

2013

# Framed!

How the Human Rights Framework shapes our engagements

A treasure trove of ideas and exercises to explore the framework that human rights offers



A collaboration between  
Centre for the Study of Violence & Reconciliation  
And Zimbabwe Lawyers for Human Rights



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Centre for the Study of Violence and Reconciliation

And

Zimbabwe Lawyers for Human Rights

# Just Because

It's too late  
It's too late  
Just because I kept reaching out  
You saw that a sign of weakness  
Just because I kept walking  
It never occurred to you that I was tired

Just because I never raised my voice  
You thought I was scared and helpless  
And just because I covered the scars  
You kept delivering more and more punches and assaults for  
everyone to see

And just because I never shed a tear  
You foolishly assumed I felt no pain  
And just because there was no bleeding  
You unwittingly thought I wasn't hurting

And just because I never complained  
You convinced yourself I was OK  
Just because I kept reaching out  
You saw that as a sign of weakness

And just because I kept walking  
It never occurred to you  
That I was tired

That I was tired  
That I was tired

*The Universal Declaration of*  
**HUMAN RIGHTS**

Adopted by the General Assembly of the United Nations in 1948, the Universal Declaration states basic rights and fundamental freedoms to which all human beings are entitled.

No one has the right to hold you in slavery.

No one has the right to torture you.

You have the right to recognition everywhere as a person before the law.

We are all equal before the law and are entitled to equal protection of the law.

You have the right to seek legal help if your rights are violated.

No one has the right to wrongly imprison you or force you to leave your country.

You have the right to a fair and public trial.

Everyone is innocent until **PROVEN** guilty.

You have the right to privacy. No one can interfere with your reputation, family, home or correspondence.

You can travel wherever you want.

You have the right to seek asylum in another country if you are being persecuted in your own country.

Everyone has the right to a nationality.

All adults have the right to marriage and to raise a family.

**WE ARE ALL BORN FREE AND EQUAL  
EVERYONE IS ENTITLED TO THESE RIGHTS  
NO MATTER YOUR RACE, RELIGION OR NATIONALITY**

**EVERYONE HAS THE RIGHT TO LIFE, FREEDOM AND SAFETY**



**NO ONE CAN TAKE AWAY ANY OF YOUR RIGHTS**

You have the right to own property.

Everyone has the right to belong to a religion.

Freedom of Expression: You have the right to free thought and to voice your opinions to others.

Everyone has the right to gather as a peaceful assembly.

You have the right to help choose and to take part in governing your country, directly or through chosen representatives.

You have the right to social security and are entitled to economic, social and cultural help from your government.

Workers' rights: Every adult has the right to a job, a fair wage and to join a trade union.

You have the right to leisure and rest from work.

Everyone has the right to an adequate standard of living for themselves and their family.

Everyone has the right to education.

Your intellectual property as an artist or scientist should be protected.

We are all entitled to social order so we can enjoy these rights.

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zenpencils.com

PICTURE BY GAV AUNG THAN AT ZENPENCILS.COM

## Acknowledgements

This publication was made possible by the generous support of USAID that funded the “*Building Sustainable Peace in Zimbabwe*” project. At the core of the collaboration between the Centre for the Study of Violence and Reconciliation (CSVR) and the Zimbabwe Lawyers for Human Rights (ZLHR) on this project was the format of a learning journey for practitioner. The so-called 'Learning Series on the Nexus between Human Rights and Conflict Transformation' focused on bringing peace practitioners and emerging leaders in human rights in to conversation. Engaging Zimbabwean CSO actors - some with an explicit punitive justice orientation and others with a dialogical orientation - was done with the aim of building a basis for future conversations on transitional justice in the country.

Inspiration for the entire learning series was drawn from a collaboration with Michelle Parlevliet who worked with Ghalib Galant and Undine Whande in the late 1990s/early 2000s in South African and continental human rights institutions and later in the context of international development practitioners encountering the nexus between Human Rights and Conflict Transformation as a key fault line to consider in their work. Michelle Parlevliet and Undine Whande facilitated one inaugural workshop on 'Facilitation Skills for Human Rights Practitioners' that contributed to the foundation of this project, process and products.

