

HUMAN RIGHTS EDUCATION – TOWARDS THE END OF THE UN DECADE

BY NILS ROSEMANN*

“Education ... is the key to unlocking other human rights.”

Katarina Tomasevski¹

A. HUMAN RIGHTS EDUCATION AS SELF-SECURING FACTOR OF HUMAN RIGHTS PROTECTION

One of the purposes of the United Nations is “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms.”² But the United Nations is dependent on its member States to meet their ambitions. Concerning human rights, governments – including their police forces, military and tolerated or empowered private forces – are the main perpetrators of this common concept of human dignity. In other words: By ensuring human rights protection, each state should be a witness in their own trial. That this doesn’t work out is shown by the struggles and obstacles in more than 50 years of United Nations-based human rights protection – in particular in the Commission on Human Rights.

According to Ernst-Wolfgang Böckenförde – a former judge at the German Constitutional Court: the modern state transfers the mechanism of its own existence to the civil society.³ Since the United Nations is not a State and the diverse international civil society is far away from building up a “global civil society”, human rights violations are mainly witnessed by Non Governmental Organisations (NGOs). Therefore the Economic and Social Council of the United Nations (ECOSOC) acknowledged “the breadth of non-governmental organizations’ expertise and the capacity of non-governmental organizations’ to support the work of the United Nations.”⁴

But what is needed in order to play that active role to protect human rights? It is a basic knowledge about human rights, an overall atmosphere where a rights-based approach to human dignity is accepted and a free society where individuals can claim their human rights without endangering their own life.

For this purpose the Universal Declaration of Human Rights proclaims that the aims of education “shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”⁵ Therefore the Commission on Human Rights stated in 1993 – in its first resolution that levelled the way for a United Nations Decade for Human Rights Education – “that knowledge of fundamental rights and mechanisms for their protection will permit the strengthening and consolidation of democratic processes”,⁶ and recommended “that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in educational policies.”⁷

* Nils Rosemann (b. 1969); Attorney of Law and former Research Associate for Human Rights Education at the German Institute for Human Rights; PhD Candidate at the Department of Law of Friedrich-Schiller-University Jena. E-mail: human-rights@rosemann-online.de

¹ Katarina Tomasevski: *Education Denied – Cost and Remedies* (London: Zed Books 2003) 172

² Article 1 Para. 3 Charter of the United Nations (signed on 26 June 1945 in San Francisco): United Nations Conference on International Organization Documents, Vol. XV (1945) 335 ff.

³ Ernst-Wolfgang Boeckenfoerde: “Die Entstehung des Staates als Vorgang der Säkularisation” in Ernst-Wolfgang Boeckenfoerde: *Recht, Staat, Freiheit* (Frankfurt a.M.: Suhrkamp Verlag 1991) 92–115.

⁴ OP 5 of ECOSOC Resolution 1996/31 of 25 July 1996.

⁵ Article 26 of Universal Declaration of Human Rights, General Assembly Resolution 217A (III) of December 10, 1948; U.N. Doc A/810 at 71 (1948).

⁶ OP 9 of *Commission on Human Rights Resolution 1993/56* of 9 March 1993 (CoHR Resolution 1993/56); U.N. Doc E/CN.4/RES/1993/56.

⁷ Para. 6 of CoHR Resolution 1993/56 (see note 6 above).

One of the formative causes behind the declaration of the United Nations Decade for Human Rights Education (1995 – 2004) was the need to enhance knowledge of human rights.⁸

B. HUMAN RIGHTS EDUCATION AS A HUMAN RIGHT

However in addition to this legitimising aspect of knowledge distribution, human rights education has to be more than that. It has to be designed in order to make those educated able to act in accordance with their knowledge – either to restrain from violations or to claim human rights. In that sense of empowerment the General Assembly states that “human rights education involves more than providing information but rather it is a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect within a democratic society.”⁹

In addition, the right to education – as outlined in Article 13 International Covenant on economic, social and cultural Rights¹⁰ – obliges States to provide acceptable and adaptable education that is of sufficient quality and content to meet the aims of education.¹¹ Since the development of a personality is one of the intentions of education, education means must involve empowerment in human rights and education methods must be based on human rights, dignity and fundamental freedoms. The establishment of a participatory and rights-approach to education is a State obligation under the right to education.

