes-hidden topics and provides crucial checks and balances on powerful people and institutions. While an accurate press is not always flattering, it is crucial to hold the powerful and wealthy accountable. Public attention creates scrutiny and is a disincentive for corruption or human rights abuses. The truths that quality investigative journalism uncovers can topple governments, alter international policies, and improve human rights standards internationally. A strong, independent media ensures transparency and helps reduce maladministration. Freedom of expression protects the rights of reporters, bloggers and news outlets – and the general public – to speak critically<sup>145</sup>.

**7. Without freedom of expression: reporting is restrained.** Truth or danger? In places where freedom of expression is not respected the media face a choice: self-censor or put yourself at risk. When the media cannot accurately tell the whole story, it's impossible to achieve balanced, high quality journalism. In countries where the media are pressured to only report on things which align with the ideological or political framework: journalists are forced to self-censor. Some do not report the full story, while others choose to report on other, 'safer' topics instead.

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<sup>145</sup> Media Defence (2021) *10 reasons Freedom of Expression is Important*. Available from: <https://10years.mediadefence.org/10-reasons-freedom-of-expression/> [Accessed March 19, 2021]

While some brave journalists continue to report on topics regardless of censorship, and often risk fines, legal cases, prison sentences or violence. A respect for freedom of expression is an essential element for a functioning and accurate media<sup>146</sup>.

**8. Freedom of expression gives a platform to other human rights.** If a tree falls in the forest and no one hears it: does it make a sound? If human rights are abused and no one knows: how does anyone stop it? Freedom of expression underpins a wide variety of other human rights both directly and indirectly. Without accurate reporting many human rights abuses would not be known about, and might continue with impunity. Freedom of expression allows people to tell their stories, help advocate, and hold governments to international human rights standards. From access to information to freedom of assembly: freedom of expression allows for active participation in civil society and for that civic engagement to be heard.

**9. Marginalised and minority issues heard.** Marginalised and minority voices are, by definition, more likely to be left out of mainstream discussions. Freedom of expression guarantees individuals and groups the right to tell their own stories, without censorship or fear of attacks. Improved representation can help improve understanding and opens the door to creating better discourse and a more connected society. The right to freedom of expression also guarantees people the right to speak their opinions even when they are unpopular or go against the status quo: from ecology issues to disaster relief to speaking critically of how services such as care homes are run. Freedom of expression ensures people can advocate for themselves and others.

**10. Art, academia, comedy and more: freedom of expression protects more than just the press.** Freedom of expression doesn't begin or end with journalism. From academic study to political satire to fine art: freedom of expression underpins the right to analytical, critical and artistic engagement with the world around us. Being able to think freely, discuss and debate ideas and points of view is integral to academic study – from the arts to the sciences. To develop ideas which help us better understand our past, present and future it's essential that individuals, groups and institutions can put forward opinions, concepts and theories without fear of repercussions. From stand-up comedy, and satirical cartoons to literature, theatre and the visual

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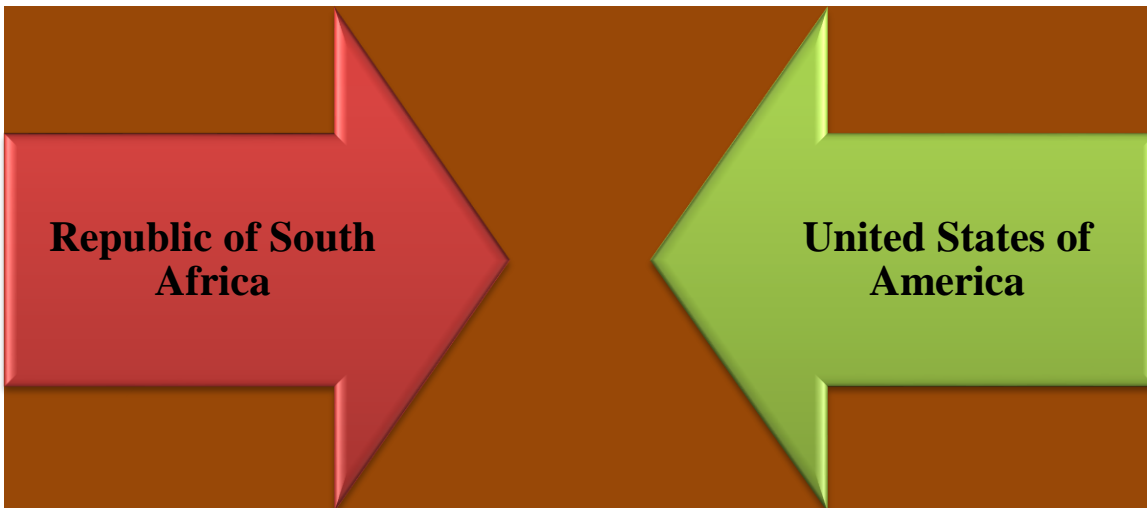
<sup>146</sup> Media Defence (2021) *10 reasons Freedom of Expression is Important*. Available from: <https://10years.mediadefence.org/10-reasons-freedom-of-expression/> [Accessed March 19, 2021]

arts: freedom of expression is a cornerstone to creating a healthy and vibrant arts culture<sup>147</sup> (Media Defence, 2021, <https://10years.mediadefence.org/10-reasons-freedom-of-expression/>). The following section will cover the various countries that celebrate Freedom anniversaries.

## 9.6 Countries that celebrate Freedom anniversaries every year

Celebrations of Freedom have become a tradition that is carried-out every year to symbolize freedom, unity and liberty that many people worked hard to accomplish to safeguard the independence of the next future generations. Several countries around the world celebrate their Freedom and a few of these countries are highlighted by Figure 9.2 below.

**Figure 9.2 Countries that celebrate Freedom Day**



Source: Diagram Created by Author Rudolph. Patrick. T. Muteswa, 2021

As depicted by Figure 9.2 examples of countries that carry-out Freedom anniversaries include:

### 9.6.1 Republic of South Africa

Today the Republic of South Africa is Africa's largest and unquestionable economic powerhouse which is: (1) rich in culture, natural resources and diversity, (2) home to globally ranked and Africa's highly advanced tertiary institutions that are highly oriented towards conducting research, innovation & teaching with the aim to uplift (*academic literacy, global peace, societal*

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<sup>147</sup> Media Defence (2021) *10 reasons Freedom of Expression is Important*. Available from: <https://10years.mediadefence.org/10-reasons-freedom-of-expression/> [Accessed March 19, 2021]

*development, science & technology, international trade, food security, climate change literacy, the promotion & protection of human rights/democracy, good ethics & governance principles in the global society & so on*) and positively impact the global population and the progress of humanity, (3) home to the world's most beautiful and globally ranked tourist attraction destinations that are supported by a thriving world class hospitality & hotel industry, (4) ranked as one of the most attractive foreign direct investment (*FDI*) destination in the world which is accompanied by a world class infrastructure network (*such as railway, roads, sea ports and airports*) that has over the past number of years successfully managed to position the continent of Africa as a growing and highly conducive foreign direct investment destination.<sup>148</sup>“Freedom Day is an annual celebration of South Africa's first non-racial democratic elections of 1994. Peace, unity, the preservation and the restoration of human dignity hallmarks Freedom Day celebrations on the 27th of April of each year. The road to democracy was a long and difficult one. When South Africa was liberated both the oppressor and oppressed were liberated. South Africans are "One people with one destiny". It is therefore imperative for South Africans of diverse political and economic backgrounds to work towards a common objective” (University of KwaZulu-Natal, 2021, <https://scnc.ukzn.ac.za>).

### 9.6.2 United States of America

<sup>149</sup>“**National Freedom Day A Local Legacy.** *What holiday is celebrated on February 1? It's National Freedom Day. The purpose of this holiday is to promote good feelings, harmony, and equal opportunity among all citizens and to remember that the United States is a nation dedicated to the ideal of freedom. Major Richard Robert Wright Sr., a former slave, fought to have a day when freedom for all Americans is celebrated. When Wright got his freedom, he went on to become a successful businessman and community leader in Philadelphia, Pennsylvania. Major Wright chose February 1 as National Freedom Day because it was the day in 1865 that President Lincoln signed the 13th Amendment to the Constitution. Do you know what the 13th*

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<sup>148</sup> University of KwaZulu-Natal (2021) *Freedom Day Celebrations 27th April*. Available from: <https://scnc.ukzn.ac.za/doc/soc-cult/holidays/freedomday.htm> [Accessed March 19, 2021]

<sup>149</sup> Library of Congress (2021) *National Freedom Day A Local Legacy*. Available from: [www.americaslibrary.gov/es/pa/es\\_pa\\_free\\_1.html](http://www.americaslibrary.gov/es/pa/es_pa_free_1.html) [Accessed March 19, 2021]



Amendment did? This amendment, an important change to our written law, outlawed slavery in the United States. Wright gathered national and local leaders together to write a bill declaring February 1 "National Freedom Day" and President Harry Truman signed the bill in 1948 making it official” (Library of Congress, 2021, [www.americaslibrary.gov/es/pa/es\\_pa\\_free\\_1.html](http://www.americaslibrary.gov/es/pa/es_pa_free_1.html)). In the following section aspects about World Press Freedom Day will be discussed in-depth.

## 9.7 Celebrating ‘World Press Freedom Day’

<sup>150</sup> ““*World Press Freedom Day*. 3 May acts as a reminder to governments of the need to respect their commitment to press freedom and is also a day of reflection among media professionals about issues of press freedom and professional ethics. Just as importantly, World Press Freedom Day is a day of support for media which are targets for the restraint, or abolition, of press freedom. It is also a day of remembrance for those journalists who lost their lives in the pursuit of a story. [More](#)

**WORLD PRESS FREEDOM DAY 2021.** This year’s World Press Freedom Day theme “Information as a Public Good” serves as a call to affirm the importance of cherishing information as a public good, and exploring what can be done in the production, distribution and reception of content to strengthen journalism, and to advance transparency and empowerment while leaving no one behind. The theme is of urgent relevance to all countries across the world. It recognizes the changing communications system that is impacting on our health, our human rights, democracies and sustainable development. To underline the importance of information within this new ecosystem, WPF 2021 will highlight three key topics:

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- Steps to ensure the economic viability of news media;
  - Mechanisms for ensuring transparency of Internet companies;
  - Enhanced Media and Information Literacy (MIL) capacities that enable people to recognize and value, as well as defend and demand, journalism as a vital part of information as a public good”

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<sup>150</sup> UNESCO (2021) *World Press Freedom Day*. Available from:

<https://en.unesco.org/commemorations/worldpressfreedomday> [Accessed March 19, 2021] ©UNESCO

(UNESCO, 2021, <https://en.unesco.org/commemorations/worldpressfreedomday>). The following section will cover the definition of the term democracy in-depth.