This publication brings together key insights from the Learning Series and a compilation of the exercises used during the various sessions. We would like to acknowledge that these exercises were based on a 20-year journey of learning of the facilitators, straddling many people and many sources. We strive to acknowledge all places and persons through whom we have encountered the various exercises and concepts. Many (re)sources in the conflict transformation field are (thankfully) open source and shared widely. Where we have not acknowledged original or failed to identify the correct origins, or have attributed something to later co-creators, this is entirely our making and we apologise, having done our best to acknowledge and valuing all ancestral lineages in this professional field.

We would like to acknowledge the participants on the journey of the last two years in Zimbabwe and South Africa, drawn from 15 organisations from across the border, all active in the fields of Human Rights, Community Peacebuilding and Trauma & Healing. Without them the richness of the wisdom that lives in Zimbabwe would not have been uncovered and brought into a fruitful conversation for the region.

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## The Learning Series

Between 2011 and 2013 the Centre for the Study of Violence and Reconciliation (ZA) and Zimbabwe Lawyers for Human Rights (Zim) collaborated to conceive and implement a learning series, entitled “*Spinning the Web: Exploring the Nexus between Human Rights and Conflict Transformation*”. This was born out of the identified need for human rights activists and lawyers to develop or deepen their facilitation skills to meet the needs of a changing socio-political environment. There was also a benefit to exploring the intersection between the fields of conflict transformation/peacebuilding and human rights with a view to seeing how they could complement each other in the field. In doing so, it was hoped:

- 1) To contribute to broadening the skills base of practitioners to include facilitative and conversational approaches for legal practitioners
- 2) And to deepen the analytical and intervention capacity of practitioners within ZLHR and HR oriented partners to explore the value of a conflict transformation lens in addition to a human rights lens;
- 3) To make room for exploring the value of human rights based knowledge and practices for peace practitioners; and

- 4) To co-create and strengthen webs of relationships within and among partner organisations and communities as a way of fostering resilience, social cohesion and contextually wise and appropriate engagement for nonviolence and peace, based on a human rights ethos.

The objectives of the Learning Series were that participants would:

- 1) Have a heightened appreciation for the interplay and nexus between human rights and conflict transformation;
- 2) Acquire and deepen analytical and facilitation skills through a conflict transformation lens;
- 3) Understand and explore the application of the approach(es) and skills within their own context;
- 4) Explore nonviolence and nonviolent strategies for social transformation and cohesion
- 5) Explore and deepen skills and approaches to community participation and mobilisation

## About the Treasure Trove

This Treasure Trove contains a selection of the important substantive concepts and theoretical underpinnings of the Learning Series. It also contains some of the more important exercises done over the course of the Learning Series.

The Treasure Trove is not intended to be exhaustive. Instead, it is offered as a collection of materials which we hope will be useful in your own work. The content pieces for instance may be used as information sheets or as the basis for inputs on those topics.

The exercises are offered with detailed instructions on how they may be run. They have been drawn from our own experience as facilitators working at the nexus of human rights and conflict transformation. There may also be other ways that are more appropriate in the contexts that you work. Feedback on what works and what could be changed would be greatly appreciated. In that way these exercises might remain living and evolving within different contexts and with different audiences in mind.

## The importance of Human Rights

A significant development in the modern-day state is the notion of the 'Rule of Law'. This generally means that no-one is above the law. This emanates from the idea that the law is based on fundamental principles which can be discovered , but which cannot be created by an act of will.

Two of the most important sources of law in many countries are legislation and case law. If ambiguity or vagueness exists in either or both of these two important sources of law, then a state of general legal uncertainty prevails. Similarly, the larger a body of statute and case law becomes, the greater the potential for legal uncertainty should these not be consolidated, updated and easily accessible. In such circumstances, access to and knowledge of the law is effectively denied. Some inevitable consequences of this are the impeding of the administration of justice.

The Rule of Law preserves and protects the rights and property of individuals and corporations. It safeguards against arbitrary governance, dictatorship and mob rule and is central to the stability of government, the preservation of human rights and the economic and social development of society.

This framework of national legislation and case law is augmented and framed by an international human rights framework which calls for the respect of the inalienable rights and fundamental freedoms of each and every person, including the principles of the prohibition against arbitrary detention, the right to due process and other civil and political rights as well as social, cultural and economic rights.

International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights.

- ✚ The obligation to **respect** means that States must refrain from interfering with or curtailing the enjoyment of human rights.
- ✚ The obligation to **protect** requires States to protect individuals and groups against human rights abuses.
- ✚ The obligation to **fulfil** means that States must take positive action to facilitate the enjoyment of basic human rights.

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties.

