

Universal Declaration of Human Rights. Preamble Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, peace and justice in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in the fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States 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, Whereas common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, 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 and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, non-self-governing or under any other limitation of sovereignty. Article 3 Everyone has the right to life, liberty and security of person. Article 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6 Everyone has the right to recognition everywhere as a person before the law. Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9 No one shall be subjected to arbitrary arrest, detention or exile. Article 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11 Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law. In the case of criminal offences, he shall enjoy the necessary and minimum guarantees for his defence. No one shall be held guilty of any criminal offence on account of acts which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the offence was committed. Article 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. Article 13 Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country. Article 14 Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations. Article 15 Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Article 16 Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Article 17 Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property. Article 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 20 Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. Article 21 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. Article 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. Article 23 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests. Article 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. Article 25 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance. A child, whether born in or out of wedlock, shall enjoy the same social protection. Article 26 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.

## CIFEDHOP

# HUMAN RIGHTS EDUCATION QUESTIONS AND ANSWERS

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# **HUMAN RIGHTS EDUCATION QUESTIONS AND ANSWERS**



## Presentation

The CIFEDHOP, a private Swiss foundation governed by articles 80 et seq. of the Swiss Civil Code, was founded in 1983 at the initiative of Mr. Jacques Mühlethaler. With its headquarters in Geneva, the CIFEDHOP operates under the supervision of the Swiss Confederation. The goal of the CIFEDHOP is to train teachers from all over the world in the teaching of human rights and peace. Since it was founded, the CIFEDHOP has had the same president and the same director, Mr. Guy-Olivier Segond and Ms. Monique Prindezis, respectively.

Every year, the CIFEDHOP organizes training sessions for human rights education in two or three languages. The CIFEDHOP teaching staff is composed of professors, researchers, employees of international organizations, and NGO leaders. The participants are primary and secondary school teachers, educators, and youth movement leaders. In collaboration with universities in Europe and North and South America, the CIFEDHOP has developed methods and instruments effective for teaching law to non-experts. To date, more than 4,200 teachers from Europe, Africa, the Americas, Asia, Oceania, and the Arab world have received training in human rights education from the CIFEDHOP.

At the same time, the CIFEDHOP – which has acquired recognized expertise in making human rights accessible to all – publishes works (in three languages) that are recognized and appreciated by international organizations (UNESCO, UNICEF, the Office of the High Commissioner for Human Rights, the Council of Europe) and by non-governmental organizations. They are widely distributed by these organizations and through their regional offices.

Furthermore, the CIFEDHOP has digitized and made available online the totality of its publications, and has created a discussion forum and an online follow-up platform to help training session participants continue their exchanges.

Since the Human Rights Council – which has as part of its remit human rights education – was created in 2006, the CIFEDHOP has worked with it in close collaboration on all questions relative to human rights education and training. Training session participants who come to Geneva become, when they return to their home countries, major multipliers on the national level, and develop follow-up activities in the field.

Finally, with its 28 years of recognized expertise, the CIFEDHOP played an important role within the Advisory Committee that developed the United Nations Declaration on Human Rights Education and Training, which was introduced by Switzerland and adopted by the United Nations General Assembly in December 2011.

### Awards

In 1989, French Prime Minister Michel Rocard presented the CIFEDHOP with the Human Rights Award of the French Republic on the occasion of the French Bicentennial.

# **HUMAN RIGHTS EDUCATION QUESTIONS AND ANSWERS**



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## Introduction

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Human Rights Education (hereafter HRE) has undergone a revival in recent years. On May 11, 2010, the Council of Europe adopted its Charter on Education for Democratic Citizenship and Human Rights Education.<sup>1</sup> That text was followed by an analogous one emanating from the United Nations General Assembly: the Declaration on Human Rights Education and Training, adopted on December 19, 2011.<sup>2</sup> In parallel, the latter organization is pursuing its plan of action in favor of HRE.<sup>3</sup> These two initiatives have brought a certain level of visibility to HRE on the international stage. After many long years, it is in fact the first time HRE has been the exclusive beneficiary of international texts.

One must go back to the UNESCO Recommendation of 1974 to find an equivalent text.<sup>4</sup> But that text had a broader mandate and was voted well before other texts addressing HRE. That is also true of the 1989 Convention on the Rights of the Child, which brought important contributions. The Convention's pertinence is all the greater because it is one of the instruments with the most states parties, and its provisions relative to the right to education were the object of a relatively precise and thorough general comment by the Committee on the Rights of the Child. As for the Human Rights Council, one of its missions is to promote HRE.

HRE is certainly present in a number of treaties. In the wake of the Universal Declaration of Human Rights, it was addressed, as a main subject, by the UNESCO Convention against Discrimination in Education, the International Covenant on Economic, Social, and Cultural Rights, as well as in the above-mentioned Convention on the Rights of the Child. It is also featured as a vehicle in the fights against racial discrimination and against discrimination against women, as well as in the prevention of torture.

Nonetheless, this scattering over numerous texts contributed to a dilution of HRE. And because it is combined with the right to education in the principal treaties, ensuing practice has placed HRE in the background in relation to formal education. Therefore, one of the principal merits of both the UN

*1 See annex for full text. Let us recall that HRE is absent from the European Convention on Human Rights. Protocol 1, which deals with education, does not mention it either. It is also absent from the European Social Charter.*

*2 See annex for full text.*

*3 See the resolution adopted by the General Assembly: A/RES/59/11.*

*4 November 19, 1974 recommendation concerning education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms.*

Declaration and the Council of Europe Charter was to establish HRE as a right unto itself. It is regrettable, however, that the UN Declaration did not adopt important wording included in an intermediate draft, specifically: "the right to human rights education and training is a fundamental right, inherent to the dignity of the human person."<sup>5</sup>

It is in this context that the CIFEDHOP, which closely followed the elaboration of the UN Declaration, as well as the sessions of the Human Rights Council Universal Periodic Review, has decided to dedicate a publication to HRE. In its training activities, the CIFEDHOP often encounters questions from participants. It is with the goal of offering an overview of HRE that this brochure - in a question and answer format - has been prepared. It includes elements from the CIFEDHOP's recent studies and publications in order to provide, to the extent possible, answers to the most frequent of those questions.

The brochure you have in your hands is organized around 15 questions and answers, presented according to a logical progression.

A first group (1 to 5) endeavors to take stock of HRE through its history, content, relationship to civic education, and its obligatory status, finishing with a presentation of the contents of the UN Declaration.

A second group (6 to 8) addresses law and rights more specifically: how to teach law, what are human rights, and how to teach procedure.

The third group of questions and answers (9 to 11) endeavors to take stock of international institutions that play a part in the domain, the means of oversight and control at their disposal, and the practice of states.

The last group (12 to 15) addresses thematic questions that are posed quite frequently: religion, rights and duties, freedom of education, and the environment.

While the sections are related, the development of each question is independent, and the order of presentation is not hard and fast. Depending on their centers of interest, readers can turn directly to any given question; reference is made to other relevant material at the end of each section with a symbol meaning "See also." In relation to each question, and whenever possible, original material - usually as box inserts - illustrates important developments: extracts from international treaties, judgments issued by various courts, documents issued by international institutions (in particular human rights committees), works by human rights specialists, etc.

*5 Human Rights Council Advisory Committee, Recommendation 4/2. Draft United Nations Declaration on human rights education and training, 29 January 2010*

The UN Declaration and the Council of Europe Charter are reproduced in full as annexes. We have also added a brief lexicon, while also directing readers to 100 and 1 Terms for Human Rights Education, consultable on the EIP website. The final annex consists of a list of resources that may be helpful to readers, along with a summary of their contents and indications for possible use.



The origins of HRE can probably be dated to the Enlightenment. Scientist and philosopher Nicolas de Condorcet (1743-1794), the author of major works on education, was the precursor. Indeed, he wrote:

The degree of equality in education that we can reasonably hope to attain, but that should be adequate, is that which excludes all dependence, either forced or voluntary. (...) We shall prove that, by a suitable choice of syllabus and methods of education, we can teach the citizen everything that he needs to know in order to be able to manage his household, administer his affairs, and employ his labor and his faculties in freedom; to know his rights and to be able to exercise them; to be acquainted with his duties and fulfill them satisfactorily; to judge his own and other men's actions according to his own lights and to be a stranger to none of the high and delicate feelings which honor human nature; not to be in a state of blind dependence upon those to whom he must entrust his affairs or the exercise of his rights...

*Condorcet, Sketch for a Historical Picture of the Progress of the Human Mind (1793-1794).*

It is probably his influence that led to a very significant inclusion in the preamble to the 1789 French Declaration of the Rights of Man and Citizen, in which we read: "ignorance, neglect, or contempt of the rights of man are the sole causes of public misfortunes and governmental corruption..."

More recently, HRE has its roots in the two global conflicts of the 20th century, in particular the Second World War. It is this reality in fact that opens the preamble of the Charter of the United Nations. States there declare themselves: "determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind." To that end, the organization affirmed as one of its purposes: "To achieve international co-operation (...) in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." Nonetheless, to be lasting, peace as well as respect for human rights must be integrated into/included in education and training. The first text to have formulated that requirement was the Universal Declaration of Human Rights (UDHR), complemented, honed, and enriched by numerous subsequent international texts.

1) The UDHR was adopted by the General Assembly of the United Nations on December 10, 1948. Its preamble immediately emphasizes HRE. Indeed, it proclaims: "This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in

mind, shall strive by teaching and education<sup>6</sup> to promote respect for these rights and freedoms.”

The importance of HRE in the Universal Declaration is intensified by Article 26, dedicated to the right to education. It does not simply recognize that “Everyone has the right to education”; it also states the purposes of that education. That is what is specified in paragraph 2, which can be seen as the cornerstone of HRE:

“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, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”

The second paragraph [of Article 26 of the UDHR] expresses the most central ambition of the Declaration’s drafters: phrases like ‘full development of the human personality’; ‘tolerance’; ‘friendship among all nations, racial or religious groups’ give educators the goals that should profoundly influence the very content of their teaching. (...)

Sixty years on, a lot remains to be done all over the world to orient the instruction provided to future generations as recommended. It is not certain that schools everywhere consider personal development to be as important as the accumulation of technical knowledge. The Declaration is closer to Montaigne, who preferred a well-made to a well-filled head. But above all, the mission of strengthening respect for human rights for all, citizens and immigrants, and encouraging the development of United Nations peace-keeping activities needs to be starkly confronted with today’s reality.

*Stéphane Hessel, “Droit à l’éducation”, in: M. Bettati, O. Duhamel and L. Greilsamer, La Déclaration universelle des droits de l’homme, Gallimard, 2008.*

It should also be noted that the preamble to the Declaration, as well as paragraph 2 of Article 26, were adopted with no opposition. For the latter, the first draft of the Declaration simply affirmed the right to education without any precision about the spirit in which should be provided. Non-governmental organizations requested, with support from states’ delegates, that the paragraph on the goals of education be introduced. Aside from a few discussions about details, it was adopted with no challenge from the states that were represented within the Human Rights Commission.

2) The United Nations Educational, Scientific and Cultural Organization (UNESCO) was the first to pick up the baton. The specialized agency of the United Nations was created by a treaty signed in London on November 16, 1945. Every state on the planet is a member, and they are therefore united by

<sup>6</sup> Underlined by the author.

the stipulations of its constitution, the preamble of which contains far-ranging statements, including:

“that wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed; that ignorance of each other’s ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war.”

The founders of the organization go on to draw the following conclusions:

“That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.”

3) Subsequently, the obligation to provide HRE was addressed in a number of international treaties, documents that are binding for states that have ratified them. The obligation is constant, and it appears in several forms and with a scope that varies depending on the purpose of the treaty in question. It is sometimes considered in a global manner, meaning that it applies to all education and all of humanity. That is the case for the International Covenant on Economic, Social and Cultural Rights, of which Article 13, paragraph 1 is worded as follows:

“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be 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. They further agree that education shall enable all persons to participate effectively 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.”

Similarly, we can cite the Convention signed on December 14, 1960 under the aegis of UNESCO, addressing Discrimination in Education. In Article 5, it establishes the same rule:

“The States Parties to the present Convention agree that:

(a) 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, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”

HRE is similarly provided for in a treaty relating to a category of persons significantly concerned by education: the Convention on the Rights of the Child, of which Article 29, paragraph 1 stipulates:

“States Parties agree 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;
- (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national 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.”

To these treaties that address HRE in a global manner, we need to add those that do so from a specific angle, specifically in the context of the fight against various discriminations. That is the case, for example, of Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination:

“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.”

It is equally true of Article 10c of the Convention on the Elimination of All Forms of Discrimination Against Women:

“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 a 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;”

And finally, we can mention the Convention Against Torture, which requires States to ensure that:

“education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil 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. (Article 10).”

More recently, HRE was the subject of a formal Declaration by the General Assembly of the United Nations.

