

THE REPORT ON THE ARASA TRAINING OF TRAINERS FROM 18- 23 FEBRUARY 2013 AT PURE JOY LODGE IN PRETORIA SOUTH AFRICA

Introduction

The training kicked off with the introductions from the ARASA team on what is the organization is about and how the course is structured throughout the week.

The proceedings of the basic introduction to HIV and Human rights is as follows

1. What are Human rights

- Human rights are the rights possessed by all persons, by virtue of their common humanity, to live a life of freedom and dignity
- Human rights are universal – they are the same for everyone, everywhere.
- They are inalienable – they can neither be taken away, nor given up.
- They are indivisible – there is no hierarchy among rights, and no right can be suppressed in order to promote another right.
- Closely inter-related.
- They principally involve the relationship between the state and the individual

2. What are international instruments

- **International human rights instruments** are treaties and other international documents relevant to international human rights law and the protection of human rights in general. They can be classified into two categories: *declarations*, adopted by bodies such as the United Nations General Assembly, which are not legally binding although they may be politically so as soft law; and *conventions*, which are legally binding instruments concluded under international law. International treaties and even declarations can, over time, obtain the status of customary international law (. the Millennium Declaration on the MDGs (2000), or the Declaration of Commitment on HIV/AIDS (2001)
- International **human rights** instruments can be divided further into *global instruments*, to which any state in the world can be a party, and *regional instruments*, which are restricted to states in a particular region of the world.
- .The legal status of these instruments varies: declarations, principles, guidelines, standard rules and recommendations have no binding legal effect, but such instruments have an undeniable moral force and provide practical guidance to States in their conduct; covenants, statutes, protocols and conventions are legally-binding for those States that ratify or accede to them individual access is contingent on the acceptance of that right by the relevant state party, either by a declaration at the time of ratification or accession, or through ratification of or accession to an optional [protocol](#) to the convention

This Universal Declaration of Human Rights

- does the United Nation Assembly adopt a declaration on December 10, 1948 in Paris.
- It consists of 30 articles summarised that;
 - All human beings irrespective of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status have equal rights to life, liberty, security, peace, health, freedom of expression and choice

Inter-related elements of HR

- Citizens should have freedom to choose eg. about their health, employment, residence, etc
- Entitlement to the services to protect and promote their rights
- Equity – ensure that most vulnerable/ needy receive services required
- Participation in decision-making that affects their rights
- Services should be available, accessible, acceptable, and of adequate quality
- International assistance and cooperation

International Covenant on Economic, Social and Cultural Rights (ICESCR)

- All persons, including persons with disabilities, have the rights to work, to social security, to family life, to an adequate standard of living, and to education (Articles 6, 7, 9, 10, 11, and 13).
- Governments must protect the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12).
- Governments must guarantee that the rights in the ICESCR will be exercised without discrimination of any kind as to birth or other status, such as disability (Article 2).

International Covenant on Civil and Political Rights (ICCPR)

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground (Article 26).
- Governments must protect the rights to life, physical integrity, to individual liberty and security, to privacy and to procedural fairness in law (Articles 6, 7, 9, 10, 14, 16, and 17).
- Governments must guarantee that the rights in the ICCPR will be exercised without discrimination of any kind as to birth or other status, such as disability (Article 2).

Convention on the Rights of the Child (CRC)

- Governments have an obligation to protect the human rights of all children, including children with disabilities. The rights set out in the CRC must be applied without discrimination based on disability (Article 2).
- Assistance to the child and those responsible for his or her care "shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development" (Article 23).

3 Can human rights ever be limited?

The responses revealed that the human rights can only be limited if they are

- Created under the law
- Solely for the purposes of recognising and respecting the rights and freedoms of others.
- Meet the just requirements of morality, public order and the general welfare in a democratic society

This was further explained using the SIRACUSA Principles

This is a set of internationally accepted principles, which can be used as standards to establish when it is acceptable to limit civil and political rights adopted in Italy May 1984.

Aspects of the principle

Limitation must be:

Provided for under the national law

Necessary to achieve a legitimate objective

In addition, it is the only alternative.

4 Enforcement of international instruments

It was highlighted that the enforcement of international instruments is very weak for they are only binding if the state has signed and ratified it and is monitored through committees and reports.

5 Sexual health and Human rights

We also learnt about sexual health and human rights where we were mainly targeting the rights of LGBTI- Lesbians, gays, bisexuals, transgender and intersex.

The participants from these groups gave their personal experiences and we found out that they are still facing challenges when it comes to accessing their rights although many states do not have laws that expressly discriminate based on sexual orientation.

6 Facilitation skills topic

In this session, we started with a mock presentation in groups where people were given roles unbeknown to others.

This revealed that in each gathering are diverse people in each group.

We then looked at the five stages of group development, which are as follows

-forming where people are still at orientation stage in almost all aspects of the gathering

-storming where group members will be questioning the purpose of the gathering

-norming where clarification and establishment of the purpose has been achieved

Performing where groups have started undertaking tasks

Adjourning which is the final stage and tasks are completed.

7. Advocacy

We discussed the types of advocacy and the following were some of those, which were identified

Community or system advocacy

Mediation and lobbying

We were then put into groups with a task to come up with an advocacy plan based on the following guidelines

1. Advocacy agenda
2. Advocacy strategy
3. Problem selection
4. Problem research
5. Issue mapping
6. Resource mobilisation and allocation.

In conclusion the training was well organised and we learnt a lot in terms of how to put theory into practice when working in the human rights and HIV and AIDS sector.

Report compiled by

Fadzai Mundoza