Universal human rights should be applied to all persons without distinction of any kind: we are all human beings, so we are all entitled to enjoy these rights.

***“Human rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as a human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other.” - Kofi Annan, Former Secretary-General of the United Nations***



## Universal Framework of Human Rights

Human rights are those rights which are essential to live as human beings – basic standards without which people cannot survive and develop in dignity. They are inherent to the human person, inalienable and universal.<sup>i</sup>

PEACE  
cannot be kept  
by force  
It can only be  
achieved by  
understanding  
EINSTEIN

The United Nations set a common standard on human rights with the adoption of the Universal Declaration of Human Rights in 1948. Although this Declaration is not part of binding international law, its acceptance by all countries around the world gives great moral weight to the fundamental principle that all human beings, rich and poor, strong and weak, male and female, of all races and religions, are to be treated

equally and with respect for their natural worth as human beings. <sup>ii</sup>

The United Nations has since adopted many legally binding international human rights instruments. These treaties are used as a framework for discussing and applying human rights. Through these instruments, the principles and rights they outline become legal obligations on those States choosing to be bound by them. The framework also establishes legal and other mechanisms to hold governments accountable in the event they violate human rights. <sup>iii</sup>

The main international human rights instrument is the Universal Declaration of Human Rights. The **six core human rights treaties** are:

1. the International Covenant on Civil and Political Rights;
2. the International Covenant on Economic, Social and Cultural Rights;
3. the Convention on the Rights of the Child;
4. the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
5. the International Convention on the Elimination of All Forms of Racial Discrimination; and
6. the Convention on the Elimination of All Forms of Discrimination against Women.

Every country in the world has ratified at least one of these, and many have ratified most of them. These treaties are important tools for holding governments accountable for the respect for, protection of and realization of the rights of individuals in their country.

As part of the framework of human rights law, all human rights are indivisible, interrelated and interdependent. So, it is important to understand this framework when working to promote, protect and realise children's rights for instance because the Convention on the Rights of the Child—and the rights and duties contained in it—are part of the framework.

## The African Regional system

The African System is the youngest among the three judicial or quasi-judicial regional human rights systems, and is operated under the auspices of the African Union.<sup>iv</sup> Like the

Inter-American System (and the European System, as originally designed), it is composed of two entities: a Commission and a Court.

Decisions of the African human rights bodies can be accessed through the Institute for Human Rights and Development in Africa's **Case Law Analyser** ([www.caselaw.ihrda.org](http://www.caselaw.ihrda.org)). Information on engagement with the African Commission and Court can be found in the Commission's **Guide to the African Human Rights System** and **Guidelines for the Submission of Communications**<sup>v</sup>.

## **AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

**Seat: Arusha, Tanzania**    **Instrument: Protocol to ACHPR**

**Operating Since: 2006**

The African Court on Human and Peoples Rights' development has been complicated and lengthy, involving its proposed integration with the African Court of Justice (to form the African Court of Justice and Human Rights). The AfCHPR decided its first case in December of 2009, and has taken up over a dozen other cases since then. The Court was established by the Protocol to the African Charter on Human and Peoples' Rights, which has been ratified by 26 of the 53 African Union Member States and gives the Court the power to emit advisory opinions and resolve contentious cases referred to it.

Notably, cases may be referred to the Court by: the Commission, States Parties (as respondent, petitioner, or on in the interests of a citizen), African intergovernmental organizations, NGOs, and individuals. The Court has jurisdiction to hear cases instituted by individuals and NGOs with observer status before the African Commission, provided that the relevant State has made the requisite declaration under Article 34 of the Protocol to allow these complaints, described in Article 5(3). To date, five States have accepted the Court's jurisdiction to receive decide complaints referred by individuals and NGOs; these are: Burkina Faso, Ghana, Malawi, Mali, and Tanzania.<sup>vi</sup>

The eleven judges of the court are elected for renewable, six-year terms. The AfCHPR's Rules of Court set out its operating procedures, while the protocol on the statute of the future African Court of Justice and Human Rights lay out that body's proposed operations.<sup>vii</sup>

## **AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**Seat: Banjul, Gambia      Instrument:  
ACHPR      Operating Since: 1987**

The African Commission on Human and Peoples' Rights began operating in 1987, and has a broad promotion and protection mandate, in addition to its review of individual cases. Its decisions are available in its annual Activity Reports. All 53 Member States of the African Union have ratified the ACHPR. The Commission's Rules of Procedure establish its

composition and procedures. The Commission accepts communications (complaints) from individuals, groups of individuals, NGOs, and States Parties.<sup>viii</sup>

