

v. 8 • n. 14 • jun. 2011  
Biannual

English Edition

● **Mauricio Albarracín Caballero**

Social Movements and the Constitutional Court: Legal Recognition of the Rights of Same-Sex Couples in Colombia

● **Daniel Vázquez and Domitille Delaplace**

Public Policies from a Human Rights Perspective: A Developing Field

● **J. Paul Martin**

Human Rights Education in Communities Recovering from Major Social Crisis: Lessons for Haiti

## THE RIGHTS OF PERSONS WITH DISABILITIES

● **Luis Fernando Astorga Gatjens**

Analysis of Article 33 of the UN Convention:  
The Critical Importance of National Implementation and Monitoring

● **Letícia de Campos Velho Martel**

Reasonable Accommodation: The New Concept from  
an Inclusive Constitutional Perspective

● **Marta Schaaf**

Negotiating Sexuality in the Convention on the Rights  
of Persons with Disabilities

● **Tobias Pieter van Reenen and Heléne Combrinck**

The UN Convention on the Rights of Persons with Disabilities in Africa:  
Progress after 5 Years

● **Stella C. Reicher**

Human Diversity and Asymmetries: A Reinterpretation of  
the Social Contract under the Capabilities Approach

● **Peter Lucas**

The Open Door: Five Foundational Films That Seeded the Representation  
of Human Rights for Persons with Disabilities

● **Luis Gallegos Chiriboga**

Interview with Luis Gallegos Chiriboga, President (2002-2005)  
of the *Ad Hoc* Committee that Drew Up the Convention on the  
Rights of Persons with Disabilities



#### EDITORIAL BOARD

- Christof Heyns** University of Pretoria (South Africa)  
**Emilio García Méndez** University of Buenos Aires (Argentina)  
**Fifi Benaboud** North-South Centre of the Council of Europe (Portugal)  
**Fiona Macaulay** Bradford University (United Kingdom)  
**Flavia Piovesan** Pontifical Catholic University of São Paulo (Brazil)  
**J. Paul Martin** Columbia University (United States)  
**Kwame Karikari** University of Ghana (Ghana)  
**Mustapha Kamel Al-Sayyid** Cairo University (Egypt)  
**Richard Pierre Claude** (*in memoriam*) University of Maryland (United States)  
**Roberto Garretón** Former-UN Officer of the High Commissioner for Human Rights (Chile)  
**Upendra Baxi** University of Warwick (United Kingdom)

#### EDITORS

Pedro Paulo Poppovic  
Oscar Vilhena Vieira

#### EXECUTIVE BOARD

Albertina de Oliveira Costa  
Juana Kweitel  
Glenda Mezarobba  
Thiago Amparo  
Lucia Nader

#### EDITING

Renato Barreto  
Tânia Rodrigues  
Luz González

#### REVISION OF TRANSLATIONS

Carolina Fairstein (Spanish)  
Marcela Vieira (Portuguese)  
The Bernard and Audre Rapoport  
Center for Human Rights and Justice,  
University of Texas, Austin (English)

#### GRAPHIC DESIGN

Oz Design

#### ART EDITING

Alex Furini

#### CIRCULATION

Luz González

#### PRINTING

Prol Editora Gráfica Ltda.

#### ADVISORY BOARD

- Alejandro M. Garro** Columbia University (United States)  
**Bernardo Sorj** Federal University of Rio de Janeiro / Edelstein Center (Brazil)  
**Bertrand Badie** Sciences-Po (France)  
**Cosmas Gitta** UNDP (United States)  
**Daniel Mato** Central University of Venezuela (Venezuela)  
**Daniela Ikawa** Public Interest Law Institute (United States)  
**Ellen Chapnick** Columbia University (United States)  
**Ernesto Garzon Valdes** University of Mainz (Germany)  
**Fateh Azzam** Regional Representative, Office of the High Commissioner for Human Rights (Lebanon)  
**Guy Haarscher** Université Libre de Bruxelles (Belgium)  
**Jeremy Sarkin** University of the Western Cape (South Africa)  
**João Batista Costa Saraiva** Regional Jurisdiction for Children and Adolescents of Santo Ângelo/RS (Brazil)  
**José Reinaldo de Lima Lopes** University of São Paulo (Brazil)  
**Juan Amaya Castro** University for Peace (Costa Rica)  
**Lucia Dammert** FLACSO (Chile)  
**Luigi Ferrajoli** University of Rome (Italy)  
**Luiz Eduardo Wanderley** Pontifical Catholic University of São Paulo (Brazil)  
**Malak Poppovic** Conectas Human Rights (Brazil)  
**Maria Filomena Gregori** University of Campinas (Brazil)  
**Maria Hermínia Tavares Almeida** University of São Paulo (Brazil)  
**Miguel Cillero** University Diego Portales (Chile)  
**Mudar Kassis** Birzeit University (Palestine)  
**Paul Chevigny** New York University (United States)  
**Philip Alston** New York University (United States)  
**Roberto Cuéllar M.** Inter-American Institute of Human Rights (Costa Rica)  
**Roger Raupp Rios** Federal University of Rio Grande do Sul (Brazil)  
**Shepard Forman** New York University (United States)  
**Victor Abramovich** University of Buenos Aires (UBA)  
**Victor Topanou** National University of Benin (Benin)  
**Vinodh Jaichand** Irish Centre for Human Rights, National University of Ireland (Ireland)

**SUR - International Journal On Human Rights** is a biannual journal published in English, Portuguese and Spanish by Conectas Human Rights. It is available on the Internet at <<http://www.surjournal.org>>

SUR is covered by the following abstracting and indexing services: IBSS (International Bibliography of the Social Sciences); DOAJ (Directory of Open Access Journals); Scielo and SSRN (Social Science Research Network). In addition, SUR is also available at the following commercial databases: EBSCO and HEINonline. SUR has been rated A1 and B1, in Colombia and in Brazil (Qualis), respectively.

