

AMNESTY INTERNATIONAL

Comment on the Preliminary Draft of the UN Declaration on Human Rights Education and Training November 2009

Amnesty International welcomes this opportunity provided by the Human Rights Council Advisory Committee to comment on the informal English translation of the “preliminary draft” of the United Nations Declaration on Human Rights Education and Training¹ and to participate in the ongoing development of the text of the Declaration.

Amnesty International recognizes the substantial progress made on this ‘preliminary draft’ from the previous version, and sees it as a good basis for the draft of the document that will be developed for the meeting of the Human Rights Council Advisory Committee in January and the eventual submission of a draft UN Declaration on Human Rights Education and Training to the Human Rights Council.

In this comment the reference to paragraph numbers are for ease of reference only as they relate to the concepts presented in the preliminary draft Declaration. As we are commenting on a preliminary and informal English translation of the preliminary draft Declaration, we have not commented on specific text and wording.

Amnesty International requests the Advisory Committee to consider and include the following comments.

GENERAL PRINCIPLES

The following general principles should guide the elaboration of the UN Declaration on Human Rights Education and Training:

- The Declaration must be fully consistent with and build on existing human rights law; in particular related to the right to education, the general obligation on States to disseminate the provisions on human rights treaties that they are a party to, and the obligation to use all forms of education, including by ensuring that the content of education is appropriate, to combat various prohibited grounds of discrimination.²

¹ “Preliminary draft” of the United Nations Declaration on Human Rights Education and Training by the Rapporteur of the Drafting Group of the Human Rights Council Advisory Committee (version 5 of 6/08/2009). As contained in Annex 2 of A/HRC/AC/3/CRP/4/Corr.1 (original language: French). Amnesty International’s comment is based on a review of the informal English translation of the preliminary draft Declaration.

² For instance, the obligation under Article 7, Convention for the Elimination of Racial Discrimination, to adopt immediate and effective measures in the field of education to combat prejudices which lead to racial discrimination. Similarly, Article 10 (c) of the Convention on the Elimination of All Forms of Discrimination Against Women requires States to take all appropriate measures to eliminate 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 should take full account of existing soft law instruments, concluding observations and recommendations on human rights education and the right to education by other UN expert bodies.³
- The draft Declaration should be articulated in a way that lends itself to effective monitoring of the implementation of the obligation of States to provide human rights education.
- The draft Declaration should be subject to broad public consultation before it is reported by the Advisory Committee to the Human Rights Council. This presupposes that the draft Declaration will be translated into English, French and Spanish at a minimum and preferably into all official UN languages prior to circulation for comment.

1. THE RIGHT TO HUMAN RIGHTS EDUCATION

[Ref Paragraph 1] Amnesty International welcomes the articulation of the right to human rights education as a distinct and fundamental right of all persons. [Ref Paragraph 2] In addition, although Amnesty International supports the proposition that “the right to human rights education is an essential component of the right to education for all”, it must be made clear that there are other important dimensions to human rights education and that it is essential to and closely linked to all human rights.

2. DEFINING HUMAN RIGHTS EDUCATION AND TRAINING

As the Declaration aims to set the global standard for human rights education, it should provide a clear and comprehensive definition of human rights education, which builds on the guidance provided by various expert human rights bodies on the content and purpose of human rights education and incorporates the latest theory and practice drawn from contemporary human rights education work. The definition should be inclusive, yet remain non-exhaustive to allow for new conceptual developments in the area of human rights education to be covered by the definition.

Although paragraphs 1 through to 11 of the preliminary draft of the Declaration articulate some of the concepts of human rights education and training, we recommend a more comprehensive definition should be developed and included. The Declaration should make a clear distinction between *human rights education* and *training*.

We suggest that the definition of human rights education in the Declaration recognize and include the following references:

- Human rights education is a right of all human beings.
- Human rights education aims to build a culture of human rights. Human rights education aims to prevent abuses and violations of all human rights: civil, cultural, economic, political and social.

