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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement* submitted by New Humanity,
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The principle of fraternity as the basis of “third-generation rights”. A practical example of international solidarity to combat HIV/AIDS.

1. Introduction

New Humanity appreciates the decisions of the Human Rights Council to confirm the mandate of Mr. Rudi Muhammad Rizki as Independent Expert on “Human rights and international solidarity”.

In his reports Mr. Rizki underlines that “the independent expert intends to approach the issue of human rights and international solidarity through the development of a sound theoretical basis and a thorough examination of practical examples” (Commission report E/CN.4/2006/96 paragraph 9). The independent Expert also identifies three main focuses, the first of which is international cooperation, mainly, a *global partnership for development*. The second area of focus is *global responses to natural disasters* in relation to the promotion and protection of human rights. Lastly, he focuses on “third-generation rights” as *collective rights* (the right to peace, to a clean environment, to development, and to humanitarian assistance) whose promotion required concerted action by the international community.

New Humanity welcomes also with appreciation the last report (A/HRC/9/10) dedicated in particular to the legal framework of international cooperation and to the preliminary steps in preparing a draft declaration on the right of peoples and individuals to international solidarity. New Humanity reiterates its commitment to cooperate with the Independent Expert for this purpose.

In this context New Humanity wishes to contribute to the work of the independent expert from a more theoretical point of view and presenting a practical example of international solidarity.

2. “Third-generation rights” and the principle of “global solidarity/universal fraternity”

The Independent Expert underlines in his last report that “international solidarity and international cooperation are based on the foundation of shared responsibility. In the broadest sense, solidarity is a communion of responsibilities and interest between individuals, groups and States, connected by the ideal of fraternity and the notion of cooperation” (A/HRC/9/10 Par. 6).

Article 1 of the Universal Declaration of Human Rights states at a universal level the three principles of freedom, equality and fraternity.

According to René Cassin the Declaration includes the following principles: 1) the unity of the human race or family; 2) the idea that every human being had a right to be treated like every other human being; and 3) the concept of solidarity or fraternity among all human beings.

If we can consider the principle of freedom more linked to civil and political rights, that of equality to economic and social rights, the principle of solidarity/fraternity can be the basis for the so called “third-generation rights”.

In the Universal Declaration fraternity is presented as an active principle, based on the centrality of the human being and the driving power for human behaviour.

Fraternity is therefore considered in relation to Article 29, which concerns the duties each person has regards to the community .

According to Article 29, duties are exercised in regards to the community. This word includes a responsibility that extends beyond the national borders of countries and concerns duties exercised in fields in which the State does not or should intervene with functions

exclusively regulated by the principle of subsidiarity: the family, belonging to civil associations and religious communities, etc.

In the current context of globalisation, characterised by the proliferation of subjects exercising significant roles for the protection of human rights and their respect by institutional subjects especially in the economic-social sector, the principle of fraternity allows problems to be confronted in a non-particularistic or nationalistic manner, bearing in mind instead that all problems and all solutions are linked by fraternal interdependence with other populations or people.

3. International solidarity to combat HIV/AIDS

International solidarity and the duty to cooperate are not only a matter of States, but involve the role of civil society organizations and the responsibility of each person.

New Humanity has many experiences and projects in the field of development, responses to natural disasters and diseases, in which the focus was posed on the fraternal relationship, which is the basis of international solidarity, considering all the aspects of realization of human dignity. The independent expert in his report A/HRC/4/8 Par. 32 proposes that Member States give consideration “to the need for international solidarity to combat HIV/AIDS, malaria and avian influenza by extending assistance and cooperation to developing countries in all possible measure”.

For years now, “New Humanity” has been working on multi-dimensional projects in several African countries (particularly the Democratic Republic of Congo, Nigeria, Cameroon and Kenya). These projects, some of which are already concluded while others are ongoing, are geared towards facilitating access to primary health care in favour of HIV/AIDS patients. They are projects strictly linked to UN socio-health development projects.

New Humanity healthcare programs in Africa are structured in such a way as to highlight the importance of reciprocal support, by creating solidarity networks and promoting a kind of culture where family and community can learn to accept HIV positive patients rather than marginalize them. In fact, due to cultural traditions and magical beliefs, AIDS patients are often isolated, thus suffering the consequences of loneliness. This situation is aggravated with female patients, since they are more vulnerable to the problems related to being a social outcast.

The results of the above-mentioned working methodology are particularly evident in the hospital of Fontem (Cameroon) and its branches in the nearby villages of Akum and Bali. The hospital has become a centre of a family education program promoting the importance of undergoing voluntary HIV test and applying the appropriate therapy to prevent mother-to-infant infection, in accordance with the Bangkok Conference 2004 protocol.

Just as significant are the psychological effects on patients and on the population where the preventive program of “New Humanity” is applied. As a result of the exchange of experiences among health workers and patients in Akum and Bali, “Clubs” have been formed, composed of small groups of women, married couples, widows and widowers, and AIDS or HIV positive patients who, feeling that they are fully accepted as they are, reacquire their sense of dignity as persons. Periodically, they share moments of exchange, reflection and working together, for those who can. In short, they make a “journey” towards moral re-birth and towards developing their capacity to take care of others, in their turn.

A number of HIV positive patients who participated in these projects have voluntarily opted to avoid sexual contact. Some men have voluntarily given up polygamy in order to

reduce the risks of contracting and spreading the disease. Often, patients themselves bring others afflicted with HIV/AIDS to join the club.

4. Conclusion

New Humanity would like to underline that “global solidarity”/“universal fraternity” is not only an occasional and solidarity action in favour of those who (persons, groups or peoples) are in necessity (because of natural disasters, underdevelopment...). It is a conception of human relations among persons, groups, peoples and States. It is the expression of a fundamental moral principle found in virtually all major religions and cultures: *"treat others as you would like to be treated."*

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