## 9.8 What is democracy

*“A mindset that appreciates and knows the benefits of tolerance and criticism in a society will prevail in promoting democracy and human rights”* (Rudolph. Patrick. Tawanda. Muteswa, 2021). *““What is Democracy? The word democracy comes from the Greek words "demos", meaning people, and "kratos" meaning power; so democracy can be thought of as "power of the people": a way of governing which depends on the will of the people. There are so many different models of democratic government around the world that it is sometimes easier to understand the idea of democracy in terms of what it definitely is not. Democracy, then, is not autocracy or dictatorship, where one person rules; and it is not oligarchy, where a small segment of society rules. Properly understood, democracy should not even be "rule of the majority", if that means that minorities' interests are ignored completely. A democracy, at least in theory, is government on behalf of all the people, according to their "will"””*<sup>151</sup> (Council of Europe, 2021, <https://www.coe.int/en/web/compass/democracy>). *“The greatest weapon towards achieving democracy by any leader in politics or business is tolerance towards constructive criticism, solidarity, cooperation and acting in good faith”* (Rudolph. Patrick. Tawanda. Muteswa, 2021). In the following section the history of democracy will be discussed in-depth.

## 9.9 History of democracy

The history of democracy is long in general. *““The development of democracy. Ancient history. The ancient Greeks are credited with creating the very first democracy, although there were almost certainly earlier examples of primitive democracy in other parts of the world. The Greek model was established in the 5th century BC, in the city of Athens. Among a sea of autocracies and oligarchies – which were the normal forms of government at the time – Athenian democracy stood out. However, compared to how we understand democracy today, the Athenian model had two important differences:*

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<sup>151</sup> Council of Europe (2021) *Democracy*. Available from: <https://www.coe.int/en/web/compass/democracy>

[Accessed March 20, 2021] © Council of Europe

1. There was a form of direct democracy – in other words, instead of electing representatives to govern on the people's behalf, "the people" themselves met, discussed questions of government, and then implemented policy.

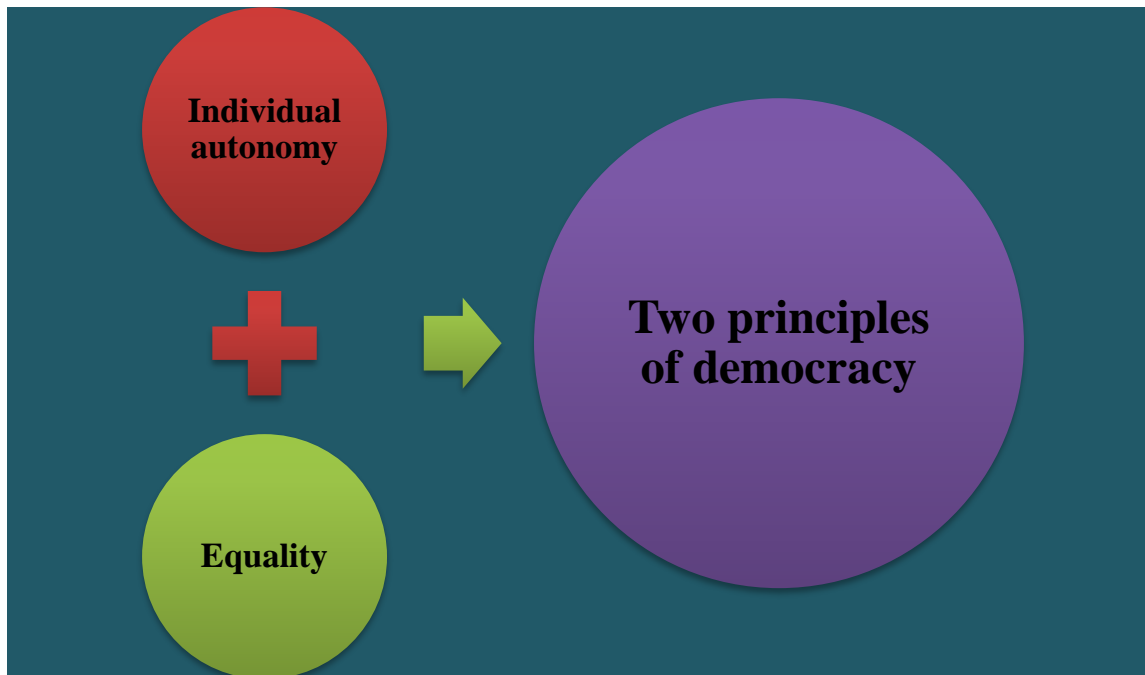
*Democracy is not the law of the majority, but the protection of the minority - Albert Camus.*

2. Such a system was possible partly because "the people" was a very limited category. Those who could participate directly were a small part of the population, since women, slaves, aliens – and of course, children – were excluded. The numbers who participated were still far more than in a modern democracy: perhaps 50,000 males engaged directly in politics, out of a population of around 300,000 people”” (Council of Europe, 2021, <https://www.coe.int/en/web/compass/democracy>). The following section will deal with aspects related to the two principles of democracy.

## **9.10 Two principles of democracy**

The various principles of democracy are depicted by Figure 9.3 below.

**Figure 9.3 Two principles of democracy**



“Author’s diagram inspired by website of Council of Europe <https://www.coe.int/en/web/compass/democracy>”

<sup>152</sup>“The idea of democracy derives its moral strength – and popular appeal – from two key principles:

1. **Individual autonomy:** The idea that no-one should be subject to rules which have been imposed by others. People should be able to control their own lives (within reason).
2. **Equality:** The idea that everyone should have the same opportunity to influence the decisions that affect people in society.

These principles are intuitively appealing, and they help to explain why democracy is so popular. Of course we feel it is fair that we should have as much chance as anyone else to decide on common rules! The problems arise when we consider how the principles can be put into practice, because we need a mechanism for deciding how to address conflicting views. Because it offers a simple mechanism, democracy tends to be "rule of the majority"; but rule of the majority can

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<sup>152</sup> Council of Europe (2021) *Democracy*. Available from: <https://www.coe.int/en/web/compass/democracy>

[Accessed March 20, 2021] © Council of Europe

mean that some people's interests are never represented. A more genuine way of representing everyone's interests is to use decision making by consensus, where the aim is to find common points of interest”” (Council of Europe, 2021, <https://www.coe.int/en/web/compass/democracy>). The conclusion of this chapter will be covered next.

## **9.11 Conclusion**

When people in a society are freely doing what they feel is right for them at any given time or anywhere (within reason) they are considered to be enjoying freedom. One of the most significant human rights in this modern day world is freedom and in general the Universal Declaration of Human Rights clearly recognizes freedom of expression as a right that people in different parts of the world must enjoy in their day-to-day activities. Anniversaries of Freedom have highly valued symbolic meaning in certain countries for instance in South Africa and the United States of America they have a tradition of celebrating them. It can therefore be concluded that the interests of both the majority and minority people in a society must offer a win-win solution to both parties to uphold equality/dignity for all.

## **9.12 Review questions**

- 1) Explain the term ‘freedom’ and ‘freedom of expression’? List the various types of freedoms?
- 2) Giving examples briefly highlight the four basic freedoms? Describe the countries that celebrate their freedom anniversary every year?
- 3) Explain what is ‘World Press Freedom Day’?
- 4) Discuss what is ‘democracy’?
- 5) Describe the history of democracy?
- 6) Discuss the two principles of democracy?

# Chapter 10: Sanctions

After reading this chapter you should be able to:

- Describe the following terms ‘sanctions’ and ‘embargo’.
- Highlight the distinction between ‘sanctions’, an ‘embargo’ and a ‘regime’.
- Explain the different types of sanctions.
- Discuss why sanctions are imposed on countries, individuals and groups.
- Describe why companies must be aware about sanctions.
- Outline the various global sanctions currently imposed on nations.

## 10.1 Introduction

*“Humanity prevails when mankind is led by love, peace, unity, respect for human rights and the rule of law as this ultimately repels all the different forms of social injustices that are found in this world that attract international condemnation”* (Rudolph Patrick. Tawanda. Muteswa, 2021). *“Humanity that is surrounded by love, innovativeness, peaceful thinking and national building ultimately wins its goals of respecting human rights, democratic principles and basic freedoms”* (Rudolph Patrick. Tawanda. Muteswa, 2021). Countries and corporations around the world have now joined hands together to move towards a future where peace prevails and human life is valued in a dignified manner. One of the most strategic instruments used by international world bodies nowadays to avoid disrupting peace in a country is ‘sanctions’ and they have become an alternative of civil conflict. *“Human life is precious, sacred, irreplaceable, majestic, glorified and beyond imagination therefore this is why it must enjoy all the various forms of human rights and freedoms”* (Rudolph Patrick. Tawanda. Muteswa, 2021). In general sanctions do not only target a country and it is important to point-out the fact that there are certain types of sanctions that target corporations and individuals as well. Several school of thoughts have emerged over the past number of years to thoroughly analyse/cover the issue of sanctions in terms of their origins, why they are imposed and the various activities that can be carried-out by countries, individuals and corporations to avoid attracting sanctions that are issued by international world bodies. *“Greed is the main root that creates the desire of seeking unjust means to acquire wealth and a good example is corruption thus it becomes an issue of moral choice for individuals to avoid such punitive deeds in this modern day society”* (Rudolph.

Patrick. Tawanda. Muteswa, 2021). It is important to highlight a critical factor that ‘*most of the different types of sanctions are removable*’ after certain conditions have been fulfilled. “*Typical good examples of nations that have successfully positioned their national brands on the wall of legends and secured a prosperous future as a result of unity, embracing love, outstanding good global relations, embracing the journey of attaining equality and the promotion/protection of human rights and the rule of law include: the United States of America, Canada, Republic of India, Australia, Republic of South Africa, United Kingdom, Federal Republic of Germany, France (French Republic), Switzerland, Kingdom of Belgium, Kingdom of The Netherlands, New Zealand, Republic of Finland, Italy (Italian Republic), Kingdom of Sweden, Kingdom of Norway, Republic of Croatia, Republic of Austria, Greece (the Hellenic Republic), Luxembourg (the Grand Duchy of Luxembourg), Portugal, Kingdom of Spain, the Czech Republic and so on. A legacy of peace, unity, economic wisdom & morality is what these beautiful great nations are enjoying in the present day*” (Rudolph. Patrick. Tawanda. Muteswa, 2021). The following section will cover the definition of sanctions and an embargo in-depth.

## **10.2 Definition of the following terms ‘sanction’ and ‘embargo’**

There are various definitions that have been developed by academics/experts to simplify the meaning of the term sanctions.<sup>153154</sup> According to the Charter of the United Nations Article 41 cited in Australian Government Department of Foreign Affairs and Trade (2021) *The Charter of the United Nations* does not expressly define 'sanctions', but Article 41 is generally understood as providing a definition. It refers to:

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<sup>153</sup> Australian Government Department of Foreign Affairs and Trade (2021) *About Sanctions*. Available from: <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions> [Accessed March 19, 2021]  
© Commonwealth of Australia 2021.

<sup>154</sup> “From [*Charter of the United Nations. Chapter VII — Action with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression - Article 41*], by [United Nations, <https://legal.un.org/repertory/art41.shtml>].  
©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

'measures not involving the use of armed force', including a 'complete or partial interruption of economic relations.'

