

DRAFT UN DECLARATION ON HUMAN RIGHTS EDUCATION AND TRAINING

Amnesty International's comments on key elements of the draft text (REV.1, as revised by the HRET Platform and disseminated in November 2010)

Amnesty International's comments contained in this document are preliminary comments on a revised draft of the UN Declaration on Human Rights Education and Training (REV.1, as revised by the HRET Platform and disseminated in November 2010). Further comments may be made in writing and/or verbally during the Third Informal Consultations of the open ended working group scheduled to be held 14 December 2010.

More information on Amnesty International's position and views on the UN Declaration on Human Rights Education and Training can be found in previously submitted statements to the Human Rights Council and its Advisory Committee (July 2009, November 2009, March 2010) and to the Platform (September 2010).

Abbreviations

AI	Amnesty International
Art	Article
CAC	Human Rights Council Advisory Committee
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CDE	Convention Against Discrimination in Education
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
Declaration	UN Declaration on Human Rights Education and Training
Declaration on HRDs	Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
HRE	Human Rights Education
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
January 2010 draft Declaration	Draft UN Declaration on Human Rights Education and Training (advance unedited version, January 2010)
UDHR	Universal Declaration of Human Rights

Article	Text of Article	Amnesty International's Comments
<p>Preamble PP5</p>	<p>PREAMBLE PP5</p> <p><i>Acknowledging</i> the fundamental importance of human rights education in ensuring the effective realization of all human rights,</p>	<p>AI supports the inclusion of this paragraph in the Preamble to the Declaration.</p>
<p>Preamble New Provision</p>	<p>PREAMBLE: NEW PROVISION</p> <p><i>Acknowledging</i> the valuable work of individuals, groups and associations, non-governmental organizations and civil society and other actors, in the development and implementation of human rights education and training,</p>	<p>AI suggests the inclusion of this paragraph in the Preamble to the Declaration which recognizes the efforts and role of a variety of actors and of cooperation amongst these actors for effective human rights education and training.</p>
<p>Article 1(1)</p>	<p>ARTICLE 1(1)</p> <p>(1) Everyone has the right to human rights education and training.</p>	<p>AI supports the articulation of human rights education as a fundamental right inherent in the dignity of the human person. Such recognition would reflect the commitment in the Universal Declaration of Human Rights, and other international and regional human rights instruments and documents, to advance human rights through education and training.</p>
<p>Article 2(2)</p>	<p>ARTICLE 2(2)</p> <p>(2) Human rights education and training includes education about, through and for human rights</p>	<p>AI strongly supports the inclusion of this provision.</p> <p>AI supports a comprehensive definition that recognizes that human rights education and training is:</p> <p>Education about human rights - knowing and understanding human rights standards and laws and concepts, the history of human rights, and contemporary human rights issues.</p> <p>Education through human rights – learning and teaching in a way that is respectful of the rights of both educators and learners. Through human rights education, people <i>experience</i> human rights in action.</p> <p>Education for human rights - inspires people with the vision of human rights. It is key to empowerment and builds peoples' capacity to overcome obstacles to achieving these rights, equipping them with the skills to respond to complex human rights challenges concretely and effectively.</p>

