

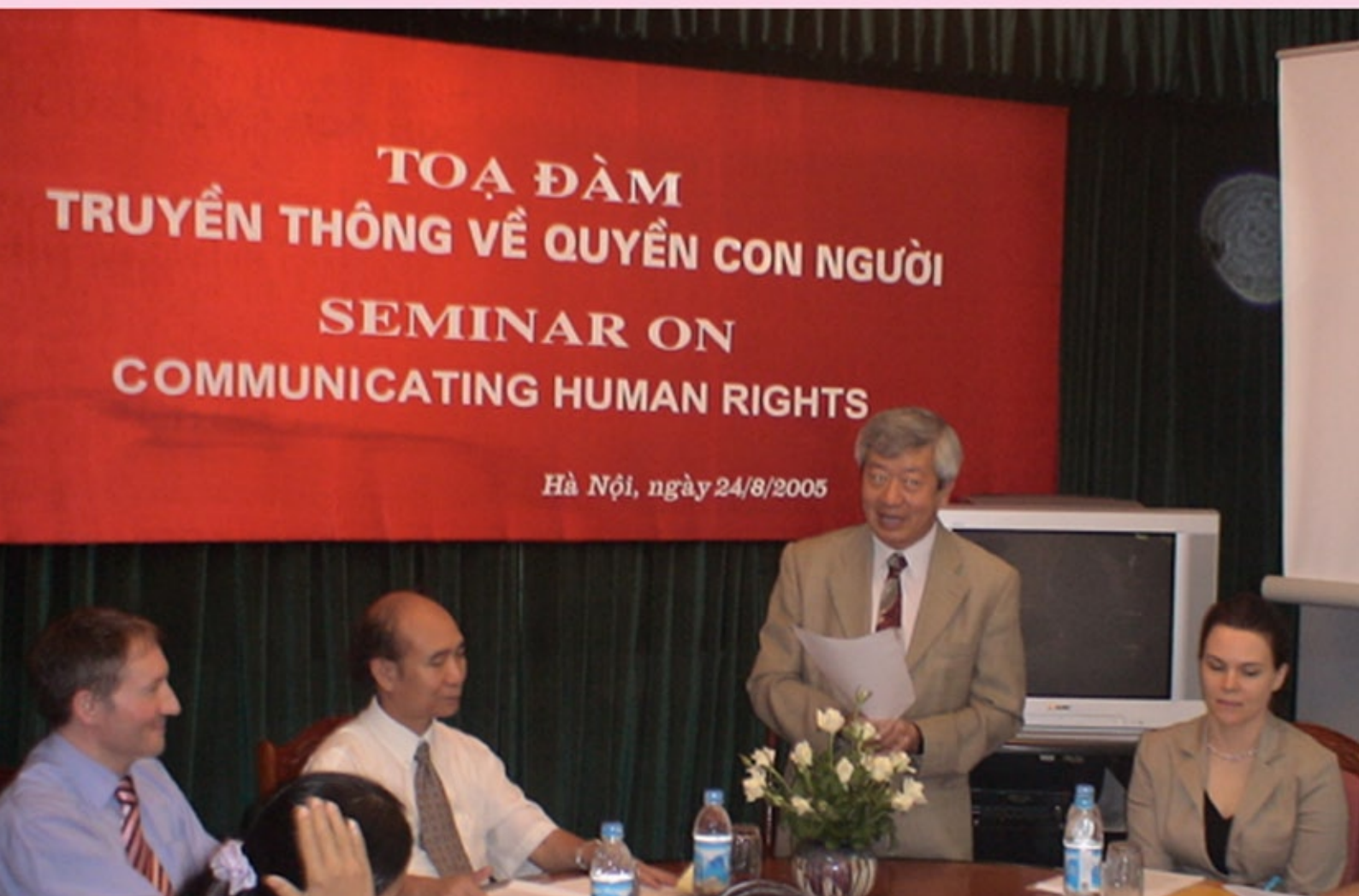


United Nations
Educational, Scientific and
Cultural Organization



The Human Rights-Based Approach to Journalism

Training Manual Viet Nam



The human rights-based approach to journalism:

Training manual Viet Nam. Bangkok:

UNESCO Bangkok, 2008.

41 p.

1. Human rights. 2. Journalism. 3. Guides. 4. Viet Nam.

ISBN: 978-92-9223-228-3 (Electronic version)

Editors: Gabrielle Beman
Daniel Calderbank

Design/Layout: Ricelie Maria Gesuden

Cover photo: Vietnamese Institute for Human Rights (VIHR)
Ho Chi Minh Political Academy, Hanoi, Viet Nam

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Published by the
UNESCO Bangkok
Asia and Pacific Regional Bureau for Education
Mom Luang Pin Malakul Centenary Building
920 Sukhumvit Road, Prakanong, Klongtoey
Bangkok 10110, Thailand

Printed in Thailand

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APL/08/EP/056-1

Acknowledgements

This handbook was written and edited by Gabrielle Berman, Terrance Duffy and Laura Katirayi. It is the product of co-operation between, the UN Inter-Agency Lessons Learned Project (LLP) on the Human Rights-Based Approach to Development, the international consultant (Professor Terrance Duffy), the Vietnam Institute for Human Rights (VIHR), the UNESCO Hanoi Office, and the UNDP Asia Pacific Gender Mainstreaming Programme. It forms part of a wider action research project, entitled, "Communicating Human Rights in Vietnam", the early stages of which were supported by a workshop conducted in August 2005 in association with the UNESCO Hanoi Office and the VIHR. We would like to take this opportunity to thank the UNESCO Bangkok Office, the UNESCO Hanoi Office, the VIHR and the Asia Regional Governance Programme for all their generous support.

ACRONYMS

ASEAN: Association of Southeast Asian Nations

CEDAW: Convention on the Elimination of Discrimination Against Women

CHR: Convention on Human Rights

CPD: Convention on the Rights of Persons with Disabilities

CRC: Convention on the Rights of a Child

HRBA: Human Rights-Based Approach

ICC: International Criminal Court

ICJ: International Court of Justice

MDG's: Millennium Development Goals

UDHR: Universal Declaration of Human Rights

UN: United Nations

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1. Introduction

1.1 What are human rights?

“All human beings are born free and equal in dignity and rights”¹

Every individual, as a human being, is entitled to certain rights that are not dependent on their sex, ethnicity, colour, race, language, age, religion, political or other beliefs, national or social origin, property, economic status, disability, birth or other factors. These individual human rights are inalienable in that they cannot be taken away, violated or given away. Human rights are by their very nature indivisible and without ranking. They include entitlement to free, active, and meaningful participation, contribution, as well as enjoyment of civil, social, cultural, economic, and political development. Human rights are interrelated as well as often interdependent of other rights. For example, the right to health may be dependent on the right to information, or even education to be adequately fulfilled.

2. Journalists and Human Rights

2.1 Journalists' Role in Communications, Media, and Human Rights

Today, due to the globalization of services, information, and labour — the media holds a powerful and much-depended upon role in communication. In the arena of communication it is journalists who serve as the main actors in reporting the world's events and conveying valuable information. Journalists hold the power to determine what news is and to construct stories and select words in ways that affect people. Our views of history can be strongly influenced by journalists. Journalists carry the ability to inform the public, to connect remote worlds, and to shape an individual's knowledge and understanding of the world live in. They have the opportunity to increase public awareness, to educate the public on their rights, and, above all, to help in monitoring human rights.