The Explanatory Memorandum to the *Autonomous Sanctions Bill 2010* does expressly define 'sanctions' as:

'measures not involving the use of armed force' imposed 'in situations of international concern', including 'the grave repression of the human rights or democratic freedoms of a population by a government, or the proliferation of weapons of mass destruction or their means of delivery, or internal or international armed conflict.' Sanctions impose restrictions on activities that relate to particular countries, goods and services, or persons and entities (Australian Government Department of Foreign Affairs and Trade, 2021, <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions>).<sup>155</sup><sup>156</sup>“UN sanctions. Sanctions apply pressure to countries that threaten peace, have harmful policies or don’t cooperate with international law. Sanctions can also apply to individual people or companies. United Nations sanctions logo. Sanctions are a common tool for seeking to influence foreign governments and individuals to change their behaviour. The United Nations Security Council (UNSC) can impose sanctions in response to a threat to international peace and security” (United Nations cited in New Zealand Government Ministry of Foreign Affairs and Trade, 2021, <https://www.mfat.govt.nz/en/peace-rights-and-security/un-sanctions/>).<sup>157</sup>According to the European Commission (2021) Restrictive measures (sanctions) are an essential tool in the EU’s common foreign and security policy (CFSP), through which the EU can intervene where necessary to prevent conflict or respond to emerging or current crises. In spite of their colloquial

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<sup>155</sup> New Zealand Government Ministry of Foreign Affairs and Trade (2021) *UN Sanctions*. Available from: <https://www.mfat.govt.nz/en/peace-rights-and-security/un-sanctions/> [Accessed March 19, 2021] Crown copyright ©. Website copyright statement is licensed under the [Creative Commons Attribution 4.0 International licence](https://creativecommons.org/licenses/by/4.0/)

<sup>156</sup> “From [*Sanctions*], by [United Nations Security Council, <https://www.un.org/securitycouncil/sanctions/information>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>157</sup> European Commission (2021) *Restrictive Measures (Sanctions)*. Available from: [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en) [Accessed March 20, 2021] ©European Commission



name ‘sanctions’, EU restrictive measures are not punitive. They are intended to bring about a change in policy or activity by targeting non-EU countries, as well as entities and individuals, responsible for the malign behaviour at stake (European Commission, 2021, [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en)). The term or abbreviation cited in this textbook ‘UNSC’ refers to the ‘United Nations Security Council’ while on the other hand the term ‘OFAC’ refers to the United States Government’s Department of the Treasury ‘The Office of Foreign Assets Control’<sup>158159</sup>(US Government Department of the Treasury, *Office of Foreign Assets Control*, 2021, <https://home.treasury.gov> and United Nations Security Council, 2021, <https://www.un.org/securitycouncil/sanctions/information>). ©United Nations [2021]. The following section will cover the different types of sanctions.

### **10.3 Distinction between ‘sanctions’, an ‘embargo’ & ‘regime’**

There is a popular misconception that the term sanctions is similar to an embargo while this viewpoint is wrong both terms issue some form of restrictions when implemented. The difference between sanctions and an embargo is highlighted in Table 10.1 below.

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<sup>158</sup> US Government Department of the Treasury (2021) *Office of Foreign Assets Control - Sanctions Programs and Information*. Available from: <https://home.treasury.gov/policy-issues/office-of-foreign-assets-control-sanctions-programs-and-information> [Accessed March 21, 2021]

<sup>159</sup> “From [*Sanctions*], by [United Nations Security Council, <https://www.un.org/securitycouncil/sanctions/information>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

**Table 10.1 Distinction between ‘sanctions’, an ‘embargo’ and a ‘regime’**

<b>Sanctions</b>	<b>Embargo</b>	<b>Regime</b>
<p><sup>160</sup>“They are intended to bring about a change in policy or activity by targeting non-EU countries, as well as entities and individuals, responsible for the malign behaviour at stake” (European Commission, 2021, <a href="https://ec.europa.eu/">https://ec.europa.eu/</a>).</p> <p><sup>161</sup>“The international community can use sanctions to change the behaviour of a country or regime, in cases where that country or regime is violating human rights, waging war or endangering international peace and security” (Government of the Netherlands, 2021, <a href="https://www.government.nl">https://www.government.nl</a>).</p>	<ul style="list-style-type: none"> <li>• “<i>What is an Embargo?</i> An <i>embargo</i> is a government restriction placed on the import or export of goods, services, currency, and other values to any other country or state. It can be imposed both in war and peacetime, covering all aspects of trade and economic activity. Embargoes can be placed on specific categories of goods, scientific and technical information, transport and other services, etc.</li> <li>• In modern international relations, an embargo acts as an instrument of economic, scientific, technical, and financial pressure, aimed at forcing changes in the target state’s internal and foreign policies”<sup>162</sup> (Corporate</li> </ul>	<p><sup>163</sup>“A <i>regime</i> is a collection of sanctions measures put in place for a particular set of purposes. Regimes can be either ‘thematic’ (relating to a particular issue), or ‘geographic’ (relating to a particular country or region)” (United Kingdom Government Legislation.gov.uk, 2020, <a href="https://www.gov.uk/government/collectio ns/uk-sanctions-regimes-under-the-sanctions-act">https://www.gov.uk/government/collectio ns/uk-sanctions-regimes-under-the-sanctions-act</a>)</p>

<sup>160</sup> European Commission (2021) *Restrictive Measures (Sanctions)*. Available from: [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en) [Accessed March 20, 2021] ©European Commission

<sup>161</sup> Government of The Netherlands (2021) *Compliance with International Sanctions*. Available from: <https://www.government.nl/topics/international-peace-and-security/compliance-with-international-sanctions> [Accessed March 23, 2021]

<sup>162</sup> Corporate Finance Institute (2021) *Embargo*. Available from: <https://corporatefinanceinstitute.com/resources/knowledge/economics/embargo/> [Accessed April 08, 2021]

Finance Institute, 2021,  
<https://corporatefinanceinstitute.com>).

Source: Modified (Government of The Netherlands, 2021, <https://www.government.nl>, Corporate Finance Institute, 2021, <https://corporatefinanceinstitute.com>, United Kingdom Government Legislation.gov.uk, 2020, <https://www.gov.uk>).

The following section will clearly highlight the different types of sanctions that imposed around the world.

## 10.4 Different types of sanctions

“Types of sanctions. Sanctions vary by country and situation. Possible sanctions include:

- an arms embargo (ban on weapons, protective attire, military vehicles, etc.);
- an embargo on the import and/or export of certain goods, software and technology. For example, equipment needed to develop missiles or atomic weapons. Embargos can also cover goods that generate money for a country's leaders, like oil or timber;
- an additional permit requirement for sensitive goods, software and technology, which could be used in arms programmes;
- restrictions on loans and credit for certain people/companies;
- freezing the assets of certain people/companies;

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<sup>163</sup> United Kingdom Government Legislation.gov.uk (2020) *UK Sanctions Regimes*. Available from: <https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act> [Accessed March 21, 2021] *Foreign, Commonwealth & Development Office* © Government Legislation.gov.uk, 2020. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

• travel and visa restrictions (visa bans) for certain people”<sup>164</sup> (Government of The Netherlands, 2021, <https://www.government.nl/topics/international-peace-and-security/compliance-with-international-sanctions>). However, there are numerous types of sanctions that are implemented by various international bodies and these are depicted by Figure 10.1 below.

**Figure 10.1 Eleven types of sanctions**



Source: Modified: Diagram Created by the Author Using Information From (LexisNexis Legal & Professional, 2021; European Council of the European Union, 2021; Masters, J. and Chatzky, A., 2021; United Kingdom Government Department for International Trade and Export Control Joint Unit, 2021)

As highlighted by Figure 10.1 there are eleven different types of sanctions and these are further explained as follows:

**10.4.1 “Economic sanctions.** Economic sanctions are commercial and financial penalties that typically ban customary trade and financial relations. These penalties can include:

- levying import duties on goods to the sanctioned country
- restricting the export of particular goods from the country

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<sup>164</sup> Government of The Netherlands (2021) *Compliance with International Sanctions*. Available from: <https://www.government.nl/topics/international-peace-and-security/compliance-with-international-sanctions> [Accessed March 23, 2021]

• blocking the sanctioned country’s ports”<sup>165</sup> (LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>). Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.<sup>166</sup> According to Masters, J. and Chatzky, A. (2021) *Economic sanctions* are defined as the withdrawal of customary trade and financial relations for foreign- and security-policy purposes (Masters, J. and Chatzky, A., 2021, <https://www.cfr.org/backgrounder/what-are-economic-sanctions>).

10.4.2 <sup>167</sup>“*Trade sanctions* are controls on:

- the import, export, transfer, movement, making available and acquisition of goods and technology
- the provision and procurement of services related to goods and technology
- the provision and procurement of certain other non-financial services
- the involvement of UK people in these activities”<sup>168</sup> (United Kingdom Government Department for International Trade and Export Control Joint Unit, 2021, <https://www.gov.uk/guidance/current-arms-embargoes-and-other-restrictions>).

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<sup>165</sup> LexisNexis Legal & Professional (2021) *Sanctions*. Available from: <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions> [Accessed March 23, 2021]

<sup>166</sup> Masters, J. and Chatzky, A. (2021) *What Are Economic Sanctions?* Available from: <https://www.cfr.org/backgrounder/what-are-economic-sanctions> [Accessed March 23, 2021]

<sup>167</sup> United Kingdom Government Legislation.gov.uk (2020) *Trade sanctions, arms embargoes, and other trade restrictions*. Available from: <https://www.gov.uk/guidance/current-arms-embargoes-and-other-restrictions> [Accessed March 21, 2021]  
*Department for International Trade and Export Control Joint Unit* ©Government Legislation.gov.uk, 2020. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

<sup>168</sup> United Kingdom Government Legislation.gov.uk (2020) *Sanctions and Anti-Money Laundering Act 2018*. Available from: <https://www.legislation.gov.uk/ukpga/2018/13/contents/enacted> [Accessed March 21, 2021]  
*Department for International Trade and Export Control Joint Unit* © Government Legislation.gov.uk, 2020. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

**10.4.3 “Extraterritorial sanctions.** What are extraterritorial sanctions? Traditionally, sanctions prohibit only a country or region’s corporations and citizens from doing business with a blacklisted entity (unlike UN sanctions, which are global by nature). However, extraterritorial sanctions (sometimes called secondary sanctions or a secondary boycott) are designed to restrict the economic activity of governments, businesses, and nationals of third countries. As a result, many governments consider these sanctions a violation of their sovereignty and of international law”<sup>169</sup> (Masters, J. and Chatzky, A., 2021, <https://www.cfr.org/backgrounder/what-are-economic-sanctions>).

**10.4.4 “Under UN or own initiative.** The EU can impose restrictive measures either on its own initiative or in order to implement UN Security Council resolutions. *UN sanctions.* The EU implements all sanctions adopted by the UN Security Council and is involved in a permanent dialogue with the UN to better coordinate EU member states' respective actions on sanctions”<sup>170</sup> (European Council of the European Union, 2021, <https://www.consilium.europa.eu/en/policies/sanctions/different-types/>). According to the United Nations Security Council cited in LexisNexis Legal & Professional (2021) *UNSC Sanctions.* UNSC sanctions comprise these types and address a number of objectives. Measures range from comprehensive economic and trade sanctions to more targeted actions, including arms embargoes, travel bans, and financial or commodity restrictions. Additionally, the UN applies sanctions to:

- support, maintain or restore international peace and security
- deter nonconstitutional changes

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<sup>169</sup> Masters, J. and Chatzky, A. (2021) *What Are Economic Sanctions?* Available from: <https://www.cfr.org/backgrounder/what-are-economic-sanctions> [Accessed March 23, 2021]

<sup>170</sup> European Council of the European Union (2021) *Different types of sanctions.* Available from: <https://www.consilium.europa.eu/en/policies/sanctions/different-types/> [Accessed March 19, 2021] © European Union, 2021

- hinder terrorism
- protect human rights
- promote nonproliferation (United Nations Security Council cited in LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>). Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.

