Human Rights Education

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A. Notion of Human Rights Education

1. Definition

- 1 There are different definitions of human rights education ('HRE'). Nancy Flowers, for example, has defined it simply as all learning that develops the knowledge, skills and values of human rights. UNGA Resolution 59/113~B of 14 July 2005 on the World Programme on Human Rights Education perceives HRE as 'a long-term and lifelong process by which everybody learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies' (\rightarrow *United Nations* [UN]; \rightarrow United Nations, General Assembly).
- 2 Building on the definition contained in the Plan of Action of the United Nations Decade on Human Rights Education (1995–2004), the World Programme for Human Rights Education Plan of Action for the Second Phase ('World Programme') adopted for the period 2010-2014 on 27 July 2010 defines HRE in para. 3 as:

"any learning, education, training and information efforts aimed at building a universal culture of human rights, including

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and minorities;
- (d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;

- (e) The building and maintenance of peace;
- (f) The promotion of people-centred sustainable development and social justice."
- 3 According to para. 4:

"Human rights education encompasses:

- (a) Knowledge and skills—learning about human rights and mechanisms, as well as acquiring skills to apply them in a practical way in daily life;
- (b) Values, attitudes and behaviour—developing values and reinforcing attitudes and behaviour which uphold human rights;
- (c) Action—taking action to defend and promote human rights."

A condensed version of these elements are contained in the definition given by the Declaration on Human Rights Education and Training, proclaimed in 2011 by the UN General Assembly after having been adopted the Human Rights Council.

- 4 This definition responds to different models of HRE: ie the values and awareness model, which aims at integrating human rights into public values through general awareness; the accountability model, where people get involved in the protection of human rights; and the transformational model, according to which communities use human rights to improve their situation (see Tibbitts).
- 5 HRE needs to be distinguished from civic education, political education, inter-cultural education, and education for international understanding and for tolerance, of which, however, it should be an indispensable part. The purpose of HRE can be described as human rights literacy, consisting of knowledge, skills and understanding of human rights. HRE thus is essential for mainstreaming \rightarrow human rights into the work of UN bodies and agencies as part of the UN reform agenda promoted by former UN Secretary-General Kofi Annan (\rightarrow United Nations, Secretary-General).

2. Objectives and Functions

6 According to Art. 26 (2) \rightarrow Universal Declaration of Human Rights (1948) ('UDHR') and Art. 13 (1) \rightarrow International Covenant on Economic, Social and Cultural Rights (1966) ('ICESCR') the right to education (\rightarrow Education, Right to, International Protection),

"shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."

Consequently, these objectives are necessarily part of HRE as well.

- 7 HRE should contribute to building an active \rightarrow *civil society* necessary for pluralist democracy and \rightarrow *good governance*. HRE contributes to other important fields of political education, such as peace education (\rightarrow *Peace, Right to, International Protection*). It has a particular role to play in post-conflict rehabilitation of societies and in countries in transformation to pluralist democracies. According to UNGA Resolution 59/113 B of 14 July 2005 on the World Programme, the UN General Assembly believes that HRE is essential for realizing human rights, contributes to promoting equality, prevents conflict and human rights violations, and enhances participation and democratic processes.
- 8 HRE further promotes the prevention of racism, xenophobia, anti-Semitism and Islamophobia, and can thus contribute to the prevention of \rightarrow *terrorism*. Teaching about different cultures and civilizations improves ethnic and religious understanding. HRE aims at non-discrimination and gender equality as required by the pertinent human rights instruments.

B. Legal Basis and Obligations

1. Existence of a (Human) Right to Human Rights Education

9 A human right to HRE can be logically derived from the legal obligations contained in the UDHR and Art. 13 ICESCR, subsequent declarations and resolutions, the practice of international treaty bodies, and even the general practice of States. HRE forms part of the human right to education. According to Art. 26 UDHR 'education

shall be directed ... to the strengthening of respect for human rights and fundamental freedoms'. This phrase has been reiterated verbatim in Art. 13 (1) ICESCR. The obligation of HRE was considered so fundamental that it had already been expressly included in the preamble to the UDHR which requires that 'every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms'.

