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the European Social Charter

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THE GOVERNMENT OF CROATIA

Follow-up to collective complaints 52/2008 and 45/2007

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**10th Report of the Republic of Croatia on the Application of the European Social
Charter in 2015 and 2016**

Simplified Report

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Introduction

The European Social Charter sets out rights and freedoms of all individuals and establishes a supervisory mechanism guaranteeing their respect by the States Parties and in the area of economic and social rights represents the equivalent to the European Convention on Human Rights.

The Charter was opened for signature in Turin on 18 October 1961 and entered into force on 26 February 1965, after it was ratified by five states.

The Charter has since been subject to revision, so the Charter as amended in 1996 (Revised European Social Charter), entered into force on 1 July 1999 and is gradually replacing the first contract of 1961 and the Additional Protocol of 1988.

European Social Charter proclaims 19 social and economic rights, to which another 4 rights were added by Additional Protocol of 1988, so in total it includes 23 rights, which can be divided into three categories:

1. Employees' rights,
2. General population rights and
3. Special rights of some groups outside employment (mothers, children and families, people with disabilities, migrants and the elderly).

On its session on 20 November 2002, the Croatian Parliament passed the Act on Ratification of the European Social Charter, the Additional Protocol to the European Social Charter, the Protocol amending the European Social Charter and the Additional Protocol to the European Social Charter which establishes a system of collective complaints ("Official Gazette - International Agreements" no. 15/02).

The Republic of Croatia deposited the instrument of ratification in the Council of Europe on 26 February 2003.

Additional Protocol to the European Social Charter complements the mechanism of application of the Charter, and serves as a measure for improving the effective exercise of social rights guaranteed by the Charter. Considering that the Additional Protocol regulates the system of collective complaints, certain international organizations can file a complaint against the Contracting Party if they believe that the application of the Charter is unsatisfactory.

The system of reporting on the implementation of the Charter is frequently changed and the changes from 2014 also include the submission of periodic reports by States Parties that have accepted the procedure of collective complaints.

According to the schedule of reporting, the Republic of Croatia has produced a simplified report in accordance with the request of the European Committee of Social Rights of the Council of Europe, which includes:

- Information on the measures taken by the Republic of Croatia in relation to the decisions of the European Committee of Social Rights issued pursuant to the submitted collective complaints in the case Center on Housing Rights and Evictions (COHRE) against the Republic of Croatia and

- Information on the measures taken by the Republic of Croatia in relation to the decisions of the European Committee of Social Rights issued pursuant to collective complaints submitted in the case International Center for the Legal Protection of Human Rights (INTERIGHTS) against the Republic of Croatia

1. Information on the measures taken by the Republic of Croatia on the occasion of the collective complaint in the case Center on Housing Rights and Evictions (COHRE) against the Republic of Croatia, Complaint No.: 52/2008, decision of 22 June 2010, which determined the violation of Article 16 of the Charter

Article 16 of the European Social Charter - The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

1.1 Background information

The complaint, No.: 52/2008, lodged by the Center on Housing Rights and Evictions (hereinafter: COHRE) was received on 8 September 2008 and the European Committee of Social Rights declared the complaint admissible on 30 March 2009.

Center on Housing Rights and Evictions seeks from the Committee to establish that Croatia had violated Article 16 of the Charter, taken alone or as interpreted in the light of the non-discrimination provisions of the Preamble of the Charter, on the basis that the lack of an effective remedy for the loss of special occupancy rights by ethnic Serbs and other minorities constitutes a continuing violation of housing rights and therefore of the right of families to enjoy social, legal and economic protection. In particular, Center on Housing Rights and Evictions claims that the failure to provide adequate restitution or compensation to ethnic Serbs who were arbitrarily expelled from their homes during the period of the conflict in the former Yugoslavia constitutes an on-going denial of the right of families to enjoy protection of their housing rights free from discrimination, and that by virtue of the principle of restorative justice, persons subject to this alleged denial of rights should benefit from appropriate restitutionary measures.