10.4.5 “*Mixed sanctions regimes*. The EU may also reinforce UN sanctions by applying measures in addition to those imposed by the UN Security Council” (European Council of the European Union, 2021, <https://www.consilium.europa.eu/en/policies/sanctions/different-types/>).

10.4.6 “*EU autonomous sanctions*. The Council may also decide to impose sanctions on its own initiative” (European Council of the European Union, 2021, <https://www.consilium.europa.eu/en/policies/sanctions/different-types/>).

10.4.7 “*Diplomatic sanctions*. Diplomatic sanctions are political measures that aim to demonstrate displeasure with or disapproval of certain actions, stopping short of taking economic or military steps. Such sanctions generally involve reducing or removing diplomatic ties, such as eliminating embassies or cancelling high-level government meetings”<sup>171</sup> (LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>).

10.4.8 “*Military sanctions*. Military sanctions – called on only in extraordinary circumstances – involve the intervention of armed forces. Such sanctions can vary, for example, from arms embargoes to targeted military strikes” (LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>). Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.

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<sup>171</sup> LexisNexis Legal & Professional (2021) *Sanctions*. Available from: <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions> [Accessed March 23, 2021] Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.

**10.4.9 “Sport sanctions.** Sports sanctions are restrictions that prevent a country’s athletes from competing in international events. The idea behind these types of sanctions is to draw the world’s attention to the sanctioned entity and to hurt the spirit and morale of the country and its people” (LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>). Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.

**10.4.10 “Sanctions on individuals.** The UNSC can establish sanctions on political leaders or economic individuals. Sanctions against individuals might include freezing the person’s assets or imposing travel bans on them”<sup>172</sup> (LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>). Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.

**10.4.11 “Sanctions on environment.** Sanctions regarding the environment are reasonably new, but international environmental protection cooperation and efforts are ongoing given recent concerns over environmental issues. Such issues typically might apply to endangered species, environmental laws and ozone-depleting chemicals” (LexisNexis Legal & Professional, 2021, <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions>). Reproduced with permission of RELX (UK) Limited Trading as LexisNexis. The various reasons why sanctions are imposed on countries, individuals, groups and corporations will be covered in the following section.

## **10.5 Why are sanctions imposed?**

In this 21<sup>st</sup> century there are many reasons why sanctions are imposed on a country, individuals, organizations, groups and so on. According to Masters, J. and Chatzky, A. (2021) Governments and multinational bodies impose economic sanctions to try to alter the strategic decisions of state and nonstate actors that threaten their interests or violate international norms of behavior. Critics say sanctions are often poorly conceived and rarely successful in changing a target’s conduct, while supporters contend they have become more effective in

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<sup>172</sup> LexisNexis Legal & Professional (2021) *Sanctions*. Available from: <https://bis.lexisnexis.co.uk/due-diligence-and-compliance/glossary/sanctions> [Accessed March 23, 2021] Reproduced with permission of RELX (UK) Limited Trading as LexisNexis.



recent years and remain an essential foreign policy tool. Sanctions, while a form of intervention, are generally viewed as a lower-cost, lower-risk course of action between diplomacy and war. Policymakers may consider sanctions as a response to foreign crises in which the national interest is less than vital or where military action is not feasible. Leaders have, on occasion, issued sanctions while they evaluated more punitive action (Masters, J. and Chatzky, A., 2021, <https://www.cfr.org/backgrounder/what-are-economic-sanctions>).<sup>173</sup>“The United Nations (UN) and the European Union (EU) have the authority to impose international sanctions. Sanctions can be placed on countries, organisations, companies and individuals for a variety of reasons, for instance if there is a threat to international peace and security. The EU can also impose sanctions as a means of promoting peace, international security, human rights, democracy, the rule of law, and compliance with international law. Compliance with sanctions is mandatory. Sanctions do not involve military action. The purpose of sanctions is:

- to change undesirable behaviour by individuals, companies, organisations or countries;
- to limit opportunities to engage in such behaviour;
- to deter other parties from engaging in this type of behaviour.

Sanctions are meant to be temporary and preventative in nature. When the country, individual or organisation in question stops engaging in undesirable behaviour, the sanctions can be lifted” (Government of The Netherlands, 2021, <https://www.government.nl/topics/international-sanctions/policy-international-sanctions>). In the following section the reasons why companies must be fully knowledgeable about issues related to sanctions will be covered in-depth.

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<sup>173</sup> Government of The Netherlands (2021) *Policy Dutch government on international sanctions*. Available from: <https://www.government.nl/topics/international-sanctions/policy-international-sanctions> [Accessed March 19, 2021]

## 10.5 Why companies must be fully aware about sanctions

<sup>174</sup>“**The Need To Be Aware of Sanctions.** There is no excuse for those in business not being aware of all the possible ways that their activities could be affected by sanctions. This is something that may not always be immediately apparent, which is one reason why the right legal expertise can be so important. A business may not be trading directly with a country, organisation or individual that is the subject of sanctions – but that does not mean that there may still be a sanctions issue that needs to be addressed. As an example, if a company exports goods to a country that is not sanctioned but that country then re-exports those goods to a country that is sanctioned, that company is then in a chain that has breached sanctions. There may also be situations where the purchaser of a company’s goods is actually controlled by an individual or organisation that is subject to sanctions. Such circumstances outline the importance of conducting due diligence on all potential trading partners. Failure to carry out thorough, appropriate checks could lead to your business unwittingly becoming involved in attempts by others to avoid the effects of sanctions – and that can bring financial and legal difficulties. But such checks should not be limited to potential customers – they should relate to all aspects of a business. **The Importance of Due Diligence.** Due diligence involves an ongoing commitment to being aware of all sanctions that may affect your business. Failure to be aware of them can be costly. International sanctions can be complex, subject to change and can carry heavy penalties for those who breach them” (Ray, J. L. cited in Rahman Ravelli, 2021, <https://www.rahmanravelli.co.uk>). In the following section global sanctions will be covered in-depth.

## 10.6 Global sanctions

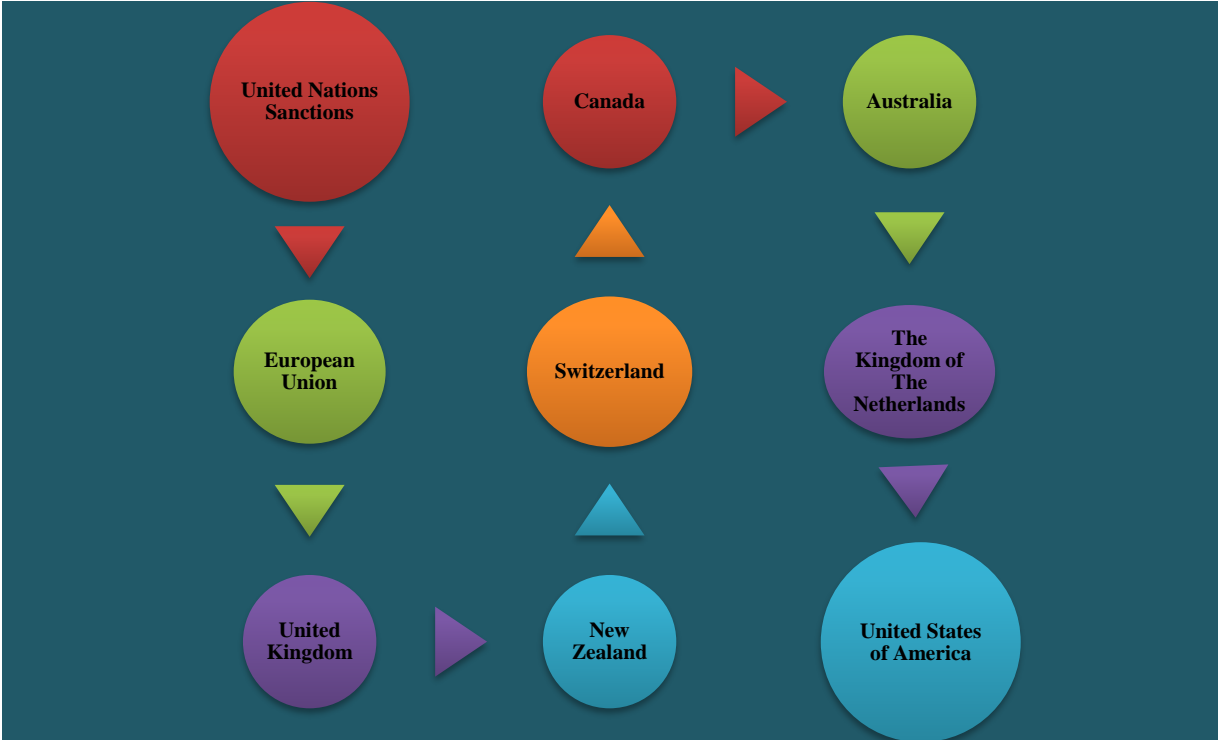
In the world there are many international bodies and countries that impose sanctions that are in direct alignment with the United Nations guidelines and decisions while on the other hand some

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<sup>174</sup> Ray, J. L. cited in Rahman Ravelli (2021) *Sanctions - How We Help Business Avoid The Pitfalls*. Available from: <https://www.rahmanravelli.co.uk/expertise/sanctions/sanctions-how-we-help-business-avoid-the-pitfalls/> [Accessed March 21, 2021]

of these sanctions are imposed by individual countries and regional bodies. The common global sanctions in the world are depicted by Figure 10.2 below.

**Figure 10.2 Nine common global sanctions**



Source: Modified: Diagram Created By the Author of the Book

As depicted by Figure 10.2 the various global sanctions that are currently found around the world include the following:

**10.6.1 UN sanctions**

“UN sanctions. The EU implements all sanctions adopted by the UN Security Council and is involved in a permanent dialogue with the UN to better coordinate EU member states' respective actions on sanctions.

- [Consolidated UN Security Council sanctions list](https://www.consilium.europa.eu/en/policies/sanctions/different-types/)<sup>175</sup> (European Council of the European Union, 2021, <https://www.consilium.europa.eu/en/policies/sanctions/different-types/>).