 *Annex 1: United Nations Declaration on Human Rights Education and Training.*

 *Annex 2: Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.*



The necessity for HRE is already clear in the Universal Declaration. Its preamble makes it “a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education<sup>7</sup> to promote respect for these rights and freedoms and (...) to secure their universal and effective recognition and observance.” It is also present in Article 26, and has been addressed in a number of other treaties. Nonetheless, none of them clarify the content of the notion.

The UNESCO Recommendation of November 19, 1974 concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms is probably the first text that makes an attempt; it defines both “education” and “human rights”. Since then, more texts have been adopted, including the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education and the United Nations Declaration on Human Rights Education and Training.

Between the recommendation and the two declarations, a significant evolution is noticeable. The recommendation reveals an understanding of HRE limited to the transmission of knowledge about human rights, without addressing the conditions in which that transmission takes place. The Declaration of the UN General Assembly as well as the Council of Europe Charter go further: they promote a conception of HRE that closely associates the content and the form of teaching.

It should be noted that this evolution was already present in the Revised Draft Plan of Action for the first phase (2005-2007) of the World Programme for Human Rights Education. It states, in effect, that HRE should be understood as follows:

“Human rights through education: ensuring that all the components and processes of learning, including curricula, materials, methods and training are conducive to the learning of human rights;

Human rights in education: ensuring the respect of the human rights of all actors, and the practice of rights, within the education system.”<sup>8</sup>

Education researchers had already underlined that HRE is a discipline unlike others; it isn't taught the way one would teach mathematics or physics. They write: “Like civic education, human rights education has a dual purpose, cognitive and practical. It aims to transmit both knowledge about human rights

*7 Underlined by the author.*

*8 A/59/525/Rev.1, § 17.*

and attitudes and behaviors that are true to the values that underlie that knowledge, that coexist with its very definition.”<sup>9</sup> HRE is therefore transmission of knowledge, and at the same time it is transmission in a context and according to methods respectful of human rights.

The first dimension of HRE therefore consists of transmitting knowledge about human rights, the goal being not only to make those rights known, but also the guarantees provided to protect them, as well as the means available to individuals to promote them and to ensure their respect. The endeavor might seem daunting at first, given that the legal texts relative to human rights are many and of varying value, and that the language of law has the reputation of being abstruse.

That transmission is nonetheless possible and can be adapted according to age, level of instruction, and other factors. Indeed, the Universal Declaration of Human Rights can be seen as the foundation of international law on the subject and is itself based on the values of dignity and equality. The treaties that have been adopted in its wake simply specify the content of the rights it promotes and establish the modes of their exercise. Certain treaties adapt those rights to the specific conditions of certain categories of people.

And yet transmission alone is not sufficient; to reach the desired goal, it must take place in a context favorable to human rights, without which it is counter-productive. The same applies for the management of education and training institutions. François Audigier has written on this subject:

With regard to human rights education, the first requirement is to make certain that schools operate and are run as venues of rights. It is pointless to provide teaching in human rights, however interesting or in-depth it might be, in a school that functions outside the rules of law - to speak plainly, where human rights are flouted, either by students or by adults. Human rights education has no meaning when students attend schools - and more broadly in education and training establishments - under the reign of the arbitrary, the absolute power of a few, even when framed by common rules, etc.

*L'école et l'éducation aux droits de l'homme: six propositions pour débattre et agir.*

The same goes for the relationship between those who transmit the knowledge and those for whom it is intended:

**Teaching and preaching: actions speak louder than words.** This means avoiding any hypocrisy. At its simplest, hypocrisy refers to situations where what a teacher is teaching is clearly at odds with how he or she is teaching it. For example: "Today we are going to talk about freedom of expression - shut up in the back row!" In such circumstances, students will learn mostly about power, and considerably less about human rights.

*United Nations, Teaching Human Rights. Practical Activities for primary and secondary Schools, New York, 1989.*

This is the conception of HRE retained by the Declaration of the General Assembly in Article 2, paragraph 2:

"2. Human rights education and training encompasses:

- (a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- (b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others."

We can nevertheless consider that the Council of Europe Charter is even more complete, to the extent that it includes the democratic management of training centers in the definition of HRE:

"5e. Teaching and learning practices and activities should follow and promote democratic and human rights values and principles; in particular, the governance of educational institutions, including schools, should reflect and promote human rights values and foster the empowerment and active participation of learners, educational staff and stakeholders, including parents."

 7 - Human Rights

 8 - Teaching procedures



Civic education, also known as citizenship education, consists of transmitting the knowledge and skills necessary for training the citizen, meaning not an abstract person, but a member of a political community. Depending on the situation, it addresses the form of the state, its form of government, its various political institutions and the relationships among them, the organization of justice, apportionment, etc. Its goal is to spread knowledge of the organization and functioning of a state to those destined to become active - meaning aware of their rights and obligations - as citizens.

That education cannot therefore be abstract. There are many differences in the political organization of states resulting from the unique histories of each, including the following opposites: federal/unitary state; republic/monarchy; presidential/parliamentary regime; proportional representation/majority vote; unicameral/bicameral legislatures; jurisdictional unity/duality; elected/appointed judges; etc. This is perhaps one of the reasons for the silence of international texts on the subject.

In fact, civic education is absent from international texts relative to education. Within the United Nations, it is the object of no specific treaty or recommendation. The principal treaties dealing with educational goals and content are laconic. The International Covenant on Economic, Social and Political Rights is content to mention that education "...shall enable all persons to participate effectively in a free society..." (Article 13 paragraph 1). As for the Convention on the Rights of the Child, it limits itself to stipulating that education shall be directed to "...development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate..." It adds that education shall be directed to "...the preparation of the child for responsible life in a free society..." (Article 29 paragraph 1c and d). The same applies for texts adopted by UNESCO. There is occasional mention of "training citizens engaged in promoting peace, human rights, and democracy...", but civic education is not dealt with as such.

It would appear that the only international text dedicated to civic education is the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education. Adopted in 2011, the charter is interesting for several reasons. First, for its name; it deals not only with citizenship education but also with human rights education. Also, by substituting the expression "education for democratic citizenship" for "civic education", it underlines the necessity of democracy.

It then goes on to provide the definition of what should be understood by education for democratic citizenship.

**2. Definitions. For the purposes of the present Charter:**

a. "Education for democratic citizenship" means education, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law.

Similarly, by putting them in perspective, it limits the relationship between HRE and citizenship education.

**3. Relationship between education for democratic citizenship and human rights education**

Education for democratic citizenship and human rights education are closely inter-related and mutually supportive. They differ in focus and scope rather than in goals and practices. Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives.

While it recognizes the differences between HRE and citizenship education, it nonetheless recommends, from the point of view of methods, the same ideas for both. Thus, in Section II dedicated to Objectives and Principles, it establishes the principle according to which such education is not only limited to the transmission of knowledge, but that it must also influence educational practices.

5e. Teaching and learning practices and activities should follow and promote democratic and human rights values and principles; in particular, the governance of educational institutions, including schools, should reflect and promote human rights values and foster the empowerment and active participation of learners, educational staff and stakeholders, including parents.

It broadens the principle to the management of educational establishments, which is what it calls democratic governance.

8. Member states should promote democratic governance in all educational institutions both as a desirable and beneficial method of governance in its own right and as a practical means of learning and experiencing democracy and respect for human rights. They should encourage and facilitate, by appropriate means, the active participation of learners, educational staff and stakeholders, including parents, in the governance of educational institutions.

To conclude, let us note that beyond their differences, HRE and citizenship education are complementary. François Audigier writes: "...human rights are the foundation stone and the inspiration for all democratic citizenship. In this respect, they are necessarily present in all citizenship education, forming the legal and ethical kernel; however, while there is thus a very close relationship, the citizenship perspective refers more specifically to existing political communities and to rights and obligations specific to them; the human rights perspective carries a more immediate global openness, an openness due to the universal character of many of the texts adopted in the scope of international organizations."<sup>10</sup>

*10 Schools and Human Rights Education: Six Proposals for Debate and Action" in: CIFEDHOP, Educational Challenges and Human Rights, Genève, 2003.*

 *Annex 2: Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education*



The question of whether HRE is compulsory is a source of misunderstanding, even doubt, that allows states to shirk their obligations and, sometimes, for international oversight bodies to minimize the importance of HRE.

At the origin of this misunderstanding is the distinction that was made between civil and political rights, on the one hand, and economic, social, and cultural rights on the other. The former were recognized immediately claimable, meaning that they require, in general, no state intervention. The state must simply abstain from any action that could lead to violations. The latter require, for full realization, that the state provide a framework and resources necessary for the respect of the rights to health, housing, a decent standard of living, etc.

And yet, due to disparities in development among states and the difficulty for many of them of guaranteeing full enjoyment of rights, the drafters of the International Covenant on Economic, Social and Cultural Rights inserted a clause according to which: "Each State Party to the present Covenant undertakes to act (...) to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant..." (Article 2). A similar provision also figures in the Convention on the Rights of the Child, Article 28, paragraph 1: "States Parties recognize the right of the child to education, and with a view to achieving this right progressively..." On this basis, HRE would not be an obligation, but rather a goal that states commit to reaching "progressively" and "to the maximum of available resources" in the first case, and "progressively" in the second. This reasoning allows states to subordinate HRE to the realization of the right to education and therefore to postpone it indefinitely.

This interpretation is not admissible on several accounts.

First, the very wording of the treaties demonstrates it. Reading these various provisions and taking the conventions in the order they are cited above, it emerges that: "States (...) agree that education shall be directed..." (Covenant on Economic, Social and Cultural Rights); "States agree that education shall be directed to..." (Convention on the Rights of the Child). There is no room for doubt: via these conventions, states have contracted an obligation of results. That is the implication of the verb "agree". Moreover, the tense used is the present indicative, which is the tense used in law to signify what is mandatory. The commitments are therefore perfectly clear. These obligations are subject to no conditions.

The progressive nature of the realization of the right to education and/or its subordination to availability of resources mentioned in the two treaties

concern the realization of the right to education and not the content of the education once it is provided. In other words, both the Covenant and the Convention on the Rights of the Child take a state's capabilities into account with regard to creating an educational system. But once education is organized, even if for only one student, it must be directed toward the objectives set out in Article 13 paragraph 1 of the Covenant and Article 29 paragraph 1 of the Convention. The realization of the right to education is an obligation of means; the content of education is an obligation of results, meaning that states are committed to achieve, not only to endeavor to achieve.

The second argument that can be advanced to demonstrate the binding nature of HRE can be drawn from two international treaties that address HRE. These are the UNESCO Convention against Discrimination in Education and the Convention on the Elimination of All Forms of Racial Discrimination.

Article 5 of the former specifies that:

"The States Parties to the present Convention agree that:

- a) 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, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

Similarly, the latter stipulates 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 combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic 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."

However, unlike the Convention on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, at no point do these two treaties subordinate HRE to the availability of resources. In becoming parties to these two treaties, states have undertaken to organize the content of their education and teaching programs while respecting HRE.

In addition, though they only concern one part of HRE and certain categories of people, one can refer to two additional treaties that also do not subordinate HRE to the availability of resources.

First, the Convention Against Torture obliges states to ensure that "education and information regarding the prohibition against torture are fully included

in the training of law enforcement personnel, civil 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.” (Article 10).

Second, the Convention on the Elimination of All Forms of Discrimination Against Women provides in Article 10c: “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.”

Furthermore, given the number of states parties to the above-mentioned treaties, as well as the number of non-binding texts adopted by both the United Nations and UNESCO (resolutions, recommendations, action plans, decades, etc.) through which states have manifested their adherence to HRE, it is legitimate to consider that HRE has become an obligation, including for states that are not parties to the main treaties discussed. From this point of view, it is regrettable that the United Nations Declaration on Human Rights Education and Training subordinates of HRE to availability of resources (Article 7, paragraph 3), opting thereby for a narrower conception.

 1 - *The Origins of HRE*

 5 - *The United Nations Declaration on Human Rights Education and Training.*



## The United Nations Declaration on Human Rights Education and Training

5.

The United Nations Declaration on Human Rights Education and Training (hereafter “the Declaration”) was adopted by the General Assembly, having been drawn up in the Human Rights Council over a period of several years, during which certain intermediary versions differed somewhat from the final text.

The text is a declaration, meaning that it is not formally binding, and is therefore not an obligation for states. That said, it is not devoid of legal value. First, as a declaration of one of the main bodies on the international scene, states must take it into consideration in good faith and work for its realization. Also, in many ways the Declaration only reminds states of the obligations they undertook in accordance with international treaties which are themselves binding. In addition to the Universal Declaration of Human Rights, these are: the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, to which must be added, with more limited scope, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Forms of Discrimination Against Women, and the Convention Against Torture. All of these treaties set out, in one way or another, the obligation of providing human rights education (hereafter HRE).