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<p style="text-align: center;">Article 3</p>	<p style="text-align: center;">ARTICLE 3</p> <p>(1) Human rights education and training is a lifelong process that concerns all ages.</p> <p>(2) Human rights education and training concerns all parts of society, all levels, including preschool, primary, secondary and higher education, and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting. It includes vocational training, particularly the training of trainers and teachers, continuing education, popular education, and public information and awareness activities.</p>	<p>AI supports this provision.</p> <p>AI supports an inclusive and integrated approach to the Declaration based on human rights principles, including equality and non-discrimination, and the promotion and protection of all rights (civil, cultural, economic, political, and social). An integrated approach to the Declaration will also ensure that human rights education is included in all learning environments, not only underpinning the work of schools and formal learning institutions, but is also key to engaging and empowering local communities to use a human rights framework to address human rights issues. Human rights education should be seen as a continuous and comprehensive lifelong learning process for all toward the full realization of human rights and respect for human dignity.</p>
<p style="text-align: center;">Article 4</p>	<p style="text-align: center;">ARTICLE 4</p> <p>Human rights education and training should be based on the principles of the Universal Declaration of Human Rights and other relevant instruments, with a view to:</p> <p>(a) Raise awareness of human rights, including international, regional and national standards, principles, legislation and applicable guarantees;</p> <p>(b) Developing a universal culture of human rights, in which everyone is aware of their own rights and obligations in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society;</p> <p>(c) Pursue the effective realization of all human rights and promote tolerance, non-discrimination and gender equality by making human rights the vehicle for and an objective of education and training;</p> <p>(d) Ensure equal opportunities, through access for all to quality human rights education and training, without any discrimination;</p> <p>(e) Contribute to the prevention of human rights violations and eradicate all forms of violence, discrimination, racism, stereotyping, incitement to hatred, and the harmful attitudes and prejudices that underlie them.</p>	<p>AI supports the inclusion of this provision which reaffirms that human rights education should be based on human rights principles.</p> <p>AI strongly recommends that this provision reflect that human rights education must be designed and delivered within a framework of human rights law, and the human rights principles of participation, empowerment, non-discrimination, inclusion and accountability.</p> <p>AI recommends the addition of the following subparagraph:</p> <p>‘Ensure that human rights education and training is developed and delivered within the framework of human rights law and in a spirit of participation, empowerment, non-discrimination, inclusion and accountability.’</p>

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<p>Article 5(1)</p>	<p>ARTICLE 5(1)</p> <p>(1) Human rights education and training is based on the principles of equality, inclusion and non-discrimination, particularly equality between girls and boys and between women and men.</p>	<p>AI suggests that it should be clear whose responsibility it is to ensure the content of human rights education is consistent with human rights standards and principles, and that the content of human rights education must be consistent regardless of who is providing it. AI suggests that this provision be amended as follows:</p> <p><i>'States shall ensure that human rights education and training, whether provided by public or private actors, is consistent with human rights standards and based on the principles of equality, inclusiveness and non-discrimination, particularly equality between girls and boys and between women and men.'</i></p> <p>AI supports the inclusion of the specific reference to <i>'equality between girls and boys and between women and men'</i>. Human rights education must reflect and promote non-discrimination and also ensure inclusion. States' commitment to gender equality is widely supported.</p>
<p>Article 7(1)</p>	<p>ARTICLE 7(1)</p> <p>(1) States have the primary responsibility to promote and ensure human rights education and training, developed and implemented in a spirit of participation, inclusion and responsibility, and to create an enabling environment for the action of civil society, the private sector, and other relevant stakeholders.</p>	<p>AI recommends that the language of this provision reflect States' <i>obligation</i> to implement human rights education. This is an obligation which has been affirmed in many international human rights standards and agreements, including the ICESCR (Art 13), ICESCR (Art 13), the CRC (Art 29), the CDE (Art 5).</p>
<p>Article 7(2)</p>	<p>ARTICLE 7(2)</p> <p>(2) States should take steps, individually and through international assistance and co-operation, to the maximum of their available resources, to achieve progressively the full realization of the right to human rights education and training by all appropriate means, including particularly the adoption of legislative and administrative measures and policies.</p>	<p>AI strongly recommends that this provision reflect the obligation of the State to implement human rights education, and recommends amendments so that this provision reads:</p> <p><i>'(2) States have the obligation to take steps, individually and through international assistance and co-operation, to the maximum of their available resources, to achieve progressively the full realization of the right to human rights education and training by all appropriate means, including particularly the adoption of legislative and administrative measures and policies.'</i></p>