Pursuant to Article 7 Paragraphs 1 and 2 of the Protocol providing for a system of collective complaints and the Committee's decision on the admissibility of the complaint, the Executive Secretary communicated the text of the admissibility decision on 7 April 2009 to the Croatian Government, the complainant organization, the states party to the Protocol, the states that have ratified the Revised Charter and made a declaration under Article D, Paragraph 2, and international organizations of employers and trade unions referred to in Paragraph 2 of Article 27 of the Charter of 1961, i.e. European Trade Union Confederation (ETUC), Business Europe (formerly UNICE) and International Organization of Employers (IOE).

1.2 Measures taken by the Croatian Government on the occasion of collective complaint No.: 52/2008 - Center on Housing Rights and Evictions (COHRE) against the Republic of Croatia

Upon the entry into force of the Act on Amendments to the Act on the Organization and Scope of Work of Ministries and Other State Administration Bodies ("Official Gazette" No.: 39/13) the State Office for Reconstruction and Housing Care was established.

State Office for Reconstruction and Housing Care performs administrative and other tasks related to the planning, preparation, organization and supervision of housing for refugees, displaced persons and returnees, former tenancy rights holders and other beneficiaries of housing programs in accordance with a special regulation; resolving the second stage of reconstruction requests, requests for housing and requests for determining the status rights of refugees, displaced persons and returnees; organizing care of refugees, displaced persons and returnees; managing work of refugee settlements; leasing of housing units within the implementation of the housing program; planning, preparation, organization and supervision of the implementation of reconstruction of housing units destroyed by acts of war; management and disposal of housing units given to rent in the implementation of housing programs and collection of rents by a special regulation.

The establishment of the State Office, as well as amendments to the relevant laws and regulations, efforts were made to more effectively regulate the area of housing in the Republic of Croatia.

In accordance with the provisions of the Act on Areas of Special State Concern ("Official Gazette", No.: 86/08, 57/11, 51A/13, 148/13, 76/14, 147/14 and 18/15), for applicants for housing who live in organized accommodation and for users of the Regional Housing Program, right to housing is determined *ex officio*, in the proceedings in the first instance carried out by the state administration offices in the counties or the competent administrative body of the City of Zagreb, according to housing care plan passed by the State Office for Reconstruction and Housing Care.

Disgruntled applicants are allowed the right to use legal remedies, filing the appeal solved by the State Office for Reconstruction and Housing Care.

The right to housing care to former tenancy rights holders in and outside the Areas of Special State Concern in the first instance shall be determined in the competent state administration offices in the counties and the administrative body of the City of Zagreb. The right to housing is established in accordance with the Decree on determining the status of former tenancy right holders and members of their families, as well as the conditions and procedure of their housing ("Official Gazette", No.: 133/13).

Approved applications of persons in organized accommodation and former tenancy right holders are taken care of in accordance with the annual plan.

1) Regional Housing Program

Regional Housing Program (RHP) is a perennial program with an aim to provide permanent housing needs for the most vulnerable categories of refugees and internally displaced persons, and the result is a joint initiative of Bosnia and Herzegovina, Republic of Croatia, Montenegro and Serbia, based on the joint declaration signed by foreign ministers of the countries concerned on 7 November 2011 at the ministerial conference in Belgrade.

The program is managed by the Council of Europe Development Bank (CEB), in which the Fund of the Regional Housing Program (RHP Fund) is established, through which is conducted the allocation of donor funds to the partner countries for projects in their respective national programs. CEB serves as the secretariat of the program, manager of the RHP Fund and financial institutions, and the program is implemented in cooperation with international organizations. The main contributor to the program is the European Union.

The stated program will provide permanent housing solutions for the most vulnerable families which are given the freedom of choice on manner of permanent housing solution, through the integration in the country to which they fled or through the return to their country of origin.

In the Republic of Croatia, the Regional Housing Program is implemented through the existing Housing Program managed by the State Office for Reconstruction and Housing Care on the basis of the Act on Areas of Special State Concern ("Official Gazette", No.: 86/08, 57/11, 51A/13, 148/13, 76/14, 147/14 and 18/15).

