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Defining a Particular Social

Power of Mediation's Dialogue

Discovering Thoughts, Inventing Future

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Impact of Micro-Credit Management System of an NGO in Socio-Economic Development of Rural Women in Perspective of Bangladesh

By Benojir Ahammed & M. M. Israfil Shahin Seddiqe
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Abstract- Bangladesh is a developing country and most of the people live in under the poverty line. As a non-profit sector of a country, beside Government Organizations (GO's), Non-Government Organizations (NGO's) are truly vital cog in the paradigm of social development in Bangladesh. It is generalized that Civil Society Organizations (CSO's) and NGO's have created jointly a new era of partnership in poverty alleviation activities, gender sensitive issues, education, health and been giving competent sustainability in the socioeconomic conditions of Bangladesh. Since the NGO's are aimed to spreading awareness in people, strengthening and institutionalization of democracy promotion as well as ensuring maximum people participation in community driven development approach. "Jagorani chakro" is one of the wellknown and dedicated NGO's in Bangladesh. The paper represents the microcredit system of this NGO's and how the rural women play an important role in their family and society using microcredit loan.

Keywords: non-government organization (NGO), social development, microcredit system.

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Impact of Micro-Credit Management System of an NGO in Socio-Economic Development of Rural Women in Perspective of Bangladesh

Benojir Ahammed [α] & M. M. Israfil Shahin Seddiqe [σ]

Abstract- Bangladesh is a developing country and most of the people live in under the poverty line. As a non-profit sector of a country, beside Government Organizations (GO's), Non-Government Organizations (NGO's) are truly vital cog in the paradigm of social development in Bangladesh. It is generalized that Civil Society Organizations (CSO's) and NGO's have created jointly a new era of partnership in poverty alleviation activities, gender sensitive issues, education, health and been giving competent sustainability in the socio-economic conditions of Bangladesh. Since the NGO's are aimed to spreading awareness in people, strengthening and institutionalization of democracy promotion as well as ensuring maximum people participation in community driven development approach. "Jagorani chakro" is one of the well-known and dedicated NGO's in Bangladesh. The paper represents the microcredit system of this NGO's and how the rural women play an important role in their family and society using microcredit loan.

Keywords: non-government organization (NGO), social development, microcredit system.

I. Introduction

Global Partnerships (GP) expands opportunity for people living in poverty by supporting microfinance and other sustainable solutions in Bangladesh. Microfinance is the provision of financial services to low-income clients or solidarity lending groups including consumers and the self-employed, who traditionally lack access to banking and related services. Microfinance is a broad category of services, which includes microcredit. Microcredit is provision of credit services to poor clients. Due to the broad range of microfinance services, it is difficult to assess impact and very few studies have tried to assess its full impact.

Bangladesh is regarded as less developed country in the world with huge unemployment, over population and poverty problem. The economy of our country is agro base, which heavily depends on the will of nature. There are 157,832,267 (estimated, 2011, Bangladesh Demographic Profile 2011) peoples in our country but only 56.8% (Male 61.3% and Female52.2%) (Wikipedia) people are literate of the total population (UNESCO Institute for Statistics. 2012). In our country a good number people of the villages are unemployed and around 84.0% people lived low standard. For their problems, some government and non-government organization established and these organizations try to maintain their duty with improving the economic condition of the poor people as landless labour, low level income holders and landless people. They also teach how a man can live a consciousness and luxurious life.

A good number of people in our research area are poor and most of them are taking loan on the NGO's to improve their standard of living as economical side. In our research we construct an analysis of the NGO's where they taking loan, form such kind of NGO like "Jagorani chakro" in our country. If my analyzing report comes in any of their use our effort will be successful.

Jagorani Chakra Foundation (JCF) was established in 1976 as a national social welfare organization working mainly in the southwest region of Bangladesh and it works with full reputation and cordially to develop the socio-economic development. Jagorani Chakra Foundation has a vision of socially; economically sustainable and environmentally balanced communities, where poverty has been overcome and people live in dignity and security. The goal of Jagorani Chakra Foundation is to support the process of poverty alleviation and the creation of socio-economic equity through the promotion of sustainable community based people's institutions in alliance with Government and other agencies and projects. The main objectives of "Jagorani chakro" are as follows-

- HID, capacity building and sustainability
- Human Rights and Social Justice
- Organizational Sustainability.

II. Literature Review

A variety of literature exists on Micro-credit Management System in Bangladesh. In international developments; the concept of microfinance has become increasingly important over the last three decades or so. Microfinance is defined as the practice of 'supply of loans, savings, and other basic financial services to the poor' (Consultative Group to Assist the Poor [CGAP],

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2003). Greene and Gangemi (2006) place microcredit at the heart of microfinance, where it is widely understood as 'the practice of offering small, collateral-free loans to members of cooperatives who otherwise would not have access to the capital necessary to begin small businesses' (Hossain, 2002: 79).

Recent literature has highlighted increasing recognition of microfinance as a crucial tool in the alleviation of poverty, via its creation of employment opportunities and promotion of rural development and fulfillment of creative potential (Navajas et al., 2000; Ahmad, 2001, 2002; Yunus, 2001; CGAP, 2003; Brau and Woller, 2004; Lashley, 2004; Chowdhury et al., 2005). Interest in microfinance has been fuelled by its acceptance and successful implementation in organizations such as ACCION in the US; BancoSol in Bolivia; Association for Social Advancement (ASA) and Bangladesh Rural Advancement Committee (BRAC) in Bangladesh; and Bank Rakyat Indonesia (BRI) in Indonesia (ASA, 1997; Navajaset al., 2000). One of the most notable innovations in microcredit is the Grameen Bank in Bangladesh which was founded by Muhammad Yunus in 1983, in response to the numerous challenges he experienced in attempting to lend to the poor via existing commercial banks. Microcredit has since been replicated in more than 65 countries throughout the world. The year 2005 was declared the 'International Year of Microcredit by the United Nations'. The clearest official recognition thus far of the impact of microfinance has been the award of the 2006 Nobel Peace Prize to Muhammad Yunus and the Grameen Bank (The Nobel Foundation, 2006). However, the numerous accolades of microfinance have been countered by heavy criticism in the literature with regard to high interest rates, exploitation of women, loan repayment, unchanging poverty levels and failure to cater effectively to the target groups (Holt, 1994; Dignard and Havet, 1995; Christen, 1997; Mallick, 2002; Brau and Woller, 2004).

Socio-economic problem itself remains the largest challenge to the social and economic development within the Bangladesh and currently, various Government and Non-government organizations are attempting to tackle this problem in the Bangladesh. This article, therefore, aims to discuss the micro-credit system to develop the socioeconomic condition of rural people.

III. Research Methodology

Methodology is must for every kind of research problems. Systematically it is very essential to collect accurate and sufficient data to a good research. The main objective of the research is to find out the true which is hidden and is not been discovered as yet. Each research study has its own specific purpose.

a) Defining Population and study area

Recently there are around 330995 borrowers out of 412157 members of "Jagorani chakro" under 24 districts in Bangladesh (Jagorani Chakra Foundation website). In this research, the people of three villages who are benefited from the credit program of "Jagorani chakro" are the population of this study. For collecting primary data of the research, we select three villages of Jessore district for collecting necessary data of micro-credit management system of "Jagorani chakro". There are 2229 male and 2206 female (Census 2011) in these village and around 335 women are taking loan from "Jagorani chakro". If we define the population of all member of "Jagorani chakro" in Bangladesh and select some village for my study then we get a meaningful and real pattern of microcredit management system of "Jagorani chakro". It is very costly and time dependent. For these reason we select the study area as these three villages.

b) Sampling and Sample Units

Sampling is essential and important part of statistical survey. Nowadays it is quite impossible to census the whole population of any research. For statistical analysis it is really important to know the sampling frame and sampling technique involved in it because of wrong and misleading conclusions. From several sampling techniques in this paper simple random sampling will be applied for collecting necessary because the simple random sampling procedure is very easy and most acceptable. Using interview method we collect 102 samples out of 335 borrowers by simple random sampling without replacement. We also face several problems in collecting data from the brewers. On the other hand NGO's officials also feel uneasy to disclose some secrete and confidential matters. In fact, data collection from this field was not easy.

IV. Data Analysis and Result Discussion

Generally it is important to know the characteristics or nature of data before performing any statistical analysis. That is why several statistical techniques like frequency distribution, contingency analysis, fitting of an appropriate distribution, test of hypothesis etc. are used to investigate the socio-economic condition of the borrowers.

a) Percentage analysis

At first we present Percentage distribution, and summary statistics of data it is collected from borrowers. It is observed from our data that the highest 99% of the borrowers are married and only 01% is unmarried. Also in the married borrowers 5.9% are widow and 94.1% are living together in their house. We have already mentioned that the total number of sample observations in our study is 102.

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Table 1 : Percentage distribution of different characteristics of the borrowers

Status	Percentage (%)
Total	100.0
Age group	
20-30	26.5
30-40	39.2
40-50	28.4
50-60	04.9
60-75	01.0
Education qualification	
Signature	64.7
Primary	24.5
Secondary	07.8
Higher Secondary	02.9
Family type	
Single	60.8
Combined	39.2
Number of children	
≤02	41.59
03-04	50.49
05/05+	07.92
Idea about family planning and AIDS	
Yes	63.37
No	37.63
Relation with householder	
Husband	89.2
Father	02.9
Son	04.9
Others	02.9
Taking loan from other NGO	
Yes	30.4
No	69.6
Householder's occupation	
Agriculture	31.4
Business	32.4
Service	14.7
Labor	10.8
Others	10.8
Amount of Current loan (BDT)	
00001-10,000	48.0
10,001-20,000	39.2
20,001-30,000	07.8
30,001-40,000	01.0
40,001-50,000	02.0
50,001-60,000	02.0
Purpose of loan taking	
Business	24.5
Agriculture	21.6
General	51.0
Seasonal	01.0
Cow	02.0
Suggested amount of loan interest (BDT)	
1-2	21.56
2-5	39.22
5/5+	20.59
No idea	18.63

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Satisfactory Level of Present Loan Interest	
Good	31.4
Bad	55.9
No Idea	12.7

Table 2 : House hold situation before and after taking loan of the borrowers

Status		Before Taking Loan Percentage	After Taking Loan Percentage
Total		100.0	100.0
Type of residence			
	Building	04.9	09.8
	Half building	24.5	27.5
	Tin shed/Wood	04.9	07.8
	Straw	06.9	04.9
	Soil	58.8	50.0
Type of Sanitation			
	Pacca	20.6	20.6
	Sanitary	30.4	34.3
	Kacca (Soil)	44.1	41.2
	No	04.9	03.9
Number of Mobile			
	00	59.8	29.4
	01	26.5	38.2
	02	08.8	21.6
	03/03+	04.9	10.8
Monthly income			
	0001-2000	18.6	09.8
	2001-3000	24.5	22.5
	3001-5000	30.4	29.4
	5001-10000	18.6	14.5
	10001-25000	07.8	13.7
Monthly Expenditure			
	0001-2000	20.6	12.7
	2001-3000	31.4	24.5
	3001-5000	27.5	31.4
	5001-10000	16.7	15.5
	10001-25000	03.9	05.9

Monthly income and expenditure before and after taking loan are shown in the following figure, which also shows the increasing and decreasing percentage of income and expenditure

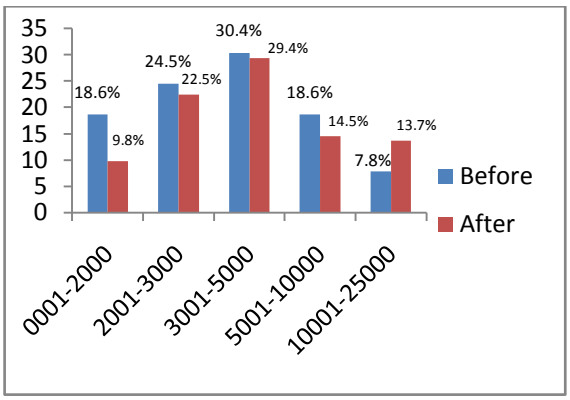

Figure 1 : Monthly income of the borrowers

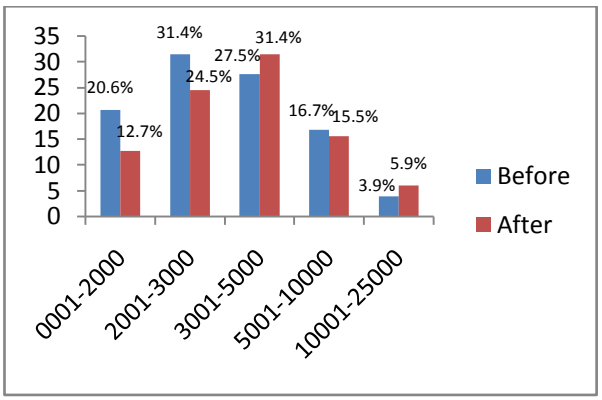

Figure 2 : Monthly Expenditure of the borrowers

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b) Contingency Analysis

Contingency analysis is designed to test any association between different characteristics that could be useful in the socio-economic condition of the borrowers. For contingency analysis, we assume the hypothesis of independence or homogeneity as the null hypothesis. The expected frequency under the null hypothesis is, $\mathbf{E_{ij}} = \frac{\mathbf{O_i} \times \mathbf{O_j}}{\mathbf{N}}$

Where, E_{ij} is the expected number of respondents in the (i,j)th cell ; O_i and O_j represent the number of respondent at the i-th row and j-th column of the contingency table respectively and N is the total number of respondents.