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<p align="center">Article 7(3)</p>	<p align="center">ARTICLE 7(3)</p> <p>(3) States should ensure adequate training in human rights and, where appropriate, international humanitarian law and international criminal law, of state officials, civil servants, judges, law enforcement officials, military personnel and private personnel acting on their behalf, as well as teachers, trainers and other educators.</p>	<p>States have an obligation to provide training in human rights to its officials. Various treaty bodies have emphasized the need to extend human rights education to the police, legal professionals and others involved in the administration of justice. (See previous AI comments and submissions for detailed references).</p> <p>AI recommends that the words <i>'should ensure'</i> be replaced by the words <i>'have an obligation to provide'</i>, so that this provision reads:</p> <p>'(3) States have an obligation to provide adequate training in human rights and, where appropriate, international humanitarian law and international criminal law, of state officials, civil servants, judges, law enforcement officials, military personnel and private personnel acting on their behalf, as well as teachers, trainers and other educators.'</p> <p>AI also recommends adding <i>'health professionals'</i> to this list.</p>
<p align="center">Article 8</p>	<p align="center">ARTICLE 8</p> <p>States should promote the development and strengthening of effective and independent national human rights institutions, according to the Paris Principles, recognizing that they play an important role in promoting human rights education and training by raising awareness and mobilizing all public and private actors, as well as, where necessary, a coordinating role.</p>	<p>It is the duty of the State to establish national human rights institutions and ensure their mandates include the protection and promotion of human rights. To reflect this, AI recommends amendments so that this provision reads:</p> <p>'States should ensure the development and strengthening of effective and independent national human rights institutions, according to the Paris Principles, and enable them to promote human rights education and training, including raising awareness and mobilizing all public and private actors, as well as, where necessary, a coordinating and evaluation role.'</p> <p>See CESCR General Comment 10 and Declaration on HRDs (Art 14.3).</p>
<p align="center">Article 9</p>	<p align="center">ARTICLE 9</p> <p>Educational institutions, families, local communities, youth organisations, non-State actors, human rights defenders, private sector, media and society as a whole all have an important role to play in human rights education and training.</p>	<p>AI recommends the addition of <i>'non-governmental organizations'</i> or <i>'civil society'</i> to the list of actors. Historically this group has conducted and continues to conduct effective human rights education programmes which focus on the promotion and protection of human rights. These efforts should be acknowledged, reinforced and encouraged.</p>

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<p style="text-align: center;">Article 10(1)</p>	<p style="text-align: center;">ARTICLE 10(1)</p> <p>(1) States should develop national strategies, action plans, policies and programs to implement human rights education and training, including <i>inter alia</i> through the integration of human rights education in the school curricula. In doing so, they should take into account the World Programme for Human Rights Education and specific national and local needs and priorities.</p>	<p>States are required to ensure that educational curricula is consistent with human rights standards and principles. AI recommends adding the following as a <u>sub paragraph</u> to this Article (and deleting the words in bold text to the left):</p> <p>'States are required to ensure that curricula, for all levels of the educational system, must be directed at the full development of the human personality, advancing the dignity of all people, strengthening the respect for human rights and fundamental freedoms, enabling all persons to participate effectively in a free society and promoting understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and the maintenance of peace.'</p> <p>This recommendation is based on the objective of education set out in Article 13(1) of the ICESCR. See also CESCR General Comment 13 Art 49.</p>
<p style="text-align: center;">Article 11</p>	<p style="text-align: center;">ARTICLE 11</p> <p>Particular care must be taken to protect the human rights and fundamental freedoms of those engaged or active in human rights education and training.</p>	<p>AI recommends the inclusion of the words '<i>in their role as human rights defenders</i>' at the end of this provision, so that this provision reads:</p> <p>'Particular care must be taken to protect the human rights and fundamental freedoms of those responsible for human rights education and training, <i>in their role as human rights defenders.</i>'</p> <p>It is important to recognize human rights educators as human rights defenders, and as such call for the support and protection of human rights educators promoting and teaching human rights in circumstances where they are exposed to risk of threat, death, enforced disappearance, torture, loss of livelihood or other harm. States should have the responsibility and duty to ensure that human rights educators, as other human rights defenders, are able to enjoy all rights and freedoms in practice as they actively promote respect for human rights through education and training.</p>