The Republic of Croatia and CEB signed on 3 December 2013 the Framework Agreement which defines the legal framework for the use of funds from the RHP Fund. The Framework Agreement entered into force on 1 June 2014.

Through RHP in the Republic of Croatia it was originally planned to provide housing solutions for 3,541 families, or 8,529 persons, and for this purpose the necessary funds amounted to EUR 119.7 million. The planned contribution of the Republic of Croatia in the whole program amounts to 25% of financial resources, or EUR 29.9 million.

Since from the very idea of this program, the signing of a joint declaration of ministers in Belgrade in 2011, to the start of implementation of the Program certain number of years passed, in the meantime, the Republic of Croatia became a member of the European Union and as such it is no longer eligible to financial allocation of the Regional Housing Program Fund in the amount of EUR 119 million. For this reason, currently the Republic of Croatia is granted funding in the amount of EUR 14 million and it exclusively consist of direct donations of individual donors independently of the Regional Housing Program Fund and partly from the unexpended IPA funds.

Within a framework of the Regional Housing Program, the Republic of Croatia has so far been approved funding for six sub-projects through donation non-refundable funds, with which it is planned to provide housing solutions for a total of 328 families:

- Construction of apartment building for 29 families in Korenica
- Construction of two apartment buildings in Knin to accommodate 40 families
- Reconstruction and extension of the nursing home in Glina
- Purchase of 101 apartments in and outside the ASSC
- Construction of apartment building for 21 families in Benkovac
- Renovation, reconstruction or extension of 62 family homes in the whole of Croatia.

HR1 Construction of apartment building for 29 families in Korenica

The planned project value: EUR 1,398,212 - of which donor funds: EUR 1,048,658 and national funds: EUR 349,554.

On 8 April 2013, the project was approved by the Assembly of Donors of the Regional Housing Program.

Agreement on allocation of non-refundable funds for the project was concluded on March 3, 2014 between the Republic of Croatia and the CEB.

Works on construction of apartment building began in June 2014 and were completed on schedule in July 2015.

Moving in of the first users was officially marked on 16 September 2015 in the presence of representatives of donors, UNHCR, OSCE, partner countries, local and regional authorities and the State Office.

The project provided housing for 29 families of former tenancy rights holders, whose members are mostly elderly. Among users proposed for accommodation in newly constructed apartment building, most people were waiting for their housing for seven or more years.

Sub-project HR1 is the first successfully implemented and completed project in all four partner countries. The official closure of the project was on 1 February 2017.

HR2 Construction of two apartment buildings in Knin to accommodate 40 families

The planned project value: EUR 3,475,781 - of which donor funds amount to EUR 2,587,037 and national funds amount to EUR 888,744.

On 11 October 2013, the project was approved by the Assembly of Donors of the Regional Housing Program.

Agreement on allocation of non-refundable funds for the project was concluded on 23 June 2014, between the Republic of Croatia and the CEB.

Planned completion of construction was expected in November 2016, but was extended due to unforeseen works and is expected in June 2017.

In the realization of the project it is planned to construct two apartment buildings, each with 20 apartment units in which it is planned to house 40 families of former tenancy rights holders and people who are currently in organized accommodation in bungalows in Golubić.

The moving in of the first users is planned after the completion of construction.

HR3 Reconstruction and extension of a nursing home in Glin

The planned project value: EUR 4,259,039 - of which donor funds amount to EUR 3,085,525 and national funds amount to EUR 1,173,514.

On 11 October 2013, the project was approved by the Assembly of Donors of the Regional Housing Program.

Agreement on allocation of non-refundable funds for the project was concluded on 25 February 2015, between the Republic of Croatia and the CEB.

Works on the construction began in August 2015 and completion was extended due to unforeseen works and is expected in May 2017.

In the realization of the project is planned the reconstruction and extension of the nursing home in which people who have the status of displaced persons, returnees and refugees, and are currently housed in organized accommodation will be housed. The aim of this project is to improve the quality of life and ensure a dignified life for the most vulnerable senior citizens and reduce social isolation of the elderly, sick and disabled people who can not care for themselves. After completion, Sisak-Moslavina County will take care of the facility.