2.2 Why should Journalists contribute to the human rights movement?

Journalists can use their ability to communicate and their access to mass media sources, not only to report events, but also to add more in-depth analysis. Through analysis and the bringing together of multiple perspectives, journalists create the potential for a more knowledgeable, well-rounded and aware public. This increased awareness can lead to a stronger civil society and a more active population.

1 “Article 1,” Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

3. The Concept of Human Rights

The concept of human rights can be traced through human history as referring to the "...basic right or freedom to which all human beings are entitled..."² Despite longstanding roots, the term "human rights," came into common usage in the twentieth century, in part reflecting seventeenth and eighteenth century European thought.³ The term was introduced by ancient Greek and Roman philosophers—who linked rights and freedoms to the historical roots of democracy. Though human rights are naturally and absolutely entitled to all, the term has become highly politicized and the definition has changed to include "fundamental rights, especially those believed to belong to an individual, and in whose exercise a government may not interfere, as the rights to speak, associate, work, etc."⁴

3.1 Tolerance and Agency

Human Rights consist of two critical components.

- 1) Tolerance is crucial to maintain respect for human rights. Tolerance of differences, as well as recognition and acceptance of differences including gender, economic status, race, ethnicity, disability and age are pertinent to avoid discrimination and advocate for equality.
- 2) Human agency is the capacity for human beings to make choices and to impose those choices on the world. With respect to human rights, "agency" both emphasizes an individual's right to act as they wish, and their obligation to ensure their action does not infringe upon the rights of others.

4. Human Rights

Modern history has seen gross violations of many human rights including; hate crimes, genocide, the subordination of women and the abuse of children. These violations have led to international frameworks, treaties, and regulations to help prevent further violations and neglect of these rights. It is important to not only understand what entitlements are attached to various rights and who they refer to, but also to be informed and aware of which international treaties, conventions and regulations have been created to uphold these rights.

4.1 Civil and Political Rights

Civil and political rights relate to the civil and political freedoms and entitlements that individuals should be able to enjoy. They include; the right to liberty, the right to

2 WordNet® 3.0, © 2006 by Princeton University.

3 'HISTORY OF UNIVERSAL HUMAN RIGHTS - UP TO WW2' by Moira Rayner.

4 Random House Unabridged Dictionary, © Random House, Inc. 2006.

freedom from arbitrary arrest, and the right to own property. Civil and political rights can be considered simple and uncontroversial in some nations, yet in other countries they may be seen as complex and highly political.

Civil rights are outlined in the UDHR under articles 2 through to 18. These rights are often considered to be the most fundamental of human rights.

- Article 3 - Right to life, liberty, and security of person;
- Article 4 - Freedom from slavery;
- Article 5 - Freedom from torture and cruel or inhuman or degrading treatment or punishment;
- Article 6 - Right to recognition everywhere as a person before the law;
- Article 7 - Right to be equal before the law and free from legal discrimination;
- Article 8 - Right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [to one] by the constitution or by law;
- Article 9 - Freedom from arbitrary arrest, detention, or exile;
- Article 10 - Right to a fair and public hearing by an independent and impartial tribunal;
- Article 11 - Right to be presumed innocent until proven guilty and the freedom from laws passed after the act to create guilt;
- Article 12 - Right to freedom of privacy and from attacks upon a person's honour or reputation;
- Article 13 - Freedom of movement within and across the borders of a country;
- Article 14 - Right to asylum from persecution;
- Article 15 - Right to a nationality;
- Article 16 - Right to found a family;
- Article 17 - Right to own property;
- Article 18 - Freedom of thought, conscience, and religion.

"Political Rights", which are often associated with the freedom to actively participate in political life and to be free from unnecessary, excessive or inappropriate governmental regulation, are enumerated in Article 18 through to 21 of the Universal Declaration:

- Article 18 - Right to freedom of thought, conscience and religion;
- Article 19 - Right to freedom of opinion and expression;

- Article 20 - Freedom of political assembly and association;
- Article 21 - Right to take part in the government of one's country.

These rights directly relate to journalists, not only as topics to report on, but as something they must respect and adhere to as journalists. Without freedom of expression, communication and information, journalism and the media could not exist.

4.2 Economic, Social and Cultural Rights

Economic, social, and cultural rights include; equal pay for equal work, the right to an adequate standard of living, the right to education, and the right to freely participate in the community. These rights are laid out in articles 22 through to 27 of the Universal Declaration of Human Rights.⁵

This set of rights is regularly considered as a “progressive obligation”, under which governments offer to act “to the maximum of their available resources” to achieve their full realization. If a country has limited resources this means that they have the obligation to do what they can, in light of the resources available. For many governments, economic, social and cultural rights are of secondary importance to the implementation of civil and political rights, yet many rights are interdependent and rely on the realization of other rights so that they can be carried out. For example, the right to life, liberty and the security of person must be realized before a government can fulfil many of its citizen’s economic rights. Once these rights are secured, the government must then decide how to allocate limited resources to secure the various economic, social and cultural rights of its people including, the right to adequate medical care, education and housing.

4.3 Third Generation Rights

Sometimes known as communal or solidarity rights, third generation rights are those rights that go beyond civil and social rights. The term “third-generation human rights” remains largely unofficial, and thus includes an extremely broad spectrum of rights, including:

- The right to political, economic, social, and cultural self-determination;
- The right to economic and social development;
- The right to participate in and benefit from the common heritage of humanity;
- The right to peace;
- The right to a healthy and sustainable environment;
- The right to humanitarian disaster relief.

⁵ ‘Universal Declaration of Human Rights,’ Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

5. Human Rights Law and International Frameworks

5.1 International

The United Nations (UN) is the only multilateral governmental agency with universally accepted international jurisdiction for universal human rights legislation. The Office of the High Commissioner for Human Rights (OHCHR) provides secretariat support to the different human rights monitoring mechanisms in the United Nations system. These monitoring mechanisms include the UN Charter-based bodies which consists of the: (1) Human Rights Council; and (2) the UN Special Procedures, in addition to the Treaty Bodies made up of independent experts who monitor State parties' compliance with their treaty obligations. The roles and functions of these charter and treaty based bodies are described below.

5.1.1. Charter Bodies

5.1.1.1 The Human Rights Council (HRC)

The Human Rights Council (HRC) (previously the Commission on Human Rights) is the main political body in the UN that deals with human rights. This intergovernmental body is composed of 47 elected United Nations Member States who serve for an initial period of three years, and cannot be elected for more than two consecutive terms. The Human Rights Council is a forum empowered to prevent abuses, inequity and discrimination, to protect the most vulnerable, and to expose perpetrators of human rights abuses.

5.1.1.2 Special Procedures

Established by the previous Commission on Human Rights, "Special Procedures" is the name given to mechanisms that address human rights issues in specific countries, or that focus on violations of particular rights around the world (e.g., the sale of children, child prostitution and child pornography). Currently, there are 29 thematic and nine country mandates. Special Procedures' mandates usually call on mandate holders to examine, monitor, advise and publicly report on human rights situations in specific countries or territories, or on major phenomena of human rights violations worldwide, known as thematic mandates. Various activities can be undertaken by Special Procedures, including responding to individual complaints, conducting studies, providing advice on technical cooperation programming at the country level, and engaging in general awareness raising activities. Special Procedures are either an individual (called "Special Rapporteur" "Special Representative of the Secretary-General" "Representative of the Secretary-General" or "Independent Expert") or a working group usually composed of five members (one from each region).

5.1.2 International Human Rights Treaties

According to the Office of the United Nations High Commissioner for Human Rights, there are nine core international human rights treaties, one of which - enforced disappearance- has not yet entered into force. Since the adoption of the Universal Declaration of Human Rights in 1948, all UN Member States have ratified at least one core international human rights treaty, and 80 per cent have ratified four or more.