³ See Office of the United Nations High Commissioner for Human Rights, “The Right to Human Rights Education: A compilation of provisions of international and regional instruments dealing with human rights education” (1999) The UN Decade for Human Rights Education (1995-2004) No.3. www.ohchr.org/Documents/Publications/RightHReductionen.pdf

- Human rights education is:
 - education **about human rights** - knowing and understanding human rights standards and laws and concepts, the history of human rights, and contemporary human rights issues. It enables people to not only know about their human rights, but also to recognize the relevance of a human rights framework to issues in their daily lives.
 - 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 *experience* human rights in action.
 - education **for human rights** - inspires people with the vision of human rights. It is key to empowerment and builds peoples' capacity to overcome the obstacles to achieving these rights, equipping them with the skills to respond to complex human rights challenges concretely and effectively.

- In Amnesty International's first statement on the UN Declaration, we stressed that the Declaration should unambiguously reflect that human rights education is grounded in a framework of core human rights principles – or a human rights based approach.⁴

- [Ref Paragraph 3] An important underlying element of human rights education is **human rights content**, which includes human rights laws, standards, concepts, and principles. Human rights education goes further to enable people to recognize the relevance of this human rights framework to their lives and own reality.

- [Ref Paragraph 20] The Declaration should more strongly reflect the link between human rights education and **active participation**. Active participation is about the right of people: to information regarding the decisions being made which affect them, to have a say in those decisions, to be able to participate actively in processes that can determine the realization or violation of their rights, and thus to be able to exercise control over decisions that impact on their lives. Active participation of the individuals concerned is vital for full realization of their rights, and human rights education is a vital element of active participation. Human rights education is also key to informing people about their rights to participation and to building their capacity to participate. Recognizing that human rights education programmes should be specific to national or local contexts, the Declaration should encourage the involvement and active participation of local communities in setting objectives, as well as in implementation and evaluation of human rights education initiatives to ensure their relevancy, sustainability and long term impact.

- [Ref Paragraph 4] Human rights education is also key to **empowerment** – it empowers people to fully understand and realize their rights.

- [Ref Paragraphs 5 and 12] The right to human rights education is not only based on the principle of equality, but also on **non-discrimination**. The role of human rights education in combating prejudices, and challenging and changing discriminatory attitudes and practices thereby promoting understanding, tolerance and peace has previously been highlighted.⁵ The Declaration should also reinforce the importance of human rights education to combating gender discrimination and stereotypes [Ref Paragraph 11]. Human rights education is also essential to combat all other prohibited grounds of discrimination under international human

⁴ Amnesty International's Statement on the draft UN Declaration on Human Rights Education and Training, 31 July 2009.

⁵ See e.g. Human Rights Committee, Concluding Observations on the Philippines, CCPR/CO/79/PHL, 1 December 2003, para. 18; Committee on the Elimination of Racial Discrimination, Concluding Observations on Ghana, CERD/C/62/CO/4, 2 June 2003, para. 9; Committee on the Elimination of Discrimination Against Women.

rights and this should also be reflected in the Declaration.⁶ Beyond the elimination of discrimination and stereotypes, it should also be recognized that human rights education is key to preventing many other types of human rights abuses and violations.

- The Declaration should also emphasise the obligation of States to ensure that all persons are able to access human rights education, without discrimination of any kind.⁷
- [Ref Paragraphs 11 and 12] In connection with the goal of human rights education to prevent human rights abuses, the Declaration should be as inclusive as possible when referring to human rights abuses and discrimination against vulnerable groups. It should also include provisions relating to prevention of violence against women and girls in the school and at home and to eliminate discriminatory practices, including customary and traditional practices, which discriminate against women. The references to vulnerable and marginalized groups should also be broadened and emphasis should be placed on identifying at the national level, those groups who face the greatest barriers to realizing their human rights.

3. FORMAL, NON-FORMAL AND INFORMAL EDUCATION

[Ref Paragraph 6] Amnesty International welcomes an integrated approach to the Declaration which ensures that human rights education is included in *all* learning environments. Human rights education should be integral to the work of schools and formal learning institutions. It is also key to engaging and empowering local communities to use a human rights framework to address issues in their lives through non-formal education and participatory methodologies. 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. Amnesty International believes it is important that the Declaration play emphasis on the existing obligation of the States to ensure that the content of education promotes and is consistent with human rights.