HR4 Buying apartments for 101 potential users

The planned project value: EUR 5,717,140 - of which donor funds amount to EUR 4,287,855 and national funds amount to EUR 1,429,285.

On 6 December 2013, the project was approved by the Assembly of Donors of the Regional Housing Program.

Agreement on allocation of non-refundable funds for the project was concluded on 23 June 2014, between the Republic of Croatia and the CEB.

Through this project, so far 92 residential units have been purchased in and outside the ASSC. The remaining housing units are planned to be purchased during 2017.

Through this project, it is foreseen to purchase 101 apartments on the territory of the Republic of Croatia, in cities where there is a need for additional housing units. This will provide permanent housing for the most vulnerable families of former tenancy rights holders and persons who are in organized accommodation, and which are based on the Act on Areas of Special State Concern established the right to housing.

HR5 Construction of apartment building for 21 families in Benkovac

The planned project value: EUR 1,323,103 - of which donor funds amount to EUR 999,721 and national funds amount to EUR 323,382.

On 20 November 2014, the project was approved by the Assembly of Donors of the Regional Housing Program.

Agreement on allocation of non-refundable funds for the project was concluded on 29 September 2015, between the Republic of Croatia and the CEB.

Works on the construction began in April 2016, and the planned completion is in August 2017.

The construction of building in Benkovac will provide housing for 21 families of former tenancy rights and persons who had refugee status, in accordance with the criteria of vulnerability of UNHCR.

HR6 Renovation, reconstruction or extension of 62 family houses

The planned project value: EUR 2,666,670 - of which donor funds amount to: EUR 2,000,000 and national fund amount to: EUR 666,670.

The project was approved by the Assembly of Donors of the Regional Housing Program on 14 April 2016.

Agreement on allocation of non-refundable funds for the project was concluded on 27 June 2016. The project aims to provide permanent housing for 62 families, which meet the criteria of social vulnerability of the Regional Housing Program, whose houses were damaged during the armed conflict in Croatia and that since then could not provide a permanent solution to the housing problem. Project completion is scheduled for November 2017.

CHP Support

The planned project value: EUR 440,000 - of which donor funds amount to: EUR 410,000 and national fund amount to EUR 30,000.

Apart from the above sub-projects, the Council of Europe Development Bank approved at the end of 2015 financial support for co-financing of operating expenses for implementing structures within the National Housing Program. The objective of the aid or the project is to speed up the process of selecting beneficiaries in the Republic of Croatia and carry out cross-border authentication of users for the needs of the partner countries within the RHP. The planned completion of the project is November 2017.

Besides the construction of housing units, attention is focused on the issue of sustainability of projects (the inclusion of economic and socio-cultural elements in the projects), with the support of UNHCR and the OSCE.

2) Implementation of sale procedures of properties owned by the Republic of Croatia

Procedures of sale of properties owned by the Republic of Croatia are conducted on the basis of:

- Regulation on conditions for the purchase of a family house or apartment owned by the state in the areas of special state concern ("Official Gazette", No.: 19/11, 56/11 and 03/13),
- Decision on sale of apartments owned by the Republic of Croatia in the Croatian Danube Region ("Official Gazette" No.: 01/14),
- Decision on sale of apartments owned by the Republic of Croatia ("Official Gazette" No.: 144/13).

2. Information on the measures taken by the Republic of Croatia on the occasion of collective complaint in the case International Center for the Legal Protection of Human Rights (INTERIGHTS) against the Republic of Croatia, Complaint No. 45/2007, decision of 30 March 2009, in which it is found a violation of Article 11 (2)

Article 11 of the European Social Charter - The right to health care

With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in cooperation with public or private organizations, to take appropriate measures inter alia:

- 1. to eliminate as far as possible, the causes of poor health;*
- 2. to provide advisory and educational facilities for the promotion of health and encouragement of individual responsibility in matters of health;*
- 3. to prevent, as far as possible epidemic, endemic and other diseases, as well as accidents.*

2.1. Background Information

The Complaint No.: 45/2007 was filed by International Center for the Legal Protection of Human Rights (INTERIGHTS) against the Republic of Croatia on 26 November 2007 and the European Committee of Social Rights on 01 April 2008 declared that the complaint is admissible.