### 10.6.2 EU sanctions

<sup>176</sup> “*Restrictive measures (sanctions). Introduction.* Restrictive measures (sanctions) are an essential tool in the EU’s common foreign and security policy (CFSP), through which the EU can intervene where necessary to prevent conflict or respond to emerging or current crises. In spite of their colloquial name ‘sanctions’, EU restrictive measures are not punitive. They are intended to bring about a change in policy or activity by targeting non-EU countries, as well as entities and individuals, responsible for the malign behaviour at stake. The EU has over forty different sanctions regimes in place. Some are mandated by the [United Nations Security Council](#), whereas others are adopted autonomously by the EU. Decisions on the adoption, renewal, or lifting of sanctions regimes are taken by the Council of the European Union, on the basis of proposals from the [High Representative of the Union for Foreign Affairs and Security Policy](#). The European Commission, together with the High Representative, give effect to these decisions into EU law through joint proposals for Council regulations, also adopted by the Council. In addition, in its role as guardian of the treaties the Commission has an essential role in overseeing sanctions implementation by Member States. *Objectives.* The EU applies sanctions to implement UN Security Council Resolutions or to further the objectives of the CFSP, namely

- promoting international peace and security
- [preventing conflicts](#)

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<sup>175</sup> European Council of the European Union (2021) *Different types of sanctions*. Available from: <https://www.consilium.europa.eu/en/policies/sanctions/different-types/> [Accessed March 19, 2021] © European Union, 2021

<sup>176</sup> European Commission (2021) *Restrictive Measures (Sanctions)*. Available from: [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en) [Accessed March 20, 2021] ©European Commission

- supporting democracy, the rule of law and human rights and
- defending the principles of international law. *Types of measures.* EU sanctions may target governments of non-EU countries, as well as companies, groups, organisations, or individuals through the following measures
- arms embargoes
- restrictions on admission (travel bans)
- asset freezes
- other economic measures such as restrictions on imports and exports

EU sanctions are carefully targeted, and designed to be proportionate to the objectives they seek to achieve. As such, they are aimed at those responsible for the policies or actions the EU wants to influence, while reducing as much as possible any unintended consequences. *Where do EU sanctions apply?* While EU sanctions inherently have an effect in non-EU countries, as they are a foreign policy tool, the measures apply only within EU jurisdiction. In other words, the obligations they impose are binding on EU nationals or persons located in the EU or doing business here. The task of conducting investigations into potential non-compliance cases falls to the Member States and their national competent authorities. Member States must have in place effective, proportionate and dissuasive penalties, and enforce them when EU sanctions are breached. <sup>177</sup>*The role of the European Commission.* The Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA) prepares proposals for Regulations on sanctions for adoption by the Council of the European Union, and represents the European Commission in sanctions-related discussions with Member States at the Council Working Party of Foreign Relations Counsellors. DG FISMA is also responsible for transposing into EU law certain United Nations sanctions. DG FISMA is also in charge of monitoring, on behalf of the European Commission, the implementation and enforcement of EU sanctions

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<sup>177</sup> European Commission (2021) *Restrictive Measures (Sanctions)*. Available from: [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en) [Accessed March 20, 2021] ©European Commission

across Member States. DG FISMA is increasingly supporting Member States in their efforts to apply sanctions, by answering questions of interpretation raised by national competent authorities, as well as economic and humanitarian operators. DG FISMA is dedicating increasing efforts to strengthening the application of EU sanctions even further, and to enhancing the resilience of the EU to extra-territorial sanctions adopted by third countries. This is reflected in the [mission letter of Commissioner Mairead McGuinness](#) and in the [Commission's Work Programme 2020](#), as part of the financial sovereignty initiative (see also the [EU Blocking Statute](#)). *EU sanctions map*. The [EU sanctions map](#) provides comprehensive details of all EU sanctions regimes and their corresponding legal acts, including those regimes adopted by the UN Security Council and transposed at EU level. *EU sanctions tool*. The [EU sanctions tool](#) aims to help EU companies in determining whether EU sanctions apply to their exports, imports and business with Iran. By providing an easy-to-use compliance assessment, the tool is designed as a first point of reference for EU companies at an early stage of their business engagement in Iran. *Due diligence helpdesk*. The [Due diligence helpdesk](#), also designed for EU SMEs interested in trade with Iran, provides tailor-made support by carrying out due diligence checks on EU sanctions compliance for specific business projects. *Financial sanctions: Consolidated list*. The [consolidated list of persons, groups and entities subject to EU financial sanctions](#), which DG FISMA manages and updates whenever necessary, reflects the officially adopted texts published in the Official Journal of the EU. You can also download a [PDF version of the consolidated list of financial sanctions](#)<sup>178</sup> (European Commission, 2021, [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en)).

### 10.6.3 United Kingdom

<sup>179</sup> “*UK sanctions regimes*. Information on UK sanctions regimes currently in force: [Foreign, Commonwealth & Development Office](#) Published: 31 January 2020 Last updated: 31 December

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<sup>178</sup> European Commission (2021) *Restrictive Measures (Sanctions)*. Available from: [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en) [Accessed March 20, 2021] ©European Commission

<sup>179</sup> United Kingdom Government [legislation.gov.uk](https://www.gov.uk) (2020) *UK Sanctions Regimes*. Available from:

2020, [see all updates](#). **UK sanctions regimes**. This page provides information on UK sanctions regimes currently in force. This includes regimes under the [Sanctions and Anti-Money Laundering Act 2018](#) (the Sanctions Act) and under other UK legislation such as the Export Control Order 2008 and the Anti-Terrorism, Crime and Security Act 2001. A regime is a collection of sanctions measures put in place for a particular set of purposes. Regimes can be either ‘thematic’ (relating to a particular issue), or ‘geographic’ (relating to a particular country or region). Find out [who is subject to UK sanctions under the Sanctions Act](#), including designated persons and specified or designated ships. Find out [who is subject to financial sanctions](#) under the Sanctions Act and other UK legislation.

### ***More information***

<sup>180</sup>For more information on financial sanctions, contact the Office of Financial Sanctions Implementation at [OFSI@hmtreasury.gov.uk](mailto:OFSI@hmtreasury.gov.uk) or [subscribe to OFSI’s e-alerts](#). For more information on export controls, contact the Export Control Joint Unit Helpline on +44 (0) 20 7215 4594 or email [exportcontrol.help@trade.gov.uk](mailto:exportcontrol.help@trade.gov.uk) or [subscribe to the Export Control Joint Unit’s notices to exporters](#). For more information on immigration sanctions, contact the Home Office on [public.enquiries@homeoffice.gov.uk](mailto:public.enquiries@homeoffice.gov.uk). For more information on transport sanctions, contact the Department for Transport on [transportsanctions@dft.gov.uk](mailto:transportsanctions@dft.gov.uk). For general information on sanctions, contact the Foreign, Commonwealth & Development Office’s Sanctions Unit on [sanctions@fcdo.gov.uk](mailto:sanctions@fcdo.gov.uk).

### ***Thematic***

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<https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act> [Accessed March 21, 2021] *Foreign, Commonwealth & Development Office* © Government Legislation.gov.uk, 2020. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

<sup>180</sup> United Kingdom Government Legislation.gov.uk (2020) *UK Sanctions Regimes*. Available from: <https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act> [Accessed March 21, 2021] *Foreign, Commonwealth & Development Office* © Government Legislation.gov.uk, 2020. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0

- [UK sanctions relating to chemical weapons](#) 31 December 2020
  - Collection
- [UK sanctions relating to domestic counter-terrorism](#) 31 December 2020
  - Collection
- [UK sanctions relating to cyber activity](#) 31 December 2020
  - Collection
- [UK sanctions relating to global human rights](#) 6 July 2020
  - Collection
- [UK sanctions relating to international counter-terrorism](#) 31 December 2020
  - Collection
  - Collection
- [UK sanctions relating to the misappropriation of state funds](#) 31 December 2020

Collection

- [UK sanctions relating to unauthorised drilling activities](#) 31 December 2020
  - Collection
- [Financial Sanctions, UK freezing orders](#) 20 January 2020

◦ Guidance”<sup>181</sup> (United Kingdom Government Legislation.gov.uk, 2020, <https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act>).

““Guidance [The UK sanctions list](#). Find out which people, entities and ships are designated or specified under regulations made under the Sanctions and Anti-Money Laundering Act 2018,

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<sup>181</sup> United Kingdom Government Legislation.gov.uk (2020) *UK Sanctions Regimes*. Available from: <https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act> [Accessed March 21, 2021] *Foreign, Commonwealth & Development Office* © Government Legislation.gov.uk, 2020. This information is licensed under the Open Government Licence v3.0. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> OGL v3.0



and why From: [Foreign, Commonwealth & Development Office](#) Published: 6 July 2020 Last updated: 22 March 2021, [see all updates](#). Details. New UK sanctions regimes came fully into force under the [Sanctions and Anti-Money Laundering Act 2018](#) (the Sanctions Act) at 11pm on 31 December 2020. The regulations establishing these regimes apply in the whole of the UK, including in Northern Ireland. Some of these regimes contain sanctions measures (for instance asset-freezes or travel bans) which apply in respect of persons or ships which have been designated or specified. *The UK sanctions list*. The UK government publishes the UK sanctions list, which provides details of those designated under regulations made under the Sanctions Act. The list also details which sanctions measures apply to these persons or ships, and in the case of UK designations, provides a statement of reasons for the designation. HM Treasury's Office for Financial Sanctions Implementation provides a consolidated list of persons and organisations under financial sanctions, including those under the Sanctions Act and other UK legislation. Find out:

- [who is subject to financial sanctions](#)
- [how to challenge a sanctions decision](#)

*Publicising sanctions decisions.* When the UK government makes a decision to make, vary or revoke a designation or ship specification, it will update the UK sanctions list in accordance with the publicity provisions in the relevant sanctions regulations”” (United Kingdom Government Legislation.gov.uk, 2020, <https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act>).

#### 10.6.4 Switzerland

<sup>182</sup> “*Legal basis.* Since 1 January 2003, the Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA) has formed the legal basis for the implementation of sanctions imposed by Switzerland. The Embargo Act is framework legislation that regulates general

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<sup>182</sup> Swiss Federal Government State Secretariat for Economic Affairs (2021) *Legal Basis*. Available from: [https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik\\_Wirtschaftliche\\_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/rechliche-grundlagen.html#:~:text=Since%201%20January%202003%2C%20the,of%20sanctions%20imposed%20by%20Switzerland.&text=Prior%20to%20the%20EmbA%20coming,184%20Abs](https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/rechliche-grundlagen.html#:~:text=Since%201%20January%202003%2C%20the,of%20sanctions%20imposed%20by%20Switzerland.&text=Prior%20to%20the%20EmbA%20coming,184%20Abs) [Accessed March 20, 2021]

matters (aim, scope of authority, duty of disclosure, supervision of compliance, data protection, administrative and legal assistance, rights of appeal, criminal provisions). Specific measures such as those taken in relation to a particular state or regime are contained in separate ordinances based on this Act. Prior to the EmbA coming into force, sanctions were based directly on provisions of the Federal Constitution (Art. 184 Abs.3).