SUR. Revista Internacional de Direitos Humanos / Sur – Rede Universitária de Direitos Humanos – v.1, n.1, jan.2004 – São Paulo, 2004 - .

Semestral

ISSN 1806-6445

Edições em Inglês, Português e Espanhol.

1. Direitos Humanos 2. ONU I. Rede Universitária de Direitos Humanos

## CONTENTS

MAURICIO ALBARRACÍN CABALLERO	<b>7</b>	Social Movements and the Constitutional Court: Legal Recognition of the Rights of Same-Sex Couples in Colombia
DANIEL VÁZQUEZ AND DOMITILLE DELAPLACE	<b>33</b>	Public Policies from a Human Rights Perspective: A Developing Field
J. PAUL MARTIN	<b>63</b>	Human Rights Education in Communities Recovering from Major Social Crisis: Lessons for Haiti
<b>THE RIGHTS OF PERSONS WITH DISABILITIES</b>		
LUIS FERNANDO ASTORGA GATJENS	<b>71</b>	Analysis of Article 33 of the UN Convention: The Critical Importance of National Implementation and Monitoring
LETÍCIA DE CAMPOS VELHO MARTEL	<b>85</b>	Reasonable Accommodation: The New Concept from an Inclusive Constitutional Perspective
MARTA SCHAAF	<b>113</b>	Negotiating Sexuality in the Convention on the Rights of Persons with Disabilities
TOBIAS PIETER VAN REENEN AND HELÉNE COMBRINCK	<b>133</b>	The UN Convention on the Rights of Persons with Disabilities in Africa: Progress after 5 Years
STELLA C. REICHER	<b>167</b>	Human Diversity and Asymmetries: A Reinterpretation of the Social Contract under the Capabilities Approach
PETER LUCAS	<b>181</b>	The Open Door: Five Foundational Films that Seeded the Representation of Human Rights for Persons with Disabilities
LUIS GALLEGOS CHIRIBOGA	<b>200</b>	Interview with Luis Gallegos Chiriboga, President (2002-2005) of the <i>Ad Hoc</i> Committee that Drew Up the Convention on the Rights of Persons with Disabilities

# PRESENTATION



Sur Journal has the pleasure to release its issue number 14<sup>th</sup>, which focuses on the rights of persons with disabilities. The purpose of this issue is to promote a wide debate on the impacts of the adoption of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, and to evaluate the consequences of this normative evolution for national and regional systems in the Global South.

The final selection of articles presents a diverse approach to disability-rights, both in terms of regional representation and thematic scope. The dossier's opening article entitled **Analysis of Article 33 of the UN Convention: The Critical Importance of National Implementation and Monitoring**, by Luis Fernando Astorga Gatjens, discusses the role played by States Parties and civil society organizations, specially organizations of persons with disabilities (OPwDs), in implementing and monitoring the compliance with the convention, in accordance with the Article 33 of the Convention on the Rights of Persons with Disabilities.

From a comparative-law perspective, Letícia de Campos Velho Martel analyzes in **Reasonable Accommodation: The New Concept from an Inclusive Constitutional Perspective** the incorporation of the Convention into the Brazilian legal-framework.

On sexuality-related rights, Marta Schaaf, in her article entitled **Negotiating Sexuality in the Convention on the Rights of Persons with Disabilities**, give us a critical account on the dynamics of power and discourse related to disabled sexuality, pointing out the remaining silence on the matter even after the adoption of the Convention.

**The UN Convention on the Rights of Persons with Disabilities in Africa: Progress after 5 Years**, by Tobias Pieter and Hélène Combrinck, presents a review of the Convention's potential impact on African regional human rights normative framework and on implementation of disability-related rights in selected domestic legal systems (South Africa, Ethiopia, Uganda, and Tanzania).

Based on a critical account of theories of justice, **Human Diversity and Asymmetries: A Reinterpretation of the Social Contract under the Capabilities Approach**, by Stella C. Reicher, critically examines political participation of persons with disabilities, inclusion and diversity in contemporary societies.

Peter Lucas's **The Open Door: Five Foundational Films that Seeded the Representation of Human Rights for Persons with Disabilities** presents a careful description of five landmark disability rights-related films and suggests an original approach on the role of filmmakers in

advancing poetical strategies to represent disability; merging art and political will to break the silence and promote change.

