

UN Decade for Human Rights Education

- Report on the 59th Session of the UN Commission on Human Rights –

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The Commission on Human Rights held its 59th annual session from 17 March to 25 April 2003. The resolution on the UN Decade for Human Rights Education, sponsored by Costa Rica, was adopted by consensus on 25 April under agenda item 17 as in previous years. Costa Rica's proposal to launch a second UN decade was debated throughout the entire consultation process but the suggestion was not retained in the final draft. When judging the outcome in the light of the final text, the resolution may appear disappointing to many of those working to promote human rights education. Nevertheless, upon close scrutiny, it is possible to anticipate further positive developments provided efficient action is taken in the coming months, especially by the NGO community.

This report focuses on human rights education in the context of the UN system, and presents NGO activity during the 59th session of the Commission on Human Rights aimed at promoting an effective resolution. It contains insights into the consultation process amongst the Commission's Member States, some essential elements of the resolution, and a reflection on possible NGO strategies. It occasionally refers to the background and the present status of the current decade. The description of facts is intended to be as objective as possible in order to contribute to the work of those who are committed to human rights education at large. Some parts unavoidably may appear to be subjective and the readers' critical appraisal will be highly appreciated for constructive analysis and strategy making to the advantage of all.

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I. UN Decade for Human Rights Education in the UN system

One and half a year before the end of the UN Decade, the overall evaluation by most of the NGOs committed to human rights education is likely to be, "not quite a success but not quite a failure either." Looking at the decade *within the framework of the UN system*, the main shortcomings may be summarised in the following two points.

Monitoring mechanism

Ever since the Decade was unanimously proclaimed by the UN General Assembly in 1994, many UN documents on human rights education have been issued and adopted. Though some of those documents encouraged States to provide information and submit reports, the UN system is not equipped with a mechanism to confirm, monitor, or when necessary, make recommendations to ensure the implementation of the Plan of Action for the UN Decade for Human Rights Education.¹

The report on the mid-term global evaluation of the Decade (1995-2004)² issued by the Office of the UN High Commissioner for Human Rights (OHCHR) in September 2000 presents the information and views submitted by governments, NGOs, and other relevant actors who responded to a questionnaire on human rights education. Responses from governments, however, were rather few and the OHCHR has neither the function nor the mandate to confirm the reliability of the information provided and to make further

recommendations.

On one hand, some governments did make efforts to promote human rights education through national socio-legal infrastructures, and cooperated with NGOs that proactively took steps to implement the Plan of Action for Human Rights Education at national and regional levels. On the other hand, however, the fact remains that, due to the lack of a proper monitoring mechanism within the UN system, the Decade is coming to an end without sufficient achievement of its objectives which include, among others, the exchange of information and good practices for all through the UN system and regional networks, as well as ensuring necessary human and financial resources for human rights education, at national, regional and international levels.

Financial resources

The share of the official UN regular budget allotted to the OHCHR is only approximately 1.6% of the total budget. Other financial sources include four official funds administered by the OHCHR for purposes related to specific human rights issues³, and the Voluntary Fund for Technical Cooperation (VFTC). Unlike the other four funds, VFTC is meant for governments only. NGOs or human rights victims can not benefit from it unless governments reallocate the resources received in accordance with VFTC regulations. Apart from these funds, the Assisting Community Together project (ACT) also receives voluntary contributions - a relatively small amount. The project was launched in 1998 as a one-year project in collaboration with the UN Development Programme. Because of persisting needs and positive evaluation of the project, it has been prolonged every operative year since. The ACT project, however, is based on a limited framework with an aim to assist grassroots NGOs for the promotion and protection of human rights in connection with sustainable development in developing countries only. The scale of programmes is accordingly small.⁴

The Decade has provided a global framework to function as a catalyst to stimulate national developments of human rights education, and indeed there have been some precedents where governments, though very few, have assisted NGOs with some financial aid. Yet the fact remains that there are not too many countries where the socio-legal environment favours effective government-NGO collaboration. Even when governments may have such intentions, various technical impediments exist, especially in developing countries. In most cases NGOs, because they are rooted in community life, are most capable to identify community educational needs and projects for the allocation of financial resources in support of human rights education. The coordination role of the OHCHR for possible workshops, seminars, meetings, publications, etc. certainly requires a substantial increase of financial resources.

Human rights education comprises and penetrates all human rights issues both theoretically and practically as a means to tackle the root causes of violations. The establishment of financial resources to support human rights education on a regular and official basis within the UN system, such as a voluntary fund, is indispensable to meet the objectives set out by the Plan of Action. This need has been repeatedly mentioned, both explicitly and implicitly, in a number of UN documents,⁵ including the latest report of the High Commissioner for Human Rights that I will introduce later in this report.