- 10 Accordingly, the obligation of HRE is not only limited to the State and its organs, but to all organs of society and the individual, which are directly entrusted with this task. Consequently, the State has to accept, if not to encourage, HRE activities by civil society. This has also been confirmed by Art 15 and Art 16 Human Rights Defenders Declaration, adopted by the UN General Assembly in 1998 on the occasion of the 50th anniversary of the UDHR (see UNGA Res 53/144 [9 December 1998] GAOR 53rd Session Supp 49 vol 1, 261).
- 11 In addition, the Convention on the Rights of the Child ('CRC') of 1989 (→ *Children, International Protection*), which has been ratified by 193 States, and, with the notable exception of the United States of America ('US'), can be considered truly universal, contains a similar provision in Art. 29 (1) (b) CRC. It requires that the education of children shall be directed to 'the development of respect for human rights and fundamental freedoms' (Art. 29 (1) (b) CRC). This was further elaborated by General Comment No 1 (2001) of the UN Committee on the Rights of the Child ([17 April 2001] UN Doc CRC/GC/2001/1).
- 12 Numerous other conventions and declarations, eg Art. 7 International Convention on Elimination of All Forms of Racial Discrimination ('CERD'; → Human Rights, Treaty Bodies; → Racial and Religious Discrimination) and Art. 10 Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'), contain provisions to promote adherence to the goals and respect of the obligations contained therein by education. Another good example can be found at paras 95 to 97 UDHR and paras 129 to 139 Draft Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance ([8 September 2001] UN Doc A/CONF.189/5).
- 13 Awareness of one's human rights is obviously a precondition for the full enjoyment of those rights. States have not always been in favour of making every human person on their territory, whether

citizens or migrants, aware of their rights. Some refuse to recognize HRE as a human right, despite the fact that such conclusion has convincingly been drawn by academia (see Alfredsson). This can also be seen from the UN Declaration on Human Rights Education and Training, which in Article 1 declares that "everyone ... should have access to human rights education and training", and in Article 7 uses the formula of "progressive implementation", while the original draft had simpy said that everyone has the right to human rights education and training.

2. Scope of Human Rights Education

14 As a main element of HRE, States are required to provide access to all relevant information in relation to the full enjoyment of human rights. Consequently, States have to inform their public about all human rights obligations entered into. States should also make publicly available their reports to UN treaty bodies on the implementation of their human rights obligations and, in line with Art. 19 → *International Covenant on Civil and Political Rights* (1966) ('ICCPR') on freedom of expression and information, give access to all information on their human rights practice. Access to all information includes access to information and communication technologies which can be helpful, although the information society still needs to overcome the digital divide between the North and the South.

15 The UN \rightarrow Committee on Economic, Social and Cultural Rights (CESCR), which oversees the implementation of Art. 13 ICESCR, requires States also to include information on the activities in the field of HRE in their regular reports under the ICESCR (\rightarrow Human Rights, States Reports). Treaty bodies have used their general comments to require States to report in more detail on their HRE activities. The Committee on the Elimination of Discrimination against Women General Recommendation No 3 urged States to adopt effective education and public information programmes to eliminate prejudices and current practices hindering the social equality of women. The \rightarrow Human Rights Committee ('HRC') regularly requests that HRE is provided at all levels and to all segments of the population. It also requires States to publish and distribute its concluding observations on State reports.

16 The importance of access to information for HRE has been highlighted by UNGA Resolution 51/104 of 3 March 1997 on the United Nations Decade for Human Rights Education and Public Information Activities in the Field of Human Rights. With regard to

its special procedures on human rights, the UN also publishes the reports of all special rapporteurs, who frequently require more efforts by States with regard to HRE. This is particularly true for the reports of the special rapporteur on the right to education. This transparency is necessary in order to hold governments accountable in relation to their human rights obligations. In the framework of the \rightarrow *United* Educational, Scientific and Cultural Organization (UNESCO), States have to report every six years on progress of accomplished in the implementation the **UNESCO** Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms of 19 November 1974 (Records of the General Conference of the UNESCO 18th Session vol 1, 147). With regard to State practice, some States have adopted specific recommendations on HRE. The German Conference of Ministers of Education, for example, adopted a recommendation on the promotion of HRE in schools in 1980, which was reconfirmed in 2000.