There are seven human rights treaty bodies, which are committees of independent experts that monitor implementation of the core international human rights treaties. They are created in accordance with the provisions of the treaty that they monitor. OHCHR assists treaty bodies in meeting their reporting requirements. These are:

- The Human Rights Committee (CCPR) monitors implementation of the International Covenant on Civil and Political Rights (1966) and its optional protocols;
- The Committee on Economic, Social and Cultural Rights (CESCR) monitors implementation of the International Covenant on Economic, Social and Cultural Rights (1966);
- The Committee on the Elimination of Racial Discrimination (CERD) monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- The Committee on the Elimination of Discrimination Against Women (CEDAW) monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979);
- The Committee Against Torture (CAT) monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment;
- The Committee on the Rights of the Child (CRC) monitors implementation of the Convention on the Rights of the Child (1989) and its optional protocols, and;
- The Committee on Migrant Workers (CMW) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

5.1.3 The International Criminal Court

The International Criminal Court (ICC), serves as a last resort for human rights violations to be presented and prosecuted, if and only if, they have not been fairly tried in national courts. The ICC was adopted in Rome, Italy on July 17th 1998, and is legally binding for the 106⁶ countries that have joined to date.

5.2 The Asia-Pacific Region and Human Rights Laws

There are no Asia-wide conventions to promote or protect human rights. Countries vary widely in their approach to human rights and their record of human rights protection.

There are, however, a number of Asian associations that address economic, social and political issues in the region which include some human rights objectives. The Association of Southeast Asian Nations (ASEAN) is a geo-political and economic organization of 10 countries located in Southeast Asia, which was formed in 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. The organisation now also includes Brunei, Cambodia, Laos, Myanmar and Viet Nam. Its aims include the

⁶ About the Court,' International Criminal Court, <http://www.icc-cpi.int/about.html> Accessed June, 2008.

acceleration of economic growth, social progress, cultural development among its members, and the promotion of regional peace.

The South Asian Association for Regional Cooperation (SAARC) is an economic and political organization of eight countries in South Asia, representing almost 1.5 billion people. It was established in 1985 by Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. In April 2007, at the Association's 14th summit, Afghanistan became its eighth member.

The Asia Cooperation Dialogue (ACD) is a body created in 2002 to promote Asian cooperation at a continental level, helping to integrate the previously separate regional organizations of political or economical cooperation. Among the main objectives of the ACD is to promote interdependence among Asian countries in all areas of cooperation by identifying Asia's common strengths and opportunities. The ACD's aims include reducing poverty and improving the quality of life for Asian people whilst developing a knowledge-based society within Asia and enhancing community and people empowerment.

While none of the above organizations currently have a specific mandate to promote or protect human rights, each has identified the realization of a number of economic, social and cultural human rights in their objectives.

There has however, been some recent developments with respect to the establishment of a regional approach to human rights promotion and protection. In June 25, 1993 at the 26th ASEAN Ministerial Meeting in Singapore, foreign ministers agreed that ASEAN should consider the establishment of an appropriate regional mechanism for monitoring human rights. In July 1995 in Manila, The Working Group for an ASEAN Human Rights Mechanism was set up by the Human Rights Committee of the Law Association of the Asia and the Pacific Region. The Working Group for an ASEAN Human Rights Mechanism's (Working Group) primary goal is to establish an intergovernmental human rights commission for ASEAN. It is a coalition of national working groups from ASEAN states composed of representatives of government institutions, parliamentary human rights committees, the academe and NGOs. The human rights mechanisms that are currently being explored are; a declaration of human rights principles, a monitoring and promotional commission, and/or a court that can further bind decisions.⁷

Finally, when examining regional approaches to human rights monitoring it is worthwhile noting the Asia Pacific Forum. Though not an explicit mechanism for providing a regional framework for addressing human rights across the region, the APF is a regional, member-based organisation made up of national human rights institutions from across the Asia Pacific. This organisation provides a supportive role to its members and encourages dialogue in this area.

5.3 National Legislation and Other Human Rights Mechanisms

5.3.1 Constitutional, Criminal Law and Human Rights Commissions

At the national level, policy makers and politicians use national documents such as constitutions and legislation to promote and uphold human rights. Constitutions, in general, serve as documents that state and clarify the duties, powers, and functions of the government in serving its citizens. The judicial system plays a key role in

⁷ 'Working Group for an ASEAN Human Rights Mechanism,' © 2007 Working Group for an ASEAN Human Rights Mechanism <http://www.aseanhrmech.org/aboutus.html>

ensuring that human rights are respected, protected and fulfilled. Legislation based on the principles outlined within national constitutions defines what is considered a human rights violation under the law and the consequent legal recourse for these violations. A further mechanism adopted by national governments to ensure that the human rights of citizens are realized is the establishment in law of human rights commissions. The responsibility of human rights commissions can include; the monitoring and reporting of human rights violations, the promotion of human rights and the investigation and prosecution of human rights violators.

5.3.2 Civil Society

When a government is unable or unwilling to uphold human rights and prosecute abuses in an adequate manner, a citizens' ability to call upon civil society is crucial. Civil society is composed of all the non-governmental voluntary civic and social organizations and institutions in a society. The UN views civil society as a necessary tool towards the maintenance of peace, security, and prosperity around the world. Kofi Annan, the United Nations Secretary-General stated:

"The United Nations once dealt only with Governments. By now we know that peace and prosperity cannot be achieved without partnerships involving Governments, international organizations, the business community, and civil society. In today's world, we depend on each other."

If a journalist can adequately express public sentiment through the media, it can be used as a means to get the message across to the government. As such, the media is often considered a part of civil society, since its role includes:

- Informing citizens about their rights;
- Informing citizens truthfully about what is going on in their societies;
- Educating citizens on democratic participation;
- Creating a culture of space for debate.

5.4 Viet Nam and Human Rights Legislation

5.4.1 Viet Nam, Human Rights and the International Community

The Socialist Republic of Viet Nam has signed, ratified or ascended to the following human rights treaties:

- International Covenant on Civil and Political Rights - ratified 1982;
- International Convention on the Elimination of all forms of Discrimination Against Women – ratified 1982;
- International Convention on the Elimination of all forms of Racial Discrimination – ratification 1982;
- International Convent on Economic, Social and Cultural Rights – accession 1982;
- Convention on the Rights of Persons with Disabilities – signed 2007 (not yet ratified);

- Convention on the Rights of the Child – ratified 1990;
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict - ratification 2001;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – ratification 2001.

Viet Nam has participated and been engaged in Human Rights dialogue with the international community for a number of years. Viet Nam was one of the 53 members of the Human Rights Commission in 2003. Viet Nam has also participated in an annual Human Rights Dialogue with countries like the United States and Australia. While not directly related to human rights, it is still worth noting that Viet Nam is currently sitting on the United Nations Security Council. As a member of the council it is directly involved in the broad oversight of global security issues which has significant implications for human rights world-wide.

5.4.2 Viet Nam, the 1992 Constitution and Human Rights

The following are a number of key references to the human rights of the people of the Socialist Republic of Viet Nam in the 1992 Constitution. The human rights that are enshrined in the constitution, form the legal framework for the guarantee of human rights in Viet Nam.