II. NGO work aimed at promoting an effectiveness resolution

While, in 2002, a group of NGOs in Geneva presented the Commission with *NGO Recommendations for A Resolution on Human Rights Education* on behalf of 120 signatories from all regions of the world⁶, this year, these same NGOs agreed to focus more closely on the consultation process. The strategy was aimed at raising awareness on the reality of the Decade among all actors at the Commission in order to promote a concise resolution that would reflect the views expressed by NGOs within the framework of the online forum initiated by HREA and the OHCHR in 2003.

As in the previous years, Costa Rica sponsored the resolution and was very open to NGO input both during and prior to the consultation process. During the 59th session, Costa Rica convened at least three consultation meetings. Over 12 delegations participated in the consultation process as well as 2 NGO representatives, including myself⁷. Technical advice and information were kindly provided by the OHCHR officer in charge of the UN Decade on several occasions. A briefing and consultation meeting was also held for the NGOs attending the Commission. Initiated by Soka Gakkai International and Summer University of Human Rights the meeting was co-organised by the delegate of Costa Rica and the OHCHR representative in charge of human rights education. On this occasion a delegate from an Asian NGO expressed that in small agricultural villages the right to vote was not considered to be an inalienable human right, nor was it understood as the right to participate in the decision making process of national governance. She added that NGO projects aimed at raising awareness on such fundamental freedoms and rights in rural areas were facing great difficulty due to the lack of financing.

Overall, much attention was drawn to the launching of a second decade and the creation of a voluntary fund as means to further implement the right to human rights education. A joint statement was made before the Commission, expressing NGO support for Costa Rica's draft resolution which originally included both elements. In addition, a few other NGO joint statements and individual NGO statements both directly and indirectly referred to the important role of education or human rights education in the context of other specific human rights issues on their own agendas. These statements all stressed that human rights education has a fundamental role to play both as a preventive measure and as a tool for improvement.

III. Consultation process and adoption

The report of the High Commissioner, "Study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004)"⁸ was often referred to during the consultation process. This study, which was made in accordance with the resolution the Commission adopted last year,⁹ reflects the views and information gathered from governments, NGOs, and other international organisations. As mentioned earlier, the initial draft resolution prepared by Costa Rica integrated NGO input following a series of informal consultations which took place prior to consultations with Member States. The first draft dated 7 April contained the following elements:

"Requests the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations; and to include human rights education as one item of the agenda of the annual meeting of the Committee Chairpersons, inviting them to make recommendations on how human rights education could contribute to national capacity building aimed at strengthening national protection mechanisms."

“Requests the Office of the High Commissioner to present to the next session of the Commission proposals for a Voluntary Fund for Human Rights Education, to be established by the Secretary-General before the end of the Decade (2004) and to be administered by the Office of the High Commissioner for Human Rights in accordance with the financial regulations and rules of the United Nations, (...)” and,

“Requests also the Office of the High Commissioner, in cooperation with UNESCO and in consultation with all relevant actors, to organize in 2004 a follow-up conference on the progress made during the current decade for human rights education (1995-2004), taking into consideration the views of the international community and NGO community reflected in the report E/CN.4/2003/101 as well as the recommendations of the report of the High Commissioner on the mid-term evaluation of the Decade A/55/360, with an aim to proclaim a second decade for human rights education to begin on 1 January 2005.”

In my overall recollection, these are the elements that were mostly discussed during the consultations.

First, the issue of a voluntary fund raised considerable attention as financial implications are generally not very welcome to most Member States. As the day of adoption approached, such Member States as Austria, the U.K., Germany and Japan expressed their concerns on this matter as: “needs further study”, “we hesitate”, “reserve agreement”, or “difficult to agree.” The common grounds for their posture is in a sense understandable, that is, once such a fund is established, even though it is meant to be “voluntary”, those Member States which have already affirmed their commitment to human rights education would “morally and politically” feel obliged to contribute to the fund. The difficulty lies between being accountable for their words and deeds and clear instructions to avoid financial burden upon their own nation back home. On the NGO side, it was felt that NGO networks should communicate with each government respectively to initiate a constructive dialogue and a common understanding that financial contribution to human rights education enhances government accountability and affects several dimensions of good governance. Action was undertaken with NGO networks in Germany and Japan with some success. In the coming year NGOs should consider to reflect this strategy in their own action.