From each contingency table examination of association between the components and the various segment of components are made by computing chi-square using the formula given by,

$$\chi^2 = \sum_{ij} \frac{O_{ij}}{E_{ij}} - N \sim \chi^2_{(r-1)(c-1)}$$

Where, O_{ij} is the observed number of respondents in the (i,j)th cell, E_{ij} is he expected number of respondents in the (i,j)th cell, r is the number of rows and c is the number of columns.

To test any association between different characteristics we define the test hypothesis that, there is no association between two characteristics.

Table 3 : Association between different characteristics of the borrowers

Status	Test Name	Values	d.f.	Asymptotic Significance (2-sided)
Association between education and type of resident before taking loan	Pearson Chi-square	16.963[a]	12	0.151
	Likelihood ratio	16.777	12	0.158
Association between education and type of resident after taking loan	Pearson Chi-square	27.547[b]	12	0.006*
	Likelihood ratio	26.268	12	0.010*
Association between education and number of children	Pearson Chi-square	11.135[c]	06	0.084*
	Likelihood Ratio	12.524	06	0.051*
Association between education and type of toilet before taking loan	Pearson Chi-square	15.849[d]	09	0.070*
	Likelihood Ratio	16.956	09	0.049*
Association between education and type of toilet after taking loan	Pearson Chi-square	14.362[e]	09	0.110
	Likelihood Ratio	15.102	09	0.088*
Association between amount of loan and type of resident.	Pearson Chi-square	22.405[f]	16	0.131
	Likelihood ratio	26.669	16	0.045*
Association between opinion about loan taking and loan interest	Pearson Chi-square	04.969[g]	02	0.083*
	Likelihood Ratio	04.704	02	0.085*
Association between education and opinion about loan taking	Pearson Chi-square	04.295[h]	06	0.637
	Likelihood Ratio	04.539	06	0.604

(a) 16 cells (80.0%) have expected count less than 5. (b) 14 cells (70.0%) have expected count less than 5.
(c) 08 cells (66.7%) have expected count less than 5. (d) 10 cells (62.5%) have expected count less than 5.
(e) 10 cells (62.5%) have expected count less than 5. (f) 19 cells (76.0%) have expected count less than 5.
(g) 01 cells (16.7%) have expected count less than 5. (h) 07 cells (58.3%) have expected count less than 5.
* Indicate the test is significant at 10% level of significance. That means there is relation between two characteristics. d.f. indicates the degrees of freedom

c) Regression Analysis

Regression is the most important analysis in statistics analysis. It is important to find the dependence of variable or characteristics. Here all are numerical characteristics so we use liner multiple regression model. We investigate which are most important to increasing the income after taking loan. At first we consider amount of loan, age of the borrowers, earning person in a family, and monthly income before taking loan are mainly responsible for increasing the borrowers income after taking loan and here we use step wise regression model to identify the appropriate variable actually who are responsible for increasing the income after taking loan. For this the multiple regression models are,

$$Y = XB + U$$

Where, Y is dependent variable, X is independent variable, B is unknown parameter, and U is random error terms.

i. *Assumptions*
   (i) $U_i \sim NID(0, \sigma^2 I)$
   (ii) X_i's are fixed over repeated sample.

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Table 4 : Estimated value of the coefficient by stepwise

Model	Name of variable	Values of Coefficient with SE		Values of t	Significance at 10%
		B	Std. error (SE)		
1	Constant	987.903	335.086	2.948	0.004*
	Before income	0.968	0.053	18.179	0.000*
2	Constant	535.097	368.493	1.452	0.150
	Before income	0.960	0.052	18.526	0.000*
	Loan amount	0.031	0.012	2.625	0.010*
3	Constant	-308.420	523.187	-0.590	0.557
	Before income	0.945	0.051	18.404	0.000*
	Loan amount	0.028	0.012	2.393	0.019*
	Total earning person	634.561	284.649	2.229	0.028*
4	Constant	-286.618	883.558	-0.324	0.746
	Before income	0.944	0.052	18.217	0.000*
	Loan amount	0.028	0.012	2.380	0.019*
	Total earning person	637.412	300.801	2.119	0.037*
	Age	-0.684	22.285	-0.031	0.986

* Indicate the test is significant at 10% level of significance. That means there is dependence between them.
Then the estimated stepwise regression lines are

Model (a): $\hat{Y} = 987.903 + 0.968X_1$

Model (b): $\hat{Y} = 535.097 + 0.960X_1 + 0.031X_2$

Model (c): $\hat{Y} = -308.420 + 0.945X_1 + 0.028X_2 + 634.561X_3$

Model (d): $\hat{Y} = -286.618 + 0.944X_1 + 0.028X_2 + 637.412X_3 - 0.684X_4$

Table 5 : Model summary by stepwise

R	Determination of coefficient (R^2)	Adjusted R^2
0.876(a)	0.768	0.765
0.885(b)	0.783	0.778
0.891(c)	0.793	0.787
0.891(d)	0.793	0.785

(a) Predictors: (Constant), before income
(b) Predictors: (Constant), before income, amount loan
(c) Predictors: (Constant), before income, amount loan, total earning person
(d) Predictors: (Constant), before income, amount loan, total earning person, age

From the above table , the determination of coefficient (R^2) are 0.768(a), 0.783(b), 0.793(c), 0.793(d) i.e. the explanatory variable (Monthly Income before taking loan, Amount of loan, total earning person) can explain 79.30% of dependent variable (Monthly Income after taking loan). Hence Age does not effect on the regression model. Finally we can say that after income mainly depend on before income and less dependent of amount of current loan and earning person.

d) Correlation Analysis

Correlations of the different characteristics of the borrowers are obtaining the relationship between them.

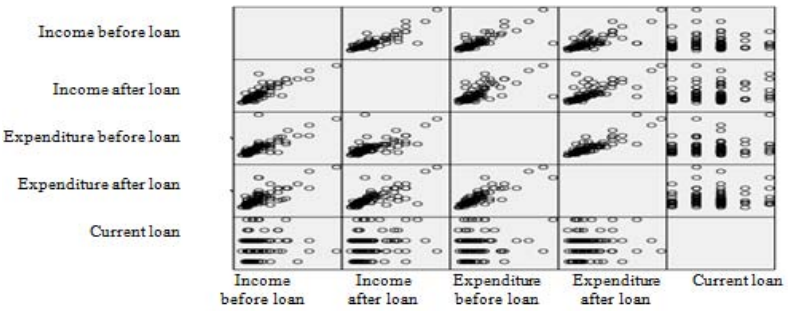

Figure 3 : Correlation matrix between income, expenditure and amount of current loan

From the above correlation we can see that, Income before loan is positively correlated with income after loan, Expenditure before loan, Expenditure after loan respectively.

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Similarly, Income after loan is positively correlated with Income before loan, Expenditure before loan, Expenditure after loan, and also Income after loan is positively with amount of current loan respectively. Expenditure before loan is positively correlated with Income before loan, Income after loan, Expenditure after loan respectively. Expenditure after loan is positively correlated with Income before loan, Income after loan, Expenditure before loan respectively. Amount of current loan is positively correlated with Income after loan, but is correlated and insignificant with income before loan, Expenditure before loan and Expenditure after loan.

We have also the correlated value between income, expenditure and amount of loan, which are in the following table:

Table 6 : The correlation between income, expenditure and amount of loan

	Income before loan	Income after loan	Expenditure before loan	Expenditure after loan	Current loan
Income before loan	1.000				
Income after loan	0.864	1.000			
Expenditure before loan	0.827	0.734	1.000		
Expenditure after loan	0.767	0.812	0.857	1.000	
Current loan	0.113	0.220	0.092	0.107	1.000

V. Conclusion and Recommendation

At present poverty alleviation is the most important program of GOs (Government Organizations) and NGOs (Non-Government Organizations) of Bangladesh. And there are many NGO's for poverty alleviation and socio-economic development of Bangladesh. Among these NGO's, "Jagorani chakro" is a well Organized and big NGO. In this study the micro-credit management system can be analyzed and obtain the impact of micro-credit management system of "Jagorani chakro".

At first we present some summary statistics on the socio-economic condition and the micro-credit management system of "Jagorani chakro". We observe that all members are female. Most of them (99%) are married. They are both Muslim (82%) and Hindu (18%). They are not well-educated. Most of them live in Kacca (Soil made) houses and their type of sanitation is not good, which is also Kacca (Soil made). Almost all of them are not involved in any type of formal profession, they are house-wives. The modal age-group of the borrowers is 30-40 years. Their average monthly income before and after taking loans are BDT.4927.00 and BDT.5758.00 and expenditure before and after taking loan are BDT.4139.00 and BDT.4874.00 respectively. They take loan on average BDT.16059.00 from the NGO's. Most of them invest their loan in general (51%) purpose. Each family of borrowers have on average one mobile after taking loan, that have not before taking loan.

In this research, the researcher has found some weakness and deficiency in the NGO's, which are the main weaknesses of NGO's of Bangladesh. Among the weakness of the NGO's loan recovery system is most unscientific. The NGO's recover their loan money in weekly or monthly or totally installment. But in practice there is no scope to earn any profit within a week or to produce goods within a month. So, weekly or monthly loan payment system is not scientific or profitable to the borrowers of NGO's like "Jagorani chakro". The borrowers of "Jagorani chakro" pay the interest in weekly or monthly or totally. The borrowers know they pay the interest 15% but the NGO's recover their loan money in weekly or monthly or totally installment, as a result the borrowers pay the interest more than 15% because weekly or monthly loan payment but it is not clear in borrowers. So it is most profitable for NGO's.

For taking loan from this NGO's only one condition fulfilled and the condition is joining the NGO's as a member. The borrowers do not face any problem for taking loan from this NGO. The NGO's worker provides the loan with sufficient advice and maximum 72% borrowers are following their advice. If uncertainly the borrowers does not pay their loan in weekly or monthly they face several problem such as the NGO's worker go to their home, do the bad behave, sometimes sell their cow, goat or other valuable things. It is very bad for the borrowers. As a result they feel mental problem and spoil their renown in the society. In this situation all borrowers will be a member of the NGO's in future and in this purpose they suggest a considerable mind of the NGOs rule and worker.

The NGO's taking interest 15% for the loan in general purpose. The maximum 81% borrowers think the loan interest is very high and 75% from them and they want a considerable interest at maximum 4%.

Most of the borrowers (56%) opinion are taking loan from NGO's is bad but they are taking loan from NGO's for their several problem or do a work at a time which is small costly. And the maximum 37% borrowers are the member of NGO's by the NGO's worker.

In this research most remarkable point is all the poor people are not taking loan from the NGO's and the NGO's do not cover the poorest section rural people in development programs. They are deprived completely from NGO's development programs and become poor to poorer. It creates many problems in the society but NGO's could do nothing for them.

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In general we can say that NGO's are quite silent about the future of the loaners and at the same about their final target. They also fail to give an account of the future of the poor and the future of the NGO's activities or what may happen when the NGO's will stop their development activities among the poor and powerless people. So, in this purpose the NGO's have a targeted time for development programs and fulfill this target.

Anyway, in this study the above difficulties are very complex. We may get clear picture of NGO's micro-credit management system through impact the management system of NGO's like "Jagorani chakro".

And finally, the NGO's adopt a clear policy for the socio-economic development of the poor as the country. Otherwise it neither may nor eradicate the poverty and social injustice from the society.

In this analytical research, it is found that the objectives and programs of NGO's. But in practice the NGO's is better in some aspects in some places and has done badly in some others aspects.

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Social Entrepreneurship in the Matrix of Economic Action and Social Structure

By Abiodun Omotayo Oladejo & Chinyere Iheoma Erondu
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Abstract- This paper examines the link between economic activities and human social organization with a view to x-raying the roles social entrepreneurship can play towards addressing attendant consequences of economic activities, and other social problems facing human society today. Point is made about the centrality of human collectivities in market economy and the need for a shift from aggressive capitalism – driven by excessive profit-making - to conscious capitalism – driven by social altruism. The emphasis is on how economic action will spell fortune for society and not woe – like the kind that trailed post-revolution industrial adventurism.