- All citizens are equal before the law.
- The citizen has the right to participate in the administration of the State and management of society, the discussion of problems of the country and the region; he can send petitions to State organs and vote in referendums organised by the State.
- The citizen, regardless of nationality, sex, social background, religious belief, cultural standard, occupation, time of residence, shall, upon reaching the age of eighteen, have the right to vote, and, upon reaching the age of twenty-one, have the right to stand for election to the National Assembly and the People's Councils in accordance with the provisions of the law.
- The citizen has both the right and the duty to work.
- The State protects the citizen's right of lawful ownership and right of inheritance.
- Primary education is compulsory and dispensed free of charge.
- The citizen has the right to get general education and vocational training in various ways.
- The State and society shall create the necessary conditions for handicapped children to acquire general knowledge and appropriate job training.
- The citizen has the right to carry out scientific and technical research, make inventions and discoveries, initiate technical innovations, rationalise production, engage in literary and artistic creation and

criticism, and participate in other cultural activities.

- The citizen is entitled to a regime of health protection.
- Male and female citizens have equal rights in and fields - political, economic, cultural, social, and the family.
- All acts of discrimination against women and all acts damaging women's dignity are strictly banned.
- The State and society shall recognize no discrimination among children.
- Children enjoy protection, care and education by the family, the State and society.
- Old people, infirm people and orphans without support shall receive State assistance.
- The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law.
- The State shall promote information work the press, radio, television, cinema, publishing, libraries and other means of mass communication. All activities in the fields of culture and information that are detrimental to national interests and destructive of the personality, morals and fine life way of the Vietnamese.
- The citizen shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law.
- No one can be arrested in the absence of a ruling by the People's Court, a ruling or sanction of the People's Office of Supervision and Control except in case of flagrant offences. Taking a person into, or holding him in, custody must be done with full observance of the law.
- It is strictly forbidden to use forms of harassment and coercion, torture, violation of his honour and dignity, against a citizen.
- No one shall be regarded as guilty and be subjected to punishment before the sentence of the Court has acquired full legal effect.
- The State carries out a policy of equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division.
- Every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture.
- The State carries out a policy of comprehensive development and gradually raises the material and spiritual living conditions of national minorities.

5.5 Problems of Enforcement - Finding the Gaps

The implementation of human rights obligations, laws, and codes of ethics, even in signatory countries; remains an unclear procedure. Therefore, despite the presence of constitutional and frameworks and the assurance and efforts of the UN and civil society in preventing human rights violations; abuses may still occur. The non binding nature of international agreements implies that even if a country is signatory to a declaration or a convention, there is no guarantee that these rights will be embedded in the laws of the countries and contraventions of these agreements can still occur.

However, even those countries that have not ratified the International Bill of Rights must adhere to a moral code under "international customary law which forbids:

- Slavery;
- Torture;
- Arbitrary deprivation of life;
- Arbitrary arrest and detention;
- Denial of freedom of thought, conscience or religion;
- Presuming a person guilty until proven innocent;
- Executing pregnant women and children;
- Permitting the advocacy of national, racial or religious hatred;
- Denying people of marriageable age the right to marry;
- Denying minorities cultural, religious or language rights.

Despite these safeguards, enforcement and upholding of human Rights remains a controversial subject due to variation in interpretation and implementation across cultures. These gaps in the system, such as the inability to force actors to fulfil their obligations, make the furtherance and perpetuation of human rights extremely difficult. This is why the role of the journalist is so crucial. It is their role to report on rights violations and contraventions of international guidelines and commitments.

6. *Human Rights Issues to be Considered in Journalism*

As journalists reporting on social issues, there are many factors that will impact on the rights of people in the area that is being reported on. These issues include; the international and national legal frameworks for rights, the cultural context in which the journalist is reporting, the socio-economic situation of the country or area, the environment and the political situation. All of these issues will have an impact on whether individuals are able to realize their rights in any particular situation. While a number of factors impact on the realization of human rights there are also a number of key human rights issues that need to be considered when reporting. While this list is not exhaustive nor complete, the issues discussed below have a particular

relevance to Asia and are worth considering when adopting a human rights based approach to reporting on social issues (which will be explored in greater detail in the following section).

6.1 Gender

“Gender” is a term referring to the socially constructed roles of men and women. They can be determined by social, political, economic, and cultural beliefs and contexts. In several parts of the world, women are tied to “female” roles and are limited to opportunities and responsibilities for the home and household—missing out on educational opportunities, and other basic rights such as freedom of speech. In these cases women’s voices may be stifled in public and in other areas of their lives. These ideas of the “female role” in society can result in significant violations of their rights including simple and basic human rights such as health, non-discrimination, participation, and equality of opportunity. When women are denied their voice, they are immediately limited and have lower status within social power structures. This loss of power directly affects their overall right to a livelihood, to education, and to freedom from violence, significantly increasing their chances of living at or below the poverty level.

Even though all the rights addressed in international law are the same for men and women, the rights of women are explicitly addressed in the “Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW)⁸, which was adopted by the United Nations General Assembly in 1979. By accepting the Convention, States agree to commit towards the eradication of discrimination against women.

Within this Convention, States shall ensure that women receive:

- Equal employment opportunities as men;
- Free choice of profession and employment;
- Equal pay for equal work;
- Ability to freely choose a spouse and marry only with their free and full consent;
- Equal rights and responsibilities during marriage and if it breaks up, as men;
- Equal rights to decide on the number and spacing of children;
- Equal rights, whether married or single, to choose a profession and occupation.

As a journalist, it is important to observe how gender based inequality may be impacted by other factors. Inequality experienced by women can often be more severe depending on the age, economic status, health and ethnicity of a woman or women. Sourcing data that is disaggregated by variables such as sex, age, ethnicity and socio-economic status can help to highlight inequities and provide a valuable tool to advocate for women’s rights. Further, providing the opportunities for women to talk about these issues to the media (if undertaken in a sensitive manner that does

8 ‘Convention on the Elimination of All Forms of Discrimination against Women,’ Division for the Advancement of Women: Department of Economic and Social Affairs

not compromise their physical safety and is cognizant of cultural mores), can also significantly contribute to furthering women's human rights.

6.2 Children

In international law, children's rights are given particular priority and importance. The Convention on the Rights of the Child (1989) (CRC) highlights the civil, political, economic, social and cultural rights of children. This convention, in addition to the convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182)—2000⁹, the Optional Protocol on the involvement of children in armed conflicts—2000¹⁰ and the Optional Protocol II on sexual exploitation, the sale of children, child prostitution and child pornography 2000¹¹ were introduced to reinforce the inherent human rights of children and their need for special protection. For the purposes of the CRC, a child means every human being below the age of eighteen years unless under the relevant national law, majority (adulthood) is attained earlier.

The Convention on the Rights of the Child states;

That the rights of children should be respected and protected irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Article 2).

In all actions concerning children...the best interests of the child shall be a primary consideration (Article 3).

Other rights listed included in the CRC include the right to;

- Protection and care (Article 3).
- Life (Article 6).
- Preserve his or her identity, including nationality, name and family relations (Article 8).
- Not be separated from his or her parents against their will (Article 9).
- Freedom of expression (Article 13).
- Access to information and material (Article 17).
- Protection from all forms of physical or mental violence (Article 19).
- Of refugee children to receive appropriate protection and humanitarian assistance in the enjoyment of rights (Article 22).
- Of mentally or physically disabled children to enjoy a full and decent

9 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), 38 I.L.M. 1207 (1999), entered into force Nov. 19, 2000.

10 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002.

11 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000), entered into force January 18, 2002.

life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Article 23).

- Highest attainable standard of health (Article 24).
- A standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27).
- Education (Article 28).
- Enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language (Article 30).
- Rest, leisure and recreation (Article 31).