Secondly, when discussing the issue of monitoring mechanisms, a question was posed by a delegate as to the legal obligation of governments to implement human rights education. A legal obligation necessitates a written norm to which the government agrees under the principles of international law unless validated by internationally recognised customary norms or *jus cogens*. A number of Commission and General Assembly documents, many of which are “agreements by consensus”, explicitly affirm and reaffirm the international obligation of States to promote human rights education,¹⁰ and it has also been confirmed and reconfirmed in forums at national, regional and international level that human rights education is the basis for the improvement and realisation of all human rights. It can therefore be said that there is an obligation for governments to promote human rights education. The resolution adopted this year clearly states the following: “*Noting General Assembly resolutions 57/206 and 57/212 of 18 December 2002 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education (...)*”¹¹ and “*Requests the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights*

education (...)."¹²

Thirdly, Costa Rica's suggestion to launch a second decade for human rights education was central to the debate. Most delegations did not oppose the idea but, overall, they were more concerned with financial implications and explicit legal obligations being imposed upon them. At the initial stage of the consultation, Germany, among others, expressed that it "hesitated" to agree with the suggestion, though later it no longer held back on the issue. The United States was said to have expressed informally: "Not bad, go ahead." But the American delegation did not participate in the consultation meetings. In one sense, such a quick and easy response can make us wonder whether American authorities are seriously willing to promote human rights education. The Cuban delegate was not in favour of the resolution. Cuba's stance was that human rights education should remain an integral part of the right to education.

Australia did not oppose the idea of a second decade per se but, as sponsor of the resolution on the Decade before the General Assembly, expressed reserves as to the timeliness of Costa Rica's proposal. There was no pessimism or scepticism on the part of the Australian delegate who stated that his government remains very committed to the promotion of human rights education, but believes that a final evaluation of the accomplishments and shortcomings of the current decade is needed before a decision is made. Australia will remain open to any suggestions and opinions from NGOs, other governments and international organisations in this regard. It was Australia that proposed the current Decade ten years ago, and when compared to many other governments Australia has proven to be committed to the promotion of human rights education. During the consultation, Costa Rica wisely proposed to delete the term "second decade" from the draft rather than to carry on the disagreement with Australia to the General Assembly. A number of other delegations tacitly agreed and the term was finally deleted from the resolution.

The adoption of the resolution by consensus was diplomatically wise policy on the part of Costa Rica in careful consideration of a possible negative impact had the Commission resorted to a vote. The adoption proceeded swiftly, with statements made by two Member States after Costa Rica's introductory statement. First, India stated its appreciation for the significance of the resolution, though it could not agree with the new language contained in preambular paragraph 10 of the draft, which read "*Recognizing that human rights education and learning is an instrument for conflict prevention and the prevention of human rights violations, as well as a contribution to peaceful post-conflict transformation and consolidation, and is thus a key factor for achieving human security.*" India stated that this part sought to circumscribe and limit the role of human rights education to certain situations, while in its view the importance of human rights education was over-arching and all-encompassing beyond conflict prevention. It further added that "human security" was a concept which was still very much evolving and that it was not yet clear what it meant. However, keeping in mind the value of the resolution as a whole, India said that it would join the consensus on the resolution. After India, Cuba added that it associated itself with the comments made by India and said that if a vote had been requested on this paragraph, it would have voted against it.

IV. Evaluation of the core elements of the resolution

In the following section I attempt to evaluate the outcome of the resolution focussing on the three core elements that I have identified. Though I have tried to be as objective as possible,

what should be viewed as progress or as a shortcoming with regard to these three elements depends on the chosen angle in reading the resolution.

1. A voluntary fund (para. 19)

“Requests the Office of the High Commissioner to consult with all Member States and to report to the Commission at its sixtieth session on the establishment of a voluntary fund for human rights education, as envisaged in paragraph 51 of the Plan of Action for the Decade, to be funded by private and public entities, to be established by the Secretary-General before the end of the Decade (2004) and to be administered by the Office of the High Commissioner in accordance with the financial regulations and rules of the United Nations.”

This paragraph contrasts with last year’s resolution which made no reference to the possibility of a voluntary fund. During consultations, NGOs consistently referred to a number of past resolutions in which the establishment of a voluntary fund had been envisaged. Yet, carefully looking at the language of the text, it simply states “(...) *consult with all Member States and to report to the Commission (...)*” which indicates that this year’s resolution has simply put our feet back where they were. Similar mentions can be found in pre-existing UN documents. When consulting with government delegations, NGOs should bear in mind that elements that have already been adopted by consensus in previous resolutions may well vanish from a text, sometimes unwillingly¹³.