Closing the dossier, we also included an exclusive **Interview with Luis Gallegos Chiriboga, President (2002-2005) of the Ad Hoc Committee that Drew Up the Convention on the Rights of Persons with Disabilities**. The interview was made by Regina Atalla, President of the Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families (RIADIS).

Apart from our thematic articles, we have also included the article named **Social Movements and the Constitutional Court: Legal Recognition of the Rights of Same-Sex Couples in Colombia**, by Mauricio Albarracín Caballero, which explores how rights-mobilization by social movements have influenced the approach by the Colombian Constitutional Court to this issue.

Daniel Vázquez and Domitille Delaplace in **Public Policies from a Human Rights Perspective: A Developing Field**, expose a critical view on how to use the tools of the New Public Management in order to include human rights into public policies, bringing particularly the experience of Mexico.

The article by J. Paul Martin on **Human Rights Education in Communities Recovering from Major Social Crisis: Lessons**

**for Haiti**, discusses Haiti after the 2009 earthquake and elucidates the main challenges facing human rights education in a situation of post-conflict and national reconstruction.

Concepts expressed in the articles are exclusive responsibility of the authors.

We would like to thank the experts who reviewed the articles for this issue. We are especially grateful to Diana Samarasan and Regina Atalla for their involvement in the call for papers and the selection of articles related to rights of persons with disabilities for the current issue. In addition, we would like to stress our appreciation to Matheus Hernandez, who assisted in the elaboration of this issue in the first semester of 2011.

Sur Journal is glad to inform that the table of contents of this special edition on the rights of people with disabilities is also printed in braille, with the link to our website.

Exceptionally, the present issue, dated June of 2011, was printed in the second semester of 2011.

Finally, Sur Journal would like to remind our readers that the next issue will discuss implementation at the national level of the decisions of the regional and international human rights systems and civil society's monitoring role in regard to this process.

The Editors.



J. PAUL MARTIN

J. Paul Martin is a teacher and director of human rights studies at Barnard College, Columbia's undergraduate College for women, since he left his position as executive director of the Center for the Study of Human Rights at Columbia University after 27 years. His current research includes human rights education in post conflict zones and post-secularism. He has also become increasingly interested in the human rights in Haiti where he is helping to develop a masters' program in human rights for young professionals in teaching, criminal justice, religion, social advocacy and the law.

Email: [jpm2@columbia.edu](mailto:jpm2@columbia.edu)

## ABSTRACT

---

Based on lessons learned through research on human rights education in post-conflict communities in Africa and Latin America, this paper argues that (a) Haiti must begin immediately to lay the foundations for a society that will improve significantly on that of the last two hundred years, that (b) two of the critical groups in that process will be women and young professionals, and therefore that, inter alia, (c) high quality human rights education is needed to assure their political, economic and professional empowerment.

Original in English.

Received in December 2010. Accepted in May 2011.

## KEYWORDS

---

Haiti – Human rights – Human rights education – Sustainable education – Teacher training



This paper is published under the *creative commons* license.

This paper is available in digital format at [www.surjournal.org](http://www.surjournal.org).

# HUMAN RIGHTS EDUCATION IN COMMUNITIES RECOVERING FROM MAJOR SOCIAL CRISIS: LESSONS FOR HAITI\*

J. Paul Martin

For the past ten years I have been participating in a study of the role of human rights education in post-conflict societies, primarily but not exclusively in Africa and Latin America. Given that many of the effects of the earthquake in Haiti are comparable to the devastation caused by civil conflict, it is useful to examine whether there are lessons applicable to Haiti.

The research project evaluated the importance, role and factors governing the success of human rights education programs following a major social crises caused by civil conflicts. It drew especially on the opinions of domestic and international actors, notably public officials, administrators, teachers and local human rights leaders.

Because the content and formats of these programs vary considerably, we defined human rights education broadly, namely as **learning that promotes the knowledge, skills, behaviors and attitudes needed to promote human rights and social justice**. Our evaluation focused on the impact of such education, namely results outside the classroom. This definition deliberately excludes any theory of priorities among rights or of the relationship between individual and society. It also excludes any linkage with theories of democracy or other political structures, nation or state building, political identity, the principles and practices underpinning economic development, as well as with international relations or foreign affairs. These latter categories were used rather as optics and criteria to distinguish between different models and approaches to human rights education.

The findings are still tentative but a number of them are relevant to the current situation in Haiti.

---

\*While these conclusions are my own, I am indebted to many exchanges with Prof. Tracey Holland of Vassar College who led the recent research project with funding primarily from the U.S. Institute of Peace.

We found **strong support** for human rights education on the part of the local people, local leaders and local teachers seeking to build a better society. We also found that support on the part of many local and international government officials was mostly in principle, not in practice, namely when it came to enforcing policies and making the necessary budget allocations.

Human rights education works **best when it addresses the real life problems** of the particular target population. During major emergencies, for example, most local populations suffer from a sense of powerlessness. In these cases human rights education must show how domestic and international human rights principles and institutions are a source of empowerment, notably with respect to public officials, the military and local police, as well as others who control access to the resources needed to re-build their lives. In this case, if nothing else, human rights education should convince the target population that they have rights and that the government and government officials are legally bound by both domestic and international law to protect those rights.