In addition the CRC notes that children should be free from: economic exploitation, hazardous work and work that interferes with their education (article 32), Drugs (Article 33), sexual exploitation (Article 34), trafficking (Article 35) and torture (Article 37),

These conventions highlight the particular vulnerability of children and the need, when reporting on relevant social issues, to use data that specifically examines the situation and its impacts on children. Further investigation should also be undertaken to specifically examine the impact of social issues and concerns on the rights of the most vulnerable children, including those with disabilities, those from ethnic and religious minorities, refugee children and those living in poverty. Finally, the CRC highlights that when reporting on children's issues, the right of children to be heard is critical however, most importantly the best interest of the child must always be taken into consideration. This could include; their right to have a guardian present, their right to be protected from harm (ensuring anonymity when dealing with potentially sensitive issues) and their right to freedom of expression free from intimidation and influence .

6.3 Disabled Persons

The Convention on the Rights of Persons with Disabilities (CPD-OP)¹² was adopted in 2006 and realized in 2008. It was one of the most rapidly negotiated treaties in the history of the United Nations. The treaty promotes equality of all human beings, including those with disabilities, with a specific purpose to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

The CPD states that people with disability must have access to:

- Justice (article 13);
- Information and communication services (article 21);
- Education (article 24);
- Health (article 25);

¹² Convention on the Rights of Persons with Disabilities, Department of Economic and Social Affairs © United Nations 2008, United Nations Enable: Rights and Dignity of Persons with Disabilities, <http://www.un.org/disabilities/>

- Habilitation and rehabilitation (article 26);
- Work and employment (article 27) - human resource policies and practices;
- Adequate standard of living and social protection (article 28).

And they must be able to:

- Live independently and be included in the community (article 19);
- Participate in political and social life (article 29);
- Participate in cultural life, recreation, leisure and sport (article 30).

This convention helps to reinforce the fact that individuals with disabilities have equal status with all other human beings and equal rights. It is important to regard individuals with disabilities as equals and to grant them equal access especially to public institutions, such as schools, and to create inclusive, all engaging, communities. Journalists can play a role in giving voice to individuals with disabilities, and to increase media coverage and, above all, awareness of any unjust position that individuals with disabilities may face.

6.4 HIV

HIV/AIDS is now a global pandemic (disease) impacting an estimated 33.2 million people including 330, 000 children worldwide. HIV/AIDS is more than a public health issue since it impacts on the enjoyment of rights of individuals that are affected. HIV/AIDS can impact on the right to work, the right to go to school, the right to protection from abuse or violence, as well as the right not to suffer discrimination.

A journalist addressing HIV/AIDS needs to promote awareness of the issue and advocate for the rights of those already affected. Increasing the public's knowledge about HIV/AIDS and providing information on issues such as contraction, symptoms, preventative measures as well as support services can contribute to behavioural change. Further, exploring the issues facing those that are affected and giving them a voice can influence policy and help reduce the social stigma they may experience. Tackling discrimination is fundamental to rights-based approaches to HIV/ AIDS. The stigma attached to HIV/AIDS can stifle public discussion resulting in poor education and knowledge of the issue. This causes the virus, and panic, to spread faster. Large numbers of deaths caused by HIV/ AIDS have heavily reduced labour, skills and knowledge, hence balanced and sensitive reporting on HIV has the potential to mobilize strong political and community support for a multisectorial approach to addressing the issue.

6.5 Education

Education is a fundamental human right, and goes hand-in-hand with many other human rights, especially the right to full human development. According to international human rights law, governments are obliged to "take all appropriate legislative, administrative, and other measures" to respect, protect, and fulfil an individual's right to education.¹³

13 International Covenant on Economic Social and Cultural Rights, Article 4

The right to education is also declared in the United Nations Millennium Development Goals (MDG), which includes the goal of providing universal primary education, globally, by the year 2015.¹⁴

The right to education is addressed in Article 26 of the Universal Declaration of Human Rights, which not only states that education must be free, but that it should also promote understanding, help maintain peace, and strengthen human rights.

Article 26:

- (1) Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Reporting on rights and education requires not only an examination of issues relating to attendance and access to education but also an examination of all the factors that determine a child's ability to learn such as health, nutritional status, wellbeing, safety and protection from abuse and violence, since a quality education is dependent on these factors. Reporting on human rights issues in education requires an understanding of; the quality of educational infrastructure, the quality of the curriculum (does it promote human rights and personal development?), the access children have to the school (are children safe at school? Are schools physically accessible to all the children in the areas that they service? Are the books and the equipment children need affordable? Are children of different ethnicities made welcome? Are children without the relevant language skills provided for?) Regarding the quality of teaching (are teachers all appropriately qualified?) Are teachers responsible for too many children per class and are teachers aware of human rights issues?). Data on school attendance, school drop outs and truancy disaggregated by sex, socio-economic and refugee status and ethnicity can help identify whether the rights of all children to a quality education are being met. Furthermore, children's health, their sense of wellbeing, and their feeling of safety and protection from abuse and violence are other issues that directly relate to the right to education and that need to be reported. Importantly the opinions of children and their perceptions on education should also be considered when examining whether the right to a quality education is being realised¹⁵.

6.6 Health

The right to health is directly related to all other human rights, for without the right to health, the right to life is compromised. The right to health means that governments must implement policies and plans in order to provide accessible health care for all in

14 United Nations Millennium Development Goals, UN Web Services Section, Department of Public Information, United Nations © 2008 <http://www.un.org/millenniumgoals/>

15 Child based NGOs like Save the Children often undertake surveys and report on child perspectives on issues such as education

the shortest possible time. The United Nations Universal Declaration of Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of himself [oneself] and of his family, including food, clothing, housing and medical care and necessary social services.”¹⁷ According to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the state parties “...recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹⁸ A rights-based approach to health implies that governments are obliged to protect and respect the right to health by being proactive and setting standards for health care provision.

As a journalist identifying how often and how severely certain population groups suffer illness may reveal inequitable health care provision. Using data that is disaggregated by such variables as ethnicity, sex and age can help to highlight disparities in health resulting from social disadvantage and can help raise awareness about basic health care issues and provide a valuable tool to advocate for human rights.

6.7 The Environment

The Asia-Pacific region has witnessed growing environmental problems associated with urbanization, industrialization, and poverty. The costs of environmental degradation include reduced output in production-based sectors, an irreversible loss in bio-diversity, and mounting health costs and mortality due to lack of clean water and increased pollution. Sustainable development therefore, requires a long-term strategy that addresses issues such as pollution and wasteful use of natural resources.

There is no doubt that it is the poor that are disproportionately affected by the consequences of unsustainable development. Soil degradation, fresh-water scarcity, pollutants, inefficient use of land, and insufficient access to technological resources all contribute to decreasing the quality of life of those who can most ill afford the brunt of environmental mismanagement. It is also the poor who most often live on marginal lands, making those eco-systems even more fragile and resource depleted. Moreover, it should be recognized that mismanagement of natural resources and the environment not only affect the poor of the current generation but those in the next generation as well.

Reporting on human rights and the environment requires investigation of environmental issues and their impact on sustainability and equity. Reporting should adhere to the principles that emerged out of the Rio Conference, ensuring that the participation and voice of those most affected are heard, that inter-generational equity issues are explored (for example, if destructive farming practices are occurring now what will this mean for the ability of future generations to farm the land?). A report focusing on the right to food, for example, would not only explore issues such as access to food and any discrimination in access to food, but would also examine whether the right to a safe and clean environment was not being violated in the process.