A couple of days before adoption, Costa Rica was informed that the report of the UN Secretary-General submitted last year to the General Assembly could be viewed as an obstacle to the creation of a voluntary fund for human rights education. The report reads, *“Voluntary contributions have been a very useful supplement to the regular budget of the United Nations. However, their administration has become rather complicated. There are currently about 200 trust funds administered by the Secretariat for a wide variety of programme activities and themes.(...) There is also considerable room for simplification and rationalization. Improvements could be made in the following ways: (a) A consolidation and reduction in the number of trust funds; (...)*”¹⁴ This statement aims at reducing unnecessary administration costs and simplify the complex application procedures of all the existing funds administered by the UN Secretariat. Considering that OHCHR is in charge of the programmes of the UN Decade for Human Rights Education and that apart from VFTC there are only four official funds currently administered by OHCHR, none of which is properly applicable to the implementation of the Plan of Action for human rights education, it could be argued that the establishment of a voluntary fund is indispensable to implement the Plan of Action of the Decade.

2. Monitoring mechanism (paras.14 and 15)

“Requests the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations.”

“Requests all relevant mechanisms of the Commission, i.e. working groups and special rapporteurs, representatives or experts, to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on the agenda of their annual meetings, with a view to strengthening their contribution to human rights education”

These paragraphs are very similar to the equivalent paragraphs in last year's resolution. Yet, it should be noted that last year, the word 'requests' in the draft was weakened to 'encourages' before adoption, while this year the word 'requests' was adopted as it was in the initial draft for both paragraphs 14 and 15. The input from NGOs read: "*Requests the human rights treaty bodies, (...) to include human rights education as one item of the agenda of the annual meeting of the Committee Chairpersons, inviting them to make recommendations on how human rights education could contribute to national capacity building aimed at strengthening national protection mechanisms*". This was not entirely reflected in the resolution due to some hesitation of Member States to "request" the Chairpersons of the Treaty Bodies to act. A question was raised as to the authority the commission has to request the chairpersons to make 'recommendations' at their annual meeting. Bearing in mind that the meeting of the Chairpersons on an annual basis was a decision of the General Assembly¹⁵ in 1994, the General Assembly has yet to clarify the scope of the Commission's authority regarding the work and the agenda of the annual meetings. In relation with UNESCO, paragraph 20 also reads: "*requests the Office of the High Commissioner to enhance cooperation with the United Nations Educational, Scientific and Cultural Organization.*" Though there was some discussion on the appropriateness of this remark, most delegations agreed that cooperation between the two UN institutions that are responsible for the coordination of the Decade should be enhanced.

3. Deletion of "a second decade" (para. 21)

"Further requests the Office of the High Commissioner jointly with the United Nations Educational, Scientific and Cultural Organization to consult with all Member States on the achievements and shortcomings of the current United Nations Decade for Human Rights Education (1995-2004), taking into consideration the views of the international community already reflected in the Decade mid-term evaluation report (A/55/360) and the report of the United Nations High Commissioner for Human Rights on recent activities undertaken in the framework of the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2003/100), and to report to the Commission at its next session."

As mentioned above, the term 'second decade' disappeared from the draft just before adoption. However, it must be noted that the views of the international community clearly support the idea of a second decade. The "*Study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004)*,"¹⁶ explicitly reports on "*a second decade (...) as a useful anchor/umbrella and catalyst mechanism for human rights education*" and also reports that "*(...) the input received by the Office has strongly affirmed the importance to continue the decade framework, considering that human rights education is a long-term process. (...)*"¹⁷. The content of this study is reflected in the High Commissioner's report E/CN.4/2003/100, cited in paragraph 21 of the resolution.

V. Reflection on NGO strategies

If a global framework were to be established as a follow-up to the current decade, both the mid-term global evaluation report and the study on the follow-up to the Decade provide the steps to take. As for funding, the report suggests the creation of a trust fund, should the international community decide to go ahead with the idea of a second decade. As for the issue of monitoring mechanisms "*suggestions included the establishment of an intergovernmental or of a joint governmental/non-governmental committee, including major*

human rights education actors, to develop both monitoring systems and ongoing assessment of human rights education efforts, as well as the development of a specific normative instrument, i.e. a treaty, focusing on human rights education."¹⁸

Bringing out the international obligations that lie dormant in existing instruments in the form of a treaty or a declaration that would be endorsed by the international community is an idea worth exploring. Recently the 5th Ministerial Meeting of the Human Security Network in Graz, Austria, adopted the *Graz Declaration on Principles of Human Rights Education and Human Security* on 9 May 2003. At the time of the consultations that took place during the Commission in Geneva, government delegations seemed unaware of the existence of this initiative which involved a number of the influential nations.¹⁹ The prospect of concluding the current Decade with the adoption of a declaration on human rights education based on this precedent is very appealing and should definitely be considered in the strategies to be developed by the NGO community in the coming months.