C. UNITED NATIONS DECADE FOR HUMAN RIGHTS EDUCATION

To meet the outlined objectives and methods, the General Assembly agreed to establish a *United Nations Decade for Human Rights Education* (UN Decade), 1995–2004.¹² The introduction of the UN Decade has been accompanied by a vast amount of reports and resources from the United Nations Educational, Scientific and Cultural Organization and the Office of the High Commissioner for Human Rights. Those that merit mention here are the Plan of Action for the United Nations Decade for Human Rights Education,¹³ the Guidelines for national plans of action for human rights education¹⁴ and the mid-term global evaluation.¹⁵

In summary, the UN Decade represented an opportunity to develop means and methods to ensure respect for human rights obligations and responsibilities. As stated by the United Nations High Commissioner for Human Rights:

The Decade remains the sole mechanism for global mobilization of strategies for human rights education; that potential must be more effectively utilized in the remaining years of the Decade, thus laying the foundations for sustainability beyond the Decade.¹⁶

The UN Decade provides a universal standard for education *about* human rights, teaching *for* human rights *in* an atmosphere of human rights.¹⁷ Since the building of this international benchmark, human rights education can be seen as a comprehensive and lifelong learning process aimed at empowering people to stand up for their human

⁸ See further OP 9 of General Assembly Resolution “Human rights education decade” (GA Resolution 48/127) of 20 December 1993; U.N. Doc A/RES/48/127 and OP 4 of General Assembly Resolution “United Nations Decade for Human Rights Education” (GA Resolution 49/184) of 23 December 1994; U.N. Doc. A/RES/49/184.

⁹ OP 5 of GA Resolution 48/127 (see note 8 above) and OP 4 of General Assembly Resolution “United Nations Decade for Human Rights Education” 22 December 1995, U.N. Doc. A/RES/50/177.

¹⁰ Adopted in General Assembly Resolution 2200 A (XXI) of 16 December 1966 and entered into force 03 January 1976; U.N. Doc. A/RES/2200 A (XXI).

¹¹ See Para. 6 of General Comment No. 13 “Right to education (Art. 13)” of Committee on economic, social and cultural rights of 8 December 1999, U.N. Doc E/C.12/1999/10.

¹² GA Resolution 48/127 (see note 8 above).

¹³ Contained in Report of Secretary General A/49/261.Add.1 and submitted by the Report of the United Nations High Commissioner for Human Rights on the “Implementation of the Plan of Action for the United Nations Decade for Human Rights Education” of 12 December 1996; U.N. Doc A/51/506/Add.1.

¹⁴ Submitted as Addendum to the Report of the Secretary General “United Nations Decade for Human Rights Education (1995-2004) and public information activities in the field of human rights” of 20 October 1997; U.N. Doc A/52/469/Add.1.

¹⁵ Report of the United Nations High Commissioner for Human Rights on the “mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004)” (mid term evaluation) of 7 September 2000, U.N. Doc. A/55/360.

¹⁶ Para. 178 of mid-term evaluation (see note 15 above).

¹⁷ Karl-Peter Fritzsche: Teaching Human Rights – Suggestions for Teaching Guidelines (Bonn – Braunschweig German Commission for UNESCO/Georg-Eckert-Institute 1993).

rights and against human rights violations as well as to respect human rights of others. By this reason human rights education is also education in regional and international instruments and mechanisms of protection and procedures for ensuring accountability.¹⁸

D. WHAT COMES NEXT?

One of the conclusions of the mid-term global evaluation of the UN Decade is that “effective national strategies for human rights education have very rarely been developed.”¹⁹

Concerning the obligation to provide human rights education as a whole, the General Assembly “invites all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education.”²⁰ Since all these requests of fulfilment have simply been ignored, the General Assembly employs in relation to the more specific obligations under the UN Decade stronger language, by urging “all Governments to promote the development of comprehensive, participatory and sustainable national strategies for human rights education and to establish and strengthen, as a priority in education policies, knowledge of human rights in both its theoretical dimension and its practical application.”²¹ It can be stated as a first conclusion that with the end of the UN Decade as a special instrument to stress governmental obligations in human rights education, there might be a relapse into the blurred language of general obligations.