Environmental degradation inevitably leads not only to lack of clean water and unsanitary living conditions that adversely affect the poor, but it also negatively impacts upon agricultural productivity which more often than not results in lack of sustainable livelihoods and food insecurity for the poor. From a human rights perspective reporting on the environment would also demand an examination of the impact of these issues on sustainable livelihoods.

Laws, as well as economic incentives are required to protect a country's natural resource base from its illegal tapping and over use. National legislation, and national action groups, that advocate and protect a country's natural resource base, and

therefore ensure its sustainable use and management, are at the centre of a rights approach to the environment and the source of valuable information.

7. Human Rights-Based Approach (HRBA)

7.1 What is a Human Rights-Based Approach

The human rights-based approach aims to ensure that projects and programmes are based on international human rights standards, that they empower those that are involved and have a strong focus on the most disadvantaged.¹⁶ The approach examines all aspects of a particular human rights issue, examining local, state and national factors, government policies and the legal environment to ensure that there is a holistic understanding of why a right isn't being realized.

7.2 Why Reporting on Human Rights Subjects is Important

Including reports on human rights in overall news media is very important in ensuring that the public receives well-rounded and comprehensive coverage of what is occurring around them. Human rights are more than just legal issues as they directly impact on the progress and development of a country. This type of growth is essential for the national development of many countries, including Viet Nam.

Increasing the awareness and knowledge of human rights also increases the public's sense of security. If they know that violations will not be ignored, and that they can rely on their local paper to report accurately and without bias on what is going on then they will be more confident in their news media sources. By expanding media coverage to include reports of human rights subjects, the public will be better informed about their rights and the rights of others, increasing their confidence and raising overall awareness.

7.3 Principles of a Rights-Based Approach

The human rights-based approach is founded on certain human rights principles. These principles include; participation, accountability, non-discrimination, empowerment, and linkages to human rights standards. These principles need to be considered in a human rights-based approach so that all relevant communities and individuals involved will be able identify and articulate their rights, to actively participate in realizing their rights while also respecting others' rights to do so as well. The following is a brief description of the principles that need to be considered when a human rights based approach to journalism is undertaken. How to practically use these principles to guide your investigations and reports and the questions that will need to be considered will follow.

- **Linkages to human rights standards:** The human rights based

¹⁶ 'Human Rights in Development,' <http://www.unhchr.ch/development/approaches.html> © 1996-2002 Office of the United Nations High Commissioner for Human Rights - Geneva, Switzerland, taken on 01/06/2008.

approach is linked to international human rights law and standards, which outline the minimum standards required to respect, protect and fulfil human rights. International human rights conventions, treaties, declarations and reports are the guidelines that define what basic human rights are and whether a country is meeting those rights. When reporting on social issues, journalists should refer to the human rights conventions that have been signed by their government and the UN reports on whether the country is meeting these rights in order to get a good understanding of some of the key rights issues in the country.

- **Participation:** A human rights based approach entails a high degree of participation from all affected parties, individuals, men and women, communities, civil societies, indigenous populations, and others. Participation must be active, free, and meaningful. It is stated in the UN Declaration on the Right to Development, that participation must be “active, free and meaningful” so that mere formal or “ceremonial” contacts with beneficiaries are not sufficient. The participation of the most disadvantaged and marginalized communities should always be a priority.
- **Accountability:** A human rights based approach identifies the “rights holders”, as well as “duty bearers”(those who are responsible for protecting, respecting and fulfilling these rights), to highlight who has responsibility/accountability for ensuring rights holders’ rights are realized. This principle assists in focusing on increasing the capacity of duty-bearers, including governments, individuals, local organizations and authorities, private companies, aid donors and international institutions, to meet their obligations. As noted in human rights law, duty-bearers have an obligation to progressively realize social, cultural, and economic rights.
- **Non-discrimination:** The human rights requirement for non-discrimination demands that particular focus be given to the status of vulnerable groups, of which to be determined locally, such as minorities, indigenous peoples, impoverished groups, within the context of a rights-based approach. In order to successfully abide by this principle there is a high need of disaggregated data by race, religion, sex, ethnicity, language, and other associated areas of concern in human rights.¹⁷

In carrying out these principles a journalist must include safeguards to protect against threats to the rights and well-being of these vulnerable and marginalized groups, while guarding against reinforcing any existing power imbalances. Who is interviewed, where they are interviewed, how they are interviewed and what information is reported on, should all prevent any power imbalances.

- **Empowerment:** A human rights-based approach requires that interventions contribute to the enhancement of the capacities of rights-holders to claim and exercise their rights. Rights holders must be placed at the centre of the process. In reporting on any issue the interview process and the reporting should, where possible give voice to the marginalized, allow them to express their concerns or their

17 ‘Human Rights in Development: Rights-Based Approaches,’ © Copyright 1996-2002, Office of the United Nations High Commissioner for Human Rights - Geneva, Switzerland, retrieved on 01/06/2008 <http://www.unhchr.ch/development/approaches-04.html>

needs in a safe environment.

7.4 Benefits of Using a Rights- Based Approach and the Associated Implications Towards Development

Using the human rights-based approach potentially has the capacity to engage, empower and promote the rights of all individuals involved. The human rights-based approach provides a framework that emphasizes the obligation of States and duty-bearers to respect, protect and fulfil rights. When reporting, duty holders include not only government and other responsible parties but also journalists themselves.

8. Human Rights-Based Approach to Journalism

8.1 Tools for Reporting on Human Rights Subjects

When reporting human rights subjects, make sure to keep the following ideas in mind:

Linkages to Human Rights

- Your audience will often be unaware about the idea of human rights and what it means so you need to explain the concept in a clear manner.
- Always report human rights stories with the concept of “Human Rights” at the forefront of the story—people must learn about their rights and the rights of others from you.

Non Discrimination

- When adopting a human rights based approach to journalism always consider disadvantaged groups and how they may be impacted by the issue that you are reporting on.
- When you are sourcing data and facts about an issue where possible, use disaggregated data. This would include data disaggregated by gender, ethnicity, socio-economic status, age, disability etc..
- When interviewing using a human rights based approach always be aware of possible power inequalities. Questions to ask yourself are:
 - (1) What is the power relationship between myself and the person I am interviewing. Are they likely to be intimidated by me? Are they just giving me the answers that they think I want to hear? How can I make them feel comfortable?
 - (2) If you are interviewing more than one person at a time be aware of the power dynamics between the people you are interviewing. Is anyone likely to feel uncomfortable stating their opinions in front of someone else? Consider the people you are interviewing. Are they all the same ethnicity? The same gender? The same socioeconomic status? If you

are uncertain at all and you need to interview more than one person at a time, or need to do the interview in front of others, try and ensure that those being interviewed are of the same gender, ethnicity, age group, socioeconomic status, etc..

Accountability

Journalists

- When reporting on human rights issues make sure that you have collected hard, indisputable facts prior to reporting.
- When you first approach the person you are hoping to interview make sure that you are clear as to where you are from, exactly what you are going to ask about and what you are going to report on. Also be clear as to how you are going to report on the issue and how you want to reference the information that they may give. Ask them how they would prefer to be quoted, or whether they want to be directly quoted.
- Always be sensitive to the cultural, political and social context and subject matter. For example when interviewing women on women's issues, try, where possible to have a woman journalist undertaking interviews. When interviewing those of specific ethnic background, again, where possible make sure that the journalist involved is of that cultural background and make sure that you are sensitive of the relevant cultural approach to communication.
- When interviewing always consider the safety and security of the person you are interviewing. If they are likely to be threatened or subjected to any violence as a result of the interview, ensure that you interview them in a safe place and that their identities remain anonymous when you are reporting about the issue. If you believe that they are unaware of certain risks associated with providing you with this information you must tell them up front. Protecting your interviewees is not only about journalist integrity but is also a human rights issue.

