

# INTERNATIONAL HUMAN RIGHTS STANDARDS AND EDUCATION IN HUMAN RIGHTS

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# INTERNATIONAL HUMAN RIGHTS STANDARDS AND EDUCATION IN HUMAN RIGHTS

## INTRODUCTION

A campaign for integrating human rights concepts and values into a school or training curricula can gain credence and strength when backed by international human rights standards. The aim of this article is to outline the legal basis for education in human rights given in existing international human rights standards. It will examine the changes seen since the Universal Declaration of Human Rights first established education as an essential component in human rights protection.

It can be seen that the parameters of education in and for human rights have been built upon and expanded over the past fifty years, so that the present conception of human rights education (HRE) in international law covers a wide range of possibilities. It is to be hoped that these possibilities will be followed up during the United Nations Decade for Human Rights Education (1995-2004) to their fullest potential, in order that education can achieve the aims of international human rights standards, and fulfill human rights needs in the future.

## I. A CONSENSUS FOR EDUCATION IN AND FOR HUMAN RIGHTS

The 1948 Universal Declaration of Human Rights (UDHR) is the starting point for any definition of education in which human rights are incorporated. Later human rights enunciations have supported the UDHR's interpretation of the role which education should play in achieving the objectives they cover.

The preamble of the UDHR sets out the importance of human rights and fundamental freedoms to the achievement of justice in the world, and the role of education in securing this:

...The General Assembly proclaims this Universal Declaration of Human Rights... to the end 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...

The exact aims of education are outlined in article 26:

...2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding among all the nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The four principles in article 26. establish the requirements of an education to produce citizens who respect rights and freedoms within a global, rather than merely a national context. Education may be a right in itself, but under the UDHR it also implies duties and responsibilities - which in turn implies that education is a means to an end, rather than an end in itself.

The UDHR's interpretation of the role of education in and for human rights is reflected in later international standards. The International Labour Organisation (ILO)'s Convention Concerning Discrimination in Respect of Employment and Occupation (Convention no.111 of 1960) declares as its aim the promotion of 'equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof', and calls upon education to assist in securing this. In article 3. States are required to 'enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of this policy...'

The United Nations Declaration on the Elimination of all Forms of Racial Discrimination (1963) and the International Convention of the Elimination of all Forms of Racial Discrimination (1965) follow even more closely the words of the Universal Declaration of Human Rights. The United Nations Declaration on the Elimination of all Forms of Racial Discrimination states, in article 8:

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal

Declaration of Human Rights, and of the Declaration on the Granting of Independence to Colonial Countries and Peoples...

Education as proposed here encompasses the promotion of understanding between nations, and the furtherance of the activities of the United Nations as outlined in the Universal Declaration of Human Rights. A similar standpoint is taken in the International Convention on the Elimination of all Forms of Racial Discrimination in article 7:

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combatting prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this convention...

In 1966 the International Covenant on Economic, Social and Cultural Rights, defined education as:

...directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms...(it)...shall enable all persons to participate 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... (Article 13)

This trend was continued well through the late 70's and the 1980's, as the following extracts illustrate:

The Convention on the Elimination of all forms of Discrimination Against Women (1979):

ARTICLE 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on the basis of equality of men and women:

...c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

The Declaration Regarding Intolerance of the Committee of Ministers of the Council of Europe (1981):

...PARAGRAPH IV) iii) The Committee of the Council of Europe decides to promote an awareness of the requirements of human rights and the ensuing responsibilities in a democratic society, and to this end, in addition to human rights education, to encourage the creation in schools, from the primary level upwards, of a climate of active understanding of and respect for the qualities and culture of others...

The Declaration on the Freedom of Expression and Information for the Committee of Ministers of the Council of Europe (1982):

...PARAGRAPH III b) The member states of the Council of Europe resolve to intensify their cooperation in order to promote, through teaching and education the effective exercise of the freedom of expression and information; (and) e) to promote the free flow of information, thus contributing to international understanding, a better knowledge of convictions and traditions, respect for the diversity of opinions and the mutual enrichment of cultures...