- **Documents**

946.231 Federal Act on the Implementation of International Sanctions of 22 March 2002 (Embargo Act, EmbA)<sup>183</sup> (Swiss Federal Government State Secretariat for Economic Affairs, 2021, <https://www.seco.admin.ch/seco>). “*Smart sanctions – targeted sanctions*. Comprehensive economic sanctions have an indiscriminate impact on a country and can entail severe negative humanitarian consequences for the civilian population and third countries. In a series of conferences, representatives from the United Nations, government and the private sector held a dialogue aimed at identifying methods of applying sanctions in a more targeted and efficient manner. Switzerland initiated this series of conferences with the Interlaken Process. The Interlaken Process focussed on the issue of targeted financial sanctions. The technical and judicial principles to improve the application of financial sanctions were developed at two seminars held in Interlaken. The results of the Interlaken Process were published in the form of a manual in 2001 (see Documents). Following the Interlaken Process, Germany and Sweden organized a series of further seminars on targeted sanctions. The Bonn-Berlin Process focused on travel and air traffic related sanctions as well as on arms embargoes. The Stockholm Process dealt with the practical feasibility of implementing and monitoring targeted sanctions.

Targeted sanctions are intended to be directed at individuals, companies and organizations, or restrict trade with key commodities. The following instruments can be applied:

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<sup>183</sup> Swiss Federal Government State Secretariat for Economic Affairs (2021) *Legal Basis*. Available from: [https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik\\_Wirtschaftliche\\_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/rechliche-grundlagen.html#:~:text=Since%201%20January%202003%2C%20the.of%20sanctions%20imposed%20by%20Switzerland.&text=Prior%20to%20the%20EmbA%20coming.184%20Abs](https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/rechliche-grundlagen.html#:~:text=Since%201%20January%202003%2C%20the.of%20sanctions%20imposed%20by%20Switzerland.&text=Prior%20to%20the%20EmbA%20coming.184%20Abs) [Accessed March 20, 2021]

- Financial sanctions (freezing of funds and other financial assets, ban on transactions, investment restrictions)
- Trade restrictions on particular goods (e.g. arms, diamonds, oil, lumber) or services
- Travel restrictions
- Diplomatic constraints
- Cultural and sports restrictions
- Air traffic restrictions”<sup>184</sup> (Swiss Federal Government State Secretariat for Economic Affairs, 2017, <https://www.seco.admin.ch>).

<sup>185</sup>“**Federal Act on the Implementation of International Sanctions** (Embargo Act, EmbA) of 22 March 2002 (Status as of 1 August 2004) The Federal Assembly of the Swiss Confederation, on the basis of Article 54 paragraph 1, 122 paragraph 1 and 123 paragraph 1 of the Federal Constitution<sup>1</sup>, and having considered a report of the Federal Council dated 20 December 2000<sup>2</sup>

decrees: <sup>1</sup> [SR 101](#) <sup>2</sup> [BBl 2001 1433](#)

### Section 1 General Provisions

#### Art. 1 Subject matter

1 The Confederation may enact compulsory measures in order to implement sanctions that have been ordered by the United Nations Organisation, by the Organisation for Security and Cooperation in Europe or by Switzerland’s most significant trading partners and which serve to secure compliance with international law, and in particular the respect of human rights.

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<sup>184</sup> Swiss Federal Government State Secretariat for Economic Affairs (2017) *Smart sanctions – targeted sanctions*.

Available from:

[https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik\\_Wirtschaftliche\\_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/smart-sanctions--gezielte-sanktionen.html](https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/sanktionen-embargos/smart-sanctions--gezielte-sanktionen.html)

[Accessed March 19, 2021]

<sup>185</sup> Swiss Federal Government (2021) *Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA) 2002*. Available from: <https://www.fedlex.admin.ch/eli/cc/2002/564/en> [Accessed March 18, 2021] [Source AS 2002 3673](#)

2 The right is reserved for the Federal Council to take measures to safeguard the interests of the country in accordance with Article 184 paragraph 3 of the Federal Constitution.

3 Compulsory measures may in particular:

a.

directly or indirectly restrict transactions involving goods and services, payment and capital transfers, and the movement of persons, as well as scientific, technological and cultural exchange;

b.

include prohibitions, licensing and reporting obligations as well as other restrictions of rights.

#### Art. 2 Scope of authority

1 The Federal Council has the authority to enact compulsory measures. It may stipulate exceptions in order to support humanitarian activities or to safeguard Swiss interests.

2 The Federal Council may stipulate exceptions in accordance with paragraph 1 above, in particular for the provision of food supplies, medicines and therapeutic products for humanitarian purposes.

3 The compulsory measures are enacted in the form of ordinances.

### **Section 2 Supervision of Compliance**

#### Art. 3 Duty of disclosure

Anyone who is directly or indirectly affected by measures in accordance with this Act must provide the supervisory authorities appointed by the Federal Council with the information and documentation that is required for comprehensive assessment or supervision to be carried out.

#### Art. 4 Powers of the supervisory authorities

1. The supervisory authorities have the right to enter and to inspect the business premises of persons who are subject to a duty of disclosure without prior notice during normal working hours, as well as to examine relevant documentation. They shall seize any incriminating material.

2. They may call upon the assistance of the cantonal or communal police as well as investigating officers from the Customs administration.

3. The supervisory authorities and any other authorities called upon for assistance are obliged to preserve official secrecy and take such precautionary measures within the scope of their activities as may be required to prevent industrial espionage.

### **Section 3 Data Protection and Cooperation between Authorities**

#### Art. 5 Data processing

1. The responsible authorities of the Federal Administration may process personal data provided this is necessary for the enforcement of this Act and of ordinances in terms of Article 2 paragraph 3.

2. They may only process particularly sensitive personal data in the event that such data is relevant to proceedings or sanctions under the administrative or criminal law. No other particularly sensitive personal data may be processed unless such processing is essential for the handling of the case in question.

#### Art. 6 Administrative assistance in Switzerland

<sup>186</sup>The responsible authorities of the Confederation together with the cantonal and communal police authorities may disclose data, including particularly sensitive personal data, to each other and to the relevant supervisory authorities

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<sup>186</sup> Swiss Federal Government (2021) *Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA) 2002*. Available from: <https://www.fedlex.admin.ch/eli/cc/2002/564/en> [Accessed March 18, 2021] [Source AS 2002 3673](#)

provided that this is necessary for the implementation of this Act and of the ordinances in terms of Article 2 paragraph 3.

Art. 7 Administrative and mutual assistance between Swiss and foreign authorities

1. The authorities of the Confederation that are responsible for enforcement, supervision, crime prevention and prosecution may cooperate with the responsible foreign authorities as well as with international organisations or bodies and coordinate investigations, provided:

a.

this is necessary for the implementation of this Act and of the ordinances in terms of Article 2 paragraph 3, corresponding foreign provisions, or corresponding provisions of international organisations; and

b.

the foreign authorities, and international organisations or bodies are bound by official secrecy or a corresponding duty of secrecy, and guarantee the prevention of industrial espionage within the scope of their activities.

2. They may in particular request foreign authorities and international organisations or bodies to handover any data that is required. In order to obtain such data, they may disclose data, including particularly sensitive personal data, to other authorities, and in particular data relating to:

a.

the nature, quantity, place of destination and place of use, purpose, and recipients of goods;

b.

persons who are involved in the manufacture, supply or procurement of goods;

c.

the financial terms and conditions of the transaction;

d.

frozen accounts and assets.

3. The federal authorities may disclose data in terms of paragraph 2 above on their own initiative or in response to a request from a foreign state, provided the relevant state:

a.

accords reciprocal legal rights and is also enforcing the international sanctions;

b.

provides the assurance that the data will be processed only for purposes that are in accordance with this Act; and

c.

provides the assurance that the data will be used in criminal proceedings only where mutual assistance in criminal matters would not be excluded due to the nature of the offence<sup>187</sup>.

4. The relevant administrative unit of the Confederation shall decide in consultation with the federal department responsible for mutual assistance matters<sup>3</sup> whether the requirements for the use of data in criminal proceedings in terms of paragraph 3 letter c above have been fulfilled.

5. The federal authorities may, subject to the requirements of paragraph 3 above, also disclose data to international organisations or bodies; in doing so, they may dispense with the requirement that reciprocal legal rights be accorded.

6. In cases of violations of this Act, mutual assistance may be given to foreign authorities and international organisations or bodies in accordance with paragraph 1 above. Such violations do not constitute currency, commercial, or economic offences in terms of Article 3 paragraph 3 of the Mutual Assistance Act of 20 March 1981<sup>4</sup>, the procedural provisions of which remain applicable. <sup>3</sup> Currently the Federal Office of Justice. <sup>4</sup> *SR 351.1*” (Swiss Federal Government, 2021, *Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA) 2002*, Source AS 2002 3673, <https://www.fedlex.admin.ch/eli/cc/2002/564/en>).

### 10.6.5 New Zealand

<sup>188</sup>“*UN Sanctions. Sanctions apply pressure to countries that threaten peace, have harmful policies or don’t cooperate with international law. Sanctions can also apply to individual people or companies. United Nations sanctions logo. Sanctions are a common tool for seeking to influence foreign governments and individuals to change their behaviour. The United Nations Security Council (UNSC) can impose sanctions in response to a threat to international peace and security. As a UN Member State, New Zealand is bound by the UNSC's decisions. We implement sanctions imposed by the UNSC in regulations made under the United Nations Act 1946. Implementing UN sanctions by creating regulations means that we can respond quickly when necessary to impose or remove sanctions. While we don’t have standalone legislation to impose our own sanctions independently of the UNSC, we can impose other measures such as travel bans on people entering our country. New Zealanders must comply. New Zealanders must fully comply with the regulations that implement UN sanctions. A breach of the sanctions regulations is a criminal offence. Given the wide scope of the regulations, and the penalties for non-compliance, it's essential that anyone contemplating doing business with sanctioned*

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<sup>187</sup> Swiss Federal Government (2021) *Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA) 2002*. Available from: <https://www.fedlex.admin.ch/eli/cc/2002/564/en> [Accessed March 18, 2021] Source AS 2002 3673

<sup>188</sup> New Zealand Government Ministry of Foreign Affairs and Trade (2021) *UN Sanctions*. Available from: <https://www.mfat.govt.nz/en/peace-rights-and-security/un-sanctions/> [Accessed March 19, 2021] Crown copyright ©. Website copyright statement is licensed under the [Creative Commons Attribution 4.0 International licence](https://creativecommons.org/licenses/by/4.0/)

countries obtains independent legal advice first. This guidance does not constitute legal advice. MFAT accepts no liability for any loss or damage caused to any person relying on this information” (New Zealand Government Ministry of Foreign Affairs and Trade, 2021, <https://www.mfat.govt.nz/en/peace-rights-and-security/un-sanctions/>).