Our research also showed that the **idea of their having rights was not strange to villagers**. Local leaders, for example, had little difficulty identifying as unjust activities that others would readily call human rights violations. The leaders also had little difficulty identifying the causes of the violations, tracing many to patterns of discrimination and the use of violence and fear-mongering. While perhaps using other words, they attributed the continuing violations to a lack of accountability on the part of the government officials and to a lack of protection from the hostile actions of private armed groups. These are, however, just some examples of their sense of injustice. The important point is that to be successful, human rights education needs to respond to the real-life problems of the target population.

The human rights education programs we studied took **many forms**, ranging from studying documents such as the Universal Declaration of Human Rights to training in the skills needed to document and report human rights abuses. In most poorer or developing countries, however, few such programs last longer than week or two. Most were much shorter. Hardly any were integrated into public school curricula or reinforced by subsequent trainings or other support systems. Only a few tried to come to grips with the causes and circumstances of the problems faced outside the classroom on a day-to-day basis. Their effectiveness was governed principally by three factors: the design of the program, the training of teaching personnel and access to adequate physical resources.

Our analysis of the roots of conflict identified **discrimination and its associated social constructs as well as economic interests as the most common causes** of human rights violations. The social constructs were based on one or more forms of difference and diversity, typically constructions based on such more or less objective phenomena as skin color, religion or language. The constructions are used to define relationships between “us” and “them,” typically as negative or adversarial. In turn, such constructs generated political responses and strategies based on powerful but implicit premises such as



“dominate or be dominated.” This leads to social hierarchies where certain groups develop the power to act on behalf of their own interests without considering those of others. While economic benefits, the other major cause of human rights abuses, may be a source of discrimination on their own, they often overlap with social constructs associated with biological and cultural sources. On the other hand, we found that mutual economic benefits can also bring together formerly competing groups. The finding relevant for human rights education is the importance of strategies to redress the most serious patterns of discrimination, two of the most pervasive of which are frequently those based on gender and ethnic identity.

A further conclusion is that human rights education is not an add-on, but at the **core of the education of citizens** because it provides necessary tools to avoid violent conflict both in the family (domestic violence) and in the society at large. In other words, to reduce and hopefully avoid abuses, every society needs values and institutions that effectively mediate its inevitable, multi-faceted conflicts among its social, political, economic, cultural, ethnic, religious and other interests and groups. Peaceful societies are those which possess effective institutions. Formal and informal educational institutions, including families and other social organs that acculturate members to function within a whole social system. cultivate the knowledge, attitudes, behaviors and skills needed to resolve public and private conflicts without resort to violence. This, however, is not to say that human rights and a formal education system are the only ways to obtain these outcomes. Many societies have developed other institutions to reduce violence. However, these have often been rendered ineffective due to major social upheavals ranging from competition for land to civil wars and climate change.

Effective human rights education is **not a stand-alone activity**. It works best when coordinated with other supportive political and economic inputs, especially those that build **self reliant, participatory local communities**. Coordinated action to examine and identify prior and continuing causes of discrimination and inequity is a crucial, although an extremely difficult, step towards eliminating them. In this regard participants in human rights education programs underlined the value of training in such skills as critical thinking and conflict management in both family and public spheres. At the same time human rights education needs to emphasize political and economic emancipation, to encourage and enable people to participate in the decisions that affect their lives. Enabling the targets of human rights education to move from seeing themselves as victims to seeing themselves as agents was a common goal of most of the programs we studied.

Educational institutions are on the frontline of these endeavors. Unfortunately education, on account of either its absence or the biases that were taught, can also often contribute to ongoing social divisions and the lack of preparedness on the part of the population to deal with major crises. Thus, after a major crisis like the Haitian earthquake, when the schools were even more bereft of teaching materials and classrooms, teachers are all the more needed to

interpret and deal with the social problems that surround them. Human rights education is needed if the people are to feel empowered to respond to the major challenges that face them, that is to move from victimhood to agents. They can only do this if they do not feel powerless and unable to engender positive responses from the powers that be. Our research also found that human rights education needs to begin as soon as possible before the system settles down to life as before. Human rights educators also recommend that human rights education leads immediately to activities outside the classroom.

One of the growing problems during and after civil war is the growth of violence against women, especially as a weapon of war. As part of their responses we found that women were organizing themselves to prevent such violence. They are increasingly adopting strategies that use a language of empowerment, mobilization and agency. They are usually the loudest voices seeking local and international actions to prevent these forms of violence.

Using these as criteria, recent developments in Haiti receive a **mixed report**.

**On the positive side**, there is the huge international response, resulting according to some in 10,000 NGOs operating in the country. There are also many reports of individual re-building projects and collaboration among NGOs with respect to child-welfare. Equally significant is the common report of experienced aid-workers that in spite of the tragedy Haitian citizens as a whole are remarkably resilient and optimistic, compared with citizens they have seen elsewhere in similar circumstances.

**On the negative side** there is little evidence of activities that have the capacity to change the overall social patterns that have been established over the last two hundred years of Haiti's independence. There is no dominant vision of how the future can be different from the past. Politicians offer short-term benefits. There is no discussion of reducing the ongoing patterns of discrimination, nor of the type of education, training and capacity building needed to promote a different future. Understandably the conversations focus on the enormous immediate needs such as re-building the basic institutions of the state, including all the education institutions devastated by the earthquake. Missing is any social analysis that pin-points the goals and especially the detailed strategies needed to assure a different future for the nation.