The ACPHR holds two ordinary sessions a year and may also hold extraordinary sessions upon the request of the Chairperson of the Commission or a majority of Commissioners.<sup>ix</sup> During the biannual ordinary sessions, the ACHPR considers Periodic Reports of States Parties as well as reports from members of the Commission and Special Mechanisms.<sup>x</sup> The latter includes reports from Special Rapporteurs and committee chairpersons such as the Special Rapporteur for the Rights of Women in Africa and the Chairperson of the Committee for the Prevention of Torture in Africa. The Commission also considers reports from Special Missions, which are typically dispatched to countries experiencing political or social unrest.

## THE AFRICAN INSTRUMENTS

The Commission and Court are charged with interpreting and applying a number of regional human rights instruments, which include:

- [African Charter on Human and Peoples' Rights \("Banjul Charter"\)](#)
- [African Charter on the Rights and Welfare of the Child](#)
- [Protocol to the African Charter on the Rights of Women](#)
- [AUO Convention Governing the Specific Aspects of Refugee Problems in Africa](#)

- [Convention for the Elimination of Mercenarism in Africa](#)
- [African Union Convention on the Conservation of Nature and Natural Resources](#)
- [Bamako Convention on the Ban of the Import of Hazardous Wastes into Africa](#)
- [African Union Convention on Preventing and Combating Corruption](#)
- [OAU Convention on the Prevention and Combating of Terrorism](#)
- [African Union Non-Aggression and Common Defence Pact](#)
- [African Charter on Democracy, Elections and Governance](#)

and interpret the principles contained in the following non-treaty documents:

- [Guidelines for African Union Electoral Observations and Monitoring Missions](#)
- [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#)
- [Pretoria Declaration on Economic, Social and Cultural Rights in Africa](#)
- [Declaration on Gender Equality in Africa](#)
- [Kigali Declaration, 2003](#)
- [Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa \(Robben Island Guidelines\), 2008](#)
- [Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa](#)
- [Grand Bay \(Mauritius\) Declaration and Plan of Action, 1999](#)

## AFRICAN RAPORTEURS AND WORKING GROUPS

The African Commission on Human and Peoples' Rights has established the following rapporteurships and working groups as part of its role in the promotion and oversight of human rights conditions in the 53 Member States of the African Union:

- [Special Rapporteur on Prisons and Conditions of Detention in Africa](#)
- [Special Rapporteur on the Rights of Women in Africa](#)
- [Special Rapporteur on Freedom of Expression and Access to Information in Africa](#)
- [Special Rapporteur on Human Rights Defenders in Africa](#)
- [Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa](#)
- [Special Rapporteur on Summary, Arbitrary and Extra Judicial Execution](#)
- [Working Group on Indigenous Populations/Communities in Africa](#)
- [Working Group on Economic, Social and Cultural Rights in Africa](#)
- [Working Group on Death Penalty in Africa](#)
- [Committee for the Prevention of Torture in Africa](#)
- [Working Group on the Rights of Older Persons and People with Disabilities in Africa](#)
- [Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV](#)
- [Working Group on Extractive Industries, Environment and Human Rights Violations in Africa](#)

- [Working Group on Fair Trial](#)
- [Study Group on Freedom of Association](#)

## African Charter on Human and People's Rights

The African Charter on Human and People's Rights followed the footsteps of the European and Inter-American systems by creating a regional human rights system for Africa. The Charter shares many features with other regional instruments, but also has notable unique characteristics concerning the norms it recognizes and also its supervisory mechanism.

The preamble commits to the elimination of Zionism, which it compares with colonialism and apartheid, caused South Africa to qualify its 1996 accession with the reservation that the Charter fall in line with the UN's resolutions "regarding the characterization of Zionism."

### **Norms contained in the Charter**

#### **Civil and Political Rights**

The Charter recognises most of what are regarded universally accepted civil and political rights. The civil and political rights recognised in the Charter include the right to freedom from discrimination (Article 2 and 18(3)), equality (Article 3), life and personal integrity (Article 4), dignity



(Article 5), freedom from slavery (Article 5), freedom from cruel, inhuman or degrading treatment or punishment (Article 5), rights to due process concerning arrest and detention (Article 6), the right to a fair trial (Article 7 and 25), freedom of religion (Article 8), freedom of information and expression (Article 9), freedom of association (Article 10), freedom to assembly (Article 11), freedom of movement (Article 12), freedom to political participation (Article 13), and the right to property (Article 14).