The Declaration contains an 18-paragraph preamble that is intended to establish the fundamentals of the Declaration and to justify its elaboration and adoption. It is the framework in which the General Assembly reminds states that HRE is present, implicitly or explicitly, in a number of international texts, including certain treaties: the United Nations Charter, the Universal Declaration of Human Rights, etc. HRE is therefore not a new idea. It has been present in the objectives of the United Nations since 1945, or at least since 1948.

The Declaration then contains 14 articles, organized as follows: Articles 1 to 6 endeavor to define what should be understood by “human rights education and training”; Articles 7 to 9 and 14 establish the obligations and responsibility of states on the subject, Article 10 being dedicated to the role civil society should play in that education. Finally, Articles 11 to 13 deal with intergovernmental organizations, international cooperation, and human rights monitoring mechanisms - the Human Rights Council and the human rights treaty bodies, specifically.

To the Declaration’s credit, it contains a number of extremely important reminders:

- The central nature of HRE: Article 1 paragraph 2 states that “human rights education and training are essential for the promotion of universal respect for and observance of all human rights...”

- The definition of HRE, which is understood as an ensemble of two inseparable elements: human rights through education and human rights in education. That is what emerges from Article 2 paragraph 2. HRE is “providing knowledge and understanding of human rights norms and principles (...) through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners.” In other words, HRE must be practiced in a way that is itself respectful of the human rights of learners as well as teachers. HRE must, in addition, allow for the learning of means and procedures susceptible to obtaining respect for human rights.
- HRE is not limited to formal education: it is a “lifelong process that concerns all ages.” (Article 3 paragraph 1)
- The texts and principles on which HRE must be founded are considered exhaustively. The texts are the Universal Declaration and the ensemble of treaties relative to human rights. We can nonetheless regret the absence of reference to international humanitarian law. The principles are as follows: human dignity, equality and non-discrimination, taking into account of vulnerable or handicapped persons and groups, respect for the diversity of civilizations, cultures, and religions.

However, there are some weaknesses and inconsistencies in the Declaration.

- There is the confusion in Article 1 between freedom of expression and the right to human rights education. It states that “Everyone has the right to know, seek and receive information about all human rights...”; whereas one of the intermediate drafts made it a “fundamental right (...) closely related to the effective enjoyment of all human rights.” By specifying the right to obtain information as an individual right, the Declaration obscures both the fundamental and central nature of HRE and the obligations incumbent to the state to guarantee HRE.
- Article 7 paragraph 3 reiterates the idea, present in the Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, that the obligation to ensure HRE is conditioned upon resource availability. However, if the realization of the right to education requires resources that are not always available, particularly in developing countries, that is not the case for HRE, which is an adaptation of programs and methods used, particularly in schools.
- In Article 13 paragraph 2, “States are encouraged to include, where appropriate, information on the measures that they have adopted in the field of human rights education and training in their reports to relevant human rights mechanisms.” This formulation, particularly the verb “encourage”, would appear to make HRE a simple option for states, whereas

it is in fact an obligation set out in all of the relevant treaties. The reminder of that obligation would have been all the more pertinent because in the reports they submit to various institutions, states all too often remain silent about HRE.

- The Declaration's treatment of international and regional human rights mechanisms is also inadequate. According to Article 13 paragraph 1, these mechanisms "should (...) take into account human rights education and training in their work." It would have been more appropriate to focus on what is mandatory in these mechanisms, all the more so because the practice of the Human Rights Council and of many treaty bodies demonstrates that HRE is not granted, in their activities, treatment appropriate to its central nature.

Finally, questions remain about the perspectives opened by the Declaration. It is atypical in United Nations practice on the subject. In fact, in many cases, the organization adopts a declaration - a non-binding act - on a given question, establishing a certain number of principles and containing recommendations for states. Several years afterwards, a period of time usually dependant upon the evolution of ideas and the balance of power, it sometimes goes on to adopt on the same question an international treaty, which is binding. Though it is not systematic, we can cite the Universal Declaration in 1948, followed in 1966 by the two Covenants, the 1975 Declaration on the Protection of All Persons from Being Subjected to Torture followed by the 1984 Convention on the same subject, the 1975 Declaration on the Rights of Disabled Persons followed by a Convention on disabled persons' rights in 2006, etc.

The Declaration's atypical character results from the fact that it does not address a new question: human rights education has been present in international law from the start, beginning with the Universal Declaration. It only restates a right present in numerous treaties and, theoretically, within the competence of numerous bodies, in particular the Human Rights Council and the treaty bodies. Also, that this Declaration be followed by the adoption of a treaty is unlikely, and perhaps undesirable. With regard to content, it would duplicate existing treaties, with a risk of regression, and on the procedural level, it would add a supervisory body to an already saturated landscape.

 *Annex 1: The United Nations Declaration on Human Rights Education and Training.*

 *Annex 2: Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.*



Educating about human rights necessarily contains an element of teaching law. But that subject is widely reputed to be difficult, in particular with a language all its own, inaccessible to ordinary mortals. Without seeking to minimize it, that obstacle has been exaggerated. Actually, studies have demonstrated that the vast majority of legal terms originate in everyday language, something that is even more true with regard to human rights.

The role of law is not to state what is, but what should be. Law, with its various unique sanctions, is the tool used by human societies to transform the reality of social relations, encouraging respect for a number of values deemed essential: human dignity, freedom, and equality for the domain of human rights. So when the Universal Declaration states: "All human beings are born free and equal in dignity and rights", it is not describing reality but setting a goal to be reached.

With these preliminaries in mind, we can turn to the study of the legal texts, with a first precaution of determining legal validity. International law consists, first, of treaties, which are binding agreements among states. The name is of little importance: pact, treaty, convention, charter, protocol, etc. The binding nature is determined by the content, specifically whether the states, which are the authors, agree to commit to respecting the rules. The modalities that express that commitment, in particular through ratification, are generally in the final provisions.

To a lesser degree, international human rights law also contains acts that do not have the same binding force, even if they are not entirely devoid of legal effect. In general, these are acts voted within international organizations or diplomatic conferences. The names differ: resolution, recommendation, declaration, principles, etc., but their value is the same; they are incitements to act in a certain way. And they do not contain specific provisions about the procedures states should undertake.

Treaties relative to human rights are varied and numerous. Some of them address categories of rights, others categories of persons, while others treat specific prohibitions. But beyond these differences of purpose, there are similarities of structure. They focus first on delimiting more or less precisely the rights and prohibitions to which they are dedicated, then on the bodies and procedures provided for their application (court, committee, etc.), and in their final provisions they set out rules that govern the life of the treaty: the conditions of its entry into force; reservations and conditions of its validity; modifications that may be made (amendments); official languages; conditions for denunciation or withdrawal, etc. Provisions are unique to each treaty and can differ from one treaty to another.

A text of international law is intended to govern specific situations, so it is important to establish them with precision. Certain treaties do so explicitly. The Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment sets out in its Article 1 what it means by “torture”, but that definition is valid only when it comes to applying that convention. Similarly, the Convention on the Elimination of All Forms of Racial Discrimination defines what is understood by “racial discrimination”.

1. In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

It also defines what is excluded. It specifies in the second paragraph of the same Article 1 that it “shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.”

There are cases of treaties that do not provide definitions. The Convention against Torture does not define “cruel, inhuman or degrading treatment or punishment.” The task of doing so falls to the body responsible for applying it, in this case the Committee Against Torture. It does so either when cases are referred to it or by adopting general observations or recommendations in which it specifies the meaning to be given to a particular provision.

In becoming parties to a treaty, states compel themselves to respect obligations. There are nonetheless cases in which the treaty leaves states a margin for judgment. This is the case, for instance, with regard to what is called “affirmative action.” States may take, “when the circumstances so warrant”, measures in favor of certain racial groups to ensure the exercise of their rights in conditions of equality with other citizens and other groups that constitute the society. These measures are not considered to be discriminatory. Therefore, eliminating racial discrimination is an obligation; adopting affirmative action measures is an option. Similarly, a treaty can subordinate compliance by a state to conditions it specifies. This is the case, for instance, of the Covenant on Economic, Social and Cultural Rights, which conditions the rights it recognizes on the existence of available resources.

An HRE project can also benefit from acts issued by the various bodies responsible for ensuring compliance with treaties, in particular when they hand down decisions in the context of proceedings brought before them. The advantage is that these are not abstract situations, but the confrontation of law with concrete situations, allowing for an assessment of a state’s behavior with respect to its agreed-upon obligations. In addition, such

decisions provide an idea of the way different provisions are interpreted and applied.

The structure of these texts is different from that of the treaties. Whatever they are called (decision, judgment, finding), and regardless of scope, these acts take the same approach and have an identical structure. After having established the facts through a hearing, the body examines them in relation to the provisions of the treaty invoked in order to reach a decision about the existence of a violation. That is what the Human Rights Committee does when it is asked to comment on the notion of religion, or the European Court of Human Rights when it establishes criteria for a “reasonable time period”. Through these decisions, the treaty bodies give life to the treaties for which they are responsible.

● 8 - *Teaching Procedure*

● 12 - *HRE and Religion*

● 15 - *HRE and the Environment*



When involved in a human rights teaching project, one can become discouraged at first by the size of the task. Indeed, the relevant international texts on the subject can be counted by the dozen. The website of the United Nations Office of the High Commissioner for Human Rights, which makes them available online, demonstrates the situation well, especially when one takes into account, in addition to the treaties, acts which are not binding: principles, minimum rules, etc. The list must also include acts adopted in other international organizations, UNESCO and the ILO particularly, and those emanating from regional organizations such as the Council of Europe, the Organization of American States, the League of Arab States, and the African Union, to name the most important. This corpus of international human rights law is likely to provoke discouragement, even without considering the differences and even contradictions among the various texts.

Still, such a project is possible if we stick to the basic principles of human rights. Schematically, their modern history begins with the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948. It is the international extension of a long process marked by several stages: English texts, enlightenment philosophy, United States Declaration of Independence, the French Declaration of 1789, etc. The UN Declaration advanced that process, but was not its end; rather, it was the starting point and the framework for the development of the international human rights law outlined above.

Before addressing the rights it promotes, the Declaration sets out the fundamental principles from which all else will follow. The first sentence of Article 1 indeed states that: "All human beings are born free and equal in dignity and rights." From these values of dignity, freedom, and equality will stem the various rights and freedoms that the Declaration only needs to recognize since they are inherent to the human person.

Dignity refers to the value that attaches to every human being precisely by virtue of being human. It is what the preamble to the Declaration mentions, referring to "the inherent dignity (...) of all members of the human family." From the very fact of that dignity stems the freedom that consists, on the one hand, of the ability of human beings to determine their behavior autonomously and, on the other hand, of the absence of constraints except when they result from democratically adopted law. Equality also follows from human dignity, requiring that all members of the human family be treated equally, without any form of discrimination, and that they enjoy the same rights and freedoms.

Any education project can consequently take as its starting point the Universal Declaration. It is a short text, easy to read and understand. Its thirty

articles are all very concise. Some of them are only one or two lines, and the longest barely exceed ten. After affirming the principle of the equal dignity of all human beings, it goes on first to address civil and political rights. With these we can consider that the Declaration develops the theme of freedom. It then discusses the economic, social, and cultural rights that are related to the theme of equality, since it is a question of using means and mechanisms to enable the development of all individuals on equal terms.

However, the rights and freedoms in the Declaration are not recognized in absolute terms, with few exceptions. They are exercised within the context of the laws adopted by states, and those laws can impose limitations. The Declaration nonetheless establishes, in Article 29, the framework within which such restrictions are admissible. They must be established by law and must aim only to enhance respect for the rights of others or to protect legitimate interests (health, public order, etc.). In addition, no one may exercise the rights recognized by the Declaration to undermine the goals and objectives of the United Nations or the rights and freedoms that the Declaration itself establishes.

The Declaration is not a binding text, but over time it has become the matrix for a process of adopting binding international treaties, either within the United Nations or in various regional organizations. With the values contained in the Declaration and its provisions as a foundation, these treaties specify the content of human rights and also put in place mechanisms to monitor compliance, but within the framework of binding texts.

Among these treaties, some address categories of rights. This is particularly true of the two Covenants adopted in 1966: the first focuses on economic, social and cultural rights and the second on civil and political rights. There are others that aim to prohibit particularly serious violations of human rights: racial discrimination (1965), torture (1984), and enforced disappearance (2006). Others adapt the principles and rules of the Universal Declaration to the situation of certain categories of people: this is the case for women (1979), children (1989), migrant workers (1990), and persons with disabilities (2006). Finally, there are treaties related to specific fields, such as those adopted by the International Labour Organization that address the social sphere in general, as well as those of UNESCO in the field of education and culture.