C. Historical and Institutional Development

1. Building a Universal Framework for Human Rights Education

17 UNESCO, the UN agency with a particular mandate for education in its constitution, was the first to organize a World Conference on Human Rights Education, which took place in Vienna in 1978 and adopted a number of principles for human rights teaching. A second major move by UNESCO was the International Congress on Education for Human Rights and Democracy in Montreal in 1993, which elaborated a World Plan of Action on Education for Human Rights and Democracy. The UN World Conference on Human Rights in Vienna in the same year gave particular attention to HRE and reminded States in Part I para. 33 and Part II paras 78 to 82 Vienna Declaration and Programme of Action that they are duty-bound to assure HRE and that HRE should be integrated into the educational policies at national and international levels.

18 As the result of the initiative of some → non-governmental organizations ('NGOs'), such as the People's Decade on Human Rights Education ('PDHRE'), and some States, such as Costa Rica, in 1994 the UN General Assembly proclaimed the United Nations Decade for Human Rights Education ('Decade') from 1995 to 2004, for which purpose a plan of action was adopted. Among the activities foreseen was the adoption of national HRE plans, which, however,

were effectively realized only by few countries such as Croatia, France, and Scandinavian countries.

- 19 The responsibility for administering the Decade was entrusted to the Office of the UN High Commissioner for Human Rights (→ *Human Rights, United Nations High Commissioner for [UNHCHR]*), albeit without the necessary additional funding. Although complementary activities were undertaken by UNESCO, in particular on the regional level, inter-agency co-operation remained unsatisfactory.
- 20 Consequently, both the global mid-term evaluation as well as the final evaluation of the Decade undertaken jointly by UNHCHR and UNESCO at the request of the → United Nations Commission on Human Rights/United Nations Human Rights Council showed that the Decade, although successful in some respects, overall had been unable to meet its objectives. However, instead of proclaiming a second Decade for Human Rights Education and establishing a voluntary fund for HRE as suggested in the report and requested by the NGO community, the majority of States and the European Union ('EU') decided on a World Programme for Human Rights Education. This approach foresees the elaboration of successive plans of action for periods of three years. The First Plan of Action for the period 2005-07, which was actually prolonged to 2009 focused on HRE in the primary and secondary school systems. It supports a rights-based approach to education consisting of human rights through education, ie the whole learning process has to be conducive to learning human rights, and human rights must be practised within the education system.
- 21 For this purpose, an implementation strategy is outlined for the national level which is to be co-ordinated by the ministries of education. The strategy consists of four stages: the first stage is an analysis of the situation of HRE in the school system by way of a national study; the second stage is devoted to developing a national implementation strategy; the third stage consists of measures of implementation and monitoring, while the fourth stage envisages the evaluation of the performance by States. On the international level, an Inter-Agency Co-ordinating Committee was established to mobilize resources and support actions at the country level by providing system-wide UN support. The UN treaty bodies and special procedures are called upon to monitor progress within the framework of their mandate. In practice, implementation of these detailed obligations spelled out in the World Programme for Human Rights Education has been slow to start, which explains the extension of the first phase to 2009. Still, as the evaluation by the OHCHR showed,

there was only partial implementation of the measures foreseen. Therefore, the resolution on the second stage also called on States to continue their efforts for the first stage.

The focus of the 2nd stage to last from 2010-14 is on "higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels, ...". (HRC Resolution 15/11 of 6 October 2010)

The United Nations Declaration on Human Rights Education and Training, elaborated by its Advisory Committee and adopted during its 16th Session in March 2011, to be finally adopted by the UNGA will further contribute to the strong emphasis the UN is putting on HRE.