Two of the central concerns of human rights education are political and economic emancipation. Together they encompass many individual rights. In the case of Haiti, both political and economic emancipation call for government to implement more structures that reward citizens for contributing to the rebuilding. They also call for overcoming the social cleavages that have long privileged one group over another, as well as activities that encourage communities to discuss and to address the problems they face on a daily basis. These problems include access to freshwater and food, AIDS and other diseases, sanitation, health, community relations and especially access to employment. Economic emancipation and political emancipation go hand in hand. Both call for new ideas that enable heads of household to provide for their families. Our research elsewhere found many ways through which poor communities

were addressing these and other common problems cooperatively and in self-reliant ways. Political emancipation is especially called for in societies with deep social cleavages like Haiti where sizeable segments of the citizenry see others as privileged and they themselves as disenfranchised and subordinate. The degree and the impact of such dissatisfaction in Haiti, however, have yet to be assessed.

In the eyes of the educators one of the main purposes of human rights education, whether in a crisis or not, is to help a society to address and solve its problems without resort to violence. In a situation such as Haiti after the earthquake, where public institutions hardly function, the purpose is still to reduce violence and to solve problems peacefully. How are this and the other objectives of human rights education to be achieved?

### **Moving Ahead: How to Respond**

Our research on Africa and Latin America showed that the critical initial decision in promoting capacity building to improve human rights is the choice of the target group or groups. This choice is critical because the available resources are limited and they are in danger of being spread too thin to assure sustainability. The choice of target group is generally based on utilitarian principles, that is how best to assure the greatest benefit for the greatest number, and long-term sustainability. The content and methodology must then be made relevant to the day-to-day lives of the target group. In Haiti the potential target groups are numerous: police, government officials, local NGOs and health workers, UN military forces, teachers, aid agencies, clergy etc, as well as the public at large. A case can be made for each.

Given the myriad of other programs designed to help Haiti, in its search for long term benefits and to break the cycles of the past, Haiti must look to itself and to its own resources that have not yet been well mobilized as leaders, notably its women. This means not just one project here or there, but a broad effort to increase the political and economic emancipation of women. There is every indication that many women in Haiti are able and willing to meet that challenge, missing are the knowledge, skills and institutional structures needed. Such efforts to emancipate women are not to be seen as a stand-alone project, rather as bringing to bear new resources to the much larger project of building a new Haiti. Another key constituency are Haiti's young professionals who are moving out into the society from its police academies, universities, religious seminaries, nursing and medical schools. Properly designed human rights education is one of the ingredients necessary to build the women's and these young professionals' leadership capabilities, which in turn will lead to new social visions for Haiti.

With these goals in mind for human rights education, the immediate recommendation is modest but urgent: to train teachers with the needed knowledge and skills. One of the essential pre-conditions for human rights teaching is a corps of teachers able to develop in their students, old and young, the basic knowledge and skills needed to assure social justice and

equity in their various communities. In fact many otherwise excellent education programs have failed because the trainers and the teachers were inadequately prepared to understand and implement advanced educational processes such as critical thinking and conflict management. Trained teachers are the essential source of sustainability. Projects to train trainers and teachers need to offer training and practice in critical thinking and conflict management as well as in the knowledge and the practical application of human rights principles and practices. Thus in the case of Haiti, the sooner such training for teachers and trainers begins the better. Our research showed that without teachers prepared specifically to teach human rights, that is *learning that promotes the knowledge, skills, behaviors and attitudes needed to promote human rights and social justice outside the classroom*, simply teaching about human rights had little impact. On the other hand, other research on human rights education has shown that it can empower women and other target groups outside the classroom and lead to their political, economic and professional emancipation in the society at large. In the case of Haiti, this is a long-term project, growing slowly but steadily as women and other young professionals move out into their communities and create a large enough constituency to promote human rights in the society at large.

## RESUMO

---

Com base em lições aprendidas a partir de pesquisas sobre educação em direitos humanos em comunidades pós-conflito na África e na América Latina, este artigo defende que (a) o Haiti deve começar imediatamente a lançar as bases de uma sociedade que irá aperfeiçoar substantivamente aquela dos últimos duzentos anos, (b) dois dos grupos críticos neste processo serão as mulheres e os jovens profissionais e, portanto, (c) uma educação em direitos humanos de alta qualidade é necessária para assegurar sua autonomia política, econômica e profissional.

## PALAVRAS-CHAVE

---

Haiti – Direitos humanos – Educação em direitos humanos – Educação sustentável – Formação de professores

## RESUMEN

---

En base a lo aprendido en un trabajo de investigación sobre la educación en derechos humanos en comunidades africanas y latinoamericanas que atravesaron situaciones de conflicto, el presente trabajo postula (a) que Haití debe comenzar de inmediato a sentar las bases para una sociedad que mejore significativamente respecto de los últimos doscientos años, (b) que dos de los grupos cruciales en tal proceso serán las mujeres y los jóvenes profesionales y (c) que, por lo tanto, se necesita, entre otras cosas, una educación en derechos humanos de alta calidad para asegurar el empoderamiento político, económico y profesional.