4. OBLIGATIONS Re IMPLEMENTATION AND FOLLOW UP

4. (a) Role and Obligations of the State re: Human Rights Education and Training

In the Preliminary draft of the Declaration, the inclusion of provisions relating to obligations of States is noteworthy [Ref Paragraph 14]. Amnesty International recommends that the provisions in the

⁶ For example, Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization General Conference at its eleventh session, Paris, 14 December 1960. See also Convention on the Elimination of all Forms of Discrimination against Women, Articles 10, 14.2(d). And Convention on the Elimination of Racial Discrimination, 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 combating 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".

⁷ See e.g. International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (e) : "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] (v) The right to education and training; [...]."

Declaration which focus on State obligations vis-à-vis human rights education and training include the following:

- [Ref Paragraphs 6, 7 and 14] The Declaration should explicitly refer to the need for implementation of existing States obligations under various international and regional human rights treaties⁸ to provide human rights education to all persons. This obligation extends to ensuring that the content of education in all sectors - formal, non-formal, informal, and lifelong learning - promotes and is consistent with human rights. We suggest that this reference to existing obligations of the States relating to human rights education be articulated upfront in the preamble to the Declaration.
- Obligations of the State contained in the Declaration can be made more definitive by use of the words 'States shall....'.
- The Declaration should also remind States that have signed and ratified international treaties of their obligation to inform people of the rights contained in those treaties.⁹
- [Ref Paragraph 15] States must ensure that human rights education in all its forms and at all levels shall exhibit the interrelated and essential features' of availability, accessibility, acceptability and adaptability.¹⁰ This provision should be extended to all persons, with particular attention to be given to members of vulnerable and marginalized groups.
- States are primarily responsible for the effective realization of human rights education, especially through the establishment (and monitoring the application of) educational policies. States have an obligation to integrate human rights education into all formal curricula and to train educators/teachers/trainers working in the formal sector on human rights education, including methodologies relevant for their target groups.¹¹ Human rights education should be a compulsory part of pedagogical training.
- [Ref Paragraph 16] We welcome a provision in the Declaration which reinforces the specific obligation of the State to provide continuous human rights education and training to its agents.
 - The State has an obligation to provide continuous human rights education and training to all government 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.¹²

⁸ The American Convention on Human Rights (Article 12(4)), the African Charter on the Rights of Welfare of the Child (Article 12), and the First Additional Protocol to the European Convention on Human Rights (Articles 2).]

⁹ Refer to Vienna Declaration and Programme of Action, Part II (D) Para.80, and the Convention on the Rights of Persons with Disabilities.

¹⁰ See Committee for Economic, Social and Cultural Rights, General Comment No. 13: The Right to Education, Paragraph 6.

¹¹ Vienna Declaration and Programme of Action, Part I, Para. 33: "*The World Conference on Human Rights reaffirms that States are duty-bound ... to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms [and that] this should be integrated in the educational policies at the national as well as international levels.*"

¹² See Vienna Declaration and Programme of Action Part II (D), Para.82; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 10.1: "*Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil*

States should integrate human rights into all police training¹³ along with measures to monitor human rights violations and resulting sanctions by police officers.¹⁴

- The Declaration should also include reference to the human rights education and training of educators/teachers/trainers (and other categories in the formal education sector), social workers, as well as others who work with vulnerable and marginalized groups. References should also include the role of teacher associations and trade unions in the provision of human rights education and training.
- Key human rights principles such as impartiality, non-discrimination, proportionality, necessity, legality and accountability should be taught as part of the theoretical and practical curriculum.¹⁵ The curriculum should include international human rights law but also provide public officials with practical and behavioral tools to effectively protect and promote human rights in action.¹⁶ Training should be practically oriented and involve participatory techniques. States must constantly improve their public officials' compliance of human rights. Training and assessment should be a continuous process to challenge and change attitudes and practices.
- [Ref Paragraph 17] Although the Declaration should recognize the role of non-governmental organizations in the promotion and implementation of human rights education, it should not contain any language that might be interpreted as allowing States to intervene or dictate the activities of NGOs, including under the pretense of reinforcing their capacity to provide human rights education. Recalling specific rights such as freedom of expression and association as underpinning the work of NGOs and others, a provision should be included to safeguard NGOs and others from such potential interference when providing human rights education.¹⁷
- [Ref Paragraphs 18 and 19] As inadequate financial resources have been an ongoing issue and a major obstacle to efforts in promoting and implementing human rights education, the Declaration should clearly call on governments, and others, to allocate resources to human rights education and training, particularly within annual national budgets. The Declaration should also promote allocation of resources to human rights education and training within the UN system.