The lack of political commitment to the aims of the UN Decade is one reason – among others – for requesting further studies of implementation and follow-up by the United Nations High Commissioner for Human Rights.²²

With reference to further implementation, the report “highlights the need for Governments to fulfil the commitments made at the international level to develop national strategies for human rights education ... that ... should be developed, implemented and evaluated through partnerships within and among actors, governmental and non-governmental, working in a spirit of mutual respect.”²³ These national strategies would include the development or strengthening of National Action Plans, the establishment of National Committees for Human Rights Education and Public Access Human Rights Resource and Training Centres, the preparation of training and teaching materials as well as the organisation of courses, conferences or public information campaigns.²⁴

Regarding the follow-up of the UN Decade, three main proposals have been developed by the United Nations High Commissioner for Human Rights in conjunction with governmental participation and consultation of NGOs: Firstly, a Second UN Decade on Human Rights Education. Secondly, a Voluntary Fund for Human Rights Education. And thirdly – as another institutionalization of human rights education – the establishment of an Inter-governmental or a Joint Governmental/NGO-Committee.²⁵

E. THE ROADBLOCKS OF THE 59TH COMMISSION ON HUMAN RIGHTS

The presumed benefits of a second UN Decade are hoped to be the provision of a common collective vision, international support, provision of possible global partnerships and an opportunity for governments to start work on as yet unfulfilled commitments.²⁶ The right place to establish a second UN Decade lies with the Commission on Human Rights. Inasmuch as the Proclamation of the UN Decade had started in 1993 in the Commission on Human Rights 2003 was considered a timely point at which to discuss a possible second UN Decade within the drafting of a resolution on human rights education – traditionally introduced by Costa Rica as sponsor. The first

¹⁸ Para. 131 of mid-term evaluation (see note 15 above).

¹⁹ Para. 129 a) of mid-term evaluation (see note 15 above).

²⁰ See identical Para. 2 of *General Assembly Resolution “Human Rights Education”* of 19 December 2001, U.N. Doc. A/RES/56/167 and of 18 December 2002 (GA Resolution 57/212); U.N. Doc A/RES/57/212.

²¹ See identical Para. 2 of *General Assembly Resolution “United Nations Decade for Human Rights Education 1995–2004”* of 19 December 2001; U.N. Doc. A/RES/56/147 and of 18 December 2002; U.N. Doc A/RES/57/206.

²² Para. 17 and 18 of *Commission on Human Rights Resolution “United Nations Decade for Human Rights Education”* of 23 April 2002; U.N. Doc E/CN.4/RES/2002/74.

²³ *Report of the United Nations High Commissioner for Human Rights “Implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995–2004”* (Report on Implementation); U.N. Doc E/CN.4/2003/100.

²⁴ See for further details: Para. 2 and 4 of GA Resolution 57/212 (see note 20 above).

²⁵ See for details: Para. 8–13 of *Report of the United Nations High Commissioner for Human Rights “Study on the follow-up to the United Nations Decade for Human Rights Education (1995–2004)”* (Study on follow up); U.N. Doc E/CN.4/2003/101.

²⁶ Para. 9 of Study on follow up (see note 25 above).

draft of a resolution (as a non-paper without an official UN Document Number), presented on 4 April 2003, therefore called for:

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.

Formal and informal discussion uncovered considerable opposition to a second UN Decade. Many stated that the first decade did not meet its aims, that there was no need for another decade and that the era of Decades and World Conferences is over. The most interesting of these slightly tautological arguments came from States that failed to implement the first UN Decade. There should be no second UN Decade, they said, because the results of the first UN Decade had been so meagre.

Because a resolution on human rights education is traditionally adopted by consensus, the drafting process was one of watering down ambitions. The tabled draft resolution therefore requested:

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 study of the United Nations High Commissioner for Human Rights on the follow up to the United Nations Decade for Human Rights Education, 1995–2004 (E/CN.4/2003/101), and to report to the Commission at its next session.²⁷

While this leaves the backdoor for a second UN Decade open, the process of establishing it was derailed at the Commission stage.