### 10.6.6 Canada

““**Current sanctions imposed by Canada.** Canada has sanctions and related measures in place against a number of countries, as well as sanctions against specific individuals and entities identified as being: (i) responsible for, or complicit in, extrajudicial killings, torture or other gross violations of internationally recognized human rights; (ii) responsible for, or complicit in ordering, controlling or otherwise directing significant acts of corruption; or (iii) associated with terrorist activities. Canadian sanctions are imposed under the *United Nations Act* (UNA), the *Special Economic Measures Act* (SEMA) or the *Justice for Victims of Corrupt Foreign Officials Act* (JVCFOA). For specific information about the sanctions regime imposed against countries or individuals, consult the relevant regulations. These can be found on the Regulations pages linked below. More information on the *Justice for Victims of Corrupt Foreign Officials Regulations* can be found on the *Justice for Victims of Corrupt Foreign Officials Act* page. Canada has implemented mechanisms to prevent the concealment and transfer of funds or assets used to finance terrorism. These allow specified measures to be applied to listed terrorist entities. **Former sanctions.** As a UN member state, Canada fulfills its international legal obligations to implement sanctions imposed by the United Nations Security Council. Many of these sanctions are no longer in force. In addition, Canada also imposed sanctions under the SEMA that are now repealed. **Related measures - Freezing Assets of Corrupt Foreign Officials Act.** The *Freezing Assets of Corrupt Foreign Officials Act* allows Canada to freeze the assets or restrain the property of certain politically exposed foreign persons (such as government officials or politicians), at the request of a country undergoing internal turmoil or political uncertainty””<sup>189</sup>

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<sup>189</sup> Government of Canada (2021) *Current sanctions imposed by Canada*. Available from: [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/current-actuelles.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/current-actuelles.aspx?lang=eng) Reproduction is a copy of the version available on Global Affairs Canada Web site ([https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/current-actuelles.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/current-actuelles.aspx?lang=eng))

(Government of Canada, Global Affairs, 2021, [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/current-actuelles.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/current-actuelles.aspx?lang=eng)).<sup>190</sup>“**Types of sanctions.** Sanctions imposed by Canada on specific countries, organizations, or individuals vary and can encompass a variety of measures, including restricting or prohibiting trade, financial transactions or other economic activity between Canada and the target state; or the seizure or freezing of property situated in Canada. For specific information, consult the relevant regulations linked below. *Arms and related materials embargo.* An arms embargo aims to prevent weapons and military equipment from leaving or reaching a targeted country. It prohibits exporting and importing arms and related materials to and from the targeted country, and may also prohibit communicating technical data or financial transactions related to military activities. An arms embargo can be imposed under the *United Nations Act* or the *Special Economic Measures Act*. An example of an exception that might apply is providing protective or non-lethal military equipment for use by media or human rights personnel.<sup>191</sup> *Asset freeze.* An asset freeze aims to prevent an individual or entity from gaining access to property or other assets it may hold under Canadian jurisdiction. It prohibits persons in Canada and Canadians outside Canada from dealing in any property held by, or on behalf of, a person named in the relevant sanctions regulation. It also prohibits facilitating or providing financial services related to such a dealing. Asset freezes can be imposed under the *United Nations Act*, the *Special Economic Measures Act* or the *Justice for Victims of Corrupt Foreign Officials Act*. Exceptions may include transactions with UN agencies, Canadian NGOs, or other aid agencies. *Export and*

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[actuelles.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/current-actuelles.aspx?lang=eng)). [Accessed March 20, 2021] © Her Majesty the Queen in Right of Canada, as represented by the Minister of (Foreign Affairs), (2021).

<sup>190</sup> Government of Canada (2020) *Types of Sanctions*. Available from: [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng) Reproduction is a copy of the version available on Global Affairs Canada Web site ([https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng)) [Accessed March 20, 2021] © Her Majesty the Queen in Right of Canada, as represented by the Minister of (Foreign Affairs), (2020).

<sup>191</sup> Government of Canada (2020) *Types of Sanctions*. Available from: [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng) Reproduction is a copy of the version available on Global Affairs Canada Web site ([https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng)) [Accessed March 20, 2021] © Her Majesty the Queen in Right of Canada, as represented by the Minister of (Foreign Affairs), (2020).



*import restrictions.* Export and import restrictions aim to hinder the economy, or specific sectors of the economy, of the targeted country. They typically prohibit buying, selling or shipping identified goods to or from the country; for example, oil and petroleum products or certain telecommunication products. Export and import restrictions can be imposed under the [United Nations Act](#) or the [Special Economic Measures Act](#). Exemptions may apply to food; medical supplies; goods used for public health purposes or disaster relief; or goods required under pre-existing contracts. The specific exemptions are listed in the regulations for each set of sanctions. Regulations enacted under the [Export and Import Permits Act](#) provide Canada with an additional mechanism for controlling trade. Notably, export or transfer of any goods or technology to countries named in the [Area Control List](#) is controlled, and must be authorized by an export permit issued by the Minister of Foreign Affairs under the authority of the [Export and Import Permits Act](#). For more information, please see [Export and Import Controls](#).

*Financial prohibitions.* Financial prohibitions prohibit persons in Canada and Canadians outside Canada from conducting financial transactions with, or on behalf of or at the direction of, certain listed persons. Equally, they may target specific types of financial transactions with listed individuals or entities. Financial prohibitions can be imposed under the [United Nations Act](#), the [Special Economic Measures Act](#) or the [Justice for Victims of Corrupt Foreign Officials Act](#). Exceptions may include transactions related to humanitarian aid; transactions required to move financial assets away from designated persons; financial transactions required under pre-existing contracts; and remittances between family members. The specific exemptions are listed in the relevant regulations.

*Technical assistance prohibitions.* Technical assistance prohibitions aim to prevent a country targeted by an arms embargo or an export ban from obtaining services and information related to the banned products. They typically prohibit providing technical data, training or other technical assistance. Prohibitions on technical assistance will usually affect dealings with all persons in the targeted country. Technical assistance prohibitions can be imposed under the [United Nations Act](#) or the [Special Economic Measures Act](#). Some exemptions may be listed in the relevant sanctions regulations.

*Related measures.* While the [United Nations Act](#), the [Special Economic Measures Act](#) and the [Justice for Victims of Corrupt Foreign Officials Act](#) are the primary laws by which Canada prohibits dealings with foreign countries, individuals or entities, other Canadian laws may also restrict or impose limits on certain activities with foreign states or foreign nationals.

- The *Criminal Code* enables Canada to apply measures in relation to terrorist entities, including those not necessarily listed by the *United Nations Regulations* or the *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism*<sup>192</sup>.
  - Regulations enacted under the *Export and Import Permits Act* provide Canada with an additional mechanism for controlling trade. Notably, export or transfer of any goods or technology to countries named in the *Area Control List* is controlled, and must be authorized by an export permit issued by the Minister of Foreign Affairs under the authority of the *Export and Import Permits Act*. For more information, please see *Export and Import Controls*.
  - The *Freezing Assets of Corrupt Foreign Officials Act* allows Canada to freeze the assets or restrain the property of certain politically exposed foreign persons (such as government officials or politicians), at the request of a country undergoing internal turmoil or political uncertainty.
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- The *Immigration and Refugee Protection Act* provides the authority to deny entry into Canada to foreign nationals who are inadmissible pursuant to sanctions<sup>193</sup> (Government of Canada, Global Affairs, 2020, [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng)).

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<sup>192</sup> Government of Canada (2020) *Types of Sanctions*. Available from: [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng) Reproduction is a copy of the version available on Global Affairs Canada Web site ([https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng)) [Accessed March 20, 2021]

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<sup>193</sup> Government of Canada (2020) *Types of Sanctions*. Available from: [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng) Reproduction is a copy of the version available on Global Affairs Canada Web site ([https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/types.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/types.aspx?lang=eng)) [Accessed March 20, 2021] © Her Majesty the Queen in Right of Canada, as represented by the Minister of (Foreign Affairs), (2020).

## 10.6.7 Australia

<sup>194</sup>“Who are we? The Australian Sanctions Office (ASO) is the Australian Government’s sanctions regulator. As the sanctions regulator, ASO:

- provides guidance to regulated entities, including government agencies, individuals, business and other organisations on Australian sanctions law;
- processes applications for, and issues, sanctions permits;
- works with individuals, business and other organisations to promote compliance and help prevent breaches of the law;
- works in partnership with other government agencies to monitor compliance with sanctions legislation; and
- supports corrective and enforcement action by law enforcement agencies in cases of suspected non compliance.

The Australian Sanctions Office sits within DFAT’s Legal Division in the International Security, Humanitarian and Consular Group.

### 10.6.7.1 Aims of sanctions

<sup>195</sup>The Explanatory Memorandum to the *Autonomous Sanctions Bill 2010* provides that the aims of sanctions are:

- 'to limit the adverse consequences of the situation of international concern (for example, by denying access to military or paramilitary goods, or to goods, technologies or funding that are enabling the pursuit of programs of proliferation concern);

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<sup>194</sup> Australian Government Department of Foreign Affairs and Trade (2021) *About Sanctions*. Available from: <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions> [Accessed March 19, 2021] © Commonwealth of Australia 2021.

<sup>195</sup> Australian Government Department of Foreign Affairs and Trade (2021) *About Sanctions*. Available from: <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions> [Accessed March 19, 2021] © Commonwealth of Australia 2021.

- to seek to influence those responsible for giving rise to the situation of international concern to modify their behaviour to remove the concern (by motivating them to adopt different policies); and
- to penalise those responsible (for example, by denying access to international travel or to the international financial system).”” (Australian Government Department of Foreign Affairs and Trade, 2021, <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions>).

### 10.6.7.2 <sup>196</sup>“Two types of sanctions regimes

Australia implements United Nations Security Council (UNSC) sanctions regimes and Australian autonomous sanctions regimes.

Australia is obliged to implement UNSC sanctions regimes as a matter of international law.

In addition, the Australian Government has decided to implement Australian autonomous sanctions regimes as a matter of Australian foreign policy. Australian autonomous sanctions regimes may supplement UNSC sanctions regimes, or be separate from them. Australia currently implements the [sanctions regimes](#) shown in the diagram below:

### 10.6.7.3 Australian sanction laws

<sup>197</sup>Australia implements UNSC sanctions regimes and Australian autonomous sanctions regimes under Australian sanction laws. UNSC sanctions regimes are primarily implemented under the *Charter of the United Nations Act 1945* (the United Nations Act) and its sets of regulations. There is a separate set of regulations under the United Nations Act for each UNSC sanctions regime. Australian autonomous sanctions regimes are primarily implemented under

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<sup>196</sup> “From [*Sanctions*], by [United Nations Security Council, <https://www.un.org/securitycouncil/sanctions/information>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

<sup>197</sup> Australian Government Department of Foreign Affairs and Trade (2021) *About Sanctions*. Available from: <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions> [Accessed March 19, 2021] © Commonwealth of Australia 2021.

the *Autonomous Sanctions Act 2011* (the *Autonomous Act*) and the *Australian Autonomous Sanctions Regulations 2011*. There is only one set of regulations under the *Autonomous Act*. DFAT administers the *United Nations Act*, the *Autonomous Act* and their regulations.

#### **10.6.7.4 Types of sanctions measures**

Different sanctions regimes impose different sanctions measures. The *United Nations Act*, the *Autonomous Act* and their regulations use common terms to describe sanctions measures. Using those terms, sanctions measures may include general prohibitions on:

- making a 'sanctioned supply' of 'export sanctioned goods';
- making a 'sanctioned import' of 'import sanctioned goods';
- providing a 'sanctioned service';
- engaging in a 'sanctioned commercial activity';
- dealing with a 'designated person or entity';
- using or dealing with a 'controlled asset'; or
- the entry into or transit through Australia of a 'designated person' or a 'declared person'.