## PALABRAS CLAVE

---

Haití – Derechos humanos – Educación en derechos humanos – Educación sostenible – Formación docente

## PREVIOUS NUMBERS

Previous numbers are available at <[www.surjournal.org](http://www.surjournal.org)>.

### **SUR 1**, v. 1, n. 1, Jun. 2004

EMILIO GARCÍA MÉNDEZ  
Origin, Concept and Future of Human Rights: Reflections for a New Agenda

FLAVIA PIOVESAN  
Social, Economic and Cultural Rights and Civil and Political Rights

OSCAR VILHENA VIEIRA AND A. SCOTT DUPREE  
Reflections on Civil Society and Human Rights

JEREMY SARKIN  
The Coming of Age of Claims for Reparations for Human Rights Abuses Committed in the South

VINODH JAICHAND  
Public Interest Litigation Strategies for Advancing Human Rights in Domestic Systems of Law

PAUL CHEVIGNY  
Repression in the United States after the September 11 Attack

SERGIO VIEIRA DE MELLO  
Only Member States Can Make the UN Work Five Questions for the Human Rights Field

### **SUR 2**, v. 2, n. 2, Jun. 2005

SALIL SHETTY  
Millennium Declaration and Development Goals: Opportunities for Human Rights

FATEH AZZAM  
Reflections on Human Rights Approaches to Implementing the Millennium Development Goals

RICHARD PIERRE CLAUDE  
The Right to Education and Human Rights Education

JOSÉ REINALDO DE LIMA LOPES  
The Right to Recognition for Gays and Lesbians

E.S. NWAUCHE AND J.C. NWOBIKE  
Implementing the Right to Development

STEVEN FREELAND  
Human Rights, the Environment and Conflict: Addressing Crimes against the Environment

FIONA MACAULAY  
Civil Society-State Partnerships for the Promotion of Citizen Security in Brazil

EDWIN REKOSH  
Who Defines the Public Interest?

VÍCTOR E. ABRAMOVICH  
Courses of Action in Economic, Social and Cultural Rights: Instruments and Allies

### **SUR 3**, v. 2, n. 3, Dec. 2005

CAROLINE DOMMEN  
Trade and Human Rights: Towards Coherence

CARLOS M. CORREA  
TRIPS Agreement and Access to Drugs in Developing Countries

BERNARDO SORJ  
Security, Human Security and Latin America

ALBERTO BOVINO  
Evidential Issues before the Inter-American Court of Human Rights

NICO HORN  
Eddie Mabo and Namibia: Land Reform and Pre-Colonial Land Rights

NLERUM S. OKOGBULE  
Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects

MARÍA JOSÉ GUEMBE  
Reopening of Trials for Crimes Committed by the Argentine Military Dictatorship

JOSÉ RICARDO CUNHA  
Human Rights and Justiciability: A Survey Conducted in Rio de Janeiro

LOUISE ARBOUR  
Plan of Action Submitted by the United Nations High Commissioner for Human Rights

### **SUR 4**, v. 3, n. 4, Jun. 2006

FERNANDE RAINE  
The measurement challenge in human rights

MARIO MELO  
Recent advances in the justiciability of indigenous rights in the Inter American System of Human Rights

ISABELA FIGUEROA  
Indigenous peoples versus oil companies: Constitutional control within resistance

ROBERT ARCHER  
The strengths of different traditions: What can be gained and what might be lost by combining rights and development?

J. PAUL MARTIN  
Development and rights revisited: Lessons from Africa

MICHELLE RATTON SANCHEZ  
Brief observations on the mechanisms for NGO participation in the WTO

JUSTICE C. NWOBIKE  
Pharmaceutical corporations and access to drugs in developing countries: The way forward

CLÓVIS ROBERTO ZIMMERMANN  
Social programs from a human rights perspective: The case of the Lula administration's family grant in Brazil

CHRISTOF HEYNS, DAVID PADILLA AND LEO ZWAAK  
A schematic comparison of regional human rights systems: An update

BOOK REVIEW

### **SUR 5**, v. 3, n. 5, Dec. 2006

CARLOS VILLAN DURAN  
Lights and shadows of the new United Nations Human Rights Council

PAULINA VEGA GONZÁLEZ  
The role of victims in International Criminal Court proceedings: their rights and the first rulings of the Court

OSWALDO RUIZ CHIRIBOGA  
The right to cultural identity of indigenous peoples and national minorities: a look from the Inter-American System

LYDIAH KEMUNTO BOSIRE  
Overpromised, underdelivered: transitional justice in Sub-Saharan Africa

DEVIKA PRASAD  
Strengthening democratic policing and accountability in the Commonwealth Pacific

IGNACIO CANO  
Public security policies in Brazil: attempts to modernize and democratize versus the war on crime

TOM FARER  
Toward an effective international legal order: from co-existence to concert?