2. Regional Approaches

In Europe, the \rightarrow Council of Europe (COE), the Office on Democratic Institutions and Human Rights ('ODIHR') of the → Organization for Security and Co-operation in Europe (OSCE) and the EU have each developed significant activities in the field of HRE. The COE has the oldest and largest role. It bases HRE activities on several recommendations, such as the COE Committee of Ministers Resolution (78) 41 on the Teaching of Human Rights of 25 October 1978; the COE Committee of Ministers Recommendation (85) 7 on Teaching and Learning about Human Rights in Schools of 14 May 1985; the COE Committee of Ministers Recommendation 1346 (1997) on Human Rights Education of 1–2, 7 July 1999; and the COE Committee of Ministers Recommendation (2004) 4 on the European Convention on Human Rights in University Education and Professional Training of 12 May 2004. Since the end of the \rightarrow Cold War (1947–91), numerous education and training activities in human rights have been undertaken by European regional organizations. The COE has also incorporated HRE into its programmes on education for democratic citizenship. In May 2010, it adopted a Charter on Education for Democratic Citizenship and Human Rights Education. The OSCE regularly organizes so-called human dimension meetings on HRE. The EU, which on 10 December 1998 adopted a declaration on the 50th anniversary of the UDHR putting special emphasis on HRE, is the largest supporter of HRE activities through its European Initiative for Democracy and Human Rights. The EU focuses on post-graduate education in human rights by supporting European master's programmes on human rights and democracy in Venice, Sarajevo as well as Pretoria, Sydney, Erivan etc. for the respective

regions. In the European Parliament and Council Regulation 1889/2006 of 20 December 2006 on Establishing a Financing Instrument for the Promotion of Democracy and Human Rights Worldwide, the EU has committed itself to continuing to finance HRE activities for the period 2007–13.

23 In Africa, the → African Commission on Human and Peoples' Rights (ACommHPR) has undertaken numerous HRE activities mostly in co-operation with NGOs in pursuance of Art. 45 → African Charter on Human and Peoples' Rights (1981) ('AChHPR'). Under Art. 25 AChHPR, which today covers all of Africa except Morocco, States Parties have.

"the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood."

The ACommHPR also promotes the translation of regional and international human rights conventions into local languages, which is a necessary precondition for making people aware of their rights. In a similar way, one of the main functions of the → *Inter-American Commission on Human Rights (IACommHR)* is 'to develop an awareness of human rights among the peoples of the Americas' (Art. 18 Statute of the Inter-American Commission on Human Rights [approved October 1979] in OAS *Basic Documents Pertaining to Human Rights in the Inter-American System* [Washington 2007] 163).

24 In line with the Decade of HRE, UNESCO organized several conferences to elaborate regional strategies and recommendations. Such conferences included: the European Implementation Strategy (Turku 1997); Strategies for the Promotion of Human Rights Education in Africa (Dakar 1998); the Pune Declaration on Education for Human Rights in Asia (1999); the Rabat Declaration for an Arab Strategy on Human Rights Education (1999); the Cairo Declaration on Human Rights Education and Dissemination (2000); and, the Mexico City Declaration on Human Rights Education in Latin America and the Caribbean (2001).

D. Implementation of Human Rights Education

1. Actors and Target Groups

- 25 The main actor of HRE is the State, which acts through its educational institutions and through training or continuing education programmes in particular for professional groups such as the judiciary and law enforcement agencies like the police. On the national level, the competent authorities are expected to co-operate closely with a variety of pertinent institutions and stakeholders identified, for example, by paras 29 and 30 World Programme. These include teachers, colleges and universities, national human rights institutions, national commissions for UNESCO, and civil society institutions such as human rights centres. Accordingly, the Un Declaration on Human Rights Education and Training gives the primary responsibility to states and relevant governmental authorities, but recognizes that other actors like civil society have also an important role to play.
- 26 Promoting HRE is also part of the mandate of international organizations concerned with human rights (-> Human Rights, Activities of International Organizations). This is particularly true for the UN, which in accordance with Art. 55 (c) Charter of the United Nations ('UN Charter'; → *United Nations Charter*), is to promote 'universal respect for, and observance of, human rights and fundamental freedoms' (→ United Nations, Purposes Principles), the main responsibility for which has been entrusted to the UNHCHR in Geneva. Since 1978, the UNESCO prize on HRE has regularly honoured best practices in this field. Furthermore, regional organizations in Europe such as the COE, the ODIHR of the OSCE, the EU, and human rights organizations in other regions offer and support HRE for specific target groups and in various Member States, either directly or through NGOs. NGOs such as \rightarrow Amnesty International (AI), Human Rights Education Associates or People's Movement for Human Rights Education play an important role in HRE (→ *Human Rights, Role of Non-Governmental Organizations*).
- 27 The UN Declaration on Human Rights Education and Training points in particular to law enforcement officials, but also teachers and trainers or other educators acting on behalf of the state. Particular HRE programmes exist not only for the judiciary, the police, border guards, the military—in particular peacekeepers—but also for groups with special needs and vulnerabilities, such as indigenous people, ethnic or religious minorities, and disadvantaged groups including, inter alia, women, children and people with disabilities. The