or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.” Resolution 39/46 of 10 December 1984 Human Rights Committee, Concluding Observations on the United Kingdom and Northern Ireland, CCPR/C/79/Add.119, 25 April 2000, Para 9, Committee on Economic, Social and Cultural Rights, Concluding Observations on the Czech Republic, E/C.12/1/Add.76, 5 June 2002, Para. 45.

¹³ See ECOSOC, Resolution 1989/61, “The Guidelines for Effective Implementation of the Code of Conduct”, 24 May 1989 and endorsed by General Assembly, Resolution 44/162, 16 December 1989.

¹⁴ See Amnesty International Report: Anneke Osse, “Understanding Policing: A resource for human rights activists”, Amnesty International Nederland, (2007), p323.

¹⁵ See General Assembly Resolution 34/169, adopting the UN Code of Conduct, 17 December 1979.

¹⁶ See e.g. Amnesty International’s 12 Point Guide for Good Practice in the Training and Education for Human Rights of Government Officials (AI Index: ACT 30/001/1998).

¹⁷ See e.g. International Covenant on Economic, Social and Cultural Rights, Article 13, Para.4.

4. (b) Role and Obligations of Non-State Actors re: Human Rights Education and Training

- [Ref Paragraph 17] The Declaration should emphasize the role that various sectors of society (outside of the State), including the private sector, have to play in the implementation and monitoring of human rights education and training. It is evident that civil society actors and non-governmental organizations have played a significant role in the promotion and implementation of human rights education throughout the UN Decade for Human Rights Education and under the first phase of the World Program for Human Rights Education. These efforts (both past and potential contributions) should be recognized and encouraged to continue. Sustained meaningful participation of civil society actors (including schools, higher learning institutions, trade unions and NGOs in the implementation and monitoring of human rights education and training at all levels (international, regional, national and local) and in all sectors (formal, non-formal, informal) should be encouraged and supported in the Declaration. This should be recognized separately from the aforementioned obligation of the State. There is also merit in delineating in separate provisions the role of civil society.
- [Ref Paragraphs 19 and 28] The role of national human rights institutions (NHRIs) should also include *monitoring* the implementation of human rights education. In addition, the Declaration should encourage the collaboration of NHRIs, together with civil society and State agencies in the planning, implementation, monitoring and evaluation of human rights education and training activities, particularly those activities conducted for State agencies, including law enforcement and security personnel.

5. ACCOUNTABILITY AND MONITORING

Effective monitoring mechanisms will result in better evaluation of the implementation of human rights education. Identification and development of a concrete set of benchmarks and indicators relating to national level achievements in human rights education will allow for more effective and objective tracking of progress. This could include the development or adaptation of roadmaps, concrete targets, formal reporting mechanisms, together with sustained efforts to assess and evaluate impact ensuring that monitoring mechanisms are guided to use such tools [Ref Paragraph 27]. Expenditure on human rights education must be measured and reported. Inclusion of human rights education in national education policies and plans, as well as curriculum and teacher training opportunities should also be monitored. The full realization of the right to human rights education and training requires coordinated effort between international, regional, national and local organizations, agencies and institutions, working collaboratively to maximize the impact of human rights education.

We encourage the Advisory Council to explore both the roles of UN human rights mechanisms (treaty bodies, special procedures, universal periodic review) in monitoring the implementation of the Declaration, as well as the relationships and roles in implementing the Declaration across the UN system (UNESCO, UNICEF, UNDP, OHCHR, etc).

6. SUPPORT AND PROTECTION OF HUMAN RIGHTS EDUCATORS

We welcome the inclusion of a provision which guarantees the protection of human rights educators as human rights defenders. When elaborating on this point, the Declaration should not only recognize human rights educators as human rights defenders, but call upon states to support and protect human rights educators promoting and teaching human rights in circumstances where they have been or can be exposed to risk of threat, death, enforced disappearance, torture, loss of livelihood, or other harm.