BOOK REVIEW

### **SUR 6**, v. 4, n. 6, Jun. 2007

UPENDRA BAXI  
The Rule of Law in India

OSCAR VILHENA VIEIRA  
Inequality and the subversion of the Rule of Law

RODRIGO UPRIMNY YEPES  
Judicialization of politics in Colombia: cases, merits and risks

LAURA C. PAUTASSI  
Is there equality in inequality? Scope and limits of affirmative actions

GERT JONKER AND RIKA SWANZEN  
Intermediary services for child witnesses testifying in South African criminal courts

## PREVIOUS NUMBERS

Previous numbers are available at <[www.surjournal.org](http://www.surjournal.org)>.

SERGIO BRANCO

Brazilian copyright law and how it restricts the efficiency of the human right to education

THOMAS W. POGGE

Eradicating systemic poverty: brief for a Global Resources Dividend

### SUR 7, v. 4, n. 7, Dec. 2007

LUCIA NADER

The role of NGOs in the UN Human Rights Council

CECÍLIA MACDOWELL SANTOS

Transnational legal activism and the State: reflections on cases against Brazil in the Inter-American Commission on Human Rights

#### **TRANSITIONAL JUSTICE**

TARA URS

Imagining locally-motivated accountability for mass atrocities: voices from Cambodia

CECILY ROSE AND

FRANCIS M. SSEKANDI

The pursuit of transitional justice and African traditional values: a clash of civilizations – The case of Uganda

RAMONA VIJEYARASA

Facing Australia's history: truth and reconciliation for the stolen generations

ELIZABETH SALMÓN G.

The long road in the fight against poverty and its promising encounter with human rights

INTERVIEW WITH JUAN MÉNDEZ

By Glenda Mezarobba

### SUR 8, v. 5, n. 8, Jun. 2008

MARTÍN ABREGÚ

Human rights for all: from the struggle against authoritarianism to the construction of an all-inclusive democracy - A view from the Southern Cone and Andean region

AMITA DHANDA

Constructing a new human rights lexicon: Convention on the Rights of Persons with Disabilities

LAURA DAVIS MATTAR

Legal recognition of sexual rights – a comparative analysis with reproductive rights

JAMES L. CAVALLARO AND

STEPHANIE ERIN BREWER

The virtue of following: the role of Inter-American litigation in campaigns for social justice

#### **RIGHT TO HEALTH AND ACCESS TO MEDICAMENTS**

PAUL HUNT AND RAJAT KHOSLA

The human right to medicines

THOMAS POGGE

Medicines for the world: boosting innovation without obstructing free access

JORGE CONTESSE AND DOMINGO LOVERA PARMO

Access to medical treatment for people living with HIV/AIDS: success without victory in Chile

GABRIELA COSTA CHAVES, MARCELA FOGAÇA VIEIRA AND RENATA REIS

Access to medicines and intellectual property in Brazil: reflections and strategies of civil society

### SUR 9, v. 5, n. 9, Dec. 2008

BARBORA BUKOVSKÁ

Perpetrating good: unintended consequences of international human rights advocacy

JEREMY SARKIN

Prisons in Africa: an evaluation from a human rights perspective

REBECCA SAUNDERS

Lost in translation: expressions of human suffering, the language of human rights, and the South African Truth and Reconciliation Commission

#### **SIXTY YEARS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS**

PAULO SÉRGIO PINHEIRO

Sixty years after the Universal Declaration: navigating the contradictions

FERNANDA DOZ COSTA

Poverty and human rights from rhetoric to legal obligations: a critical account of conceptual frameworks

EITAN FELNER

A new frontier in economic and social rights advocacy? Turning quantitative data into a tool for human rights accountability

KATHERINE SHORT

From Commission to Council: has the United Nations succeeded in creating a credible human rights body?

ANTHONY ROMERO

Interview with Anthony Romero, Executive Director of the American Civil Liberties Union (ACLU)

### SUR 10, v. 6, n. 10, Jun. 2009

ANUJ BHUWANIA

“Very wicked children”: “Indian torture” and the Madras Torture Commission Report of 1855

DANIELA DE VITO, AISHA GILL AND DAMIEN SHORT

Rape characterised as genocide

CHRISTIAN COURTIS

Notes on the implementation by Latin American courts of the ILO Convention 169 on indigenous peoples

BENYAM D. MEZMUR

Intercountry adoption as a measure of last resort in Africa: Advancing the rights of a child rather than a right to a child

#### **HUMAN RIGHTS OF PEOPLE ON THE MOVE: MIGRANTS AND REFUGEES**

KATHARINE DERDERIAN AND

LIESBETH SCHOCKAERT

Responding to “mixed” migration flows: A humanitarian perspective

JUAN CARLOS MURILLO

The legitimate security interests of the State and international refugee protection

MANUELA TRINDADE VIANA

International cooperation and internal displacement in Colombia: Facing the challenges of the largest humanitarian crisis in South America

JOSEPH AMON AND KATHERINE TODRYS

Access to antiretroviral treatment for migrant populations in the Global South

PABLO CERIANI CERNADAS

European migration control in the African territory: The omission of the extraterritorial character of human rights obligations

### SUR 11, v. 6, n. 11, Dec. 2009

VÍCTOR ABRAMOVICH

From Massive Violations to Structural Patterns: New Approaches and Classic Tensions in the Inter-American Human Rights System

VIVIANA BOHÓRQUEZ MONSALVE

AND JAVIER AGUIRRE ROMÁN

Tensions of Human Dignity: Conceptualization and Application to International Human Rights Law

DEBORA DINIZ, LÍVIA BARBOSA

AND WEDERSON RUFINO DOS

SANTOS

Disability, Human Rights and Justice

## PREVIOUS NUMBERS

Previous numbers are available at <[www.surjournal.org](http://www.surjournal.org)>.