A movement to regionalize human rights protections is also based on the values central to the Universal Declaration. The first manifestation of this was the European Convention on Human Rights, adopted in 1950 by the Council of Europe, followed in 1969 by a similar convention within the Organization of American States, by the African Charter of Human Rights and Peoples' Rights in 1981, and finally the Arab Charter on Human Rights in 1994.

The vast majority of these treaties, at the international as well as the regional level, have been supplemented by additional treaties, usually called "protocols", intended either to establish control mechanisms or to address rights that were not dealt with in the main treaty.

It is for these reasons that international human rights law appears so voluminous, abundant, and fragmented. There is some duplication. For example, the prohibition of torture is present in several treaties, as is freedom of association or the freedom of parents to ensure the education of their children. There are sometimes nuances from one treaty to another. Yet this is the price to pay given the absence of one international legislature and therefore one international law. International society is indeed mainly composed of sovereign subjects: states. As a result, agreement between states is the prerequisite for the recognition of human rights.

The human rights recognized in these treaties do not all enjoy the same degree of protection. To take the example of the International Covenant on Civil and Political Rights, only some of those rights are absolute: the right to life; the right not to be tortured or subjected to inhuman or degrading treatment; the prohibition of slavery and servitude; the non-retroactivity of criminal law; the right to recognition of legal status; the right to freedom of thought, conscience, and religion; the prohibition of imprisonment for debt. States may not depart from these rights, whatever the circumstances. However, in most cases states may restrict the enjoyment and exercise of rights, though only under certain conditions. Finally, it should be noted that economic, social, and cultural rights are not necessarily actionable, being subject to the condition of the existence of resources.

However, the treaties are not binding on the states merely because of their adoption. States still must agree to be bound by them. And from that point of view, the situation is very uneven. Some treaties have been accepted by a very large majority of states around the world (for example the Convention on the Rights of the Child), whereas others, for various reasons, have not met with the same degree of adherence (Convention on the Rights of Migrant Workers). Furthermore, states frequently express reservations upon acceptance of a treaty, meaning that they exclude the application of certain provisions.

As for implementation, various means are provided for, depending on circumstances: reports from states, communications from states, individual communications, investigations, referrals to courts. The situation is very uneven in this respect as well. The procedure of periodic reports is generally accepted, but there are often delays and it remains quite ineffective. State communications have remained part of theory, states clearly being reluctant to question each other in the domain of human rights. As for individual

communications, they usually require that the state in question adhere to the treaty, as well as an additional formality (adherence to an optional protocol or a declaration accepting the competence of the monitoring body), to which relatively few states agree.

*Websites where you can find and download the texts:*

United Nations: <http://www.ohchr.org/>

International Labour Organisation: <http://www.ilo.org>

UNESCO: <http://www.unesco.org>

Council of Europe: <http://hub.coe.int/en/>

Organization of American States: <http://www.oas.org/en/>

African Union:

<http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>

Education about procedures is an essential element of HRE. HRE includes acquisition of knowledge and transmission of behaviors, but it also extends to knowledge about ways and means to assert and enforce rights. These means are diverse, differing from one treaty to another as they also differ in effectiveness. We will not discuss here reporting procedures, nor state communications given that this means has only rarely been used in the context of European Convention and never within the United Nations. So we will limit ourselves to individual communications before United Nations committees and individual appeals to the courts.

Each body established for the protection of human rights operates according to rules determined by the treaty that established it, supplemented in most cases by internal regulations. However, the procedure is always broken down into two stages: the stage of admissibility and the stage of examining the merits of the complaint.

1) Before examining the merits of an application, the body being addressed decides about its jurisdiction. States are only bound by treaties they have expressly consented to. So the body addressed must decide on its legal capacity to consider the matter before it. It therefore asks a number of questions:

- Has the state in question ratified the treaty?
- Is the right referred to provided for in the treaty?
- Was the provision recognizing that right the object of reservations by the state?
- Does the concerned state recognize the competence of the body?
- Is the conduct in question subsequent to the entry into force of the treaty for the state against which the application has been introduced?
- Did the conduct in question occur in a place covered by the treaty?

Only in the event that the body responds positively to all of these questions can it move on to the following steps.

It must also decide whether the complaint meets all of the conditions for being considered on its merits. These conditions are set out by the treaty in question and they can differ from one body to another. They may concern form (complaints must be submitted in writing), the period within which the communication must be introduced, the ban on anonymity, etc. Among the most important conditions, which are shared by all treaties, two are frequently raised.

The first condition is that the complainant must have exhausted all remedies provided by domestic law. This condition is based on the principle that international courts and other related bodies play a subsidiary role. They can only receive complaints if the national legal system provides no means to stop the alleged violation. Indeed, this is the argument most often put forward by states accused before these bodies. Decisions by relevant bodies reveal that this condition is not evaluated in a rigid manner. For example, the Human Rights Committee considers that the filing period for actions must be reasonable and that they must be useful. That is what emerges from the following case:

The Committee considers that the application of domestic remedies has been unduly prolonged. (...) It has not been demonstrated by the state party that the other remedies it refers to are or would be effective, in light of the serious and grave nature of the allegation, and the repeated attempts made by the author to elucidate the whereabouts of her husband. Therefore, the Committee considers that the author exhausted domestic remedies in conformity with Article 5(2)(b) of the Optional Protocol.

*Louisa Bousroual v. Algeria, Communication No. 992/2001, views adopted on 30 March 2006 (excerpts)*

The second condition is that the action is inadmissible if the same matter is being examined by another international authority. It would have to be an authority capable of providing a result that would end the violation, which excludes, for example, the extra-conventional mechanisms established by the United Nations, as the following case demonstrates.

[The Committee] notes that the disappearance of the author's grandmother was reported to the Working Group on Enforced or Involuntary Disappearances in 1997. However, it recalls that extra-conventional procedures or mechanisms established by the Commission on Human Rights or the Economic and Social Council, and whose mandates are to examine and report publicly on human rights situations in specific countries or territories, or on major phenomena of human rights violations worldwide, do not constitute a procedure of international investigation or settlement within the meaning of Article 5, paragraph 2 (a), of the Optional Protocol. Accordingly, the Committee considers that the examination of Daouia Benaziza's case by the Working Group on Enforced or Involuntary Disappearances does not render it inadmissible under this provision.

*Benaziza v. Algeria, Communication No.1588/2007, views adopted on 26 July 2010*

2) It is only once the questions of jurisdiction and admissibility have been settled that the body can move on to examine the merits of the complaint. At this stage, many treaties provide for the possibility of terminating the

proceedings through an amicable settlement, which is an agreement between the complainant and the accused state to put an end to the dispute. This procedure is conducted by the body in question and leads to an act that repeats the content of the complaint. It should be noted that in most cases the treaties specify that this settlement must occur in the context of respect for the rights guaranteed by the treaty in question.

3) Failing an amicable settlement, the examination of the complaint continues according to a procedure in which we find all of the characteristics of a trial, including the principle *Audi alteram partem*, or “hear both sides”. But insofar as it is an unequal contest, an individual against a state, the various courts and bodies have been led to relax certain rules, for example with regard to the burden of proof. In law and in general, it is up to the one who complains of a violation to provide the proof. However, sometimes it is difficult to provide proof because it is in the hands of the state. In these cases, the body frequently reverses to burden of proof, meaning that it is for the state to prove the violation did not occur. This is demonstrated by the following case.

The Committee reaffirms that the burden of proof cannot rest on the author of the communication alone, especially considering that the author and the State party do not always have equal access to the evidence and that frequently the State party alone has the relevant information. (...) In cases where allegations are corroborated by credible evidence submitted by the author and where further clarification depends on information exclusively in the hands of the State party, the Committee considers an author’s allegations sufficiently substantiated in the absence of satisfactory evidence and explanations to the contrary presented by the State party.

*Cheraitia v. Algeria, Communication No. 1328/2004, views adopted on 10 July 2007*

At the issue of the adversarial process, the body will compare the conduct attributed to the state with the provisions on the treaty to decide on the existence of a violation. And to do so, it is led in many cases to interpret the treaty. For example, Mr. Gjashta makes a complaint before the European Court of Human Rights, asserting that the Greek criminal courts were too slow in judging him. He invokes Article 6 § 1 of the European Convention on Human Rights, which stipulates that: “In the determination of (...) any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal.” In order to make its decision, the Court is led to clarify the notion of “reasonable time”. Which is what it does in the following judgment.

#### A. Period to be considered

13. The Court notes that the period under consideration began on 17 June 2001, with the applicant's arrest, and ended on 22 November 2004, with decision no. 1989/2004 of the Court of Appeals of Athens. It therefore lasted three years and five months for the trial and appeal.

#### B. Reasonableness of the length of the proceedings

14. The Court reiterates that the reasonableness of the length of proceedings must be assessed with regard to the circumstances of the case and to criteria established by its jurisprudence, in particular the complexity of the case and the conduct of the applicant and the relevant authorities.

15. The Court notes, first, that in this instance the case is of a certain complexity, because it involved acts of possession and trafficking of drugs. In addition, several individuals were involved, a circumstance that can complicate the course of a procedure due to the need to hear a large number of witnesses.

16. However, with regard to the conduct of the courts, the Court finds an idle period lasting from 12 July 2002, date of the applicant's conviction by the Court of First Instance of Athens, to 22 November 2004, when decision no. 1989/2004 of the Court of Appeals of Athens was published. The Government records no legal action by the competent courts during that period. While it is true that the total duration of the procedure, three years and five months for two courts, can not in itself be regarded as excessive. Nevertheless, a criminal case has a vital impact on the personal freedom of the individual. In this case, the applicant had already been imprisoned following decision no. 1894/2002 of the Court of First Instance of Athens. He therefore had to wait for his appeal for a period exceeding two years and four months while still incarcerated. In the opinion of the Court, in this context, the inactivity of the authorities during the period in question is in itself sufficient to conclude that the legal proceedings exceeded a reasonable time allowance within the meaning of Article 6 § 1 of the Convention .

Consequently, there has been a violation of this provision.

*European Court of Human Rights, 18 October 2007, GJASHTA v. GREECE*

The international institutions charged with ensuring compliance by states with their obligations with regard to HRE are numerous, perhaps even too numerous. The result is a dissipation of the oversight efforts, with the possibility of divergences among the various bodies, and these divergences are barely mitigated by a coordination still in its infancy. The dissipation is due to the structure of international law itself, composed mainly of international treaties; each treaty is independent, not only with regard to content, but also for the modalities of its implementation. Therefore, we will present the monitoring mechanisms that exist within the United Nations, then those of UNESCO, and finally those under regional treaties.

### **The UN**

Within this organization, three types of evaluation and control of state practice on HRE can be identified: the committees established by the various human rights treaties; the Universal Periodic Review; and the Special Rapporteur on the right to education.

#### *The Treaty Bodies*

“Treaty bodies” means the structures set up to monitor the implementation of treaties to which states are parties. The most important human rights treaties have provided for such bodies. The committees are composed of independent experts, and they decide on the implementation of the treaty for which they are responsible, but only for states parties to the treaty, to which they are authorized to make recommendations. The committees that may comment on HRE are many, even if the extent of their competence varies. By descending order of importance, these are:

The Committee on Economic, Social and Cultural Rights, which is probably the most pertinent. It must ensure the implementation of the International Covenant on Economic, Social and Cultural Rights, the treaty that addresses most comprehensively the right to education, covering the ensemble of humanity. The Covenant addresses all forms and all levels of education and teaching: primary, secondary, technical and professional, higher, as well as basic education. And since HRE is provided for in Article 13 paragraph 2 of the Covenant, the Committee’s mission on HRE is quite extensive.

The Committee on the Rights of the Child comes immediately after the Committee on Economic, Social and Cultural Rights, in terms of affected population. This is the committee responsible for monitoring the

Convention on the Rights of the Child, ratified by almost every country in the world. Thanks to its Article 29, which is relatively comprehensive and precise on HRE, this committee has an important role to play on the subject.

The Committee on the Elimination of Racial Discrimination was established by the Convention on the Elimination of All Forms of Racial Discrimination, one of the first treaties relative to the protection of human rights. States parties undertake to take measures to eliminate racial discrimination in all areas. Education is doubly present. First, states must promote equal access to education; then they must take steps so that its content fights racial prejudice, promotes understanding and tolerance among peoples, and promotes the principles of the Universal Declaration of Human Rights.

The Committee on the Elimination of Discrimination Against Women is provided for by the Convention on the Elimination of All Forms of Discrimination against Women. The Committee can play an important role in HRE, although this role is confined to issues of discrimination related to the female gender. In addition to making states responsible for eliminating discrimination against women in all areas (economic, social, political, family, etc.), the Convention seeks to address the problem at its roots, which is to say through education. It therefore obliges states to revise school curricula at all levels and in all forms of education in order to eliminate any stereotyped concept of the roles of men and women.