Detailed information on the sanctions measures imposed by a particular [sanctions regime](#). DFAT maintains a [Consolidated List](#) of all persons and entities designated for the purposes of sanctions regimes implemented under Australian sanction laws” (Australian Government Department of Foreign Affairs and Trade, 2021, <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions>).

#### **10.6.7.5 “Sanctions permits**

The Minister for Foreign Affairs or the Minister's delegate may be able to grant a permit authorising an activity that would otherwise contravene an Australian sanctions law. Different sanctions regimes impose different criteria which must be satisfied before the Minister or the Minister's delegate may grant a sanctions permit. The Minister or the Minister's delegate may attach conditions to a sanctions permit. You can submit an application for a sanctions permit by registering as a user of [Pax](#). DFAT responds to applications submitted on Pax as quickly as possible, subject to the current Pax caseload. DFAT may need to consult other Australian

Government agencies, other countries, or a Sanctions Committee of the United Nations Security Council. DFAT is committed to administering Australian sanctions laws diligently, but also in a way that facilitates trade wherever possible.

#### **10.6.7.6 Sanctions offences**

<sup>198</sup>Australian sanction laws establish serious criminal offences, including for contravening a sanctions measure without a sanctions permit. Penalties include up to ten years in prison and substantial fines. Australian sanction laws apply broadly, including to activities in Australia, and to activities by Australian citizens and Australian-registered bodies corporate overseas. More about [sanctions offences](https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions). In addition to Australian sanction laws, Australian individuals and businesses are encouraged to consider whether an activity may be subject to other Australian laws or the sanction laws of another country and, if so, to consider seeking legal advice as to whether a further authorisation is required for the purposes of those laws” (Australian Government Department of Foreign Affairs and Trade, 2021, <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions>).

### **10.6.8 The Kingdom of The Netherlands**

#### **10.6.8.1 ““Policy Dutch government on international sanctions**

<sup>199</sup>The United Nations (UN) and the European Union (EU) have the authority to impose international sanctions. Sanctions can be placed on countries, organisations, companies and individuals for a variety of reasons, for instance if there is a threat to international peace and security. The EU can also impose sanctions as a means of promoting peace, international security, human rights, democracy, the rule of law, and compliance with international law. In this way, sanctions can be

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<sup>198</sup> Australian Government Department of Foreign Affairs and Trade (2021) *About Sanctions*. Available from: <https://www.dfat.gov.au/international-relations/security/sanctions/Pages/about-sanctions> [Accessed March 19, 2021]  
© Commonwealth of Australia 2021.

<sup>199</sup> Government of the Netherlands (2021) Policy Dutch government on international sanctions. Available from: <https://www.government.nl/topics/international-sanctions/policy-international-sanctions> [Accessed March 19, 2021]  
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used to combat the spread of nuclear weapons, or to deal with countries, individuals or organisations that violate human rights. They can also be used against people involved in terrorist activities.

Compliance with sanctions is mandatory. Sanctions do not involve military action. The purpose of sanctions is:

- to change undesirable behaviour by individuals, companies, organisations or countries;
- to limit opportunities to engage in such behaviour;
- to deter other parties from engaging in this type of behaviour.

Sanctions are meant to be temporary and preventative in nature. When the country, individual or organisation in question stops engaging in undesirable behaviour, the sanctions can be lifted.

### 10.6.8.2 Different types of sanctions imposed by the European Union (EU) and the United Nations (UN)

- **Financial sanctions**

One type of financial sanction is the freezing of bank accounts or other assets. Another is the placing of restrictions on investment, or on financial transactions with foreign entities.

- **Trade restrictions**

An example of trade restrictions is a complete or partial ban on the trade in certain products (e.g. diamonds, minerals, oil or petrochemical products) or related technology.

- **Arms embargoes**

This is a [ban on the import and export of military equipment, such as weapons and military vehicles](#).

- **Travel and visa restrictions on certain persons**

### 10.6.8.3 EU sanctions

<sup>200201</sup>The EU automatically adopts international sanctions that have been adopted in a UN Security Council resolution. But it also imposes its own sanctions on the basis of its Common Foreign and Security Policy.

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<sup>200</sup> “From [*Sanctions*], by [United Nations Security Council, <https://www.un.org/securitycouncil/sanctions/information>]. ©United Nations [2021]. April 24, 2021. Reprinted with the permission of the United Nations.”

#### 10.6.8.4 The Netherlands and international sanctions

The Dutch government prefers not to impose its own sanctions, but rather to do so through the UN or EU. When multiple countries impose sanctions on a particular country, organisation or individual, the impact is obviously far greater.

#### 10.6.8.5 Implementation of sanctions in the EU and the Netherlands

International EU sanctions can be laid down in either an EU decision or regulation. Sanctions enshrined in an EU regulation are those that involve measures in areas for which the EU has major responsibilities, such as trade and international financial transactions. Sanctions laid down in EU decisions contain measures in areas in which the individual member states have greater influence, such as travel bans. [European regulations and decisions can be found on EUR-lex](#), a website containing all official publications and legislation of the EU.

##### 10.6.8.5.1 Sanction measures in EU regulations

Sanction measures laid down in EU regulations do not have to be incorporated into Dutch legislation. They apply automatically in EU member states. In such cases the Dutch government only needs to issue a sanctions order stating that it is a criminal offence to violate the regulation. Financial sanctions, for example, are imposed by means of EU regulations.

##### 10.6.8.5.2 Sanction measures in an EU decision

By contrast, Dutch legislation does need to be amended following an EU *decision* containing sanction measures. Sanction measures that are laid down only in an EU decision must be incorporated into a Dutch sanctions order. Arms embargoes are one example of this type of sanction. Under the [Sanctions Act 1977](#) the Dutch government must issue a sanctions order to criminalise the violation of international sanctions like arms embargoes and travel restrictions. A sanctions order makes it a criminal offence to violate international sanctions. It makes reference to the international sanctions referred to in EU regulations. The sanction measures contained in EU decisions are incorporated into the sanctions order. Sometimes it is not necessary to adopt a new sanctions order because existing legislation is sufficiently comprehensive<sup>202</sup>.

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<sup>201</sup> Government of The Netherlands (2021) *Policy Dutch government on international sanctions*. Available from: <https://www.government.nl/topics/international-sanctions/policy-international-sanctions> [Accessed March 19, 2021]

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<sup>202</sup> Government of The Netherlands (2021) *Policy Dutch government on international sanctions*. Available from: <https://www.government.nl/topics/international-sanctions/policy-international-sanctions> [Accessed March 19, 2021]

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### **10.6.8.5.3 Existing sanctions legislation can be sufficient**

Sometimes there are already laws in place which enable us to implement international sanctions. In that case no new sanctions order is needed. For example, there are already laws in place which provide a legal basis for imposing visa or travel restrictions on certain individuals. If travel restrictions are broadened to include additional individuals, their names can simply be added to the sanctions list.

### **10.6.8.6 Cooperation in implementing international sanctions**

The Minister of Foreign Affairs is not the only person responsible for implementing international sanctions in the Netherlands. Collaborating with other government ministers is key. Which other minister is involved will depend on the nature of the sanctions in question. If the sanctions are financial in nature and involve freezing bank assets or blocking international transactions, the Minister of Finance will have co-responsibility with the Minister of Foreign Affairs. If the sanctions relate to trade restrictions, the Minister for Foreign Trade and Development Cooperation will be the other responsible party. In some cases more than two ministers will be responsible. In the case of counterterrorism sanctions, for example, the Ministers of Foreign Affairs, Justice & Security, and Finance all bear responsibility for implementation.

### **10.6.8.7 Supervising the implementation of international sanctions**

Supervisory authorities, inspectorates and implementing organisations all have a key role in overseeing and enforcing sanctions. For example:

- The Dutch customs authority monitors the import and export of goods and services to and from countries which are subject to sanctions. It has the power to conduct inspections. Customs' Central Import and Export Office (CDIU) is in charge of issuing licences and granting exemptions.
- De Nederlandsche Bank (DNB, the Dutch central bank) and the Netherlands Authority for the Financial Markets (AFM) supervise the financial sector to ensure compliance with financial sanctions.
- The Human Environment and Transport Inspectorate (ILT) is involved in shipping and air transport. If a ship falls under a sanctions regime, the ILT can in certain circumstances give it permission to enter Dutch waters. The same applies to aircraft seeking to depart from, land in or fly over Dutch territory.

### **10.6.8.8 International sanctions: exceptions, exemptions and licences**

Many sanctions regimes include exceptions for certain activities, for example to facilitate humanitarian aid. In some cases, commercial sanctions do not ban trade in certain goods and services outright, but rather impose a licensing or exemption requirement. If businesses wish to trade in these goods or services, they must first apply for a licence. Applications for a licence or exemption must be sent to the relevant competent authority. This is a government body designated by the Minister of Foreign Affairs to issue decisions on exemptions and licences. In the case of financial sanctions, for example,

the authority in question is the Ministry of Finance. This link will take you to a complete list (in Dutch) of the competent authorities for each sanctions regime<sup>203</sup> (Government of The Netherlands, 2021, <https://www.government.nl/topics/international-sanctions/policy-international-sanctions>).

### 10.6.9 United States of America

<sup>204</sup>Office of Foreign Assets Control - Sanctions Programs and Information. The Office of Foreign Assets Control ("OFAC") of the US Department of the Treasury administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.

#### *OFAC Sanctions Lists*

OFAC publishes lists of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific.

#### *Sanctions Programs & Country Info*

OFAC administers a number of different sanctions programs. The sanctions can be either comprehensive or selective, using the blocking of assets and trade restrictions to accomplish foreign policy and national security goals (US Government Department of the Treasury, *Office of Foreign Assets Control*, 2021, <https://home.treasury.gov>). The conclusion of this chapter is covered in-depth below.

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<sup>203</sup> Government of The Netherlands (2021) *Policy Dutch government on international sanctions*. Available from: <https://www.government.nl/topics/international-sanctions/policy-international-sanctions> [Accessed March 19, 2021]

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## **10.7 Conclusion**

Humanity thrives when societal development is propelled by dignity, education, the rule of law, respecting human rights and freedoms. Sanctions are less restrictive as compared to an embargo. Sanctions are generally imposed to help modify the behavior or punish a country, individual or group in order to influence reforms/change in behaviour and they can be cancelled if positive results in the change of behavior is noticed by the international bodies/country(s) imposing them. It is important for nations around the world to be fully aware about the different types of sanctions in the world namely: sports sanctions, diplomatic sanctions, military sanctions, environment sanctions, economic sanctions, extraterritorial sanctions, trade sanctions and so on. It can be concluded that some of the international bodies that impose sanctions for various reasons on countries, individuals and groups include the following: the European Union (EU), the United Nations Security Council, the United Nations (UN) and so on. It can also be concluded that several countries tend to impose sanctions in accordance to the United Nations guidelines.

## **10.8 Review questions**

- 1) Define the following terms ‘sanctions’ and ‘embargo’?
- 2) Explain the difference between ‘sanctions’, an ‘embargo’ and a ‘regime’?
- 3) Discuss the various types of sanctions in the world?
- 4) Describe the reasons why sanctions are imposed on countries, individuals and group?
- 5) Explain the various reasons why companies must be aware about sanctions?
- 6) Identify the major global sanctions in the world?

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