Government

- Where relevant, if a government is not meeting its commitments under the conventions that it has signed then note this in your report or article. It is important that journalists play a role in keeping government accountable for their obligations to respect, protect and fulfil the human rights of their people.

Participation

- If you are writing a story about a particular group of disadvantaged people, while being mindful of their current and future safety, it is important that their opinions and voices are heard on the issue. A human rights-based approach encourages participation and empowerment.

These groups could provide information not only on the situation but also provide interesting solutions to some of the issues that they face.

Empowerment

- Where it is does not pose a security threat to those involved, ensure that those interviewed are comfortable to come to you with further information. Where relevant also provide them with information on how to contact journalists that are sensitive to their human rights issues, so that if an issue should arise they are able to go directly to a journalist who will be to support them to make the public aware of the issue.

9. *Creating a Training Programme for Human Rights in Viet Nam* *By Professor T. Duffy*

9.1 DRAFT CURRICULUM:

HUMAN RIGHTS TRAINING FOR JOURNALISTS

i. Introduction & Rationale

The proposed training envisages the development of audience-specific programmes for:

- (1) Journalists currently undertaking their basic training for the profession; and**
- (2) Various targeted “in-service” or life-long learning offerings which would enhance the awareness of and capacity to deal with human rights issues among experienced and currently serving media professionals in Viet Nam.**

The precise “roll out” and nature of these trainings will be developed in close consultation with relevant institutions and individuals. Whether in respect of foci (1) or (2) the core objective will be to equip journalists with the basic elements of human rights knowledge, reporting and others skills, as well as human rights awareness relevant to their job. This suggested draft curriculum includes coverage of elementary content/issues in human rights. This will include the study of key UN conventions and other instruments, including audience-specific resolutions (such as the ECOSOC resolutions on Communications concerning Human Rights).

ii. Subject Matter & Epistemological Goals

The subject matter will provide an historical perspective to provide journalists with a genuine sense of the development of human rights law, and also provide insights into particular themes (such as women's rights, children's rights, the rights of prisoners etc.). Content will be developed relevant to particular training sessions. The training will include lectures, training demonstrations and simulations, seminar and workshop exercises and discussions, presentations by students, and consideration as to the creation of a specific UNESCO communications "tool-kit" for media training which would also be available on-line. As part of their participation in human rights training for journalists, students may be encouraged to assemble their personal professional logbook documenting their professional development in reporting on human rights issues.

It is widely believed that the training curricula for communications professionals and journalists has (unfortunately) devoted sparse attention to human rights. This is an observation which applies quite generally, and is by no means unique to Viet Nam. The international community, through the UN system and through international NGO's such as Amnesty International (and in respect of communications, we would especially mention the role of the International Federation of Journalists), have developed and promoted measures for protecting human rights whose implementation largely depends on wide dissemination through the mass media and other avenues of communication. Such work must be conducted with appropriate cultural sensitivity and with the fullest co-operation and input from local partner organizations. The generic purpose of the proposed training is to enhance such dissemination and to raise awareness of and to equip journalists in Viet Nam to appropriately handle human rights issues.

iii. Specific Objectives

- To empower student and practising journalists to investigate and report on human rights issues;
- By the completion of such training, participants should better understand the concept of human rights and the historical background and legal basis of human rights;
- They should be better able to appropriately identify human rights issues in their own country;
- They should acquire the personal and technical skills to investigate and cover human rights issues for their media;
- They should acquire an appropriate sensitivity to issues of "human concern" and how these might be handled in Viet Nam;
- They may develop "subject specific" special knowledge in chosen areas of human rights (e.g. women's rights, children's rights, the rights of those with HIV/AIDS etc.)

iv. Training Methodologies

Lectures, work-shop and field-work training (including participation in reporting simulations), group discussions, field-visits and drafting sample reports on human rights issues.

v. Target Audiences

- (1) Journalists currently undertaking their basic training for the profession;
- (2) Various “in-service” or life-long learning offerings which would enhance the awareness of and capacity to deal with human rights issues among media professionals in Viet Nam.

vi. Course Structure and Duration

The number of hours involved and the balance of instruction/practical training will vary according to the audience and specifics of the course. There should be a healthy balance of content, discussion, opportunities for technical and other training and relevant field experience.

vii. Suggested Draft Course Content

- Introduction to relevant historical and legal background, including relevant UN resolutions and conventions;
- Case-Studies of Universal Declaration of Human Rights and of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights;
- Over-view of human rights reporting for journalists, including consideration of the situation in Viet Nam;
- Skills and Methodologies in human rights reporting;
- Legal, practical and personal issues when covering human rights and humanitarian stories;
- Discussion of the resources and professional advice on human rights reporting available to journalists;
- Simulations and field-work on reporting human rights issues in Viet Nam;
- Compilation of a log-book of professional practice, including reflection on the challenges and possibilities of human rights reporting in Viet Nam;
- Opportunities to develop subject-specific concentration in particular areas of human rights, and to develop unique knowledge and skills relevant to those selected subject areas.

9.2 DRAFT MODEL GROUP DISCUSSION EXERCISES ON HUMAN RIGHTS IN Viet Nam

GROUP ONE: DISCUSSION GROUP ON REPORTING ON THE RIGHTS OF WOMEN:

Each discussion group will have a spokesperson that will be responsible for summarizing the discussion and main conclusions for the plenary.

“At the same time that women produce 75 to 90 per cent of food crops in the world, they are responsible for the running of 95 per cent of households. According to the UN in no country in the world do men come anywhere close to women in the amount of time spent in housework. Furthermore, despite the efforts of feminist movements, women still suffer disproportionately...two out of every three poor adults are women. Women do two-thirds of the world’s work, receive 10 per cent of the world’s income and own only one per cent of the means of production.” (R.H. Robbins, *Global Problems and the Culture of Capitalism*, (London, 1999), p. 354

Please discuss as a group the priorities in reporting on the rights of women in Viet Nam.

GROUP TWO: DISCUSSION GROUP ON REPORTING ON THE RIGHTS OF CHILDREN:

Each discussion group will have a spokesperson that will be responsible for summarising the discussion and main conclusions for the plenary.

“The global scandal of violence against children is a horror story too often untold... In its investigations of human rights abuses against children, Human Rights Watch has found that in every region of the world, in almost every aspect of their lives, children are subject to unconscionable violence, most often perpetrated by the very individuals charged with their safety and well-being”. (Human Rights Watch Report on Children’s Rights, 2005)

What are the protections (and also the hot topics) which you as a journalist might write about in regard to the rights of children in Viet Nam?

GROUP THREE: DISCUSSION GROUP ON REPORTING ON HIV/AIDS & HUMAN RIGHTS:

Each discussion group will have a spokesperson that will be responsible for summarizing the discussion and main conclusions for the plenary.

“Over two-thirds of today’s 15-year-olds will die of AIDS in some countries. Never has there been a more urgent case for the protection of human rights...” (UN Secretary General, Kofi Annan, December 2004)

Please compose a news story on HIV/AIDS and human rights in Viet Nam.

GROUP FOUR: DISCUSSION GROUP ON REPORTING ON THE MILLENNIUM DEVELOPMENT GOALS:

Each discussion group will have a spokesperson that will be responsible for summarizing the discussion and main conclusions for the plenary.