The Committee Against Torture, responsible for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would seemingly have nothing to do with human rights education, but that is absolutely not so. In fact, human rights training and education must be present in school and university curricula, but also in the training of all those who, through their professional activities, can potentially undermine it. That is why the Convention imposes on states the obligation of including the prohibition of torture in the training of civilian and military personnel responsible for law enforcement, of medical personnel, of public employees, and of all personnel involved in any way in the arrest or detention of persons.

#### *Extra-conventional mechanisms*

These are so named because they are not provided for by the specific treaties; they are established by the UN under the human-rights related provisions in the Charter of the United Nations.

The first is the Universal Periodic Review, under the auspices of the Human Rights Council, a subsidiary body of the General Assembly. The human rights performance of each state is examined in reference to the Universal

Declaration of Human Rights, the treaties to which it is a party, and to international humanitarian law. HRE is concerned insofar as it appears in numerous treaties, and also because the Council is responsible, among other things, for its promotion.

The second is the Special Rapporteur on the right to education. The special rapporteur procedure consists of entrusting a person, usually an independent expert, with the mission of examining a given issue, for example a right or a country, from the point of view of human rights. The mission of the Special Rapporteur on the right to education consists of examining the progress made on the right to education and thus on HRE. This is done through periodic reports providing a general overview; through reports specifically dedicated to the right to education in particular situations (emergencies) or the right to education of particular groups of people (people in detention; girls; people with disabilities); or through reports on the situation in the countries that have agreed to receive the special rapporteur. All of these reports can be accompanied by recommendations.

## **UNESCO**

This organization is concerned with HRE to the utmost degree. Indeed, one of its principal missions concerns education, and it has therefore been led to adopt a number of texts related to this aspect of education. These include the Recommendation on Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, of November 19, 1974, and the Convention against Discrimination in Education, dated 14 December 1960. UNESCO is therefore required to examine the practice of states with respect to these two texts.

## **Regional Organizations**

Within the African Union, HRE is provided for in two treaties. The first is the July 1990 African Charter on the Rights and Welfare of the Child. This Charter provides for a committee of the same name that examines state reports, can be referred communications, and has the power to investigate. The second is the African Youth Charter, of July 2, 2006. The African Union Commission is responsible for its monitoring.

Within the Organization of American States, HRE is provided for by the Additional Protocol to the American Convention on Human Rights dealing with Economic, Social, and Cultural Rights. The body responsible for monitoring compliance is the Inter-American Commission on Human Rights.

In the case of the Council of Europe, HRE figures neither in the European Convention on Human Rights nor in the European Social Charter, which deals with economic and social rights. However, the organization has

adopted a recommendation on education for democratic citizenship and human rights education. No oversight procedure is contained therein, aside from cooperation with the Council and with other Member States.

8 - *Teaching Procedure*

10 - *Which Monitoring Mechanisms?*

While human rights education is an obligation of the states, procedures for monitoring compliance with this obligation must be provided for. International law has at its disposal a panoply of means of varying effectiveness. These procedures range from absent to largely theoretical to neglected.

### 1) Theoretical means

- a) Moving from the most effective procedure to the least, we will start with the possibility of petitioning an international court whose decisions are binding.

The international landscape currently contains three such courts: the European, American, and African courts of human rights. Of the three, the only one likely to be referred a case about HRE is the Inter-American Court of Human Rights, and only the Inter-American Commission of Human Rights may do so. Furthermore, the treaty that provides for the possibility specifies that, in the exercise of the functions entrusted to it, the court must take into account "...the progressive nature of the observance of rights subject to protection by this Protocol." (Article 19 of the Protocol).

As for the European Court, it should be noted that the European Convention on Human Rights as well as its protocols do not mention HRE in their provisions. HRE was however the subject of a recommendation by the Committee of Ministers of the Council of Europe, though it provides no oversight procedures. As a result, the decisions of the Court relative to education focus essentially on the right of parents to ensure the education of their children in conformity with their religious and philosophical convictions.

- b) The second procedure, which is somewhat similar to the first, is the individual communication. This is the possibility for individuals to petition a body - usually a committee - with a view to seeing it rule on one or more violations of a treaty to which a state is party, violations of which they are the victims. The review of the communication occurs during a hearing, as in a court, and the communication can lead to a finding of a violation of the treaty accompanied by recommendations.

The committees most relevant to HRE cannot receive individual communications. On the one hand, the Convention on the Rights of the Child does not provide for the possibility and, secondly, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which provides for this type of remedy, has not entered into force. Adopted on 10 December 2008, by November 2012 there were only 8 ratifications.

- c) The third procedure consists of state communications. This is the hypothesis according to which a state party to a treaty introduces a complaint against another state party to the same treaty in which the former alleges that the latter is not fulfilling its obligations. In general, the institution addressed must attempt conciliation and, failing that, publish a report along with possible recommendations. Theoretically, such a complaint can be brought against a state which does not organize HRE. It should however be noted that this procedure is not provided for by the Convention on the Rights of the Child, nor the one relating to the elimination of discrimination against women. In addition, as previously noted, the Protocol to the International Covenant on Economic, Social and Cultural Rights which provides for this procedure has not entered into force, and therefore the Committee in charge of the Covenant cannot receive complaints.

It must be noted that such a remedy is highly unlikely. Indeed, while this remedy is provided for by many treaties relating to human rights, practice demonstrates the extreme reluctance of states to use it. Proof: no UN Committee has ever received a communication of this kind.

- d) The fourth and final procedure - and the least effective - consists of the periodic report. States are required to submit to the relevant international institution (committee, international organization, etc.) reports on the measures they have taken to concretize the provisions of the treaties they have ratified. This procedure is provided for in many cases, by United Nations treaties as well as within the International Labour Organization and UNESCO.

Preparing the report is the responsibility of the state, and often it is done without involving non-governmental organizations and civil society. In the case of UN Committees, public scrutiny of the report gives rise to a debate with the state and results in recommendations that, theoretically, should be taken into consideration for the preparation of the next report.

In this context, HRE should be included in reports to several institutions. In addition to the low normativity of results for this procedure, it should be added that the reports often experience delays that are sometimes very significant, 20 years or more for some countries.

We see that, in law or in fact, just like other economic, social, and cultural rights, HRE is the poor cousin when it comes to oversight procedures. It is effectively included only in the procedure of periodic reports, which nonetheless reveals many gaps in practice.

## **2) HRE, state reports, and their follow-up**

State reports that should address HRE involve many institutions. An examination of real practice provides a disappointing assessment. Indeed, HRE seems to be the victim of a sort of hierarchy implicit in the functioning of these

institutions. They seem to consider, particularly with regard to developing countries, that it is first necessary to address access to education, while human rights education remains in the background.

- a) This is clear from the practice of the Human Rights Council, particularly in the context of the Universal Periodic Review. The results of the first sessions showed that most states neglected HRE in their reports and, moreover, that they often had a truncated or erroneous understanding of it. Some limit it to secondary school, others confuse it with civic education, while others still limit it to the popularization of the Convention on the Rights of the Child. In addition to state reports, the UPR also requires consideration of information from intergovernmental and non-governmental organizations. Once again, except for a few rare cases, HRE is absent. This omission is even more glaring in the recommendations adopted at the end of this procedure; HRE is virtually absent.
- b) We then turn to the various committees concerned in one way or another with HRE, and which should be evaluated on two levels: the extent to which they incorporate HRE in their guidelines addressed to states for the preparation of reports and the importance of HRE in the evaluation of reports and recommendations to states.

With regard to reporting guidelines, the answer is nuanced, with some of them granting it the place it should have. This is particularly true of the Committee on the Rights of the Child, whose guidelines are precise and relatively complete. It addresses HRE in all its dimensions; paragraph 113 deals with the issue of human rights through education.

#### B. Aims of Education (art. 29)

113. Please indicate the legislative, administrative, educational and other measures adopted to ensure that the aims of education established in the State party are consistent with the provisions of this article, in particular with regard to: (...)

- The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations, indicating whether the subject of human rights in general, and children's rights in particular, has been incorporated in the school curricula for all children and promoted in school life; (...)
- The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- The development of respect for the natural environment.

Then paragraph 114 addresses human rights in education, with particular attention to school organization.

114. Reports should also indicate:

- The training provided to teachers to prepare them to direct their teaching towards these aims; (...)
- Efforts made to bring school organization in line with the Convention's principles, for example mechanisms created within schools to improve the participation of children in all decisions affecting their education and well-being.

*Guidelines from the Committee on the Rights of the Child for the preparation of periodic reports (HRI/GEN/2/Rev.3) (excerpts)*

The Committee on the Elimination of Racial Discrimination is also reasonably effective. With regard to Article 7 of the Convention, according to which states should take, in the field of teaching and education, effective measures to fight racial discrimination and promote human rights, it requests inclusion of information about:

1. The legislative and administrative measures, including some general information on the educational system, taken in the field of education and teaching to combat racial prejudices which lead to racial discrimination;
2. The steps that have been taken to include in school curricula and in the training of teachers and other professionals, programmes and subjects to help improve understanding of human rights issues which would lead to better understanding, tolerance and friendship among all groups. Information should also be provided on whether the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the Convention are included in education and teaching.

Other committees provide a less adequate place, including the Committee on Economic, Social and Cultural Rights, which is paradoxical given the fact that this Committee is the most concerned with the right to education and HRE. But it seems to favor economic, social and cultural rights, whereas human rights are indivisible. In very terse fashion, it merely asks states to:

58. Indicate to what extent the form and substance of education in the State party are directed towards the aims and objectives identified in Article 13, paragraph 1, and whether school curricula include education on economic, social and cultural rights.

*Guidelines from the Committee on Economic, Social and Cultural Rights for the preparation of periodic reports (excerpts)*

When we turn to the importance these committees grant to HRE in the examination of reports and what place it occupies in the recommendations made to states, here again the results are disappointing. Some committees, including in particular the Committee on Economic, Social and Cultural Rights, grant it marginal consideration. Others grant somewhat more attention but it remains limited and uneven. This is demonstrated by a study of the functioning of the Committee on the Rights of the Child.

In considering reports that made no mention of human rights education or addressed it allusively, the Committee does not seem to have a consistent approach. To Congo (Observations on the initial report) and Tanzania (Observations on the 2nd report) respectively, it recommends “integrating human rights and in particular the Convention on the Rights of the Child in school curricula at all levels” (§70) and “including human rights education in school curricula” (§ 56). In contrast, there is no mention in observations to Kiribati, Samoa, Senegal, and Swaziland. In Mali, it makes a recommendation limited to Koranic schools: ensure they comply with the national curriculum and the aims of education (Comments on second report, § 62).

Similarly, the Committee does not have a consistent approach with respect to states that have limited themselves to providing instruction and have neglected human rights in the organization of education. This remark is even more pertinent given that it concerns a relatively large number of states among those studied: Azerbaijan, Benin, Ethiopia, Ghana, Honduras, Jordan, Lebanon, Mexico, and Oman. The Committee makes no recommendations as to reforms to be introduced in the organization of education. This gap merits additional attention given that, in its General Comment No. 1, it insists that “...children should also be learning rights by observing their application in practice, and this equally in the family, at school, and in the community. Education in the field of human rights should (...) have as a starting point the realization of values relative to human rights in the daily lives and learning of children.” (§ 15).

As for the Special Rapporteur on the right to education, his mandate focusing principally on the achievement of the latter, it is only in recent years that he began to pay attention to HRE. Thus, following a visit to Morocco, he “...welcomed the introduction of human rights into the curriculum and textbooks, noting the need to further and systematically train teachers in human rights. He also welcomed the 2002 revision of school manuals and, echoing observations made by civil society, noted that further efforts were needed to erase gender stereotypes from school manuals and to introduce a gender and human rights perspective in the education system.” However, he qualifies his assessment of how this education was provided.

(...) The Special Rapporteur noted with concern that the teaching of human rights was often delegated to local associations, with no supervision as to the content and quality of their teaching. Under the subject “education on citizenship” an amalgam of concepts, not always in line with international human rights law, was taught and referred to as human rights. Disparities in the content and quality of the teaching of human rights were strongly denounced by civil society. Moreover, the Special Rapporteur highlighted the importance of ensuring that human rights are not only taught as a subject, but are also integrated into the education process as part of school life. In that context, he called on the authorities to continue their actions against corporal punishment in schools, which is already prohibited.

*Report of the Special Rapporteur on the right to education. Preliminary note on the Mission to Morocco (27 November-5 December 2006), A/HRC/4/29/Add.2 (excerpts)*

8 - Teaching Procedure

9 - Which International Institutions?

To get a complete and accurate picture of state practice on human rights education, the only elements we have to judge are those figuring in the periodic reports that states are required to submit to the relevant institutions. As we review them, we must keep three elements in mind.