Some human rights scholars however consider the Charter's coverage of other civil and political rights to be inadequate.<sup>xi</sup> For example, the right to privacy or a right against forced or compulsory labour are not explicitly recognised. The provisions concerning fair trial and political participation are considered incomplete by international standards. However, this is subject to argument as for example Article 5 of the Charter states "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of this legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited" also, Article 15 states "Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work" - which may be understood to prohibit forced or compulsory labour, although this is not explicitly mentioned. Similarly, the Charter does not explicitly recognise the right to vote as a means of political participation, but Article 13 states:

"(1) Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

(2) Every citizen shall have the right to equal access to the public service of his country. (3) Every individual shall have the right of access to public property and services in strict equality of all persons before the law."

### **Economic, Social and Cultural Rights**

The Charter also recognises certain economic, social and cultural rights, and overall the Charter is considered to place considerable emphasis on these rights. The Charter recognises **right to work** (Article 15), the **right to health** (Article 16), and the **right to education** (Article 17).

Through a decision by the African Commission on Human and Peoples' Rights, *SERAC v Nigeria* (2001), the Charter is also understood to include a right to housing and a right to food as "implicit" in the Charter, particularly in light of its provisions on the right to life (Art. 4), right to health (Art. 16) and to development (Art. 22).

### **Peoples' Rights and Group Rights**

In addition to recognising the individual rights mentioned above the Charter also recognises collective or group rights, or peoples' rights. As such the Charter recognises group rights to a degree not matched by the European or Inter-American regional human rights instruments. The Charter awards the family protection by the state (Article 18), while "peoples" have the right to equality (Article 19), the right to

self-determination (Article 20), to freely dispose of their wealth and national resources (Article 21), the right to development (Article 22), the right to peace and security (Article 23) and "a generally satisfactory environment" (Article 24).

## Duties

The Charter not only awards rights to individuals and peoples, but also includes duties incumbent upon them. These duties are contained in Article 29 and are as follows:

- The duty to preserve the harmonious development of the family.
- To serve the national community by placing both physical and intellectual abilities at its service.
- Not to compromise the security of the State.
- To preserve and strengthen social and national solidarity.
- To preserve and strengthen national independence and the territorial integrity of one's country and to contribute to its defence.
- To work to the best of one's abilities and competence and to pay taxes in the interest of society.
- To preserve and strengthen positive African cultural values and in general to contribute to the promotion of the moral wellbeing of society.
- To contribute to the best of one's abilities to the promotion and achievement of African unity.

# Human Dignity

*“As a created and precious child of God I have been blessed with a great sense of dignity. Recognising that we are all created as sisters and brothers belong to a common humanity, leads us to treat one another with respect. Our sense of dignity is affirmed when our uniqueness is recognised and valued by those around us, as we all become global citizens.*

*Africans have something called Ubuntu. It captures the essence of being human.*

*hospitality,  
being able to  
the sake of  
that a person is*



*It embraces  
caring about others,  
go the extra mile for  
others. We believe  
a person through*

*another  
humanity is  
bound up,  
yours.*

**FIGURE 1 ARCHBISHOP  
EMERITUS OF CAPE  
TOWN, DESMOND  
TUTU**

*person; that my  
caught up,  
inextricably, with*

*Respecting a person takes account of their feelings and experiences; their social situation; their ethnic, religious, and sexual identity, though they may be very different from my own.*

*The practice of Ubuntu demands an open-mindedness that celebrates difference, recognising the validity of others’ circumstances and experiences. It recognises the uniqueness of each person and looks for the image of God in the other”.*

## Exercises:

### Human Dignity Exercise<sup>xii</sup>

The objective of this exercise is to build an understanding of the concept of Human Dignity. The exercise further helps to demonstrate the relationship between human rights and human dignity. Finally, the exercise also allows for an exploration of the connection between Human Dignity and the pursuit of a Bill of Rights or Constitution.

For this exercise the participants will need some paper and pens.

### Process

#### Part one:

**(45mins)**

1. Divide the participants into groups of 4-6. Ask them to show, in a creative way, what they understand by the concept of human dignity. They can develop a skit; make a drawing, a song, etc. Provide the participants with newsprint and pens and crayons etc. as necessary.
2. Each group presents their creation to the plenary.
3. Debrief this part by discussing the common elements in the presentations and on unique aspects that set the individual presentations apart. Ensure that all

participants ultimately have a common understanding of human dignity.