The African Charter on Human and Peoples' Rights (1986):

...ARTICLE 25: States Parties of the present Charter shall 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 Declaration on the Equality of Women and Men of the Committee of Ministers of the Council of Europe (1988):

...PARAGRAPH VII) The Council of Europe member states stress the importance for the achievement of the above-mentioned strategies of informing and educating people in a suitable ways and making them realise the injustices and adverse effects of inequalities of rights, treatment and opportunities, together with the need for unrelenting vigilance in order to prevent or remedy any act or form of discrimination founded on sex...

The Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO 1989):

...ARTICLE 30) 1) Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Covenant

2) If necessary, this shall be done by means of written translation and through the use of mass communications in the languages of these peoples.

ARTICLE 31) Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples...

As these enunciations show, the Universal Declaration of Human Rights was successful in establishing education as an essential component for the protection and adherence to human rights. A norm was initiated whereby a commitment to certain aims formed the accepted basis for education in and for human rights. These aims outline the essential parameters of education in human rights, but all have great potential to be developed and enhanced. More specificity could be added to the notion of education for the 'development of the human personality'. More than simple 'respect' for human rights and fundamental freedoms, and more than 'understanding' between nations could be developed as the aims of education.

## II. THE UNESCO RECOMMENDATION CONCERNING EDUCATION AND INNOVATIONS IN HRE DISCOURSE

The interpretation of education in international human rights standards as based on the United Nations Declaration of Human Rights changed little during the 70's and 80's. This remained the case despite the fact that, in 1974 great innovations were introduced by the UNESCO Recommendation Concerning Education for International Understanding, Co-operation and Peace, and Education Relating to Human Rights and

Fundamental Freedoms. Evidently the Recommendation's devotion to education provided a greater scope for depth to the interpretation of education for human rights than could be covered by most human rights standards during that period. This may explain the slowness with which its advances in interpretation - which are outlined below - were taken up.

As a starting point, the UNESCO recommendation defines education, and in doing so enlarges most established conceptions of education in international human rights standards. In its first article, it implies by 'education':

... the entire process of social life by means of which individuals and social groups learn to develop consciously within and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process is not limited to any specific activities.

Through the wealth of detail which the Recommendation devotes to education, the following core concepts emerge as innovations in the standard interpretation of the ultimate aims of education:

- 1) promote both 'intellectual and emotional development,' to develop both a 'critical understanding' of international problems, and 'a sense of responsibility and of solidarity with less privileged groups' (Article 5).
- 2) promote a culture of 'inadmissibility of recourse to war for purposes of expansion, aggression and domination or the use of force and violence for the purpose of repression' and an understanding of responsibility to strengthen world peace (Article 6)
- 3) emphasize 'the true interests of people and their incompatibility with interest of monopolistic groups holding economic and political power, which practice exploitation and ferment wars' (Article 15)
- 4) promote 'intercultural understanding' (Article 17) and an 'international dimension... in education' to increase an 'awareness of the increasing global interdependence between peoples' and the 'readiness on the part of the individual to participate in solidarity' and 'solving the problems of his community, his country and the world at large' (Article 4).
- 5) provide meaningful opportunities for 'active civic training' enabling learning of co-operative endeavour through 'the work of public institutions' and thereby imparting competence to political participation (Article 13).

6) create capabilities to eradicate 'conditions which perpetuate major problems affecting human survival and well-being' and which enhance 'international co-operation' to this end (Article 18)

From this list, four major advances from the consensus established by the UDHR are apparent, which enlarge the concept of education in very valuable ways.

- where the Universal Declaration addresses 'intellectual development', the Recommendation also includes 'appropriate...emotional development'.
- the Recommendation pursues *active* measures for egalitarian society (see points (i) and (6) above)
- whereas the Universal Declaration speaks of tolerance and friendship, the Recommendation encourages 'intercultural understanding' and active co-operation.
- the Recommendation deconstructs education into civic, political and international, in contrast to the all-encompassing 'intellectual development' of the Universal Declaration.

The limited impact, during the 70's and 80's of these advances in interpretation of education should not diminish their importance. They provide an essential expansion of the notions of education beyond assumed interpretations and develop the idea of education as a means to another end - the respect for human rights.