- First, being exhaustive is practically impossible; that would presuppose an analysis of all the reports from all states about all the treaties that provide for HRE in one way or another. Recourse to sampling is therefore necessary.
- We must then consider the reporting guidelines from the various committees relative to HRE, and interest in the question of HRE is uneven.
- Finally, we must take into account the conditions in which reports are prepared. In some - rare - cases, states work with the segments of civil society concerned with the question in preparing the reports: teachers, parents, national institutions for the promotion of human rights, etc. These reports can be considered to reflect reality. Otherwise, and this is the most common practice, reports are made without prior consultation and it is possible that the presentation of the situation is embellished.

We make the following remarks based on reports submitted to the Committee on the Rights of the Child. This choice is justified by several considerations: the right to education is primarily applicable to children; the Convention on the Rights of the Child has been ratified by almost all states; and, finally, the Committee on the Rights of the Child established its doctrine on human rights education at the time of the adoption of its General Comment No. 1 on the aims of education.

1) A first group of states can be identified by the absence of human rights education in their reports: total absence or information so summary that it can be considered lacking. This is the case for Congo and Kiribati, for whom it was the initial report. We can also include in this group other states whose reports are limited to indications so terse that we can consider human rights education to be absent. Here are a few examples:

- "Train pupils to recognize and practice both their prerogatives and obligations as active members of a democratic society that respects peace and the fundamental rights of persons and citizens." (Mali, 2nd report § 516);
- "School textbooks (...) have been revised to incorporate the concept of peace, tolerance, understanding and dialogue." (Mauritius § 455);
- The initial report from Samoa simply mentioned that human rights are taught in the framework of the social sciences curriculum;

- Education must aim to provide “the acquisition of civic awareness and skills to participate effectively in a democratic society.” (Swaziland, Initial Report § 418);
- Senegal’s initial report makes reference to a 1991 law that recognizes that “equality in the diversity of origins and beliefs makes freedom and tolerance essential elements” of national education “which bases its secularism upon them.” (§ 121);
- Finally, Tanzania, which establishes as education goals promoting acquisition of “respect for the principles of human dignity and human rights...” and inculcating “the principles of national ethics and integrity, national and international cooperation, peace and justice.” (Initial Report § 337).

This group, characterized by absence, can also include states that have integrated human rights education into school curricula but without making it mandatory. This finding emerges not from the reports themselves, but from the Committee’s comments, probably made on the basis of information available to it from other sources, or that it obtained during other stages of the process: this is the case of Hungary, about which the Committee on the Rights of the Child regrets that “the teaching of human rights is not part of the compulsory curriculum...” (§ 52) and Thailand, where it finds that human rights education is at the discretion of teachers (§ 64).

2) The second group shows complete confusion of HRE and religion. The archetype seems to be Saudi Arabia. The following excerpts from its initial report speak for themselves.

6. A careful review of Islamic law clearly shows that Islam has guaranteed comprehensive rights for the child before as well as after birth. Islam makes the world of a child a beautiful world, full of love, happiness and joy. It ardently seeks to instil the love of children into adults and urges them to plan and form a family that can ensure harmonious development, respect and equality for all its members, particularly children. It also emphasizes the importance of protecting children, safeguarding their right to life and preserving a healthy environment conducive to their sound development. (...)

212. Article 30 of the Basic System of Government stipulates that the State shall provide public education and shall commit itself to the eradication of illiteracy. Likewise, Article 29 affirms that the State shall foster the sciences, arts and culture, encourage scientific research, preserve the Arab and Islamic heritage and contribute to Arab, Islamic and human civilization. Moreover, Article 13 stipulates that the aim of education is to inculcate the Islamic faith in the young generation and develop their knowledge and skills so that they can become useful members of society who love their homeland and take pride in its history. (...)

226. The aim of elementary education is: to develop the Islamic faith in the minds of children, provide them with a comprehensive moral and intellectual education shaped by Islamic values, teach students Islamic prayers, virtues and good conduct, develop children's basic skills, especially in language, arithmetic and physical education, further children's general knowledge in all subjects, develop children's aesthetic sense and imaginative thinking, develop children's understanding of the rights and duties of citizenship, instil love of learning and the value of work and train children to make constructive use of their leisure time. (...)

#### Secondary stage

228. This stage aims to consolidate the student's devotion to the one God, to the homeland and to the Islamic nation and develop the student's scientific thinking, spirit of research, systematic analysis and sound academic methods.

Jordan could also be included, even if its position is less clear-cut. In its first report, Jordan considers that one of the aims of education is to understand "the faith and religious law of Islam and consciously observe its values and teachings" (§ 127). In its third report, it nonetheless identifies human rights being taught in the context of several disciplines. (§ 264).

3) The third group is that of reports that note the presence of HRE in the education system, but it is reduced to only one of its dimensions: human rights through education. It would not appear that these countries have introduced reforms or measures with a view to human rights in education.

Here we find the following countries: Azerbaijan, Benin, Ethiopia, Ghana, Honduras, Jordan, Latvia, Lebanon, Mexico, Oman and Uzbekistan. In addition, in some cases the conception of this education is sometimes confused, sometimes restricted. This is the case for example of Azerbaijan, which mixes - in a flight of prose that does not want for lyricism - patriotism, chivalry, and human rights; of Hungary, whose conception is focused primarily on minorities; of Jordan, which articulates religious education and human rights education; and of many reports that reveal human rights education reduced to only the rights of the child or that confuse civic education and human rights education (Latvia and Uzbekistan, for example).

4) The last category is that in which, at least if the reports are an accurate reflection of reality, HRE is practiced in a manner consistent with the treaties. We can cite Lichtenstein as an example.

#### 10.2 Educational goals (art. 29)

270. Children and young people should be taken seriously with respect to their ideas, feelings, and behavior. Children and young people thereby acquire the skills to act autonomously, to make responsible decisions, and to

develop a healthy willingness to perform.

271. In their function as a social learning environment, schools give students the opportunity to get to know the conditions of living together, to recognize human society in all its diversity, to build up relationships, to work together with others, and to take responsibility for the community. Of central importance is also to attain the ability to conduct discussions, to respect divergent opinions, and to resolve conflicts through argumentation. Schools should help children and young people acquire the skills to recognize ecological connections and the effects of human behavior on the environment, and to develop an awareness of the responsibility of humans towards nature.

272. Human and children's rights are integrated into the curriculum in the subject "People and the Environment". The overarching goal is that students understand the principles of human rights and that they orient their actions accordingly, i.e., to stand up for their own rights and to accept the rights of others. They learn to understand, differentiate, and scrutinize fundamental values, human rights, and value system. They deal with different cultures and the related traditions, religions, and value systems. They thereby develop an ethical awareness from which they derive their own behavioral and action patterns. They learn about human rights through concrete examples and grasp them in their importance for the world and their own lives. Possible points of departure are topics such as justice, solidarity, personal engagement, structural injustices, hunger, racism, oppression, persecution, unemployment, and poverty.

*Lichtenstein, CRC 2ème rapport, 14/7/05, CRC/C136/Add.2*

This is also the case for Chile.

223. The curricular reform is based on the principles enshrined in the Political Constitution, the Constitutional Organization Act on Education, and the national laws, as well as on the Universal Declaration of Human Rights and the country's major spiritual traditions. It stems from the fundamental conviction that all human beings are born free and equal in dignity and rights. (...)

225. The primary and secondary education curricular reform, begun in 1996, focuses on the systematic training of students in the knowledge, skills and values that will enable them to exercise their rights as citizens and play an active and critical role in the construction of society on the basis of principles of solidarity, care of the environment, pluralism, the common good, enhanced national identity, and democracy. Specific cross-cutting fundamental objectives are defined in relation to the rights of the child, human rights and citizenship. Their aim is to incorporate and facilitate the pertinent minimum content of the subject in the various learning subsectors and to encourage their development through the various aspects of school culture. They in-

clude the school environment, education proper, regulations and discipline, and areas of participation.

*Chili, 3rd report, 20/12/05, CRC/C/CHL/3*

8 - *Teaching Procedure*

10 - *Which Monitoring Mechanisms?*



International law does not have much to say about religion. Elaborated by a group of countries with very diverse beliefs and convictions, it holds to a certain neutrality that can be reduced to the ideas of freedom, non-discrimination, and tolerance.

### Definition

No text in international law defines religion. Arguably, such a definition could lead to a questioning of the freedom of religion. So we proceed by enumeration: religion or belief should be understood, in addition to more traditional religions, as including other beliefs such as agnosticism, freethinking, atheism, rationalism, etc. With regard to the application of Article 18 of the Covenant of Civil and Political Rights, the Committee on Human Rights has had to limit its scope.

2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.

*Human Rights Committee, General Comment No. 22, Article 18 (Freedom of thought, conscience, and religion) 1993*

However, we can not invoke freedom of religion for just any beliefs. International bodies are therefore led to question the seriousness and conviction of those who claim freedom of religion. Some Canadian citizens are members of a church called the "Assembly of the Church of the Universe." The beliefs and practices of that church involve the care, cultivation, possession, distribution, maintenance, and cult of the "sacrament" of the church. This sacrament, referred to as "God's Tree of Life", is known as cannabis sativa or, more simply, marijuana. Arrested and brought before the courts, they filed a complaint with the Human Rights Committee against Canada for, among other things, a violation of Article 18. For procedural reasons, the Committee decided that the communication was inadmissible, but it took the opportunity to provide its interpretation of the concept of religion in the case before it.

In particular, a belief consisting primarily or exclusively in the worship and distribution of a narcotic drug cannot conceivably be brought within the scope of Article 18 of the Covenant (freedom of religion and conscience)...

*Human Rights Committee, communication n°570/1993, 8 April 1994, M. A. B., W. A. T. and J.-A. Y. T v. Canada*

## Freedom and restrictions

Religion is mentioned again in the provisions that affirm its freedom, at the same time as the freedom of conscience and thought: Articles 18 of the Universal Declaration and the International Covenant on Civil and Political Rights, 9 of the European Convention, 12 of the American Convention, 8 of the African Charter, etc. It is even recognized to the benefit of the child, in Article 14 of the Convention on the Rights of the Child. Freedom of religion implies the freedom to change religion and to not have one.

5. The Committee observes that the freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief.

*Human Rights Committee, General Comment No. 22, Article 18 (Freedom of thought, conscience, and religion) 1993*

It should be noted that freedom of religion is one of the rights and freedoms that, even in exceptional circumstances, is non-derogable, and to which states may apply no restrictions. However, the freedom to manifest one’s religion may be subject to restrictions by states, though such restrictions are governed by conditions laid out in the treaties. For example, the conditions in the Covenant on Civil and Political Rights are as follows: they must be provided for by law and pursue a legitimate aim listed in the treaty, namely the protection of national security, public order, public health or morals, or the rights and freedoms of others.

Freedom of religion is also addressed when various instruments recognize the right of parents to choose the kind of moral and religious education given to their children.

## Non-discrimination

In the enjoyment and exercise of human rights, there can be no discrimination on the grounds of religion. In other words, human rights can not be denied to an individual for religious reasons: not belonging to the dominant religion or belonging to a particular religion. This prohibition of discrimination is present in all of the most important international texts: Article 2 of the Universal Declaration and the two Covenants; European, American and African human rights Conventions. In addition, no derogation of this prohibition is admitted, even in the event of exceptional public emergency.

9. The fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including Articles 18 and 27, nor in any discrimi-

mination against adherents to other religions or non-believers. In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under Article 26.

10. If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under Article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it.

*Human Rights Committee, General Comment No. 22, Article 18 (Freedom of thought, conscience, and religion) 1993*

## **Tolerance**

Finally, religion is present in international human rights law in terms of tolerance, especially when it addresses the aims of education. This movement was initiated by the Universal Declaration, according to which education should "...promote understanding, tolerance and friendship among all nations and all racial or religious groups" (Article 26). It was confirmed by numerous treaties, including the Covenant on Economic, Social and Cultural Rights (Article 13 paragraph 1), the Convention on the Rights of the Child (Article 29 paragraph 1), etc.



It is fairly common for promoters and defenders of human rights to be criticized for addressing only rights and neglecting duties. This is often the attitude of human rights detractors, but also of people of good faith who have inaccurate ideas on the subject. To demonstrate that this is in fact groundless, a review of the history of human rights is necessary.

1) In the following extract, René Cassin, one of the drafters of the Universal Declaration of Human Rights, provides us with some elements of an answer.

If we first discuss the conditions under which the notion of human rights has emerged in the past and has been the subject of statements in exceptional legal instruments: declarations, unilateral or conventional charters, etc., we must remember that these instruments still have their origin in a conflict, a struggle, and sanction a protest or claim to freedoms and guarantees directed by subjects against the arbitrariness of the King, the sovereign or, more generally, the holder of state power.

Such was the case for the gentlemen who imposed in 1215 the Magna Carta on King John of England, the colonists of the State of Virginia who rose up against the King of England, and the Third Estate in the French Revolution of 1789, against the King of France.