Keywords: *social good, social entrepreneurship, economic action and social structure.*

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Abstract- **This paper examines the link between economic activities and human social organization with a view to x-raying the roles social entrepreneurship can play towards addressing attendant consequences of economic activities, and other social problems facing human society today. Point is made about the centrality of human collectivities in market economy and the need for a shift from aggressive capitalism – driven by excessive profit-making - to conscious capitalism – driven by social altruism. The emphasis is on how economic action will spell fortune for society and not woe – like the kind that trailed post-revolution industrial adventurism.**

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I. Introduction

The human world is faced with a plethora of challenges – poverty, unemployment, crime, insecurity, etc, which beg for intervention. The requisite intervention cannot be sought from government alone because of the overwhelming intensity of these problems. Therefore, it is imperative for private individuals and organizations – profit or non-profit – to collaborate with government towards alleviating these challenges. Also, pursuits of economic activities are not monolithic, but they are conducted within and connected to other aspects of human social life. This has large-scale implications for the social world. It becomes imperative therefore, to look for a new 'operating system' for the contemporary economy that would drive home the required benefits for mankind. This is to be found in encouraging the development of social entrepreneurship – the pursuit of goals that create and sustain social value (Mackey, 2014). In recent times, there is a bourgeoning thinking among academics and radical entrepreneurs about the need to place social good above individual interests. The classical thinking of maximizing private profit at all costs is gradually being deemphasized, while increasingly, thoughts are taken about mutually beneficial rewards for entrepreneurs, employees and society at large.

II. Conceptual Issues

a) Social Entrepreneurship

The concept, *social entrepreneurship,* is a relatively new one and its definition is an object of intense contestations by scholars, a situation occasioned by their diverse intellectual persuasions. The differing opinions of scholars on the definition and conceptualization of social entrepreneurship apart, there is a general agreement about the fact that it has to do with non-governmental mediation in solving social problems. The kernel of social entrepreneurship is the attempt to alleviate the poor social conditions of individuals and address some of the social problems that government has not adequately tackled.

b) Economic Action

Every human society is defined in terms of the institutions that it is made up of. These institutions are, but not limited to, education, religion, family, polity and economy. Pivotal among these institutions is "economy" which is the realm of production, distribution and exchange of goods and services which constitutes a wide spectrum of activities which engender employment, value creation and profit maximization (Oladejo, 2014). The economic institution is a sphere where both government and private entrepreneurs have interests, albeit, with different motives. Often, government's involvement is influenced, at least in principle, by demand of the public for social services. Whereas, the involvement of private entrepreneurs in the economy is largely influenced by profit drive. It is against the background of profit making that economic action is conceptualized. Therefore, economic action here refers to gamut of productive engagements that have deliberate value ends for private entrepreneurs.

c) Social Structure

Social structure has varied definitions and conceptualizations. Ekpenyong (2008) defined social structure as an institutionalized network of relationship among social actors. For Giddens (2006), social structure refers to the fact that the social contexts of our lives do not consist just of random assortments of events or actions; they are structured or patterned in distinct ways. Jary and Jary (2000) see it as "any relatively enduring pattern or interrelationship of social elements." The above definitions have a common theme – recurrent and patterned relationship existing within a social setting. There is another perspective which originated from Karl Marx. He opined that social structure comprises mainly *infrastructure* and *superstructure* (Jary and Jary, 2000). Economic system or infrastructure has been described by Marx as the

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foundation upon which other institutions of society – religion, education, family, polity, legal system etc – are built. The social relations of production, based on ownership and non-ownership of the means of production, that emanates from the economy results in some hierarchy in social relationships. Therefore, for this paper, social structure will mean the social distinction based on ownership and non-ownership of means of production, and the interrelationship between the haves and have-nots in a given society. Invariably, it is synonymous to Marx's conceptualization of modern-industrial class structure.

d) Capitalism, Social Welfare and Economic Justice

Capitalism as an economic system was an outcome of the phenomenon of industrial revolution. The industrial revolution (of modern history) culminated into the process of change from an agrarian, handicraft economy to one dominated by industry and machine manufacture (Encyclopædia Britannica, 2012). Ritzer and Stepnisky (2014) point to the fact that industrial revolution coincided with the emergence of class relations based on ownership and non-ownership of the means of production. In a capitalist economy, there is intense emphasis on maximum profit-making, and the preoccupation of classical entrepreneurs that emerged in post-revolution Europe was surplus expropriation without recourse to social good and the welfare of workers. In the emerging economic system, a few powerful rich, profited greatly while the vast majority worked long hours for low wages (Oladejo & Agwanwo, 2015). This situation caused rapid social change and threatened the fabric of the society (Ekpenyong, 2003). The nascent economic system also unavoidably forced women and children into industrial workforce – who lived in utter squalor compared to the flourishing capital owners (O'Donnell, 1981).

Contemporarily, there is a growing concern about the need to maximize not only profit, but also social good (Mackey, 2014). This is antithetical to traditional entrepreneurship that places premium on only profit and shareholders' value, but neglects the social milieu within which economic activities take place. This is ridden with challenges such as poverty, environmental degradation, unemployment and inadequacy of infrastructural facilities that make for social well-being. The challenge for capitalist ventures in this age is to pursue what John Mackey calls "conscious capitalism". The core of this doctrine is that profit, environmental sustainability, and achieving social good are not opposed to one another. Conscious capitalism does not act unconcerned about social problems; it is actually defined by its commitment to helping to solve some of them. It is agreeable to social entrepreneurship even though profit-maximization motive is not jettisoned. It is Mackey's view that businesses that have social-good consciousness naturally make profit. Conscious culture in business organizations engenders satisfaction and happiness of team members - workers, satisfied investors, and loyal communities, giving conscious businesses a competitive edge (Mackey, 2014).

Another dimension to this discourse is the issue of economic justice. This is a course championed by revolutionaries, scholars, and even clergy – as in the case of United States' Catholic Bishops' document of *economic justice for all: Catholic Social Teaching and the U.S. Economy* of 1986. The main thrust of economic justice is humanistic and moral economy that broadens the sharing of economic power and makes economic decisions more accountable to the common good. It is opposed to unbridled, expanded profit-making which excludes the vast majority of the citizens from enjoying basic necessities required for decent living. Economic justice emphasizes altruism towards the plights of the poor and downtrodden. It downplays the feeling of indifference by individuals who are of the opinion that private capitalists should not be concerned with solving social problems which are considered to be within the purview of governmental responsibilities. In class-structured societies where economic inequality is a social fact that cannot be ignored, there is need to make effort at relatively closing the gap so that individuals who may not be privileged enough to command sufficient economic power necessary for sustenance may be able to do so. Closely connected to the foregoing is the need for social security.

e) Social Entrepreneurship and Social Security

Ability to meet daily requirements for survival is a matrix from which security of life and property derives. More often than not, governments focus on protection of the state against external aggression and internal insurrection and place little attention to security of welfare needs of the citizens (Nwabueze, 1989). Fundamental to these needs is the security of social conditions within which people live. Any society ridden with mass poverty and unemployment already has increased chance of being constantly faced with security threats. It is doubtless that government cannot solve all the problems, so non-governmental efforts are needed to complement government's efforts towards addressing such problems as inadequacy of housing, poverty, dearth of social amenities, unemployment, crime, food scarcity, etc.

f) Entrepreneurship, Environment and Society: The Link

There is no gainsaying the fact that human socio-economic activities are conducted within the confines of the natural environment and they have very serious implication for social life. Market economy is not conducted in vacuum, but within a social milieu. It is instructive therefore, to note that profit-making should not result in social exclusion. Principally, among the things that businesses should do is to ensure that

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livelihood sources of individuals within their areas of operations are not impinged, but rather enhanced. Also, one other reason why it is incumbent on enterprises to engage in helping to address some social problems is that an alteration or altercation in any part of the social organization could alter or affect another part or the entire social organization. It presupposes that the wellbeing of the community is the wellbeing of the business organization.

Away from the above, it is arguable that human existence largely subsists on natural environment and that productive activities use objects of nature. The position of radical social entrepreneurs therefore, is that whilst it is impossible for industries not to interface with the environment; care must be taken to use environmental resources circumspectly and sustainably (Mackey, 2014). Also, the exploitation of natural resources should swell the fortune of everyone and not few privileged ones. This is a dimension of social entrepreneurship which links sustainability to social good.

III. Conclusion

It is deducible from the foregoing that the resolution of social problems is not a task exclusive to state organization alone; profit and non-profit organizations have roles to play also. Business enterprises should therefore embrace the new paradigm that combines social good with profit motive. The import of this is that all parties in the economic system – businesses, employees, community etc – will benefit, and by implication, society also. This embraces the principle of human centred development that gives preference to achieving optimal benefits for the well being of humanity. It is inclusive and environmental friendly.

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The Power of Mediation's Dialogue: Resolution of Conflicts in the Environment of Special Needs People and/or People under Functional Dependence

By María Del Pilar Munuera Gómez
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Abstract- The needs risen by special needs people and/or people under situation of functional dependence after the strong cuts of budget produced by the current financial situation, claim for the inquiry to be executed by conflict management professionals, who resolve about the welfare of the affected population and their families. The welfare of the families who take charge of their relatives under a situation of dependence, can be assessed as the energy that may respond to the needs which people under a situation of dependence bring up in their closest environment. This starting point let us explain the chances that mediation offers, unlike other alternatives available for conflict resolution.

Mediation is laid out through its basic structure formed by its principles and typical characteristics which help the parties in conflict to reach a long-lasting and accepted by everybody agreement. An achievement which is accomplished through the process of mediation, which itself has got specific peculiarities that shall be considered by mediation professionals.

This way we end up with the explanation of some of the experiences which currently are being executed in a national as well as in an international level.

Keywords: mediation, special needs, dependence, resolution, conflicts.

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I. Introduction

The purpose of this article is to introduce the chances that mediation offers as an strategy for an effective inquiry when solving the conflicts that special needs people and/or people under a situation of dependence experience in their closest environment.

The socioeconomic effect of the crisis over the Spanish society is reflected on the increase of the number of people affected: the increase of the unemployment rate (it reached 24,63% of the economically active population) as well as the proliferation of homes with all their economically active members unemployed (reaching 1.737.600 homes), a truly dramatic data for a country that is a Welfare State. This kind on information becomes even worse with the data registered by Caritas, which shows the rise on the attended demands: they have increased from 400.000 people in 2007, to 950.000 in 2010, a figure where the 67% of the people had been derived from the public social services.

The aforementioned facts have had an effect on social services benefits according to the statistics given by IMSERSO (2013), which indicate that a change has been produced towards caring at the households, since 422.905 families use the economic benefit offered for caring at the familiar environment and the support to non-professional caregivers stands for the 44% of the total cases, compared with the 55,64% of the families which choose the economic benefit linked with the service. Such information shows a considerable increase on the caring performed in familiar environments, since the number of families which took care in their environment represented 22,96% of the cases in 2008 compared with the 77,04% that stood for the economic benefits. The IMSERSO's figures as of the 31st of January of 2013 state that the grouped beneficiaries has been 953.452, whereas in December of 2008 they were 422.846. The crisis has influenced on the goal of the applications sent by the families towards a certain type of benefit or service. The sudden change on the tendency of the benefits can be appreciated on the following chart, which sums up the percentage of families which choose economic benefits to take care at the familiar environments divided by autonomous communities:

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AUTONOMOUS COMMUNITY	SERVICE BENEFITS		ECONOMIC BENEFTIS TO TAKE CARE AT THE ENVIRONMENTS PRESTACIONES		TOTAL	
	No.	%	No.	%	No.	%
Andalucía	151.289	58,66	106.618	41,34	257.907	100
Aragón	7.764	37,79	12.781	62,21	20.545	100
Asturias	9.177	52,34	8.357	47,66	17.534	100
Balearic islands	3.060	31,63	6.614	68,37	9.674	100
Canary Islands	5.394	45,62	6.429	54,38	11.823	100
Cantabria	6.191	41,36	8.779	58,64	14.979	100
Castille and Leon	52.280	66,95	25.808	33,05	78.088	100
Castille La Mancha	28.382	53,44	24.728	46,58	53.110	100
Catalonia	70.019	40,75	101.820	59,25	171.839	100
Valencian Community	28.135	55,57	22.497	44,43	50.632	100
Extremadura	12.052	58,21	8.652	41,79	20.704	100
Galicia	29.461	67,93	13.907	32,07	43.368	100
Madrid (Community)	80.164	79,55	20.602	20,45	100.766	100
Murcia	11.443	35,38	20.898	64,62	32.341	100
Navarra	4.368	43,18	5.747	56,82	10.115	100
Basque Region	23.425	50.38	23.068	49,62	46.493	100
La Rioja	6.804	61,06	4.339	38,94	11.143	100
Ceuta & Melilla	1.139	47,46	1.261	52,54	2.400	100
TOTAL	530.547	55,64	422.905	44,36	953.452	100

Chart 1 : Benefits by service. Source: IMSERSO January of 2013.

The comparative of the abovementioned figures let us see that Madrid has evolved to reach 79,55% of service benefits as of 2013 in contrast to December of 2008 when it didn't register any family case that had decided for the familiar environment. Among the service benefits there are remote care, in-home care, day/night

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care centers, care-giving service at nursing homes, personal assistance, etc. Whereas the benefit to take care at familiar environments, conceived as an exceptional benefit, includes an economic compensation for the care-giver. Such care-giver ought to have an specialized training, out to be enrolled in Social Security and have periods of vacation.

The aforementioned rise over the caring at familiar environments has to take on account the socio-demographic growth's forecast foreseen by the Spanish Statistical Office ("Instituto Nacional de Estadística", whose Spanish acronym is INE) for the year 2052: the 37% of the population will be over 64 years old, taken that the current socio-demographic values of mortality's reduction by age groups keeps the same. It's possible that around the year 2051 life expectancy will be, when born, 86,9 years old for males and 90,7 for females.