“At the centre of discussions at the UN Millennium Review Summit in September 2005, will be the eight millennium development goals (MDG’s) which embody specific targets...to alleviate worldwide poverty, hunger, and disease, to globalize human rights, the equality of women, and environmental protection, and to create fair rules of trade, increase developmental assistance, and put an end to sustainable debt...” (Geoffrey Sachs, Special Adviser, UN Millennium Development Goals.)

Which MDG issues might be of special interest to Vietnamese journalists?

9.3 PRESENTATION ON COMMUNICATING HUMAN RIGHTS ISSUES IN Viet Nam WITH PRACTICAL SUGGESTIONS FOR JOURNALISTS WITH SPECIAL REFERENCE TO HIV/AIDS, GENDER AND THE RIGHTS OF CHILDREN

Introduction

Cultures and situations vary greatly

- good reporting of human rights subjects must be sensitive to the society and to the subject matter and must be objective
- pay extra attention to details (you often have only one chance to ask respondents what they have observed)
- be methodical and forensic
- for documentation, try to use video and be careful not to disturb physical evidence
- remember it is a human issue....and often subjective

Ethical issues in publishing human rights stories

- no easy answers
- Care and sensitivity needed

- Consider the implications of such issues as HIV/AIDS, gender, and the rights of children
- Story selection is often determined for you by events and others
- Consider how wary do you need to be of evidence
- are there issues that people won't/can't talk about?
- gender issues, can you work in a mixed team of journalists?
- always remember that you can usually leave the local community, your sources may not be able to
- Are there some stories which it is easier for internationals to handle? (helps maintain neutrality)
- give extra attention to your own safety in sensitive situations
- always tell colleagues where you are going and when you expect to return and try to work in a team

Interviewing witnesses and people with human interest stories

- always interview each person alone
- often a bustle, too many voices are too difficult to record
- also, group pressure easily changes (escalates) a story
- say exactly who you are working for and why
- explain importance of making things known
- agree first thing on use of person's name/anonymity and how to cite them

Confirm basic details first

- name and age of interviewee
- interviews can break down midway

Confirm supporting details

- ensure clear descriptions of places
- names of all present at event, their positions, jobs
- Recognizable uniforms or insignia

Ask about timing, sequence of events repeatedly

- what said when? Cross-reference?
- have interviewee repeat several times...
- compare stories (too similar? too dissimilar?)
- understand the stress in the interview
- take breaks if possible
- provide water, tea, etc. if possible
- can be traumatic for the interviewees and for the journalist

Contacting appropriate organisations

- only do what you agreed to do with your interviewees
- remember the individual's right to anonymity
- you may have a mix of information, some you've agreed to pass on, some not, keep close track of what you agreed

After the story... conclusions

- give extra attention to security and data protection issues
- be respectful of the implications of a story for the individual and his/her community

Sensitivities Unique to HIV/AIDS, gender and the rights of children

- be aware of the implications of inadvertently revealing an individual's HIV/AIDS status
- consider the issue of medical confidentiality even where interviewees are open about their HIV/AIDS status
- be aware of special approaches and journalistic techniques which might work best when dealing with issues of gender
- would a male journalist get the same answers as a female journalist when exploring issues in relation to women?
- what special approaches and techniques are unique to journalism relevant to the rights of children
- how should you construct interviews with children?
- give extra attention to security and data protection issues relevant to HIV/AIDS, gender and the rights of children

Related links:

UNESCO & Reporters sans frontières: Practical Guide for Journalists

<http://www.rsf.fr/uk/html/guidep/gpuk98.pdf>

Human Rights Internet: Reporting Human Rights and Humanitarian Stories:
A Journalist's Handbook

<http://www.hri.ca/doccentre/docs/hrd/handbook97/>

Annex I: 'Viet Nam UN Treaties, ILO Treaties, and Constitutional Guarantees of the Right to Education'

United Nations Treaties *Date of admission to UN: 20 September 1977.*

- International Covenant on Economic Social and Cultural Rights - ICESCR

Acceded: 24 September 1982.

Reports submitted/due: 1/3

No reservation related to the right to education

- International Covenant on Civil and Political Rights - ICCPR

Acceded: 24 September 1982

Reports submitted/due: 2/2

No reservation related to the right to education.

- International Convention on the Elimination of all Forms of Racial Discrimination - CERD

Acceded: 9 June 1982.

Reports submitted/due: 9/10

Reservation to Art. 22.

- Convention on the Elimination of All Forms of Racial Discrimination - CEDAW

Ratified: 17 February 1982.

Reports submitted/due: 4/5

Reservation to Art. 29.

- Convention on the Rights of the Child - CRC

Ratified: 28 February 1990.

Reports submitted/due: 2/3

No reservation related to the right to education.

ILO treaties

ILO 111 Convention concerning Discrimination in Respect of Employment and Occupation (1958)

- date of ratification: 07.10.1997

ILO 182 Worst Forms of Child Labour Convention (1999) - date of ratification: 19.12.2000

Constitutional Guarantees of the right to education

Date of adoption/date of entry into force
- 15 April 1992

Relevant Provisions

Chapter III - Culture, education, science and technology

Art.35

Education and training are key national policies.

The State shall develop education to enhance the people's intellectual standard, strengthen manpower, and foster men of talent.

Art.36

The State uniformly manages the national education system in terms of objectives, curriculum, contents and study programmes; formulates regulations on the qualifications of teachers, examinations, and the certificate system.

The State shall (...) strive to universalize primary education, eliminate illiteracy, develop state- and privately-run schools and other forms of education.

The State shall invest in education on a priority basis and encourage sources of capital for this purpose.

The State implements on a priority basis the policy of developing education in the mountain regions, areas of ethnic minorities, and localities with acute difficulties.

Chapter V - Citizens' fundamental rights and duties

Art.59

Education is a right and obligation of citizens.

Elementary education is mandatory and free.

Citizens have the right to pursue their general education and to learn a profession under various forms.

Prodigious students shall be encouraged by the State and society to develop their talents.

The State shall adopt policies on tuition fees and scholarships.

The State and society shall create conditions for handicapped children to pursue general education and to learn appropriate professions.

'Viet Nam UN Treaties, ILO Treaties, and Constitutional Guarantees of the Right to Education,' Right to Education © 2000-2006 <http://www.right-to-education.org/home/>

Annex II: HRBA to HIV/AIDS – Resources

HIV/AIDS Stigma and Human Rights: A Resource Manual for NGO's, Community Groups and Persons Living with AIDS (2005)

The training manual aims to tackle stigma at a local level. It is a practical tool introducing rights in an accessible format, with basic information on HIV/AIDS, why it is a human rights issue and common human rights issues for People Living With AIDS.

HIV/ AIDS and Human Rights International Guidelines. Guideline 6: "Access to Prevention, Treatment, Care and Support" (2005)

This guideline aims to help States to design policy and practice to ensure respect for human rights. It is a revised version of Guideline 6 on "Access to prevention, treatment, care and support" adopted in 1998 by the Office of the High Commissioner for Human Rights (OHCHR).

Promoting Rights-Based Approaches: Experiences and Ideas from Asia and the Pacific (2005)

Save the Children has promoted rights-based approaches through training workshops, programme reviews, discussions, documents and practical programme experimentation. All of this work is based on a firm commitment to human rights and the fundamental principles of universality, indivisibility, accountability and participation.

Reader on Children and Rights Based Programming No. 5 (2005)

The reader contains selected resources about children and rights-based approaches to programming. This includes basic texts, legal instruments, best practice documents, policy and advocacy documents, monitoring and reporting tools, training material and websites. Further resources are available on the rights-based programming website www.therightsapproach.org

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