particular rights of these groups need to form part of HRE. In view of the crucial role of the media, HRE is of particular importance for journalists. As a human rights-based approach is increasingly applied in development co-operation, eg by the \rightarrow *United Nations Development Programme (UNDP)* or taken into account by the World Bank (\rightarrow *International Bank for Reconstruction and Development [IBRD]*; \rightarrow *World Bank Group*), HRE programmes are offered to staff involved in human development programmes as well as to recipients of aid.

2. Methodology and Resources

28 A variety of methodologies have been developed to facilitate teaching and learning about human rights. As a cross-cutting subject, there is a need for an interdisciplinary approach which in a holistic way covers all human rights for all age groups and all groups of society by giving special attention to the needs of disadvantaged groups. In transmitting knowledge, attitudes and skills, HRE should be problem-oriented, inter-active and participatory. Transformative HRE should instigate critical thinking and empower people to improve their conditions of life.

29 HRE needs to be offered in formal, non-formal—out of school—and informal education based on daily practice. It has to be part of both lifelong learning and professional education where specific methodologies can be used for different groups, such as HRE training for the police, for judges and prosecutors, for peacekeepers, development workers etc. In this context, the inter-relationship and inter-dependence between human rights, human development and human security has to be taken into account as well. Raising the HRE awareness of law students, moot courts and human rights-focused legal clinics, which sometimes provide legal assistance to disadvantaged groups, have proven to be particularly useful.

30 There is an abundance of teaching materials and learning resources provided by international organizations and non-governmental institutions as well as university centres and individual academics which can largely be accessed on the internet, such as the UNHCHR database on human rights education and training. Specializations are also possible through distance education and a number of post-graduate programmes, for instance the Venice-based European Master Programme on Human Rights and Democracy.

E. Assessment and Future Perspectives

- 31 The importance of HRE for the full enjoyment of human rights and the obligation of States to provide it has been recognized in numerous universal and regional conventions, declarations and resolutions. However, the implementation of the commitments entered into is often more problematic. This can be learned from the experience of the Decade on HRE and the first phase of the World Programme. Some States appear to be afraid of making people aware of their rights and assisting them to claim those rights in their daily lives. It can also be observed that ministries of education are often more hesitant to take on obligations in HRE than ministries for foreign affairs. Therefore, it largely depends on international monitoring and the strength of civil society on the domestic level whether the international obligations on HRE will be implemented. It is interesting to see that developing countries and countries in transition have often taken the obligations more seriously than developed countries such as Germany or the US. Summing up, rhetorical recognition of HRE obligations often fails to correspond with their practical implementation (→ Human Rights, Domestic *Implementation*). This is also confirmed by the evaluation of the First Phase of the WPHRE done by the Inter-Agency Coordinating Committee on Human Rights Education in the School System on behalf of the UN Secretary General.
- 32 However, the UN Decade and the World Programme did have an effect on the awareness of and the practice regarding HRE on the international level as well as on the national and even the local level, where numerous stakeholders have been mobilized to undertake concrete activities. Although the results are still far away from the objective of building a culture of human rights, significant progress can be observed at all levels. This will be further promoted by the United Nations Declaration on Human Rights Education and Training of 2011, which, however, does not foresee any additional funding mechanism or reporting obligations, which shows the reluctance of states to make any further commitments.
- 33 This also concerns the approaches or methodologies of HRE which have become more participatory and transformative, thus contributing to the realization of human rights in practice. An example is the social invention of so-called human rights cities where, based on extensive HRE, local communities try to situate their activities in the framework of human rights and thus realize them on the local level. For the future, the main focus has to be on the

implementation of the various commitments towards HRE at all levels and by all States and other stakeholders.

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