The Spanish population will increase in dependence, and the dependent people and their relatives will demand progressively more and more in respect of their caring, increasing the demand of benefits offered by public institutions. In this scenario it becomes indispensable to solve the personal, familiar, institutional, etc. conflicts which people and their relatives often face. This situation looks like an inescapable fact, as a consequence of the aforementioned diverse factors and of the existent unbalance in the needs-resources binomial in this context. Related to this, the research published by Ángeles Durán about the impact and repercussions that the caring given to the ill and people with autonomy difficulties, has over the families, indicates the non-monetary and invisible costs derived from the aforementioned caring, beyond those strictly sanitary. One of the main conclusions of her research is the need to economize and plan the time spent by families on taking care of the dependent people. This authoress remarks the need to take care of the care-giver through the focus on the family breaks in order to prevent exhaustion and subsequently the family surrender.

The existence of a special needs person or a person with functional diversity inside a family generates multiple conflicts that may derive in a family crisis. Such crisis shall be understood as an unexpected or even as a new event, that breaks the usual dynamic of the family. This crisis claims for the solution of the different transactions, conflicts and "losses" suffered, which imply the negotiation and communication between all the members for the necessary distribution of tasks or multi-responsibilities and for the family support with the new situation. They are moments in which the family finds it difficult to take decisions adequately and in which the emerged tensions can get worse, increasing consequently the frequency of the family disputes. It is at this point where a mediator's inquiry is needed, one that shall offer a space to solve the conflicts, a space where the parties can reach agreements thanks to the inquiry performed by such a specialized and neutral professional. Binding agreements, even in this current legal system, that shall help preventing future conflicts in the family's welfare. Mediation helps the family to find itself and respect themselves at these kind of occasions as well as to live this situation as a chance to grow and transform.

The family's life cycle described by Minuchin and Fisman (1997), Haley (1989) and Ríos (2005), has left little information in relation with the tasks and activities which families shall solve at these last stages, in respect of prolonging life as well as in respect of the caring of the ill, people with functional diversity, elder parents, etc. It can be said that people from the XXI century are "mentally prepared to become parents, but not to become children, and even less to take care of the family members" apart from their own offspring. To this, we have to add the improvement over life expectancy and the fragility of the family bonds, that make that family could respond from different perspectives to the caring, just like it was done in previous decades, strengthening its role as a service performer.

Mediation's applicability to this field is one of its aspects that inspires more hope, because of the situation in which "the sanitary system and the social services that offered a clearly insufficient coverage due to the number of people suffering an illness and under dependence" are immersed (Munuera, 2012, pp. 155). The approval of the Law 39/2006 as of 14th of December, of Personal Autonomy's Encouragement and Care to people under situation of dependence ("Ley 39/2006 de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia", whose Spanish acronym is LAPAD) states in its article 3, first paragraph: "The collaboration of the social and sanitary services with the provision of services to the users of the Autonomy and Care to Dependence System set up in this Law and in the corresponding Autonomous Communities' regulation and the applicable local entities' rules". In the same direction aims the dependence white paper (IMSERSO, 2004, pp. 3) when it states that: "it becomes a challenge for sanitary and social services' system, they have to face new needs and social demands in a contradictory context of political and economic pressure in favor of cutting social expenditure in general and sanitary expenditure in particular. At the same time, the new social demands claiming for an extend of the social protection over the needs of personal help that citizens and their care-givers are demanding to face the diverse situations of dependence". For the aforementioned reasons, inquiries are necessary for helping to solve the conflicts that arise to people who live immersed in this kind of situations. Likewise, the Law 5/2012, of 6th of July, of Mediation in civil and commercial affairs and the most state-of-the-art Autonomous Communities' regulation about family

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mediation, published in the Autonomous Communities Basque Region, Andalucía, Catalonia and Balearic Islands, which refer to mediation in situations of dependence, aim to and justify this way the use of mediation in this context.

II. Family Mediation's Ethical Principals in Situations of Dependence

Michèle Guillaume-Hoffnung expanded the concept masterfully when it considered it as "an ethical process of communication, based on the responsibility and autonomy of the participants, over which a third party – impartial, independent, neutral, without a binding nor consultative authority, without an authority bigger than the parties' – favors the encounter through confidential interviews encouraging the social bonds, with the purpose to prevent or resolve the situation that may come" (Guillaume-Hoffnung, 2009, pp. 72). Such a view can be liked to Romero's (2002), since he conceives mediation as something more than a set of techniques and skills: "It's a management and conflict resolution method, which develops itself inside a process of human interaction, full of opposed interests and influenced by the emotions and affections of the parties involved. It is addressed to make each party empathize with the other's point of view, and, at the same time, to make both parties the main subjects of the agreement, for this purpose, the mediator shall use communication and negotiation techniques" (Romero, 2002, pp. 34). In other words "mediation shall contribute to re-establish the constructive patterns of communication and negotiation through the definition of reasonable expectations for both parties" (Folberg and Taylor 1994, pp. 157).

The essence of family mediation is made up of principles over which it has been built. The European Directive 2008/52/EC of the European Parliament and of the Council, of 21st of May of 2008, about certain aspects of mediation in civil and commercial matters, aims in this direction when in its article 4.1 sets that "Member States shall encourage, by any means which they consider appropriate, the development of, and adherence to, voluntary codes of conduct by mediators and organizations providing mediation services, as well as other effective quality control mechanisms concerning the provision of mediation services.". The importance given to the principles and the ethical code of mediation has such a significance that associates service quality to the effectiveness of the same.

For this reason, mediation "respects privacy better, the parties are in control of the subjects they decide to delve into and of the situations they deal with" (García-Longoria and Sánchez, 2004, pp. 261-264). It becomes the most effective strategy for dispute and conflict resolutions because:

- It creates adequate channels of communication, avoiding misunderstandings.
- It respects relationships instead of destroying them.
- It results in creative agreements.
- It emphasizes on future opportunities and not on the problems of the past.
- It implies the perception of the relationship as non-aggressive, leading indirectly to personal development.
- It is based on the parties' willfulness. The parties can or cannot reach an agreement, they can even withdraw in any moment without objection or opposition.
- It favors the construction of a democratic citizen who respects and dialogues with his surroundings.

The essential goal of family mediation in situations of dependence is to strengthen the ability of the parties in conflict meant to reach a long-lasting agreement, accepted by both parties, taking into consideration the needs of every member, distinguishing the positions and marking out the common interests they may share. For this it is indispensable to:

1. Resolve the existing disputes between the parties in order to reach agreements.
2. Identify common interests.
3. Help to hold a different perception of reality where everybody can win and whose relationships can coexist, overcoming the conflict, empathizing with the point of view of the other.
4. Respect the differences between the parties, culture, values, etc.
5. Favor the creation of a future relationship based on dialogue and mutual appreciation.

The aforementioned substantive characteristics of mediation define mostly the mediator's professional profile, his functions and his deontology. The mediator has to know the judicial frame existing in this context and has to develop certain skills for the management of human relationships. Consequently, the mediator acts giving back the prominence that the parties have, constantly and skillfully, returning it to latter, canalizing it towards the achievement of the agreements. He works for the dispute resolution, in order to help the participants identify their emotions, needs and requests.

Once the mediation's disciplinary frame is defined, we shall specifically focus on the process of mediation in situations of dependence, which forms part of the mediation's basic structure.

III. The Process of Mediation in Situations of Dependence

The success of the mediation's inquiry is guaranteed through the respect shown by the mediator towards the different steps of the inquiry set by its

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model. Following Lisa Parkinson's proposal (2005, pp. 147), in the sphere of dependence the steps of the methodological process are the following:

1. In first place, the need to commit with both parties and explain to them the principles and terms of mediation, becoming relevant to verify that the parties have understood them in order to fill in the starting mediation's minutes.
2. Help them explain and prioritize the matters they need to resolve.
3. Identify the needs of all those involved, specially of the people under situations of dependence, looking for the interests shared by all the concerned parties.
4. Collect and shared the necessary information, usually economic, relational and work-related information.
5. Explore the available options, examine reality and focus on the points they have in common inside the agreement, avoiding disagreements.
6. Stimulate the parties to work out the agreements they may accept.
7. Write down the agreement settlement complying with the legal dispositions, according to which, they may need a legal independent counseling.
8. Offer enough legal counseling, if needed in any of the steps due to the disputes that may arise or any change over the circumstances.

The process of mediation in situations of dependence helps to adjust the needs between individuals and/or the care-givers (relatives, professionals, etc.), avoiding confrontation and making communication much easier. In mediation, when dealing with people under a situation of dependence, those immersed in a conflict are the ones who decide voluntarily to sit and cooperate, and from that point on, weave the path that leads to an agreement. It is not in the agreement reached, but in the path walked until it is reached, where the greatness of mediation lies. The comprehension of the information ought to be guaranteed and the adequate means that shall make such a process much easier ought to be provided (translation through sign language, text adapted to people enduring a vision impairment – braille, etc.-), this way the parties can be placed on the same level of comprehension.

It is advisable to use a family genogram to get to know and not become lost in the evaluation of those relationships. Also, the contribution of John Bertschler and Patricia Bertschler becomes clarifying (2009, pp. 46), when they state the need to collect data from the casework following an order through questionnaires handed in relation with their previous evaluation, analyzing the following components:

1. The characteristics of the person under a situation of dependence have great relevance inside the personal and familiar conflict:

- The position occupied by the person under a situation of dependence inside the family structure must be studied, becoming convenient the use of a genogram. Family implications are different depending on the economic, affective or social order, in other words, depending on how the father, mother or child are, as well as depending on their caring culture and their values.
- Right after that, the job situation should be analyzed. Not only because of its economic transcendence, but also because of the troubles that may be faced to adapt to disabilities or rehabilitation.
- At last, the attitude of the person under a situation of dependence should be assessed. The psychological atmosphere created by the person under a situation of dependence or, on the contrary, spontaneously formed, shall influence on the family coexistence depending on the seriousness, despair and desperation. In other words, the psychological aspects that come up with the illness, as well as the various options of family coexistence, the difficulty to adapt to the illness or to the disability experienced by the person under a situation of dependence and by his relatives, the family trauma (despair, anxiety, fear, distress, etc.), the seriousness of the disability entailed by functional disability and the type of caring that the person under a situation of dependence may need. Such indicators decide the welfare and the scale of stress endured by the person dependent and his family.
- The scale of family welfare shall depend on the ability to give response to the different conflictive situations that they may face. We have to consider that the needs of a person are far beyond his dependence, since he is a social being with diverse facets and needs (cultural, educative, etc.).

2. The characteristics of the family, the following factors must be studied:

- The economic situation. A weak economy can become aggravated by the attention given to the arisen needs, even though it may not be the determining factor, since other more decisive factors may exist, like, for example, the admission to a center.
- The job done by the members of the family. The care given becomes a serious conflict when every member of the family completely focuses on their jobs, no matter the economic situation of the same, due to the high number of hours that must be spent on a person under a situation of dependence, especially in serious or severe cases.
- The type of family rest, in other words, the chances of taking "a family break", in order to take care of

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the affective relationships between them and to be able to keep on with the obligations undertaken. Such break can consist of a trip to do some shopping, a month-stay in a residence center, etc. The relationships born during the break, help to strengthen the family coexistence through the development of positive affective bonds and of a social network.

3. External considerations in relation with the dependent and his family:

- The context where the family is placed. There are differences in respect of the care resources and the family support between the rural and the urban areas. In the rural area, sometimes, the person under a situation of dependence has less technical means and a lower range of resources being provided, but he can rely on a higher provision of human care by his relatives. The chances of communication and the solidarity networks are wider, improving his quality of life and his perception of welfare. To this we have to add that they often can count on a higher family and informal support, prevailing the nuclear family and the big one as well, this way they can rely on higher resources to attend the people under situations of dependence. On the other hand, in the cities problems become bigger in proportion with the increase of the population living in them. Inside big metropolis, the difficulties of psychic and physical communication (means of transport, wide distances, etc.) and the increase of the economically active population create a serious familiar conflict when facing the illness-dependence of some of their family members.

Although the rural-urban dichotomy is disappearing little by little and, consequently, the family models and social relationships are assimilating the urban patterns of functioning, we can conclude that the standards of family response may vary according to multiple factors, for this reason a quick evaluation of the person under a situation of dependence and of his family as well as of the rural or urban context where he lives is important.

After the assessment of the aforementioned aspects, the problems or conflicts that made the parties go voluntarily to mediation are addressed to reach agreements.

IV. Conflicts and Issues Addressed

Nowadays our population has witnessed a qualitative as well as a quantitative increase in situations of dependence. These social transformations are producing a diversity of conflicts inside family structures, due to the fact that daily care provided by care-givers to people under a situation of dependence implies a big effort and an almost exclusive dedication to this task, having indeed a negative effect over the care-giver and over the family core itself.

It is necessary to take care of these families in a special manner, they require an effective, satisfactory and quick response to their problems. This new issue needs new responses: mediation, since "it is introduced as the alternative for the resolution of the conflicts that arise in the area of dependence" (Munuera, 2014, pp. 105). This happens because mediation helps to reach steady and long-lasting agreements, improving the welfare and the satisfaction of the parties involved, since those affected are the ones who write down their own agreements.