F. HUMAN RIGHTS EDUCATION AS AN ONGOING RESPONSIBILITY

Since human rights education is an international obligation under various international conventions and treaties the fulfilment of State obligations should be more often addressed within the treaty committees overlooking the treaties.²⁸ In recognition of this need, the General Assembly has urged “the existing human rights monitoring bodies to place particular emphasis on the implementation by Member States of their international obligation to promote human rights education”²⁹ and “encourages 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.”³⁰ This request was reaffirmed by the United Nations High Commissioner for Human Rights³¹ and the Commission on Human Rights.³²

The example of Germany shows that the use of a treaty-based human rights mechanism is a useful tool, but not sufficient in itself. In the most recent concluding observations from the Committee against Torture an urgent call was made for human rights education for police and public officials.³³ The Committee against Racism questioned human rights education for public officials in contact with migrants or asylum seekers³⁴ and the Committee on Economic, Social and Cultural Rights urged Germany to introduce and enlarge human rights

²⁷ Para 21 of Draft Commission on Human Rights Resolution “*United Nations Decade for Human Rights Education*”; U.N. Doc E/CN.4/2003/L.99 – adopted as Resolution 2003/70 (CoHR Resolution 2003/70), U.N. Doc. E/CN.4/RES/2003/70. It has to be stated here that the Resolution 2003/70 that is available online makes the wrong reference to the Report on Implementation (E/CN.4/2003/100), though remedying the error should be relatively easy for the Bureau.

²⁸ See, for instance, Article 13 of International Covenant on Economic, Social and Cultural Rights, Article 29 Convention on the Rights of the Child, Article 10 Convention on the Elimination of All Forms of Discrimination against Women, Article 7 International Convention on the Elimination of All Forms of Racial Discrimination.

²⁹ Para 9 of GA Resolution 48/127 (see note 8 above).

³⁰ Para. 16 of GA Resolution 57/212 (see note 20 above).

³¹ Para. 14 of Study on follow up; (see note 25 above).

³² Para. 14 of CoHR Resolution 2003/70 (see note 27 above).

³³ U.N. Doc. A/53/44 concerning U.N. Doc CAT/C/SR.328 and 329 of 11 May 1998.

³⁴ U.N. Doc. CERD/C/58/CRP = CERD/C/58/Misc.21/Rev.4 of 21 March 2001.

education in the legal profession.³⁵ The participatory process in these treaty bodies is more professional than in the Commission on Human Rights or other Charter-based protection mechanisms. Local and grass-root NGOs are frequently unable to write proper “shadow reports” and single issue NGOs – such as anti-racism NGOs – are not that familiar with international processes. Thus these NGOs and other potential participants have a need for empowerment and education that human rights education could provide. It is a vicious-circle if human rights education becomes a precondition for the promotion of human rights education via treaty bodies.

The empowerment of NGOs leads to another opportunity to sustain human rights education beyond the UN Decade, and involves the need of a Voluntary Fund for Human Rights education as outlined in the Programme of Action for the UN Decade.³⁶ Such a fund could be made accessible for NGO activities, for example projects, workshops and information campaigns, and it was for this reason that such a fund was incorporated in the draft of the resolution on human rights education at the 59th Commission on Human Rights.³⁷ The High Commissioner for Human Rights is here requested to consult with member states about the possibility of such a Voluntary Fund for Human Rights Education.³⁸

The General Assembly identifies further opportunities to address State obligations of human rights education by means the special mechanisms and procedures of the Commission on Human Rights. The Assembly therefore

Encourages all relevant mechanisms of the Commission on Human Rights, that is, 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 their agenda of their annual meetings, with a view to strengthening their contribution to human rights education.³⁹

This option was also stressed by the High Commissioner for Human Rights⁴⁰ and reaffirmed by the Commission on Human Rights.⁴¹

G. INTERNATIONAL COOPERATION AND PUBLIC INFORMATION CONTINUES

As shown at the beginning of this article, education *about* and *in* human rights should act to widen existing knowledge and serve as a basis for action. Human rights education could be seen as a joint venture uniting efforts to fulfil treaty obligations and comply with the duty to work together for human rights protection. When the UN Decade ends in 2004, treaty obligations and the duty to cooperate are all that will be left. That said, as shown, the obligations under certain provisions of human rights treaties are clearer after the UN Decade, as indeed is the duty of international cooperation. As a result of the UN Decade, there has been a noticeable shift in the appreciation of the concept of international cooperation from exchange of knowledge to content and means of knowledge.