JULIETA LEMAITRE RIPOLL  
Love in the Time of Cholera: LGBT  
Rights in Colombia

### **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

MALCOLM LANGFORD  
Domestic Adjudication and  
Economic, Social and Cultural  
Rights: A Socio-Legal Review

ANN BLYBERG  
The Case of the Mislaid Allocation:  
Economic and Social Rights and  
Budget Work

ALDO CALIARI  
Trade, Investment, Finance and  
Human Rights: Assessment and  
Strategy Paper

PATRICIA FEENEY  
Business and Human Rights: The  
Struggle for Accountability in the  
UN and the Future Direction of the  
Advocacy Agenda

### **INTERNATIONAL HUMAN RIGHTS COLLOQUIUM**

Interview with Rindai Chipfunde-  
Vava, Director of the Zimbabwe  
Election Support Network (ZESN)  
Report on the IX International  
Human Rights Colloquium

## **SUR 12, v. 7, n. 12, Jun. 2010**

SALIL SHETTY  
Foreword

FERNANDO BASCH ET AL.  
The Effectiveness of the Inter-  
American System of Human Rights  
Protection: A Quantitative Approach  
to its Functioning and Compliance  
With its Decisions

RICHARD BOURNE  
The Commonwealth of Nations:  
Intergovernmental and  
Nongovernmental Strategies for the  
Protection of Human Rights in a  
Post-colonial Association

### **MILLENNIUM DEVELOPMENT GOALS**

AMNESTY INTERNATIONAL  
Combating Exclusion: Why Human  
Rights Are Essential for the MDGs

VICTORIA TAULI-CORPUZ  
Reflections on the Role of the United  
Nations Permanent Forum on  
Indigenous Issues in relation to the  
Millennium Development Goals

ALICIA ELY YAMIN  
Toward Transformative  
Accountability: Applying a Rights-  
based Approach to Fulfill Maternal  
Health Obligations

SARAH ZAIDI  
Millennium Development Goal 6 and  
the Right to Health: Conflictual or  
Complementary?

MARCOS A. ORELLANA  
Climate Change and the Millennium  
Development Goals: The Right  
to Development, International  
Cooperation and the Clean  
Development Mechanism

### **CORPORATE ACCOUNTABILITY**

LINDIWE KNUTSON  
Aliens, Apartheid and US Courts:  
Is the Right of Apartheid Victims  
to Claim Reparations from  
Multinational Corporations at last  
Recognized?

DAVID BILCHITZ  
The Ruggie Framework: An  
Adequate Rubric for Corporate  
Human Rights Obligations?

## **SUR 13, v. 7, n. 13, Dec. 2010**

GLENDA MEZAROBBA  
Between Reparations, Half Truths and  
Impunity: The Difficult Break with the  
Legacy of the Dictatorship in Brazil

GERARDO ARCE ARCE  
Armed Forces, Truth Commission and  
Transitional Justice in Peru

### **REGIONAL HUMAN RIGHTS MECHANISMS**

FELIPE GONZÁLEZ  
Urgent Measures in the Inter-  
American Human Rights System

JUAN CARLOS GUTIÉRREZ AND  
SILVANO CANTÚ  
The Restriction of Military  
Jurisdiction in International Human  
Rights Protection Systems

DEBRA LONG AND LUKAS  
MUNTINGH  
The Special Rapporteur on Prisons  
and Conditions of Detention in Africa  
and the Committee for the Prevention  
of Torture in Africa: The Potential for  
Synergy or Inertia?

LUCYLINE NKATHA MURUNGI  
AND JACQUI GALLINETTI  
The Role of Sub-Regional Courts in  
the African Human Rights System

MAGNUS KILLANDER  
Interpreting Regional Human Rights  
Treaties

ANTONIO M. CISNEROS DE  
ALENCAR  
Cooperation Between the Universal  
and Inter-American Human Rights  
Systems in the Framework of the  
Universal Periodic Review Mechanism

### **IN MEMORIAM**

Kevin Boyle – Strong Link in the  
Chain  
By Borislav Petranov



The work of the Carlos Chagas Foundation revolves around the principle of citizenship. Its specialities and lines of research are geared towards human and social development.

Research production at the FCC, which addresses the issues of policy evaluation, gender and race, consists of in-depth studies on the various levels of education.

In the Foundation's three publications – *Cadernos de Pesquisa* (Research Journals), *Estudos em Avaliação Educacional* (Educational Evaluation Studies) and *Textos FCC* (FCC Texts) – this academic production features alongside the work of researchers from other institutions, providing a diversified view of the issues in the field.



*Fundação Carlos Chagas*

**A REFERENCE IN EDUCATION [WWW.FCC.ORG.BR](http://WWW.FCC.ORG.BR)**