The care given to people under a situation of dependence can produce conflicts between the members of the family, as well as between the care-giver and the person in a situation of dependence. Such conflicts can be the result of multiple factors that converge and interact independently, influencing directly and indirectly on the daily life of the caregivers and the people under a situation of dependence.

When the dependent person turns to be the father/mother, son/daughter, etc. generally someone inside the family becomes the main care-giver and implicit conflicts could arise affecting the couple relationship, as well as the relationship between the children, siblings, relatives, even the relationship with the public institutions. Exhaustion, stress and emotional fatigue that both the aforementioned cares as well as the need to negotiate the distribution of the tasks derived from such cares imply, require actions to help save the relationships between the members of a family. In general, these conflictive situations arise because of different reasons and may result into the following issues subject to mediation:

- Separation or divorce through mediation for those cases where one of the spouses is a person under a situation of dependence.
- Inter-generation conflicts inside those families where there is a person under a situation of dependence.
- Decision taking about where and how to live (decisions about their style or way of life: life share with a couple, schedules, holiday's duration, measures of control, etc.). Some people with functional disability rely on the support provided to their autonomy by social resources, others on a familiar and social relationship that boosts their autonomy without interfering with their ability to decide about every issue related to their lives nor with their option to be able to plan each of the phases of their lives until their deaths.
- Treatment to follow (type of rehabilitation, etc.), choice of the care benefit, choice of the center (residence center, day care center, shelter flats, etc.).
- Draft and register of the living will, last will and future organ donation.

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- Considerations about the disability of the person under a situation of dependence when there is no family agreement.
- Communication and relationship between the person under a situation of dependence and his relatives in respect of the several disagreements produced by the care and the implication of them with their care, inside the familiar context as well as inside the residential. The resolution of the communication conflicts, avoiding misunderstandings and creating an effective communication.
- In respect of the main care-giver, his breaks and the balance between the care-giving and the rest of his obligations (the work ones as well as the family ones). Because many times it is difficult to comply with the care-giving tasks and the work obligations, taking place absenteeism and unpunctuality. It is advisable to plan adequately with the family the care given to the person under a situation of dependence taking into account the corresponding holidays or the "care-giver's break" in order to prevent his "burn-out" and the surge of a likely conflict.
- Economic issues, in respect of an inheritance, pensions, a decrease in the income derived from the lack of work dedication and the increase of the expenditures generated by the care-giving of a relative (expenditures derived from the care given to a person, such as special meals, medicines, technical help, refurbishment of the house, etc.) as well as the likely frauds that could take place around the management of the belongings of special needs people (wrongful appropriation of the economical or real-state possessions, winding-up of the belongings the person under a situation of dependence might own, family enterprises, etc.).
- Lack of institutional support to completely satisfy their needs due to insufficient instrumental and emotional help that could be provided to the relatives and people under a situation of dependence.
- Disagreement over the social benefit assigned under the implementation of the LAPAD.
- Resolution of the discrimination in the workplace endured by people with functional diversity as well as the likely social discrimination they might suffer in educative, occupational or residential centers (difficulty to access in centers and cities, etc.).
- Conflicts of the neighborhood association in respect of the implementation of the Law 49/1960, of 21st of July, of Horizontal Property (whose Spanish acronym is LPH). Such dispositions have the purpose to make communication with others easier for disable people.
- Mistakes or negligence made by the professionals who are taking care of the person under a situation of dependence (non-adequate casework done by the care-givers working at residence centers or at other type of centers).
- Conflicts arisen inside the institutions which take care of people under a situation of dependence: day care centers, residence centers, etc.

The relation conflicts are listed in the chart attached below in conformance with the moment in which they come out, the parties involved, the characteristics of the family structure, the way of taking decisions, the type of information and the likely consequences. These elements have an specific way of being visualized, responding to several processes of fighting in line with the cycle of the conflict and the intensity of the latter.

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Relation conflicts	Characteristics	Process	Visualization of the conflict	Cycle of the conflict and intensity
Time	Past Present	Fight to be	Conflicts between: - Parents-children - Eldest sibling-youngest sibling	. Escalation / low intensity - Standstill / High intensity . De-escalation
Parties: Family Institutional	Family origin (level 1 of consanguinit) - Big family (other levels of consanguinit)	Fight for the duty Fight to possess	. Adequate or inadequate care of the dependent . Respect to family customs . Conflict around inheritances or mismanagement of family properties. . Inclusion of social protection institutions	. Escalation / Low intensity Standstill / High intensity . De-escalation
Structural	Family role performance Out of place: - Absence of a parent. - Perception, emotions and meanings. - Strategies and tactics that the parties use.	Fight for power. Fight for equality. Fight for distinction	- Who takes the decisions? Everybody or just one person. - Lack of legitimation by the parties involved. - No consideration of the dependent's will. - Lack of assertiveness in the messages. - Presence of verbal abuse in the messages. - The treatment of the concessions. - Ways of persuading the parties. - Strategies of problem resolution.	Escalation / Low intensity - Standstill / High intensity . De-escalation
Taking decisions	- Hierarchical - Democratic	Fight for survival Fight for power	a) Decisions are taken in a descending scale, one person decides what it's adequate for the dependent and the rest of the parties obey or not. b) Decisions are taken in an ascending scale, all the parties are listened to and a negotiated agreement is reached, considering the decision made by the dependent. c) Decisions are taken in a horizontal scale.	- Escalation / Low intensity - Standstill / High intensity - De-escalation
Nature of the information	Economic Emotional Values/Principles	Fight for distinction Fight for the being	- Economic problems are laid out as an externalization of the non-resolved emotional needs and vice versa. - Lack of principles and values	- Escalation / Low intensity - Standstill / Medium-high intensity - De-escalation
Consequences	Profits Losses	Empowerment Frustration (personal deviation)	- Nourishing families: adequate communication and transition through the different stages -Troublesome families	- Escalation - Standstill / High - De-escalation

Chart 2 : Source: personal compilation.

The use of mediation in this sort of conflicts represents an effective response in order to resolve the conflicts within the family and institutional relationships. Simultaneously it favors the adaptation to the last stage of the family and personal cycle, the phase where the illness and/or death of the forefathers comes up. The

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final objective is to foster the common interest and the maximum social welfare and quality of life for the person under a situation of dependence and for their families.

Due to the novelty of the legislation in matters of dependence and due to the recent incorporation of mediation in this field, "we ought to specify properly mediation's field of performance in order to not mix it up with legal advice nor with psychological therapy" (Ripoll-Millet, A. 2001, pp. 80-85). For this reason we must come to a stop in the following section, where the description of those legislative regulations which have consolidated mediation in a situation of dependence, is stated.

V. Existing Experiences in the Area of People in Situation of Dependence

To end this article, we want to point out some pioneer experiences that are being developed in this area day by day in Spain and in the international context that may become clarifying about the chances that mediation shall offer as an effective tool to solve the conflicts that may take place between people under a situation of dependence and their families.

To begin with, the "Asociación Nacional de Alzheimer" (whose Spanish acronym is AFAL, that may be translated into "National Association of Alzheimer"), founded in 1989 in Madrid, offers family mediation to avoid family de-structuring when facing the Alzheimer disease, with the goal to achieve an adequate planning of the family life based on the evolution of the dementia of the sick person, and on the proportion of knowledge necessary to learn how to handle the different alternations on the behavior of the sick person (Munuera y Munuera, 2007, pp.129). This way, the conflicts of relationship that may arise are solved and they may even be prevented.

In the year 2000 the Social Services Delegation from Getafe's Town Hall (Madrid) launched the project "Family mediation to deal with situations of family conflicts related to the provision of care and/or cohabitation with elders" (Munuera, 2006, pp. 262), where diverse conflicts of relationship and of resolution on the matter of the provision of care that had arisen inside families that were taking care of elders, were resolved.

The figure of the Advocate of the Persons with disabilities exists in autonomous communities like Valencia and Extremadura, as well as in the city of Alcorcón (in Madrid). Based on this same goal, "the mediator of people with functional diversity" was appointed in the autonomous community of Galicia, whose main task was to look out for the rights and interests of this group during his 2009-2012 term of office via the use of mediation and its diffusion as a means of resolution of conflicts. On the other hand, the figure of the Patient's Advocate has been created in several "autonomous communities, however the consolidation reached in other countries has not been achieved in here" (Munuera y Munuera, 2007, pp. 131), even if the aforementioned figure promotes mediation in the health sphere.

There are some associations like "EQUA association for social mediation" in Cádiz (Spain), "FESORD CV, Federation of Deaf People in the Valencian Community" (Spain) and "Down España" (Spain, in relation with Down's Syndrome) that use mediation for the resolution of conflicts with social and labor integration faced by their affiliates.

Recently different associations and companies focused on the resolution of conflicts in matters of dependence, have been created based on the purpose of using mediation in private centers as well as in health care centers of elder in order to improve cohabitation (Armadans, 2009).

In an international level, we should remark that "mediation with elders" is a field quite developed in several States of the USA (Bertschler, J. & P., 2009, pp. 7) where the conflicts arise from the provision of care and from the relationship kept with the elders, are attended.

We shall highlight the existence of two innovative laws that consider and promote mediation when dealing with persons with disabilities:

1. The "Americans with Disabilities Act" (ADA), "a federal law that looks out for the employment discrimination against people with disabilities. This law from 1990 was updated by the "Americans with Disabilities Act Amendments Act" (ADAAA) passed at the end of year 2008, that went into force as of January of 2009". Since 1994 a mediation program was started for the resolution of the conflicts that may arise in relation with the implementation of this law.
2. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), in which the Congress of the USA recognized the need to provide additional opportunities for the resolution of disputes at an early stage. Herein a period of 30 days was established, allowing parents and schools to work with the differences, provided that the parents filed a complaint according to the procedure of mediation laid down by the Local Education Agency (LEA).

These two laws could become the path to follow by other countries in order to achieve the consolidation of mediation in matters of dependence or/under a situation of dependence.

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Defining a Particular Social Group Based on the Meaning of Non-Discrimination in International Human Rights Law: Utilizing the Definition in Deciding Refugee Claims Based on Sexual Orientation

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Abstract- In his article titled: *Divorcing sexual orientation from religion and politics: Utilizing the Convention grounds of religion and political opinion in same-sex oriented asylum claims,* Braimah argues that of the two approaches in interpreting membership of a particular social group, the ejusdem generis interpretation appears to be more suitable than the social perception approach. This is because; the latter is based on the principles of non-discrimination, which is in line with the object and purpose of the Convention. Nonetheless, while the US courts in *Matter of Acosta* got it right that the interpretation of a particular social group should be anchored to non-discrimination, what they got wrong is what non-discrimination was translated into. The US courts by translating non-discrimination into innateness/ fundamental to identity deviated from the actual meaning of nondiscrimination in international law. It is against this backdrop that this article focuses on researching the meaning of nondiscrimination in international law to define a particular social group. The contribution of this article to the field of international refugee law is of two folds.

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Defining a Particular Social Group Based on the Meaning of Non-Discrimination in International Human Rights Law: Utilizing the Definition in Deciding Refugee Claims Based on Sexual Orientation

Tim Sahliu Braimah

Abstract- In his article titled: *Divorcing sexual orientation from religion and politics: Utilizing the Convention grounds of religion and political opinion in same-sex oriented asylum claims,* [1] Braimah argues that of the two approaches in interpreting membership of a particular social group, the *ejusdem generis* interpretation appears to be more suitable than the social perception approach. This is because; the latter is based on the principles of non-discrimination, which is in line with the object and purpose of the Convention. [2] Nonetheless, while the US courts in *Matter of Acosta* got it right that the interpretation of a particular social group should be anchored to non-discrimination, what they got wrong is what non-discrimination was translated into. The US courts by translating non-discrimination into innateness/fundamental to identity deviated from the actual meaning of non-discrimination in international law. It is against this backdrop that this article focuses on researching the meaning of non-discrimination in international law to define a particular social group. The contribution of this article to the field of international refugee law is of two folds. First, it provides a definition of a particular social group, based on the actual meaning of non-discrimination in international law. Second and lastly, it provides how decision makers can use the definition in deciding asylum cases made on the basis of orientation.

I. Introduction

The drafters of the 1951 Refugee Convention did not define the Convention ground Membership of a Particular Social Group. Nonetheless, countries such as the USA and Australia have offered differing definitions to it. The USA has adopted two tests in interpreting a particular social group, namely, *ejusdem generis* and social visibility; however the latter has been rejected by some US Courts. Australia adopts an entirely different approach known as the social perception approach. However, irrespective of the three approaches mentioned, the UNHCR has recognized only the *ejusdem generis* and social perception in interpreting membership of a particular social group.