Given the result of this year's commission, the following points may be considered to improve the coordination of the efforts to be initiated by NGOs.

- To exchange views and information with authorities at the national level on a regular basis to promote constructive dialogue on human rights education.
- To develop a clear understanding of the ongoing discussions on human rights education within the UN system as well as the relevant principles of international law which affect the implementation of human rights education worldwide.
- To share that understanding with government authorities at the national level including national human rights institutions when they exist as well as government representatives and delegations in order to make the best use of the UN system to promote human rights education.
- To communicate with NGOs and other actors relevant to human rights education at national, regional and international levels to identify cornerstone issues such as those discussed in this report, develop common strategies and speak with one voice in international fora in order to impact on the UN decision making process.
- To lobby the appropriate authorities of governments that played a key role in the consultation process on these issues, and identify and lobby other governments who are willing to commit themselves to human rights education.

When making decisions and adopting resolutions at UN meetings, such as the Commission on Human Rights, government delegations deal with a large number of agenda items. In many cases the government delegate responsible for human rights deals with all issues simultaneously. The delegate may well be in charge of drafting several resolutions within a limited timeframe thus losing track of precedents related to the issues concerned. This is also why NGOs are potentially able to influence largely in the process, provided the issue is not too political or too controversial and provided the lobbying is both timely and focused on clear issues.

Yet one and half years away from the end of the UN Decade for Human Rights Education and it is likely that the idea of a second decade will be on the table once again at the next session of the Commission in 2004. In theory, such a UN initiative should be declared one

year before it is actually launched. This means that the possibility for a second decade to begin in 2005 remains open if the Commission were to adopt a resolution in April 2004 and the General Assembly were to endorse it in September. Meanwhile NGOs should reflect on common strategies to promote the suggestions presented in the *Study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004)*. Timely communication on a number of selected goals and constructive dialogue with the authorities at the national, regional, and international levels will determine whether or not the Member States of the Commission will pay due and proper attention to the contents of the report at the next session of the Commission on Human Rights in Geneva.

¹ UN Doc. A/51/506 (16 October 1996) and A/51/506/Add.1 (12 December 1996).

² UN Doc. A/55/360 (7 September 2000).

³ At present, apart from VFTC there are only four official funds administered by OHCHR: Voluntary Fund for Victims of Torture; Voluntary Trust Fund on Contemporary Forms of Slavery; Voluntary Fund for Indigenous Populations; and, Voluntary Fund for the International Decade of the World's Indigenous People.

⁴ Cf. in detail, *Act Project: Assisting Communities Together*, OHCHR, March 2002.

⁵ Cf. e.g., UN General Assembly resolution A/RES/49/184 (23 December 1994) para.9; Commission on Human Rights resolution 1994/51 *Proclamation of a decade for human rights education* (4 March 1994) para.2; and also, *Supra*, n.1, A/51/506, para.8; and A/51/506/Add.1, para. 51.

⁶ Human Rights Education Associates (HREA) largely contributed to this effort, connecting 3,100 subscribers worldwide, which led to a document co-signed by 120 organisations and individuals of which 98 NGOs from 51 countries, 10 of which are in consultative status with ECOSOC. <http://www.hrea.org>

⁷ Representatives of Summer University of Human Rights and Soka Gakkai International. During the entire consultation process, the NGOs attending the Commission in Geneva benefited from the online forum of HREA and reflected the views of the NGOs concerned with human rights education in many parts of the world. See, *Supra*, n.6.

⁸ UN Doc. E/CN.4/2003/101 (28 February 2003).

⁹ UN Doc. 2002/74, para.17.

¹⁰ Cf. e.g., UN Doc. A/RES/49/184 (23 December 1994) para.13, and also *supra*, n.5.

¹¹ UN Doc. 2003/70, pre.para.15.

¹² *Ibid.* para.14.

¹³ *Supra*, n.5. In 2000 and 2001 due to lack of attention there was no reference to a voluntary fund in the resolutions of the Commission. However, in my recollection, during consultations in 2002 the general attitude of delegations on this matter was more negative than passive.

¹⁴ UN Doc. A/57/387 (9 September 2002), *strengthening of the United Nations system - Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General, V. allocating resources to priorities, para.171.

¹⁵ UN Doc. A/RES/49/178 (23 December 1994) para.22.

¹⁶ *Supra*, n.8.

¹⁷ *Supra*, paras.8, 9 and 10.

¹⁸ *Supra*, n.8, para.13.

¹⁹ Members of the Human Security Network are: Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia, Thailand and South Africa as an observer.