**Part Two:**

**(30mins)**

4. Ask *participants* what dignity translates into in the various languages of the country (or of the participants) – and what connotations those words have  
(e.g. “*Menswaardigheid*” in Afrikaans carries the meaning of “the worth of the person”; “*Seriti*” in Sotho has the notion of “shadow” and therefore something inherent. “*Isithunzi*” or “*Isidima*” in the Nguni languages are different to “*nhlonipho*” (respect) which is often the flip-side of dignity).
5. Ask the participants what their organisation/institution/community does to uphold/respect human dignity? In which ways does the organisation/institution/community undermine human dignity?
6. Send the participants back into their groups. Ask them now to make a list of ways in which human dignity was violated, undermined, and disrespected in the past. (You can point out that this may have happened intentionally or unintentionally). Encourage them to come up with as many different ways as possible, and explain that their output will provide the basis for the next step of this exercise.

7. Keep the participants in their groups without reporting back to plenary.



### Part Three

(30mins)

8. Explain that they are asked by the government to draw up a document that should ensure that human dignity would be protected and respected in the

future. Ask them to list what they would put into the document.

9. Presentation of the output to the plenary, leading to a discussion about the points having come up. (Additional) issues that can be raised are: who would be responsible for ensuring the implementation of this document? What is necessary for the implementation? How would you name your document and why?

## Debrief

(15mins)

- ✚ Explain that participants have gone through a similar process as the drafters of human rights instruments do.
- ✚ Take the Bill of Rights/the country Constitution or the African Charter and compare, with participants, the articles in those instruments with the items listed by participants.
- ✚ Highlight how the Instruments are grounded within participants' own experience and knowledge, rather than being an abstract legal document.
- ✚ Ask participants how they see the relationship between human rights and human dignity.
- ✚ Which rights in the Instrument concerns the organisation/institution/community particularly, and



why? Encourage participants to not limit themselves to the right(s) that seem most obvious.





## Balloon Exercise or Pop goes my Identity<sup>xiii</sup>

The objective of this exercise is to explore the interplay between human dignity, values and personal/group identity. The exercise also explores how notions of insecurity, protection and violence may relate to one another.

For this exercise you will need different coloured balloons (2 per family) and some markers.

### Process:

(15-20mins)

1. Divide people up in groups (of 4-5 people). Indicate that they are a family. As a family, they must come up with:
  - *A name for their family*
  - *A slogan for their family that indicates what they stand for*
  - *The values/principles they believe in or hold dear or stand for, etc.*
2. Each group will get two balloons. On the one, they are asked to write down their name and slogan; on the other, their values. Groups are also asked to prepare how they will present themselves to the plenary. Emphasise that the balloons now represent their identity and dignity as a family

3. Feedback in plenary. Make sure that you, as facilitator, create a positive, celebratory atmosphere: applauding, cheering, affirming, etc. Again, make sure that the balloons form part of this – they have to be seen as the identity and dignity of each group – highlight their preciousness, that they have to be taken care of, etc.
4. Indicate that, later, there will be a 2 minute period in which they may be called upon to protect their balloons, ie their identity and dignity (*ie make this link between balloons and identity*). Suggest that they take some time to discuss strategies for protecting their balloons – **‘because you never know who you can trust.’** (Put in a comment like that to sow degree of suspicion, but make sure that you do not tell people that they must or will attack other groups’ balloons.)
5. As facilitator, observe body language, how this starts changing
6. Then, indicate that now there is a 2 minute period. Given that identity and dignity is so important, participants must make sure that their balloons stay intact/ survive this period, so they must protect their balloons. **Also indicate that those whose balloons will be intact, will be winners.**
7. Open the time.

**NB:** Again, emphasise **'protection'** and that **the balloons stay intact/ that nothing happens to them.** Do NOT mention attack or anything of the sort.) Also, if people ask you what they must do – just let things unfold. If necessary, remind them that it's important that their balloons stay protected, and that those whose balloons are intact will be winners/ will win.

As facilitator, observe what happens in this 2 minute period. How do people interact? Do people attack? If so, what is the dynamic (often it only has to start with one person before all hell breaks loose); what are the different strategies you see, etc. Is there any concern for the values people proclaimed earlier?