In an article,[3] Braimah asserted that of the two approaches in interpreting a particular social group, *ejusdem generis* is more suitable because it is based on the principles on non-discrimination, because it is in line with the object and purpose of the Convention. [4] However, while the US Court in *Matter of Acosta*[5] got it right that the interpretation of a particular social group should be anchored to non-discrimination, what they got wrong is what they translated non-discrimination into (innate/fundamental to identity). The major problem with the current interpretation of *ejusdem generis* is the fact that no test can be developed from the definition. Thus refugee awarding countries have focused largely on issues such as credibility in denying asylum claims. Therefore, the main objective of this article is to provide a definition of a particular social group based on the principles of non-discrimination in International Human Rights Law. Additionally, the article provides how the definition of a particular social group, can be utilized in interpreting refugee claims based on sexual orientation.

Because part of this article deals with lesbian and gay men seeking asylum, *Part I* of this article provides an appropriate terminology in referring to lesbians and gay men. *Part II* provides the development of US interpretation of a particular social group. Part *III* undertakes a study on the meaning of non-discrimination in International Human Rights Law. The section also provides the definition of a particular social group based on the meaning of non-discrimination. Additionally, the section explains how same-sex oriented asylum seekers are a particular social group from the definition provided. Finally, *Part IV* provides recommendations on how refugee claims based on sexual orientation should be adjudged.

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[1] Braimah Tim S. Utilizing the Convention grounds of religion and political opinion in same-sex oriented asylum claims, *International Journal of Refugee Law* (Forthcoming)
[2] Ibid,pp.6-7
[3] *See* Braimah Tim S. Utilizing the Convention grounds of religion and political opinion in same-sex oriented asylum claims, *International Journal of Refugee Law* (Forthcoming)
[4] Ibid, pp.6-7
[5] 19 I&N December 211, 232 (Board of Immigration Appeal 1985)

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Part I

II. Terminology

a) Talking about same-sex oriented refugees

There is no precise term given to refugees who flee on the basis of their sexual orientation. Different terminologies have been used by scholars and those who have dealt with issues concerning those who flee persecution based on their sexual orientation. As such, I use the term same-sex oriented refugees throughout this article to describe those who flee their countries, owing to a well founded fear of persecution based on their sexual orientation. The reasons why I have not utilized terms such as homosexual, queer or sexual minorities, which have been used by several scholars to refer to same-sex oriented refugees, are identified below.

Many different terms are used to describe same-sex oriented persons, some with offensive associations. Using terms properly is an important way of treating people with respect and advancing an informed debate on the issue. Terminology is a difficult problem when dealing with the group discussed in this article. It is especially challenging because people who are same-sex oriented do not agree on terminology, so it is possible to offend people simply by using the wrong word. Here, I will attempt to set forth the terminology I use in this article. Firstly, it is important to understand the meaning of the term sexual orientation as it is an integral part of this article. At first glance, the term appears relatively straightforward, but it is a term which has no agreed upon definition. According to Ragins, "the very definition of sexual orientation has changed considerably over the past 50 years". [6] Ragins' statement reveals that there is an ongoing search to find a single agreed definition of sexual orientation that scholars, scientists, policy-makers and others who have an interest in defining sexual orientation agree upon. In this article, I adopt the definition of the *Yogyakarta Principles*:

Sexual orientation is understood to refer to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.[7]

The *Yogyakarta Principles* definition of sexual orientation was adopted because it contains a behavioral and psychological aspect of sexual orientation. Hence, the definition does not focus solely on an individual's erotic desire, or on the sex of the individual's partners.

Other terms I often use in this article are: *same-sex oriented persons* and *lesbians*[8] *and gay men*.[9] I use the term same-sex oriented and lesbians and gay men interchangeably to denote persons with "profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of the same gender".[10] In the refugee literature, different terms are used to refer to same-sex oriented refugees. The popular terms found include: *homosexuals, sexual minorities, queers* and *Lesbian Gay Bisexual Transgender* (LGBT).

The term 'homosexual' was commonly found to be used more often by the judiciary and decision-makers. Additionally, scholars such as Ghai, [11] McGhee[12] and Rory[13] also refer to same-sex oriented persons fleeing persecution as 'homosexual refugees'. I opt not to use the term homosexual in this article because it is a clinical term which has connotations of perversion and sickness. Also, the term appears to be offensive and unacceptable to members of the same-sex oriented community. The term homosexual, first coined by Hungarian doctor, Karl Maria Benkert in the mid-nineteenth century, was first used to express ignorance and intolerance towards same-sex relations between men.[14]

Another term which was commonly found to be used in the refugee literature was 'sexual minorities'.[15]I choose not to use the term sexual minorities for two main reasons. Firstly, the term sexual minority has a discriminatory tone to it. For many individuals in the same-sex oriented community, the term 'minority' itself denotes that same-sex oriented persons are not part of the society. Second, since the term sexual minorities has generally come to include transgendered persons, it

[6] Belle Ragins, 'Sexual Orientation in the Workplace: The unique work and career experiences of gay, lesbian and bisexual workers', in Joseph Martocchio(ed), *Research in personnel and human resource management* (2004), p.37

[7] International Commission of Jurists (ICJ), Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, p.6

[8] Lesbian: describes a woman whose personal identity is based on her primary orientation toward an enduring sexual, affectional, or romantic attraction to other women

[9] Gay: describes a man whose personal identity is based on his primary orientation toward an enduring sexual, affectional, or romantic attraction to other men (Although gay is sometimes used to refer to both same-sex oriented men and women, for this study gay is only used as a reference to same-sex oriented men)

[10] Ibid,p.6

[11] Ritu Ghai, 'Deciphering motive: Establishing sexual orientation as the "one central reason" for persecution in asylum claims' *Columbia Human Rights Law Review* 43 (2011-2012),pp.521-568

[12] Derek McGhee, 'Persecution and social group status: Homosexual refugees in the 1990s' *Journal of Refugee Studies* 14 (2001),pp.20-42

[13] Riley Rory, 'From closet to court room: Asylum as a judicial step towards full equality between sexual orientation' *Richmond Journal of Law and Public Interest* 15 (2011),pp.403-448

[14] Leslie Moran, *The homosexual(ity) of law* (Routledge 1996),p.3

[15] Sean Rehaag, 'Patrolling the borders of sexual orientation: Bisexual refugee claims in Canada' McGill Law Journal 53 (2008),pp.58-102
Jessica Young, 'The alternate refuge concept: A source of systematic disadvantage to sexual minority refugee claimants' *University of New Brunswick Law Journal* 60 (2010),pp.294-337
Nicole Laviolette, 'The immutable refugees: Sexual orientation in Canada (A.G.) v Ward' *Toronto Faculty Law Review* 1 (1997),pp.1-41

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is unsuitable to the use the term in this article as this study focuses only on sexuality and not gender.

The term queer has also been used to refer to same-sex oriented persons in a variety of studies.[16] Originating in the 16th century, the term was used to refer to individuals who were strange, odd and were of questionable character.[17]I choose not to use the term queer in this article for a number reasons. Firstly, some same-sex oriented persons see the term as a derogatory slur which can incite violence.[18]Secondly, depending on the generation to which a person belongs, the term can be viewed as faddish slang by those who do not accept it.

Another term that is commonly found in refugee literature, used to address same-sex oriented persons is the acronym LGBT.[19] The acronym LGBT which stands for Lesbian, Gay, Bisexual and Transgender, is a common term which many individuals of the same-sex oriented community use to refer to themselves. However, I choose not to use the acronym LGBT in this article because of the presence of the word Bisexual and transgender. I use the terms same-sex oriented, same-sex orientation, and lesbians and gay men, bearing in mind that they may not be the term of choice for many people who regard themselves as attracted to those of the same sex.

Part II

a) *Ejusdem generis*

Ejusdem generis is a canon of construction which says that:

Where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.

The interpretation of ejusdem generis was introduced to international refugee law in the US case of *Matter of Acosta*.[20] In interpreting the nebulous convention ground membership of a particular social group based on ejusdem generis, the US Court in *Matter of Acosta*[21] looked at the relationship of the other convention grounds namely, race, religion, nationality, and political opinion. Two of the four Convention ground, race and nationality, are things that one cannot change. The other two Convention ground, religion and political opinion are both changeable, but are so fundamental to identity that one not to change to be safe. So the US Courts *in Matter of Acosta*[22] concluded that:

"Applying the doctrine of ejusdem generis, we interpret the phrase "persecution on account of membership in a particular social group" to mean persecution that is directed toward an individual who is a member of a group of persons all of whom share a common, immutable characteristic. The shared characteristic might be an innate one such as sex, color and kinship ties, or in some circumstances it might be a shared past experience such as former military leadership or land ownership....However, whatever the common characteristic that defines the group, it must be one that the members of the group either cannot change....".

For example, in the USA case of Matter of Marcelo Tenorio, Judge Philip Leadbetter granted asylum to Marcelo Tenorio, a Brazilian gay man, because his sexual orientation was an immutable characteristic, which he could not change. In handing the decision in Matter of Marcelo Tenorio, Judge Philip Leadbetter wrote: "sexual orientation is arguably an immutable characteristic, and one which an asylum applicant should not be compelled to change." Clearly, Judge Philip Leadbetter's decision in Matter of Marcelo Tenorio, indicated that same-sex oriented persons have no control over their sexual orientation, and even if they did, they should not be required to change because it is fundamental to their identity. Similarly, in the UK, in *HJ (Iran)* and *HT (Cameroon)* Lord Hope emphasized on the particular social group criterions in *Matter of Acosta* and *Canada v Ward* when he stated at paragraph 11 that:

The group is defined by the immutable characteristic of its members' sexual orientation or sexuality. This is a characteristic that may be revealed, to a greater or lesser degree; by the way the members of the group behave. In that sense, because it manifests itself in behavior, it is less immediately visible than a person's race. But, unlike a person's religion or political opinion, it is incapable of being changed.

Lord Hope's statement above seems to place emphasis on basis that same-sex oriented persons are a particular social group because same-sexuality is an innate or unchangeable characteristic. This has also been the approach of courts in the USA and Canada. All

[16] Douglas Janoff, *'Pink blood: Homophobic violence in Canada'* (University of Toronto, 2005)

[17] Yarma Vargas, 'The commodification of sexuality: A critical analysis of queer eye' (PhD thesis, Florida State University 2008)

[18] Ellen Greenblatt, 'Exploring LGBTQ online resources' in William Miller, Rita Pellen (eds), *Evolving Internet Reference Resources* (Haworth Information, 2006),p.87

[19] Aaron Ponce, 'Shoring up judicial awareness: LGBT refugees and the recognition of social categories' *New England Journal of International and Comparative law* 18 (2012),pp.185-204

Deborah Anker, Sabi Ardalan, 'Escalating persecution of gays and refugee protection: comment on queer cases make bad law' *New York University Journal of International Law and Politics* 44 (2011-2012),pp.531-557

Arwen Swink, 'Queer Refuge: A review of the role of country condition analysis in asylum adjudicators for members of sexual minorities' *Hastings International & Comparative Law Review* 29 (2005-2006),pp.251-266

[20] 19 I&N December 211, 232 (Board of Immigration Appeal 1985)

[21] 19 I&N December 211, 232 (Board of Immigration Appeal 1985)

[22] 19 I&N December 211, 232 (Board of Immigration Appeal 1985)

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three jurisdictions namely USA, Canada and UK lay particular emphasis on the innateness of same-sexuality, thus not relying on the criterion that same-sex oriented persons are a social group because same-sexuality is fundamental to their identity. While courts in the USA, Canada and UK seem to grant same-sex oriented persons that same-sexuality is unchangeable, the theories on sexual orientation seem to be of the contrary.

Part III

III. Non-Discrimination Under International Human Rights Law

a) International Law

Non-discrimination has been and continues to be important in the advancement of international human rights. Its origins can be traced to the system of minorities protection established after World War I under the umbrella of the League of Nations. Before 1945, the United Nations predecessor, the League of Nations, emphasized the issue of non-discrimination in the Minorities Treaties when it insisted that the State not only grant special rights to minorities in order to preserve their ethnic religious or linguistic integrity, but also guarantee non-discrimination against minorities. Although the Minorities was an important step in guaranteeing human rights, the treaties was useless when it came to enforcement. The League Council, the body charged with enforcing the various minority treaties- failed to act upon complaints from minorities accused of disloyalty towards their post-war government. The problems with the Minorities Treaties became more evident with Hitler's rise to power in Germany, which led to the abuse of protection mechanisms of the League of Nations by the Nazis.[23] Apart from a lack of enforcement, the Minorities Treaties was limited in scope in two ways. Firstly, it only dealt with non-discrimination in matters concerning minorities, and secondly, only applied to certain countries. [24] Despite the criticisms of the Minorities Treaties, and also that it only provided protection to people belonging to a minority race, language or religion, Skogly maintains that the idea that non-discrimination was dealt with by the League of Nations at an early stage should be appreciated, as it shows that scholars were dealing with the issue of non-discrimination before the coming into being of the League of Nations successor, the United Nations.[25]

b) United Nations Charter

The United Nations which replaced the League of Nations sought not to make the same mistakes as its predecessor by having a wider scope of protection. In order to achieve this, the United Nations adopted the concept of equality rather than the protection of minorities.[26]A concept which in general guarantees non-discrimination and the equality of everyone. The United Nations foundational treaty[27] drawn up at San Francisco emphasizes non-discrimination as one of its principal objective. The delegate from Chile, Hernan Santa Cruz, in the Third Committee went so far as to say that the 'United Nations Organization' had been founded principally to combat discrimination in the world.[28]The Preamble of the UN Charter emphasizes non-discrimination when it speaks of equal rights of 'men and women and of nations large and small'. [29] The emphasis of non-discrimination can also be found in the UN Charter under Articles 13(1)b, 55(c) and 76 (c). For example, Under Article 13(1)b the UN Charter speaks of the promotion of:

international co-operation in the economic, social, cultural, educational , and health fields and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.[30]

Such statement under Article 13(1)b makes it clear that the concept of non-discrimination is unambiguous and well enshrined in the UN Charter.