The Declaration on Race and Racial Prejudice of UNESCO and the U.N Convention on the Rights of the Child are two documents in which the Recommendation's innovations are taken up, and both illustrate how its ideas may be put into practice within a specific context. The Declaration on Race and Racial Prejudice of UNESCO (1978) reflects the Recommendation's emphasis upon intercultural understanding, co-operation and *responsibility* in reference to professionals in related fields (this latter can be seen in article (5)3 and article (8)2,3).

...ARTICLE 5 1) Culture, as a product of all human beings and a common heritage of mankind, and education in its broadest sense, offer men and women increasingly effective means of adaptation, enabling them not only to affirm that they are born equal in dignity and rights, but also to recognize that they should respect the right of all groups to their own cultural identity and the development of their distinctive cultural life within the national and international context...

2) States... have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that all curricula



and textbooks include scientific and ethical considerations concerning human unity and diversity

3) The mass media and those who control or serve them, as well as all organized groups within national communities, are urged... to promote understanding, tolerance and friendship among individuals and groups ...Communication between racial and ethnic groups must be a reciprocal process, enabling them to express themselves and be fully heard without let or hindrance. The mass media should therefore be freely receptive to ideas of individuals and groups which facilitate such communication...

ARTICLE 6 ...3) Since laws proscribing racial discrimination are not in themselves sufficient, it is also incumbent on States to supplement them (with)...broadly based education and research programmes designed to combat racial prejudice and racial discrimination and by programmes of positive political, social, educational and cultural measures calculated to promote genuine mutual respect among groups.

...ARTICLE 8 1) Individuals, being entitled to an economic, social, cultural and legal order, on the national and international planes, such as to allow them to exercise all their capabilities on a basis of entire equality of rights and opportunities, have corresponding duties towards their fellows, towards the society in which they live and towards the international community. They are accordingly under an obligation to promote harmony among the peoples, to combat racism and racial prejudice and to assist by every means available to them in eradicating racial discrimination in all its forms.

2) In the field of racial prejudice and racist attitudes and practices, specialists in natural and social sciences and cultural studies, as well as scientific organisations and associations, are called upon to undertake objective research on a wide interdisciplinary basis; all States should encourage them to this end.

3) It is, in particular, incumbent upon such specialists to ensure, by all means available to them, that their research findings are not misinterpreted, and also that they assist the public in understanding such findings...

The U.N. Convention on the Rights of the Child (1989) also reflects these concepts, expanding the relatively narrow aims of the UDHR of 'understanding and tolerance between nations'.

...ARTICLE 29 1) States Parties agreed that the education of the child shall be directed to:

- a) the development of the child's personality, talents and mental and physical abilities to their fullest potential;
- b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

- e) the development of respect for the child's parents, his or her own cultural identity, language and values, for the cultural values of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own;
- d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- e) the development of respect for the natural environment...

This enhanced interpretation of education allows for its application to a much wider range of areas. The UNESCO Recommendation deliberately does not limit education 'to any specific activities' and this is echoed by the call for support from professionals, especially the mass media, and for activities from people within their community, and in co-operation with peoples from other communities and cultures.

### III. A FUTURE FOR EDUCATION: INTERPRETATIONS OF HIRE IN THE NINETIES AND BEYOND.

The 1974 UNESCO Recommendation stood alone as an in depth analysis of education in and for human rights in international declarations until the 1990's. 1993 saw the adoption of The UNESCO World Plan of Action on Education and The Vienna Declaration and Programme of Action, both of which illustrate the extent to which the role of education can be expanded still further.

The UNESCO World Plan of Action on Education (The Montreal Declaration) of 1993 attempts to deal with the task of establishing *where* education strategies of the future should be derived from. By introducing the concept of 'participatory' techniques as a mandatory element in education, the Declaration drastically changes the focus of education in human rights documents. It declares that education should be 'participatory and operational, creative, innovative and empowering at all levels of civil society', and thus introduces the concept that education is a process which is most effective when instigated by the learners themselves.