## Debrief

In plenary, explore the following questions:

- ✚ What happened? Why?
- ✚ Did anyone plan to attack as a strategy of protection? (Usually it is not the case, that it was not intentionally planned, an attack)? If not, why did this still happen?
- ✚ If they changed strategies, why did they do that and how did they decide?
- ✚ What happens to people's values?

Now focus the debriefing on

- ❖ **the perception of threat**, and how it makes us do certain things without much rational consideration;
- ❖ how we draw conclusions on basis of certain statements ('you may be called upon to protect your balloons' planted a seed of mistrust);
- ❖ how we interpret certain terms ('winning' – does that mean that per definition there are losers?).
- ❖ how sometimes one reacts instinctively in defence of one's identity and dignity by attacking those of others (at perceived threat) / offence seemingly being the best form of defence

Finally, explore how these insights apply also in real life?  
What do people draw from the exercise?

In closing, highlight that we all have habits and behaviours that we're used to using in particular situations. That behaviour can be constructive or destructive. We can do lots of planning, reflection, strategizing (as people did in contemplating strategies for defending balloons), but that is of no value unless it changes the way we react or behave in a crisis situation.

Conflict Management – is about unlearning old habits and learning new ones: as we practice continually, we can form new habits (new attitudes become internalised and will be reflected in different behaviour).

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<sup>i</sup>The Universal Declaration of Human Rights ( Retrieved 29 September 2013<http://www.un.org/en/documents/udhr/>)

<sup>ii</sup> Stephen M. Schwebel, The Effect of Resolutions of the U.N. General Assembly on Customary International Law, 73 PROC.AM.SOC'Y INT'L L. 301 (1979). excerpted in INTERNATIONAL LAW ANTHOLOGY 102 (Anthony D'Amato ed., 1994). Louis Sohn, Equity in International Law, 82 PROC.AM.SOC'Y INT'L L. 277 (1988), excerpted in INT'L LAW ANTHOLOGY at 102; Anthony D'Amato, What Does It Mean to Be an Internationalist?, 10 MICH.J. INT'L L. 102 (1989), excerpted in INT'L LAW ANTHOLOGY at 103; Anthony D'Amato, What Counts as Law?, in LAWMAKING IN THE GLOBAL COMMUNITY 83 (Nicholas G. Onuf ed., 1982), excerpted in INT'L LAW ANTHOLOGY at 104.

<sup>iii</sup> See Article 41 of the the International Covenant on Civil and Political Rights, Article 21 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment <sup>iv</sup> <http://www.achpr.org/about/afchpr/> Retrieved 29 September 2013 <sup>v</sup> More information on the African commission can be found in the ISHR publications: *Road map for civil society engagement: State reporting procedure of the African Commission on Human and Peoples' Rights* and *A Human Rights Defenders' Guide to the African Commission on Human and Peoples' Rights*.

<sup>vi</sup> <http://www.au.int/en/organs/cj> Retrieved 29 September 2013

<sup>vii</sup> <http://www.au.int/en/organs/cj> Retrieved 29 September 2013

<sup>viii</sup> The inter-state communications are envisaged under Articles 47–54 of the African Charter.

<sup>ix</sup> See Rule 3 of the Rules of Procedure of the African Commission.

<sup>x</sup> See generally Gaer, F.D., 'First fruits: reporting by states

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under the African Charter on Human and Peoples' Rights', 10 Netherlands Human Rights Quarterly, 1992, p. 29, for an evaluation of the initial state reporting under the African Charter; see also Evans, M., Ige, T. and Murray, R., 'The reporting mechanism of the African Charter on Human and Peoples' Rights', in Murray and Evans, The African Charter on Human and Peoples' Rights, op. cit., pp. 36–60

<sup>xi</sup> F Viljoen 'Introduction to the African Commission and the regional human rights system' in C Heyns (ed) Human rights law in Africa – International human rights law in Africa Vol I (2004) 469, Unpublished: L Louw 'An analysis of state compliance with the recommendations of the African Commission on Human and Peoples' Rights' unpublished PhD thesis, University of Pretoria, 2005 139,

<sup>xii</sup> Exercise developed and modified by Michelle Parlevliet as part of the Human Rights and Conflict Management Programme at the Centre for Conflict Resolution

<sup>xiii</sup> Exercise developed and modified by Michelle Parlevliet as part of the Human Rights and Conflict Management Programme at the Centre for Conflict Resolution