However, despite the unambiguous nature of non-discrimination in the UN Charter, Zwitter maintains that the UN Charter did not establish an immediate obligation of non-discrimination because the related terms 'human rights' and 'fundamental freedoms' had not been defined at that time.[31] Nonetheless, according to Zwitter the terms which were subsequently defined by the Universal Declaration of Human Rights, [32] guaranteed that the principle of non-discrimination evolved into a full legal obligation for on the basis of the UN Charter alone.[33]

[23] Helen O'Nions, *Minority Rights Protection in International Law: The Roma of Europe* (Ashgate, 2007),p.27

[24] Such treaties with minority treatment guarantees were signed between "the Victorious Principal Allied and Associated Powers" and Poland, Czechoslovakia, the Serb Croat Slovene State (Yugoslavia), Romania, Greece, Austria, Bulgaria, Hungary and Turkey. Similar obligations were assumed by Albania, Estonia, Latvia, Lithuania and Iraq upon their admission to the League of Nations.

[25] Sigrun Skogly, 'Article 2' in Gudmundur Alfredsson, and Asbjorn Eide (eds), *The Universal Declaration of Human Rights: A Common Standard of Achievement* (Martinuss Nijhoff, 1999), p.76

[26] Rhona Smith, '*International Human Rights'* (OUP, 2003),p.28

[27] Herafter, UN Charter

[28] Daniel Moeckli, '*Human Rights and Non-Discrimination in the War on Terror'* (OUP,2008),p.62

[29] United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at: http://www.refworld.org/docid/3ae6b3930.html [accessed 23 September 2013]

[30] Ibid, Article 13(1)b UN Charter

[31] Andrej Zwitter, '*Human Security, Law and the Prevention of Terrorism'* (Routledge, 2011),p.93

[32] Hereafter UDHR

[33] Andrej Zwitter, 'Human Security, Law and the Prevention of Terrorism' (Routledge, 2011),p.93

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c) International human rights instruments

A cocktail of international human rights instruments dealing with the issue of non-discrimination exists under the auspices of the United Nations. These international instruments include the UDHR, International Covenant on Civil and Political Rights,[34], International Covenant on Economic, Social and Cultural Rights,[35]

d) Universal Declaration of Human Rights

The UDHR, despite not being a treaty and does not give rise to international legal obligations, elaborates on the UN Charter's principle of non-discrimination. The principle of non-discrimination in the UDHR is given a central place in Article 2 and 7. According to Article 2 of the UDHR:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty.[36]

Article 7 of the UDHR states that:

All are equal before the law and are entitled without any discrimination to equal protection of the law.All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.[37]

Although Article 2 and 7 use non-discrimination in different ways, they are both intertwined in the sense that both Articles rest on the bedrock of equality. However, the only difference is while Article 2 stipulates non-discrimination in general terms; Article 7 prohibits discrimination in specific situations. Like Article 7, several Article contained in the UDHR also contain a prohibition of discrimination in specific situations.[38]

e) International Covenants

Like the UN Charter and the UDHR, the principle of non-discrimination is embedded in two important international covenants namely the ICCPR and the ICESCR. The ICCPR contains a principal clause (Article 26) which provides the most extensive provision of non-discrimination. Article 26 of the ICCPR states that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.[39]

To further restate the universality of non-discrimination, the Human Rights Committee, the body responsible for monitoring the implementation of the ICCPR, in its *General Comment No 15*[40] stated that the principle of non-discrimination must be extended to citizens and aliens. [41]The *General Comment No 15*, which is largely based on the principle of non-discrimination emphasizes on the equality of aliens and nationals in respect but not limited to the right to liberty of movement, choice of residence, right of peaceful assembly and right to practice their own religion. Placing further emphasis on non-discrimination, the Human Rights Committee stated that:

There shall be no discrimination between aliens and citizens in the application of these rights.[42]

However, while the *General Comment No 15* makes it clear that rights be extended aliens and citizens without discrimination, there is an exception to the rule. Article 25 of the ICCPR which contains political rights does not apply to Aliens. Likewise, Article 13 of the ICCPR which stipulates the expulsion of aliens, only when a decision has been reached by law, does not apply to citizens. Nevertheless, the *General Comment No 15* maintains that even when the expulsion of an alien arises, considerations should be given to whether there would be inhumane treatment in the aliens homeland, and more importantly, if discrimination towards the alien would arise.[43]

The principle of non-discrimination is made known to be of central importance in the ICCPR, inthat Article 3 obligates states party to the convention, to ensure that there is an enjoyment of civil and political rights between both men and women without discrimination. To further illuminate that the ICCPR was born on the bedrock of guaranteeing non-discrimination, numerous Articles under the ICCPR such as Article 20(2), [44] Article 24(1), [45] Article 26 [46] contain specific reference to the term discrimination.

[34] Hereafter ICPPR
[35] Hereafter ICESCR
[36] Article 2, UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III)
[37] Article 7, UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III)
[38] *See*, UDHR , Articles 4, 10, 16, 18, 21, 23 and 26
[39] Article 26, International Covenant on Civil and Political Rights, 16 December 1966
[40] UN Human Rights Committee (HRC), CCPR General Comment No. 15: The Position of Aliens Under the Covenant, 11 April 1986, available at: http://www.refworld.org/docid/45139acfc.html [accessed 24 September 2013]
[41] Ibid,p.1
[42] Ibid,p.2
[43] Ibid,p.1
[44] 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

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Likewise, the ICESCR also guarantees non-discrimination, and contains general and specific clauses on the issue of non-discrimination. Similar to Article 2(1) of the ICCPR,[47]a basic obligation towards States parties to ensure and guarantee non-discrimination towards is enshrined under Article 2(2) ICESR which states that:

States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The 'or other status' wording in Article 2(2) ICESR indicates that that the prevention of non-discrimination is not restricted to protected statuses such as race or sex, it is open ended as to the grounds of discrimination. Emphasis on non-discrimination and clarifications of Article 2(2) ICESR are provided by the UN Committee on Economic, Social and Cultural Rights,[48]in its *General Comment No 20*.[49] The CESR maintains that not only is non-discrimination is a fundamental component of human rights law, the rights recognition of everyone is expressly recognized by the ICESR.[50] According to the CESR, these human rights, and non-discrimination extends to same-sex oriented persons. This is because, the 'or other status' enshrined in Article 2(2) ICESR, includes sexual orientation.[51]Additionally, in other to place emphasis that sexual orientation is a recognized right. The CESR not only obliges states to ensure that a person's sexual orientation is not a barrier to realizing the ICESR, in two of its *General Comments*;[52] they explicitly include sexual orientation as a protected status.

f) Treaties in Specific Field

Even though the UN Charter, UDHR, ICCPR and ICESR touch on the issue of non-discrimination, there exists treaties in specific field which places significance on non-discrimination. This specific treaties include but not limited to the International Convention on the Elimination of All Forms of Racial Discrimination, [53] and the International Convention on the Elimination of All Forms of Discrimination Against Women. [54] Both the ICERD and CEDAW place obligations on States to guarantee non-discrimination in respect to race and women respectively.

Article 2 of ICERD obliges:

State parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races…

Article 2 of CEDAW encourages:

States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women…

From the Articles above, alongside the UN Charter, UDHR, ICCPR and ICESR it is apparent that the principle of non-discrimination runs like through international human rights treaties.

g) Non-discrimination (Refugee context)

In specific refugee context, the principle of non-discrimination is provided for in Article 3 of the 1951 Refugee Convention, which states that:

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Compared to international human rights instruments such as ICCPR and ICESR, Article 3 of the 1951 Refugee Convention, which appears to be pretty straightforward seems restrictive, as it appears to only guarantee non-discrimination only on the basis of three grounds namely, race, religion and country of origin. Article 3's restriction is also clearly highlighted by Hathaway in his work; *The Rights of Refugees under International Law.* According to Hathaway, the exclusion of discrimination on the grounds of race, sex, language, or religion, appears to be surprising because, the drafters of the 1951 Refugee Convention made a clear expression to conform to the UN Charter.[55]Therefore, to not include grounds such as race, sex, language and religion in Article 3 of the 1951 Refugee Convention,[56] raises eyebrows.

[45] 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

[46] All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[47]Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

[48] Hereafter CESR

[49] UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20, available at: http://www.refworld.org/docid/4a60961f2.html [accessed 25 September 2013]

[50] Ibid, p.1

[51] Ibid, p.10

[52] *See* CESCR General Comments Nos. 14 and 15

[53]Hereafter, ICERD

[54] Hereafter, CEDAW

[55] Statement of Mr. Cuvelier of Belgium, UN Doc. E/AC.32/SR.24, Feb.3, 1950, at 11

[56] James Hathaway, *The Rights of Refugees under International Law* (Cambridge University Press, 2005),pp254-255

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However, the restrictiveness of Article 3 of the 1951 Refugee Convention appears to not matter, given Article 26 of the ICCPR. As all persons are entitled to non-discrimination and equal protection of the law, when Article 26 of the ICCPR is taken together with Article 3 of the 1951 Refugee Convention;

The Contracting States shall apply the provisions of the Refugee Convention to refugees without discrimination as to any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Subsequently, Article 26 of the ICCPR has essentially ensured that refugee protection is extended to groups such as same-sex oriented persons seeking asylum.

h) Meaning of Non-discrimination

According to Smith, today, discrimination is used as an unfair, unreasonable, unjustifiable, or arbitrary distinction which applies to any act or conduct which denies to individuals equality of treatment with other individuals because they belong to a particular groups in society.[57] Smith's definition of discrimination translates into the different treatment of people who are the same. This concept of treating people in the same manner is a central component of international human rights.

Although the principle of non-discrimination is at the heart of international human rights law, and virtually every human right instrument includes a non-discrimination clause, there is no universal definition of non-discrimination in international human rights law. Even the UN Charter which lays down the general principles of non-discrimination does not afford a definition as to what discrimination means. Similarly, discrimination is left undefined in the ICCPR and ICESCR, but the definition is elucidated in Treaties in specific fields. Under Article 1of CERD, racial discrimination is described as:

…any distinction, exclusion, restriction or preference based on race, colour descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

CEDAW, which prohibits discrimination against women, under its Article 1, uses specific words such as distinction, exclusion, restriction or preference, as contained under Article 1 of CERD. The Human Rights Committee maintained that although the CERD and CEDAW deal with discrimination on specific grounds, the Committee believes that discrimination:

Should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.[58]

The Human Right Committee's statement above and the definition of discrimination in the CERD and CEDAW similar reference to 'distinction', 'exclusion' and 'restriction' appears to indication non-discrimination entails a prohibition of differential treatment.

i) Difference in treatment on the basis of sexual orientation

Based on the interpretation and definition of discrimination by the Human Right Committee and in CERD and CEDAW, it indicates that for same-sex oriented persons to meet the 'distinction', 'exclusion' and 'restriction' criteria, when it shows that there is:

- Difference in practice, law and policy that makes a difference between heterosexuals and same-sex oriented persons.

Therefore, practices, laws and policies which fail to treat the interests of heterosexuals and lesbians and gay men, and thereby creating a difference in treatment, creates a distinction between heterosexuals and same-sex oriented persons in violation of international human rights. For instance, countries such as Iran and Zimbabwe which criminalize same-sexuality, creates a distinction between heterosexuals and lesbian and gay men, particularly in relation to sexual conducts. Other distinctions in relation to heterosexuality and same-sexuality include the violation of rights of same-sex oriented persons in respect to:

- Right to life (States such as Iran apply the death penalty to same-sexuality)
- Right to freedom of torture or cruel, inhuman or degrading treatment (In States such as Zimbabwe, police practices infringe on rights of same-sex oriented persons during arrests and in detentions)

Other rights violations experienced and endured by same-sex oriented persons include but not limited to the right to form a family, right to work and education, which are all rights guaranteed to heterosexuals.

We have seen that the UN Charter, UDHR, ICCPR and ICESCR all deal with human rights based on the principles of non-discrimination. The UN Charter and all other international human rights instruments do not speak of rights being innate/immutable and fundamental to identity, as stated in *Matter of Acosta*[59] and *Canada v Ward.*[60]

Although non-discrimination is not defined in the UN Charter and the UDHR the specific treaties such as CERD and CEDAW unpack discrimination to mean

[57] Rhona Smith, *'International Human Rights'* (OUP, 2003),p.185

[58] *See* The Human Rights Committee General Comment No.18

[59] 19 I&N Dec.211, 232 (BIA 1985)

[60] [1993] 2 SCR 689

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'distinction', 'exclusion' and 'restriction.' Therefore, the principle of non-discrimination under international human rights law is simply based on the non preferential treatment of people of persons and the need to protect and respect people's entitlement to equality. Therefore, what non-discrimination is not, are the protected categories used in interpreting a particular social group in *Matter of Acosta*[61] and *Canada v Ward*.[62]The US and Canadian courts adopt a shallow understanding of non-discrimination by translating it to mean innate/immutable and fundamental to identity.