Important to this is the second declaration produced in 1993, The Vienna Declaration and Programme of Action (VDP/A). This was the result of the 1993 World Conference

on Human Rights, and it in many ways reflects the core ideas of the UNESCO Recommendation of 1974:

- PART II...78) The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.
- 79) States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The World Conference on Human Rights calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.
- 80) Human Rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.
- 81) Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.
- 82) Governments... should initiate and support education in human rights and undertake effective dissemination of public information in this field. The advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession. The proclamation of a United Nations decade for human rights education in order to promote, encourage and focus these educational activities should be considered...

The important innovation in the VDDA, is the reference to 'human rights *needs*'. This has the effect of recognising 'needs' for the obtainment of rights as an inalienable part of those rights themselves. In terms of education, this has many implications. Firstly, certain material 'needs' should be identified and established as rights; for instance, access to information, to opportunities for the exercise of rights, to teaching strategies

etc. And also, if needs are to be incorporated into rights - then this must necessarily be an ongoing process, adapting *rights* according to the constantly changing *needs* of any given time or place. This may be the most important key to the role of education in human rights - to ensure a set of continually adapting resources (material and non-material), with which humans may be armed for the struggle against violations of human rights (also forever ongoing, forever unprecedented). The focus on education as a central part of human rights protection should prevent human rights in international documents from becoming a static and alienated documentation of certain standard rights.

The concept of 'needs', and the concept of participation can be linked to support the establishment through education of the correct empowering circumstances to allow for the individual to assert their rights. These elements were taken up swiftly by documents marking the start of the United Nations Decade for Human Rights Education which seems to have provided adequate incentive to push back still further the limits of education for human rights. The Declaration of the 44th Session of the UNESCO International Conference on Education (1994) took up the idea of the creation of the right *environment* for education in and for human rights:

Education policies have to contribute to the development of understanding, solidarity and tolerance among individuals and among ethnic, social and cultural and religious groups and sovereign nations.... education should promote knowledge, values, attitudes and skills conducive to respect for human rights and to an active commitment to the defence of such rights and to the building of a culture of peace and democracy...(Preamble)

...steps (should be taken) to establish in educational institutions an atmosphere contributing to the success of education for international understanding, so that they become ideal places for the exercise of tolerance, respect for human rights, the practice of democracy and learning about the diversity and wealth of cultural identities...(Article 2)2 )

Also developed in the Declaration of the 44th Session is the idea of education as a participatory strategy. This is outlined in great detail, referring to various levels of civil society:

We are convinced of the need to seek synergies between the formal education system and the various sectors of non-formal education, which are helping to make education for all a reality...of the crucial role that also falls in this context to

out-of-school educational organizations... that an agreement on action between educators, families, those in charge of the media, political leaders, religious institutions, intellectuals, artists, employers, trade unions and students themselves is urgent and necessary so as to achieve the full implementation on the objectives of education for peace, human rights and democracy and to contribute in this way to the development of a culture of peace... (article 4)

This idea is followed up in the Draft Plan of Action of the United Nations Decade for Human Rights Education (1995). HRE *praxis* should be participatory, involving:

...equal participation of women and men of all age groups and all sectors of society both in formal learning... and non-formal learning through institutions of civil society, the family and the mass media... (article 5)

and shall seek to further democratic participation in the political, economic, social and cultural spheres and shall be utilised as a means of promoting economic and social progress and people-centred sustainable development ... (article 7)

And participatory education in essence, should be local:

...relevant to the daily lives of the learners, and shall seek to engage learners in a dialogue about the ways and means of transforming human rights from the expression of abstract norms to the reality of their social, economic, cultural and political conditions... (article 6).

This conceptual development introduces a crucial step towards education for the future: programmes for education in and for human rights that are local, relevant and above all *dialogical* should be emphasised in human rights standards to come.

## CONCLUSION

Recent human rights standards prioritise the involvement of people at all levels of society and from all sectors, in order to create through education an environment or 'culture of peace' conducive to the protection of human rights. This 'education' should take place internationally as well as nationally, so that the UDHR's original aims - 'understanding between nations... the full development of the human personality...' and the aims that have been developed by later standards, will not only be taught - but would *characterise* the formulation and execution of teaching strategies as well.