INTERIGHTS is an international non-governmental organization which has consultative status within the Council of Europe and that is one of the organizations with the right to lodge a collective complaint. The goal of INTERIGHTS is the implementation of human rights through legislation, providing protection and compensation, empowerment of jurisprudence

and human rights mechanisms, using international and comparative law, and to strengthen their legal partners and encourage their effective use of law to protect human rights.

By the Article 11 (2) of the the European Social Charter the Republic of Croatia has committed to take appropriate measures specifically aimed at to "to provide advisory and educational facilities for the promotion of health and encouragement of individual responsibility in matters of health". This obligation was interpreted by the Board in a way that includes education on sexual and reproductive health throughout the education of children and youth as part of the school curriculum.

The complaint against the Republic of Croatia concerns the systematic failure of the Republic of Croatia to provide comprehensive or at least adequate sexual and reproductive education to the vast majority of children and young people in their schools. This failure is connected to the Government's indirect, but from time to time also direct, promoting of extracurricular programs on sexual and reproductive health carried out by non-governmental organizations. These programs contain scientifically inaccurate, biased and discriminatory information.

2.2. Measures taken by the Croatian Government on the occasion of the collective complaint No.: 45/2007 - International Center for the Legal Protection of Human Rights (INTERIGHTS) against the Republic of Croatia

In the Information prepared by the Permanent Representative of the Republic of Croatia to the Council of Europe - Appendix to Resolution CM/ResChS (2009)7, the Ministry of Education withdrew the textbook with disputed contents Biology 3: Processes of Life, by authors Regula and Slijepčević, no longer in use in the Croatian educational process i.e. since school year 2009/2010 it is not in Catalog of mandatory textbooks and accompanying supplementary teaching materials for primary schools, grammar schools and secondary vocational schools (data available and visible on the link: <http://public.mzos.hr/Default.aspx?art=13199&sec=3625>).

Regulations governing the issue of textbooks in the Croatian education system clearly accent standards that textbooks must meet to be able to be used in the teaching process:

- Act on Primary and Secondary School Textbooks ("Official Gazette" No.: 27/10, 57/11 and 101/13), in the Article 4, Paragraph 2 emphasizes that textbooks, supplemental and teaching aids (hereinafter: textbooks) **in their content must not be contrary to the Croatian Constitution and proclaimed principles of a democratic order that is particularly related to the protection of human and minority rights, fundamental freedoms and human and civil rights and gender equality.**
- Textbook Standard ("Official Gazette" No.: 65/13) in the part related to the ethical demands of textbooks to be used in primary and secondary schools, should:

- be aimed at promoting the fundamental values arising from the commitment of Croatian education policy for a complete personal development of students, for preservation and development of national, cultural, spiritual, material and natural heritage of the Republic of Croatia and for tolerance and coexistence with everyone in Europe and the world and
- correspond to the ethical requirements based on truthfulness, objectivity and verifiability of textbook text, illustration-image and multimedia content, on the general human rights and children's rights, the principles of democracy, rule of law and patriotism.

Textbooks are expected to:

- refer to the achievements and implications of scientific and technological development and globalization processes, to the ethical dimension of man and his moral action,
- to promote the principles of sustainable development, equality, social justice, pluralism, democracy, tolerance and human dignity,
- to promote Croatian national identity,
- to promote intercultural understanding, racial, national, ethnic, sexual, gender, religious equality of individuals and social groups as well as an awareness of right to be different,
- to promote gender equality in an appropriate manner using the parity ratio of illustrations of characters of both genders and using both gender nouns, especially in the naming of vocational qualifications, professions and occupations, without compromising the level of communication and naturalness of the Croatian language,
- to prepare both genders for active and equal participation in all areas of life and
- to promote the introduction and respect for the values of national minorities in Croatia and other nations and cultures in Europe and worldwide.