*René Cassin, "On the place of individual duties in the Universal Declaration of Human Rights", Mélanges offerts à Polys Modinos. Problèmes des droits de l'homme et de l'unification européenne, Pedone, Paris, 1968.*

We might add that the situation of individuals before the emergence of human rights was characterized by the predominance of duties and the non-existence of rights: duties to family, to lord, to state, to god, etc. So the story of the birth and evolution of human rights is ultimately the story of the struggle against these various subordinations to established powers of every nature.

This was the case of Protestants who fought for freedom of religion at a time when people were forced to embrace the religion of the prince; also for the inhabitants of the thirteen American colonies whom the King of England would subject to taxes without representation in parliament, whence the slogan "no taxation without representation." The same is true for the French revolutionaries: during the drafting of the Declaration of the Rights of Man and Citizen of 1789, one part of the Constituent Assembly, namely the clergy, had prepared a draft Declaration of the Duties of Man and Citizen, which was rejected.

In all of these cases, a proclamation of the duties of man, which would supposedly be the counterpart of his rights, was avoided because it could have been a source of challenge to the recent achievements of the emancipation

movements. This is all the more true since the term “duty” has strong moral and religious connotations and it is not very common in the language of the law, which prefers the term “obligation”, to which we will soon turn. It is therefore understandable that the duties of man are so marginal in the international instruments relative to human rights.

2) Thus, if we limit ourselves to the main texts, the term “duty” is almost absent. The notion is present in Article 1 of the Universal Declaration of Human Rights, which states that all human beings “... should act towards one another in a spirit of brotherhood” and in Article 29: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” As for the two Covenants, the concept of duty is present in the preamble they share, which states that “...the individual, having duties to other individuals and to the community...is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant.” In addition, the Covenant on Civil and Political Rights refers to the concept of duty with regard to the freedom of expression. The exercise of the latter, understood as the right to seek, receive and impart information, “...carries with it special duties and responsibilities (and) may therefore be subject to certain restrictions” (Article 19 paragraph 3). The same is true of the European Convention on Human Rights, where the concept of duty only appears specifically with regard to freedom of expression (Article 10), in terms similar to those in the Covenant on Civil and Political Rights.

3) However, other texts grant an important place to human duties, though, with no claim to being exhaustive, it would appear that there are only two.

The first is the American Declaration of the Rights and Duties of Man, of May 2, 1948. The tone is set in the preamble: “The fulfillment of duty by each individual is a prerequisite to the rights of all. Rights and duties are interrelated in every social and political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty.” Chapter 2 (Articles 29 to 38) of the declaration is dedicated to those duties: duties to society and between parents and children, to receive instruction, to vote, to obey the law, serve the community and the nation, etc.

The second is the African Charter on Human and Peoples’ Rights of 27 June 1981. Without making reference to duties in the preamble, it devotes Chapter II (Articles 27 to 29) to them, with substantially the same content as the American Declaration.

The use of the word “duty” in these texts distorts perspective, confusing ethics - behaviors related to morality and religion - and rights, meaning the rules of life in society, which are legally sanctioned. In other words, the term “duty” implies that the expected behavior is rooted in the will of the individual: “I must...” However, human rights are practiced in the context of law,

and it is law that provides a framework for them by establishing limits, which are all obligations required from individuals. The American Convention on Human Rights, which was adopted in 1969 in the wake of the above-mentioned Declaration, indeed abandoned the duties approach; it contains no mention of duty, except in an extremely cursory manner.

The counterpart to rights, from the legal point of view, is not duties, but obligations. Setting out rights and duties in the same text can create doubt about the legal value of rights, and suggest that, like duties, they are only a question of ethics.

*Jean Rivero, Public Liberties. Human Rights, PUF, Paris, 1987.*

It is not because the term “duty” is not used that human rights are absolute.

4) First, the enjoyment and exercise of human rights may be suspended by states; this is known as the right of derogation. This possibility is subject to a certain number of conditions: there must be an exceptional danger threatening the existence of the nation; it must be recognized by an official act (state of emergency, for example); and the measures taken in this context must not be discriminatory. Derogation by states can affect all human rights, with the exception of those enumerated in a closed list. For instance, the list provided for by the International Covenant on Civil and Political Rights is as follows: the right to life, the right not to be tortured or subjected to inhuman or degrading treatment, the prohibition of slavery and servitude, the prohibition of imprisonment for debt, the non-retroactivity of criminal law, the right to recognition as a person before the law, and the right to freedom of thought, conscience and religion.

5) Within these limitations, recognized rights can be restricted. The framework has been established by Article 29 of the Universal Declaration, which focuses on the limitations that may affect the exercise of human rights. They may be limited in order to ensure recognition and respect for the rights and freedoms of others or for meeting the fair requirements of the general interest; similarly, the rights and freedoms it recognizes cannot be exercised contrary to the purposes and principles of the United Nations (Article 29). The Declaration also states in its last article: “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of the rights and freedoms set forth herein.” This is what will be specified more precisely in the treaties concluded in the wake of the Universal Declaration.

If we take the Covenant on Civil and Political Rights, in most cases the rights and freedoms recognized therein may be subject to restrictions. For example, Article 17 prohibits arbitrary or unlawful interference with privacy, family, home and correspondence. In contrast, these interferences are legal when

they are exercised within the framework of the law and in the general interest and when they are not arbitrary. The same is true of Article 18.

### **Article 18 of the Covenant on Civil and Political Rights**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Freedom of thought, conscience and religion may not be subject to any restriction, which is perfectly normal because they are interior and they are not likely to disrupt social order. In contrast, in the same article, the freedom to manifest one's religion may be subject to restrictions necessary to protect a number of legitimate interests. The same applies to the liberty of movement (Article 12), freedom of expression (Article 19), assembly (Article 21), association (Article 22), etc. The same approach underlies other international treaties on human rights, whether universal or regional.

In other words, the fact that international texts seldom mention duties does not in any way indicate that rights are absolute. Except for those listed exhaustively, they may be subject to restrictions which are all obligations on individuals. The possibility for member states to impose obligations on individuals has not disappeared; it is simply that the Universal Declaration and subsequent treaties have imposed conditions: that the restrictions and limitations be established by law in a democratic society and that they pursue a legitimate aim. In the felicitous words of Mireille Delmas-Marty, what international law does is "reason with reasons of state."

Present in the vast majority of the major human rights instruments, freedom of education has often been a source of tension between states and families, particularly with regard to the moral and/or religious education to be provided to children in schools. Families have been granted the priority. The second aspect of freedom of education, which is a consequence of the first, consists of the freedom to create educational institutions.

### **Freedom of choice of moral and religious education**

Article 26 paragraph 3 of the Universal Declaration of Human Rights states: "Parents have a prior right to choose the kind of education that shall be given to their children." This right was established by the two Covenants, but from different angles. The International Covenant on Economic, Social and Cultural Rights addressed it in the context of the right to education, specifying that states must undertake "to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, (...) and to ensure the religious and moral education of their children in conformity with their own convictions." (Article 13 paragraph 3).

In the International Covenant on Civil and Political Rights, the freedom of parents to choose the moral and religious education is also provided, as a part of the freedom of thought, conscience and religion. Article 18 paragraph 4 stipulates: "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

We should also note that this freedom is included in the UNESCO Convention Against Discrimination in Education (Article 5, paragraph 2), and in two regional treaties: the Additional Protocol on Economic, Social and Cultural Rights to the American Convention on Human Rights (Article 13 paragraph 4) and the First Protocol to the European Convention on Human Rights (Article 2).

This freedom, that promotes respect for different religious or philosophical beliefs, results in an obligation of neutrality for the state. It can not use education for the purposes of indoctrination. And this is how the Human Rights Committee, and also the Committee on Economic, Social and Cultural Rights, have interpreted, respectively, Article 18 paragraph 4 of the Covenant on Civil and Political Rights, and Article 13 paragraph 3 of the International Covenant on Economic, Social and Cultural Rights.

6. The Committee is of the view that Article 18.4 permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way. The liberty of parents or legal guardians to ensure that their children receive a religious and moral education in conformity with their own convictions, set forth in Article 18.4, is related to the guarantees of the freedom to teach a religion or belief stated in Article 18.1. The Committee notes that public education that includes instruction in a particular religion or belief is inconsistent with Article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians.

*Human Rights Committee, General Comment No. 22 (48), Article 18 (1993). See also, Committee on Economic, Social and Cultural Rights, General Comment 13, The Right to Education (Article 13 of the Convention), 1999, § 28.*

Three elements are clear:

- It is possible to include subjects related to religion in public school curricula, provided that they are taught in a neutral and objective manner
- It is also possible to teach a particular religion, but in this case...
- Parents who do not profess that religion must be able to obtain an exemption for their children.

This is the meaning of the Human Rights Committee ruling in the case of *Leirvåg c. Norway*. Norway has a state religion professed by the great majority of the inhabitants: the Evangelical Lutheran Church. It is taught in schools with a right of exemption for children whose parents profess another religion. In 1997, the government introduced a new subject, called "Christian Knowledge and Religious and Ethical Education", with the goal of transmitting a "thorough knowledge of the Bible and Christianity." Parents who were unable to obtain a full exemption from this course for their children brought the issues before the Human Rights Committee. The Committee first examines how this teaching is provided, and concludes:

14.3 (...) Some of the preparatory discussions of the Act referred to above make it clear that the subject gives priority to tenets of Christianity over other religions and philosophies of life. In that context, the Standing Committee on Education concluded, in its majority, that: the tuition was not neutral in value, and that the main emphasis of the subject was instruction on Christianity. The State party acknowledges that the subject has elements that may be perceived as being of a religious nature (...). Indeed, at least some of the activities in question involve, on their face, not just education in religious knowledge, but the actual practice of a particular religion. It also transpires from the research results invoked by the authors, and from their personal experience that the subject has elements that are not perceived by them as

being imparted in a neutral and objective way. The Committee concludes that the teaching of CKREE cannot be said to meet the requirement of being delivered in a neutral and objective way...

*Human Rights Committee, Communication No. 1155/2003, Leirvåg v. Norway, 23 November 2004.*

The Committee then examines the extent to which the partial exemption system that is provided is of a nature to enable respect for the liberty of parents to ensure for their children the religious education of their choice. It concludes:

14.6 The Committee considers, however, that even in the abstract, the present system of partial exemption imposes a considerable burden on persons in the position of the authors, insofar as it requires them to acquaint themselves with those aspects of the subject which are clearly of a religious nature, as well as with other aspects, with a view to determining which of the other aspects they may feel a need to seek - and justify - exemption from. (...) In this respect, the Committee notes that the CKREE subject combines education on religious knowledge with practising a particular religious belief, e.g. learning by heart of prayers, singing religious hymns or attendance at religious services (paragraph 9.18). While it is true that in these cases parents may claim exemption from these activities by ticking a box on a form, the CKREE scheme does not ensure that education of religious knowledge and religious practice are separated in a way that makes the exemption scheme practicable.

14.7 In the Committee's view, the difficulties encountered by the authors, in particular the fact that Maria Jansen and Pia Suzanne Orning had to recite religious texts in the context of a Christmas celebration although they were enrolled in the exemption scheme, as well as the loyalty conflicts experienced by the children, amply illustrate these difficulties. Furthermore, the requirement to give reasons for exempting children from lessons focusing on imparting religious knowledge and the absence of clear indications as to what kind of reasons would be accepted creates a further obstacle for parents who seek to ensure that their children are not exposed to certain religious ideas. In the Committee's view, the present framework of CKREE, including the current regime of exemptions, as it has been implemented in respect of the authors, constitutes a violation of Article 18, paragraph 4, of the Covenant in their respect.

*Idem.*

### **Freedom to establish schools**

This freedom is also found in many treaties. The International Covenant on Economic, Social and Cultural Rights specifically states: "Nothing in this article shall be construed so as to interfere with the liberty of individuals and legal persons to establish and direct educational institutions..." It also

appears explicitly or implicitly in the other texts mentioned above: the UNESCO Convention, the Additional Protocol to the American Convention, and the First Protocol to the European Convention. This freedom applies to all levels: nursery, primary, secondary, university and education centers for adults.

However, this freedom is not absolute. The creation and management of private educational institutions may be subject to standards prescribed by the state with regard to admission, curricula, recognition of diplomas, etc. In addition, the content of teaching that is provided must comply with the content of education as provided by the Universal Declaration of Human Rights: "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, tolerance and friendship among all nations and all racial and religious groups, and shall further the activities of United Nations peacekeeping." This limit to the freedom of education and the creation of educational institutions is reflected in numerous treaties: the International Covenant on Economic, Social and Cultural Rights, the UNESCO Convention, the American Convention, etc.