An interpretation of non-discrimination, which is bigger than that of the US and Canadian interpretation is offered by Yoshino in his book entitled *Covering*. According to Yoshino

The aspiration of civil rights has always been to permit people to pursue their human flourishing without limitation based on bias. Focusing on law prevents us from seeing the revolutionary breadth of that aspiration, as law has limited civil rights to particular groups…it is only when we leave the law that civil rights suddenly stops being about particular groups and starts to become a project of human flourishing in which we all have a stake.[63]

Apart from Yoshino's view that our traditional views of civil rights are too limiting, what Yoshino's statement above reveals is that, non-discrimination reconceived as an entitlement to equality should actually mean not just protected categories, but should be the right of anyone to define his life in a way that is most natural to him/her, so long as it doesn't hurt others. As previously mentioned, this is by far a bigger and most correct understanding of non-discrimination as the US and Canadian interpretation.

In agreement with Yoshino's view, both the UN Charter and the UDHR when dealing with non-discrimination, relate it to the enjoyment of fundamental human rights without distinction. What the drafters of both the UN Charter and the UDHR did not do is translate non-discrimination into protected categories as done by the US and Canadian courts in interpreting membership of a particular social group.

To buttress this argument that non-discrimination relates to the enjoyment of fundamental human rights, the preamble of the UN Charter states that of its aim is:

To reaffirm faith in the fundamental human rights in the dignity and worth of the human person, in the equal rights of men and women.[64]

Additionally, non-discrimination which is also reflected in Article 1(3) of the UN Charter makes reference to fundamental freedoms, and treatment without distinctions. Similarly, the UDHR, which like the UN Charter is referenced in the preamble of the Refugee Convention, does not pack discrimination into categories. Instead, the UDHR, in Article 2 (1) and 7 of its provision, deals with the issue of non-discrimination in respect to the enjoyment of fundamental human rights without distinction, and the equality of everyone before the law. Therefore, it is evident that the UDHR and the UN Charter unpack non-discrimination to mean the ability to enjoyment fundamental human rights without hindrance, so long it does not cause harm to others.

Hence, on the basis of the meaning of non-discrimination in international human rights law, it is evident that while the US, Canadian and UK courts got it right that the interpretation of membership of a particular social group should be anchored to the principle of non-discrimination, their translation of non-discrimination into the categories of innateness and fundamental to identity, is not in accordance with the meaning of non-discrimination under international human rights law. Therefore, on the basis of this error by the US, Canadian and UK courts, it can be argued that they had the right approach in interpreting a particular social group, but the result of their approach was incorrect. Subsequently, the US, Canadian courts, while they think they got it right, have been using the wrong interpretation of the principle of non-discrimination in adjudging refugee claims brought under the Convention ground, membership of a particular social group

Finally, in relation to refugee claims based on sexual orientation, based on the true meaning of non-discrimination in international human rights law, the correct approach in interpreting membership of a particular social group ought not to be that same-sex oriented persons are entitled to asylum because their sexuality is innate or fundamental to identity, but rather, they are entitled to asylum because they are excluded, and restricted from enjoying their fundamental human rights guaranteed under international human rights law. Therefore, interpreting a particular social group, based on the meaning of non-discrimination under international human rights:

Particular social groups are people or persons treated as distinct, excluded and restricted from the enjoyment of their civil rights, which neither causes damage, nor a significance nuisance to others.[65]

This definition would ensure the protection of same-sex oriented persons when courts look into the extent to which same-sex oriented persons are excluded and restricted in any particular society.

[61] 19 I&N Dec.211, 232 (BIA 1985)
[62] [1993] 2 SCR 689
[63] Kenji Yoshino, '*Covering. The hidden assault on our civil rights*' (Random house, 2006),p.195
[64] UN Charter, Preamble
[65] *See* Braimah Tim S. (2014) Utilizing the Convention grounds of religion and political opinion in same-sex oriented asylum claims, *International Journal of Refugee Law,* p.7

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Part IV

IV. Recommendations

The following recommendations are offered as possible ways in determining refugee claims based on sexual orientation.

a) Religion/Political opinion

After soliciting stories regarding their ordeals from same-sex oriented persons, the Convention grounds religion and political opinion should be considered first hand. This is because, in most societies were same-sex oriented persons flee from, there is always a religious or political motive responsible for their persecution. In relation to utilizing the Convention ground of religion and political opinion in same-sex oriented asylum claims, the key is to examine the religious and political motivation of the persecutor.[66]

b) Membership of a Particular Social Group

The next step is to consider whether same-sex oriented persons lodging asylum claims are a particular social group. According to the definition of a particular social group presented in this article, based on the meaning of non-discrimination in international human rights law:

Particular social groups are people or persons treated as distinct, excluded, restricted from the enjoyment of freedom, which neither causes damage, nor a significant nuisance to others.

From this definition, the key to establishing same-sex oriented asylum seekers as a particular social group is to consider the level same-sex oriented persons are restricted, excluded and treated as distinct from enjoying their fundamental human rights.

How this elements of non-discrimination (distinction, exclusion and restriction) can be used to adjudged same-sex oriented asylum claims are explained below.

I. Distinction: (Difference in treatment) has the claimant been treated differently on several occasions because of his/her behavior or identity. Difference in treatment alone would satisfy a particular social group, but would not guarantee asylum. This is because differential treatment may not constitute serious harm.

II. Restriction: has the claimant been restricted through the implementation of unjust laws. Restriction would satisfy a particular social group. However to be granted asylum, there has to be evidence of enforced restriction. I.e. the passage of laws criminalizing same-sexuality would not guarantee asylum. However, if those laws are enforced in terms of imprisonment and death penalty, then it may be enough to guarantee asylum.

III. Exclusion: which involves the total denial of freedom is the most severe of all three elements of non-discrimination. Exclusion may involve situations such as same-sex oriented persons not having access to employment, housing and participation in society. Evidence of exclusion would both constitute a social group and qualification for asylum.

c) Evidence

Finally, applicant's evidence of persecution should be checked whether there is that there is serious risk of harm if returned home. Nonetheless, if there are issues regarding the evidence presented the level of distinction, restriction and exclusion of same-sex oriented persons from where the same-sex oriented applicant flees from should be accessed.

[66] Ibid

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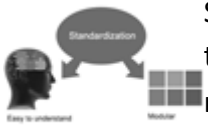

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Complete support for both authors and co-author is provided.

4. MANUSCRIPT'S CATEGORY

Based on potential and nature, the manuscript can be categorized under the following heads:

Original research paper: Such papers are reports of high-level significant original research work.

Review papers: These are concise, significant but helpful and decisive topics for young researchers.

Research articles: These are handled with small investigation and applications

Research letters: The letters are small and concise comments on previously published matters.

5.STRUCTURE AND FORMAT OF MANUSCRIPT

The recommended size of original research paper is less than seven thousand words, review papers fewer than seven thousands words also.Preparation of research paper or how to write research paper, are major hurdle, while writing manuscript. The research articles and research letters should be fewer than three thousand words, the structure original research paper; sometime review paper should be as follows:

Papers: These are reports of significant research (typically less than 7000 words equivalent, including tables, figures, references), and comprise:

(a)Title should be relevant and commensurate with the theme of the paper.

(b) A brief Summary, "Abstract" (less than 150 words) containing the major results and conclusions.

(c) Up to ten keywords, that precisely identifies the paper's subject, purpose, and focus.

(d) An Introduction, giving necessary background excluding subheadings; objectives must be clearly declared.

(e) Resources and techniques with sufficient complete experimental details (wherever possible by reference) to permit repetition; sources of information must be given and numerical methods must be specified by reference, unless non-standard.

(f) Results should be presented concisely, by well-designed tables and/or figures; the same data may not be used in both; suitable statistical data should be given. All data must be obtained with attention to numerical detail in the planning stage. As reproduced design has been recognized to be important to experiments for a considerable time, the Editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned un-refereed;

(g) Discussion should cover the implications and consequences, not just recapitulating the results; conclusions should be summarizing.

(h) Brief Acknowledgements.

(i) References in the proper form.

Authors should very cautiously consider the preparation of papers to ensure that they communicate efficiently. Papers are much more likely to be accepted, if they are cautiously designed and laid out, contain few or no errors, are summarizing, and be conventional to the approach and instructions. They will in addition, be published with much less delays than those that require much technical and editorial correction.

The Editorial Board reserves the right to make literary corrections and to make suggestions to improve briefness.

It is vital, that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

Format

Language: The language of publication is UK English. Authors, for whom English is a second language, must have their manuscript efficiently edited by an English-speaking person before submission to make sure that, the English is of high excellence. It is preferable, that manuscripts should be professionally edited.

Standard Usage, Abbreviations, and Units: Spelling and hyphenation should be conventional to The Concise Oxford English Dictionary. Statistics and measurements should at all times be given in figures, e.g. 16 min, except for when the number begins a sentence. When the number does not refer to a unit of measurement it should be spelt in full unless, it is 160 or greater.

Abbreviations supposed to be used carefully. The abbreviated name or expression is supposed to be cited in full at first usage, followed by the conventional abbreviation in parentheses.

Metric SI units are supposed to generally be used excluding where they conflict with current practice or are confusing. For illustration, 1.4 l rather than 1.4 × 10-3 m3, or 4 mm somewhat than 4 × 10-3 m. Chemical formula and solutions must identify the form used, e.g. anhydrous or hydrated, and the concentration must be in clearly defined units. Common species names should be followed by underlines at the first mention. For following use the generic name should be constricted to a single letter, if it is clear.

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One must be persistent and creative in using keywords. An effective keyword search requires a strategy and planning a list of possible keywords and phrases to try.

Search engines for most searches, use Boolean searching, which is somewhat different from Internet searches. The Boolean search uses "operators," words (and, or, not, and near) that enable you to expand or narrow your affords. Tips for research paper while preparing research paper are very helpful guideline of research paper.

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- It may take the discovery of only one relevant paper to let steer in the right keyword direction because in most databases, the keywords under which a research paper is abstracted are listed with the paper.
- One should avoid outdated words.

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Numerical Methods: Numerical methods used should be clear and, where appropriate, supported by references.

Acknowledgements: Please make these as concise as possible.

References

References follow the Harvard scheme of referencing. References in the text should cite the authors' names followed by the time of their publication, unless there are three or more authors when simply the first author's name is quoted followed by et al. unpublished work has to only be cited where necessary, and only in the text. Copies of references in press in other journals have to be supplied with submitted typescripts. It is necessary that all citations and references be carefully checked before submission, as mistakes or omissions will cause delays.

References to information on the World Wide Web can be given, but only if the information is available without charge to readers on an official site. Wikipedia and Similar websites are not allowed where anyone can change the information. Authors will be asked to make available electronic copies of the cited information for inclusion on the Global Journals Inc. (US) homepage at the judgment of the Editorial Board.

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28. Make colleagues: Always try to make colleagues. No matter how sharper or intelligent you are, if you make colleagues you can have several ideas, which will be helpful for your research.

29. Think technically: Always think technically. If anything happens, then search its reasons, its benefits, and demerits.

30. Think and then print: When you will go to print your paper, notice that tables are not be split, headings are not detached from their descriptions, and page sequence is maintained.

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33. Report concluded results: Use concluded results. From raw data, filter the results and then conclude your studies based on measurements and observations taken. Significant figures and appropriate number of decimal places should be used. Parenthetical remarks are prohibitive. Proofread carefully at final stage. In the end give outline to your arguments. Spot out perspectives of further study of this subject. Justify your conclusion by at the bottom of them with sufficient justifications and examples.

34. After conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print to the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects in your research.

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Key points to remember:

- Submit all work in its final form.
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- Please note the criterion for grading the final paper by peer-reviewers.

Final Points:

A purpose of organizing a research paper is to let people to interpret your effort selectively. The journal requires the following sections, submitted in the order listed, each section to start on a new page.

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· Present your points in sound order

· Use present tense to report well accepted

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· Shun familiar wording, don't address the reviewer directly, and don't use slang, slang language, or superlatives

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- To the point depiction of the research
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- Significant conclusions or questions that track from the research(es)

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- Explain materials individually only if the study is so complex that it saves liberty this way.
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- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

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- Report the method (not particulars of each process that engaged the same methodology)
- Describe the method entirely
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- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

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- Leave out information that is immaterial to a third party.

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The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently.You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.



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Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or in manuscript form.

What to stay away from

- Do not discuss or infer your outcome, report surroundings information, or try to explain anything.
- Not at all, take in raw data or intermediate calculations in a research manuscript.
- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach

- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
- If you desire, you may place your figures and tables properly within the text of your results part.

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- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
- Despite of position, each figure must be numbered one after the other and complete with subtitle
- In spite of position, each table must be titled, numbered one after the other and complete with heading
- All figure and table must be adequately complete that it could situate on its own, divide from text

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References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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