Note: Textbook Standard is a by-law, passed by the Minister of Education which determines the scientific, pedagogical, psychological, methodological, ethical, linguistic, artistic, graphic and technical requirements and standards for the production of textbooks and supplementary teaching materials as the type and form, i.e. forms in which the textbooks and supplemental teaching materials can be published (print, electronic form or a set of multiform material).

Since the school year 2014/2015 in primary and secondary schools health education is carried out, Decision on making the curriculum of health education for primary and secondary schools ("Official Gazette", No.: 106/13).

The aim of health education is the successful development of children and youth to become healthy, happy, successful, confident and responsible persons. The overall objective of health education is to promote health, healthy lifestyles and to adopt healthy habits through interdisciplinary work and the implementation of educational content in the context of compulsory and elective courses, school prevention programs, projects and content prepared for the implementation at the homeroom class. The curriculum of health education planned for implementation in homeroom class consists of four modules: Living healthy, Addiction

prevention, Prevention of bullying and Sexual/gender equality and responsible sexual behavior.

Ministry of Education in cooperation with the Education and Teacher Training Agency pays special attention to the improvement of education of the universal generally accepted values and human rights in the Croatian education system (solidarity, freedom of expression, non-discrimination, pluralism, democracy, rule of law, tolerance, and equality) through:

- organization of conferences (for teachers/educators, professionals and principals in the program of continuing professional development) in order to improve professional competences for inclusion and implementation of universal generally accepted values in the topics within the curriculum and through inter-course topics
- review of projects in the field of the National Program of Education for Human Rights and Democratic Citizenship (for elementary and secondary school students)
- selective presentation of topics at previous Reviews:
 - Basics of democracy: authority, justice, accountability, privacy
 - Social communication skills, education for peace and conflict resolution
 - Development of identity and interculturalism
 - Learning of volunteering and the development of social solidarity
 - Human values and humanitarian law
 - Prevention of trafficking
 - Combating prejudice towards national minorities and of national minorities towards majority
 - Module of protection and promotion of gender equality
- support/financing projects of NGOs operating in the field of out-of-institutional education of children and youth in the area
 - P1: Protection and promotion of human rights
 - Education for human rights and democratic citizenship
 - education on human rights and protection of rights,
 - education on rights and responsibilities of children and adults,
 - education for responsible citizen of a democratic society,
 - education for peace and non-violent conflict resolution,
 - education about the harmfulness of corruption and corruption risks,
 - education for solidarity;
 - Education for financial literacy,
 - Education for media literacy;
 - Education for the preservation of historical, cultural and national identity;

- Education on the rights of national minorities, interculturalism and multiculturalism.

In order to inform, prepare and implement the education on universal values and generally accepted human rights, the Ministry of Education in cooperation with the Education and Teacher Training Agency published in electronic and printed form various professional materials (available at the link:

http://www.azoo.hr/index.php?option=com_content&view=article&id=4165&Itemid=352), within which are also published:

- a book “Sport and Violence in Europe”, by Dominique Bodin, Luc Robene, Stephane Heas, published by the Council of Europe,
- PDF version of the brochure “Racism, Football and the Internet” intended for teachers who deal with themes of racism - published by the European Monitoring Center on Racism and Xenophobia, 2002,
- PDF version of the informative comic “What? Me? A Racist?” intended for teachers who deal with themes of racism - published by the European Commission - Directorate-General for Information, Culture and Audiovisual Media, 1998,
- a book “Le Hooliganisme” - by Dominique Bodin, from the University of Rennes (one of the authors of the book “Sport and Violence in Europe” and a guest lecturer at conferences Sport and Violence in Europe, which are organized by the Ministry of Education in cooperation with the Education and Teacher Training Agency) - the right to print books are provided in cooperation with the French Embassy;
- materials related to the implementation of the Civic Education.

Within the framework of the Erasmus+, the Ministry of Science and Education and the Agency for Mobility and EU Programs, within the framework of promotional activities and info days, will devote special attention to activities whose aim is to promote the involvement of schools in these topics related to education on universal and generally accepted values and human rights.