At the beginning, the General Assembly recognized “that technical assistance, by the international interchange of technical knowledge through international co-operation, represents one of the means by which it is possible to promote the human rights objectives of the United Nations as set forth in the Charter and in the Universal Declaration of Human Rights.”⁴² By their commitments to the Charter of the United Nations and the Universal Declaration of Human Rights, Member States of the United Nations “have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.”⁴³

In 1988 the United Nations launched the World Public Information Campaign on Human Rights “to improve public knowledge in the field of human rights ... as ... essential to the fulfilment of the purposes of the United Nations.”⁴⁴ It was clear from the beginning that several of the activities under this Campaign were aimed at the

³⁵ U.N. Doc. E/C.12/1/Add. 68 of 31 August 2001.

³⁶ Para. 9 of GA Resolution 49/184 (see note 8 above) and further outlined Para. 51 Plan of Action (see note 13 above)

³⁷ Para. 9 of Study on follow up (see note 25 above)

³⁸ Para. 19 of CoHR Resolution 2003/70 (see note 27 above)

³⁹ Para. 17 of GA Resolution 57/212 (see note 20 above)

⁴⁰ Para. 15 of Study on follow up; (see note 25 above)

⁴¹ Para. 15 of CoHR Resolution 2003/70 (see note 27 above)

⁴² OP 2 of General Assembly Resolution “Advisory services in the field of human rights” of 14 December 1955, U.N. Doc A/RES/926 (X)

⁴³ OP 3 of *General Assembly Resolution “Thirty-five years of the Universal Declaration of Human Rights” of 9 December 1983* (GA Resolution 38/57); U.N. Doc A/RES/38/57

⁴⁴ OP 1 of General Assembly Resolution “Development of public information activities in the field of human rights” of 8 December 1988; U.N. Doc A/RES/43/128

“teaching of human rights at all levels, particularly in primary and secondary schools”⁴⁵ and ensuring the inclusion in “educational curricula materials relevant to a comprehensive understanding of human rights issues and encourage[ment of] all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes.”⁴⁶

However, the focus has shifted more to the evaluation of information or, in other words, the forward outcome. The Office of the High Commissioner for Human Rights is being urged to continue the development of human rights education and training materials. The Commission on Human Rights introduced in 2003 new concepts in a resolution on the World Public Information Campaign on Human Rights, a resolution it adopts every two years.⁴⁷ The Commission on Human Rights:

calls upon all Governments, the Department of Public Information, the Office of the High Commissioner and United Nations specialized agencies:

(a) To broaden knowledge globally of the international human rights standards and the corresponding United Nations mechanisms;

(b) To adopt an approach to the dissemination of information concerning human rights initiatives and activities aimed at making this information more readable, understandable and accessible in order to increase awareness of human rights and fundamental freedoms among the general public.⁴⁸

The methods of human rights education are introduced and based on certain stated values. There are also references to a creative mechanism of relevance to people's lives.

H. CONCLUSIONS

Although the UN Decade will be over in 2004 there is little hope that governments will improve their actions towards the fulfilment of their obligations in human rights education. With or without a second UN Decade and a Voluntary Fund for Human Rights Education, the obligations for States will last and the duty to cooperate meaningfully in human rights information will remain.

At the end of the UN Decade, a common standard for means, methods and methodology of human rights education will be established and form a permanent basis for all participants within and recipients of human rights education. Enhancement of human rights protection mechanisms has to start at the local and national level and the common denominator is a solid knowledge in human rights. It is therefore increasingly necessary to address the international obligations of public opinion leaders like the media, members of parliaments and other politicians. And again, it is the international standard that can help, as the Commission on Human Rights points out as it

calls upon Governments, in accordance with their national conditions, to accord priority, in particular among their parliamentary assemblies, to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide training, education and information in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments.⁴⁹

The NGO community should start to focus on the role of parliaments in human rights protection and responsibility for education.

⁴⁵ OP 6 of GA Resolution 38/57 (see note 43 above)

⁴⁶ Para. 10 of General Assembly Resolution “Development of public information activities in the field of human rights” of 7 December 1987; U.N. Doc A/RES/42/118.

⁴⁷ *Commission on Human Rights Resolution “Development of public activities in the field of human rights, including the World Public Information Campaign on Human Rights”* of 25 April 2001, U.N. Doc E/CN.4/RES/2001/63 and of 24 April 2003 (CoHR Resolution 2003/62); U.N. Doc E/CN.4/RES/2003/62.

⁴⁸ Para. 112 of CoHR Resolution 2003/62 (see note 47 above).

⁴⁹ Para. 14 of CoHR Resolution 2003/62 (see note 47 above).