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<p style="text-align: center;">Article 14</p>	<p style="text-align: center;">ARTICLE 14</p> <p>International and regional human rights mechanisms and treaty bodies should mainstream human rights education and training in their work, including by encouraging States to report on the measures they have adopted for the implementation of human rights education.</p>	<p>AI suggests that this provision be strengthened by directly requesting States to provide this information to treaty bodies. It would be unusual for the Human Rights Council, composed of States to request a treaty body to request States to submit information. The following is therefore suggested as a <u>sub paragraph</u> to this article:</p> <p>'When submitting reports under relevant treaties to which they are a party and to other relevant international and regional human rights mechanisms, States should report on the measures they have adopted for the implementation of human rights education and training, as well as on the progress made in this regard.'</p>
<p>ADDITIONAL COMMENTS (based on January 2010 draft Declaration)</p>		
<p>Human rights education as a long term approach</p>	<p>OP 26 (January draft)</p> <p>Human rights education and training must be seen as a long term exercise; its effective implementation will require progressive and continuous efforts aimed at achieving long term goals.</p>	<p>AI supports the retention of the concept contained in OP26 from the January 2010 draft Declaration as it reflects the nature and scope of human rights education and correspondingly the nature of commitment to human rights education and training that States should make. AI recommends the integration of the idea that human rights education is a long term approach (or process) in either Article 1 or Article 7 of the Declaration.</p>
<p>Link with right to information and access to information</p>	<p>OP 12 (January draft)</p> <p>Human rights education and training is closely related to the implementation of freedom of expression and the right to information. It should promote access for all to, and the participation of everyone in the development of, the media, including the press, radio and television, and the strengthening of the educational function of these different media.</p>	<p>AI strongly recommends that OP12 of the January 2010 draft Declaration be retained in the Declaration. Human rights education is essential to the right to seek, receive and impart information and access to information which is necessary for the full realization of all human rights. This was supported by several States during the deliberative process, and was present in previous drafts of the Declaration. Human rights education is also necessary to enable full and informed participation of everyone in public affairs.</p> <p>(See ICCPR Articles 19, 25 and CESCR General Comments 4, 14,15)</p>

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Participation	<p>OP 27 (January draft)</p> <p>Human rights education and training should aim for the participation of every person and the strengthening of their capabilities, taking into account different economic, social and cultural circumstances, while promoting local initiatives in order to encourage ownership of the common goal of the fulfilment of all human rights for all.</p>	<p>AI strongly recommends that OP27 of the January 2010 draft be retained in the Declaration. The right to participation is fundamental to all human rights and it would be unfortunate if the only substantive article on participation is removed.</p>
Assessment of Human Rights Education	<p>OP 28 (January draft)</p> <p>An ongoing assessment of action taken at the national level is vital to the effectiveness of human rights education and training, and requires the establishment of specific goals and quantitative and qualitative indicators.</p>	<p>AI strongly supports the view that proper assessment is a key component in the implementation of human rights education. Assessment is thus part of States' duty and obligation vis-à-vis the implementation of human rights education and training. It is also important that both quantitative and qualitative indicators be established to systematically measure progress in achieving goals and objectives.</p> <p>Based on the above and on the assumption that the main point of this provision is to ensure that proper assessment is undertaken, to monitor effectiveness and make improvements to human rights education and training (as indicated in previous deliberations in consultations organized by the CAC), AI recommends including the following amended paragraph to the Declaration:</p> <p>'States should ensure that an ongoing assessment of actions taken at the national level, which can ensure the effectiveness of human rights education, is conducted, including the establishment of specific goals and both quantitative and qualitative indicators.'</p>