Final note should be made that states are not required to fund or participate in the funding of private schools, whether religious or not. However, if such funding is provided, it must be non-discriminatory. The UNESCO Convention against Discrimination in Education, with regard to providing assistance to schools, therefore prohibits any restriction or preference "... based solely on the fact that pupils belong to a particular group" (Article 3d). This is illustrated by *Waldman v. Canada*. In the Province of Ontario, Canada, under the constitution, public Catholic schools are, by virtue of their public nature, financed by the state, which does not however fund any other religious schools, public or private. Mr. Waldman, of Jewish faith, appealed to the Human Rights Committee on this matter of difference in treatment. The Committee found a violation of Article 26 of the Covenant relative to equality and non-discrimination.

10.4 The Committee begins by noting that the fact that a distinction is enshrined in the Constitution does not render it reasonable and objective. In the instant case, the distinction was made in 1867 to protect the Roman Catholics in Ontario. The material before the Committee does not show that members of the Roman Catholic community or any identifiable section of that community are now in a disadvantaged position compared to those members of the Jewish community that wish to secure the education of their children in religious schools. Accordingly, the Committee rejects the State party's argument that the preferential treatment of Roman Catholic schools is nondiscriminatory because of its Constitutional obligation. (...)

10.6 (...) In this context, the Committee observes that the Covenant does not oblige States parties to fund schools which are established on a religious basis. However, if a State party chooses to provide public funding to religious schools, it should make this funding available without discrimination. This means that providing funding for the schools of one religious group and not for another must be based on reasonable and objective criteria. In the instant case, the Committee concludes that the material before it does not show that the differential treatment between the Roman Catholic faith and the author's religious denomination is based on such criteria. Consequently, there has been a violation of the author's rights under Article 26 of the Covenant to equal and effective protection against discrimination.

*Human Rights Committee, Communication No. 694/1996, Waldman v. Canada, 5 November 1999.*



The relationship between human rights and the environment is not simple. They belong to relatively distinct sets of international law. The former are supported by texts of international human rights law aimed at protecting the rights and freedoms recognized for every human being. The latter are the province of international environmental law, the purpose of which is to protect the environment, in the general sense, against the many attacks to which it is subjected. But from the very fact that we want to protect what “environs” man, follows that the two sets overlap, at least partially.

From an historical perspective, the environmental question has long been absent from the international scene. Apart from a few treaties on international rivers or animal species, states were not concerned with the protection of the environment. Starting in the 1970s, the need for environmental protection began emerging on the international scene. The reasons are well known: resource depletion, marine pollution, acid rain, destruction of the ozone layer, deforestation, disappearance of plant and animal species, threats of climate change due to the greenhouse effect, etc.

A first international conference was held in Stockholm, Sweden, in June 1972. In addition to testifying to emerging awareness, the conference adopted the Stockholm Declaration on the Human Environment that captures the environmental issue in a holistic manner, and for the first time. It was followed 20 years later by a similar conference in Rio de Janeiro, Brazil, largely in the same vein, at which was adopted the Rio Declaration on Environment and Development.

In the intervening years, many international and regional treaties were adopted, but they do not directly address human rights. They deal either with the protection of specific natural features (biodiversity, maritime areas, flora and fauna, etc.), or with pollution, the impact of which countries agree to limit: pollution of the seas by petroleum products, waste, the discharge of pollutants into the atmosphere, etc. During this same period, it became clear that human rights are affected in one way or another by environmental problems.

To present these relationships clearly, it is possible to organize them into 4 main questions:

- Does international law establish, and to what extent, the right to live in a healthy environment? Is the right to live in a healthy environment a human right?
- Can environmental protection be invoked to justify restrictions on the enjoyment and exercise of human rights?

- Can the enjoyment and exercise of human rights be affected by environmental damage, and if so, what are the solutions contributed by international law?
- Does international law provide for an individual obligation to respect the environment?

### **1 - Is the right to live in a healthy environment recognized?**

This right is absent from the central texts relating to human rights. Neither the Universal Declaration nor the two UN Covenants adopted in 1966 mentions such a right. This reality is even more pronounced for the other treaties that address specific categories of people or specific infringements on human rights (torture and racial discrimination, for example). The reason is obvious: all of these texts were adopted at a time when environmental concerns were absent from the international scene. However, without it being explicitly formulated, we can consider that such a right can be deduced from the right to health. The International Covenant on Economic, Social and Cultural Rights enshrines "...the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." (Article 12 paragraph 1; Article 24 paragraph 1 of the Convention on the Rights of the Child is similar). And insofar as various forms of environmental pollution are likely to affect health, the right to a healthy environment, or rather to one that is not harmful to health, is recognized indirectly.

In contrast, the texts adopted since the dawn of awareness in the 1970s tend increasingly to recognize that right, albeit somewhat chaotically. The first of these texts is the Stockholm Declaration mentioned above. Principle 1 states clearly: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being." This is essentially what the Rio Declaration restates: "Human beings (...) are entitled to a healthy and productive life in harmony with nature."

But when we turn to binding texts, that is to say international treaties, the landscape is more varied. Some of them make environmental protection an obligation for states without recognizing the right to a healthy environment. This is the case of the Charter of Fundamental Rights of the European Union adopted in 2000. In other cases, paradox reigns. The African Charter on Human and Peoples Rights establishes "...the right to a general satisfactory environment" as a people's right. But a few years later, in 2003, the Additional Protocol to the African Charter on the Rights of Women accords women "the right to live in a healthy and sustainable environment" and the "right to sustainable development..." (Articles 18 and 19). Also of note is the Additional Protocol to the American Convention on Human Rights of 1988, which establishes "...the right to live in a healthy environment...", yet without providing for individual complaints for violations of that right.

Particular mention should be made of the Aarhus Convention, which, without establishing the right to a healthy environment, intends to contribute to such a right. Its full title gives an idea of its contents: Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. In its first section, it recognizes the individual's right to access information about the environment, and in a relatively free manner. At the same time, it imposes on states the obligation to share the information they have on the environment at regular intervals. In its second section, it requires states to involve the public prior to any decision that may affect the environment. This requires not only informing the public, but also organizing procedures that people can participate in if they are willing: public hearings, meetings, and debates. In its third section, it requires states to provide for appropriate remedies and effective access to justice in the event that human rights are affected or are likely to be affected by damage to the environment.

Developed and adopted within the United Nations system (Economic Commission for Europe), it has been ratified by 44 states, in Western Europe but also the states that emerged from the former Federation of Yugoslavia, Czechoslovakia, and the USSR, including the Central Asian states. As it is open to all member states of the United Nations, it is possible that the number of states parties will gradually increase. Similarly, it is not unreasonable to think that similar treaties may emerge in other regions of the world.

Aarhus Convention of 25 June 1998 on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

#### Article 1

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.

## **2 - Environmental protection as a factor in restricting human rights**

With few exceptions, human rights are not absolute and may be subject to restrictions when those restrictions are prescribed by law and pursue a legitimate aim, which is the case of environmental protection. It is therefore possible that limitations on the enjoyment and exercise of human rights be justified by environmental considerations.

The most interesting developments come from the European Court of Human Rights, which was established to ensure state compliance with the European Convention on Human Rights. Adopted in 1950, that convention does not make explicit mention of the environment, nor of any right to a healthy environment, nor even the right to health. Nevertheless, the Court has come

to recognize that human rights may be restricted out of environmental considerations. In the following case, property rights are affected.

[The court] ...reiterates that while none of the Articles of the Convention is specifically designed to provide general protection of the environment as such (...), in today's society the protection of the environment is an increasingly important consideration (...). The environment is a cause whose defence arouses the constant and sustained interest of the public, and consequently the public authorities. Financial imperatives and even certain fundamental rights, such as ownership, should not be afforded priority over environmental protection considerations, in particular when the State has legislated in this regard. The public authorities therefore assume a responsibility which should in practice result in their intervention at the appropriate time in order to ensure that the statutory provisions enacted with the purpose of protecting the environment are not entirely ineffective.

*European Court of Human Rights, Hamer v. Belgium, 27/11/2007, § 79.*

The second example concerns the right to a fair trial. Mr. Mangouras was the captain of the *Prestige*, which dumped the 70,000 tons of fuel oil it was carrying into the Atlantic Ocean off the coast of Spain. He was detained for a period of 83 days and released after paying bail of 3 million Euros. He appealed to the Court on the basis of Article 5 § 3 of the Convention, claiming that the amount of the bail was excessively high and his personal situation had not been taken into account. However, in many decisions, the Court has considered that the amount of bail must "...be assessed primarily in relation to the applicant and his resources..." (*Wemhoff v. FRG*, June 27, 1968).

Taking into account the nature of the case and the environmental damage caused, the Court considered that the amount was not excessive and was adapted in such a way to the liabilities incurred that those responsible for the disaster can not escape justice.

86. Against this background the Court cannot overlook the growing and legitimate concern both in Europe and internationally in relation to environmental offences. This is demonstrated in particular by States' powers and obligations regarding the prevention of maritime pollution and by the unanimous determination of States and European and international organisations to identify those responsible, ensure that they appear for trial and, if appropriate, impose sanctions on them (...). A tendency can also be observed to use criminal law as a means of enforcing the environmental obligations imposed by European and international law.

87. The Court considers that these new realities have to be taken into account in interpreting the requirements of Article 5 § 3 in this regard. It takes the view that the increasingly high standard being required in the area of the

protection of human rights and fundamental liberties correspondingly and inevitably requires greater firmness in assessing breaches of the fundamental values of democratic societies (...). It cannot therefore be ruled out that, in a situation such as that in the present case, the professional environment which forms the setting for the activity in question should be taken into consideration in determining the amount of bail, in order to ensure that the measure retains its effectiveness.

88. In that connection the Court points out that the facts of the present case - concerning marine pollution on a seldom-seen scale causing huge environmental damage - are of an exceptional nature and have very significant implications in terms of both criminal and civil liability. In such circumstances it is hardly surprising that the judicial authorities should adjust the amount required by way of bail in line with the level of liability incurred, so as to ensure that the persons responsible have no incentive to evade justice and forfeit the security. In other words, the question must be asked whether, in the context of the present case, where large sums of money are at stake, a level of bail set solely by reference to the applicant's assets would have been sufficient to ensure his attendance at the hearing, which remains the primary purpose of bail. The Court agrees with the approach taken by the domestic courts on this point.

*European Court of Human Rights, Mangouras v. Spain, 28/9/2010*

### **3 - The environment as a vector for violations of human rights**

The environment and human rights also intersect when the enjoyment of rights is affected by environmental damage, especially pollution. In recent years, the European Court of Human Rights has issued a number of decisions in which it found violations of provisions of the Convention, on the grounds that states did not guarantee enjoyment of the rights guaranteed under those provisions in the face of environmental pollution.

In this first example, relative to the right to respect for private and family life, the applicants complained of damages arising from atmospheric emissions from a chemical fertilizer manufacturer.

#### **Damage to the environment and the right to respect for private and family life**

60. The Court reiterates that severe environmental pollution may affect individuals' well-being and prevent them from enjoying their homes in such a way as to affect their private and family life adversely (...). In the instant case the applicants waited, right up until the production of fertilizers ceased in 1994, for essential information that would have enabled them to assess the risks they and their families might run if they continued to live at Manfredonia, a town particularly exposed to danger in the event of an accident at the factory.

The Court holds, therefore, that the respondent State did not fulfil its obligation to secure the applicants' right to respect for their private and family life, in breach of Article 8 of the Convention.

There has consequently been a violation of that provision.

*European Court of Human Rights, 19 February 1998, A.M. Guerra and Others v. Italy*

The second example is the case of a gold mine using sodium cyanide to extract the precious metal. An accident caused a release of water from a tailings pond containing sodium cyanide. Here too the Court found a violation of Article 8.

Given the health and environmental consequences of the accident, as evidenced by international studies and reports, the Court considers that the inhabitants of the city of Baia Mare, including the applicants, had to live in a state of anxiety and uncertainty exacerbated by the inaction of national authorities, who had the duty to provide sufficient and detailed information about the past, present, and future consequences of the environmental accident on health and the environment, and about prevention and recommendations for assisting populations who could be subject to similar events in the future. The population is also subject to fear due to the continuation of the activity and the possibility of a similar accident in the future. (...)

In this context, subsequent to the accident in January 2000, the Court is satisfied, after reviewing the facts of the case, that the national authorities have failed in their duty to inform the population of the city of Baia Mare, and in particular the applicants. The latter have been unable to obtain information about any measures to prevent a similar incident or measures to be taken in the event that such an accident were to reoccur. This understanding is also supported by the Communication from the European Commission on the Safe Operation of Mining Activities.

The Court therefore finds that the respondent State has failed in its obligation to protect the applicants' right to respect for their private and family life within the meaning of Article 8 of the Convention.

*European Court of Human Rights, 27 January 2009, Tatar v. Romania*

The third example is related to the right to life. The applicant lived in a house built illegally next to a landfill. An explosion of methane buried his house, killing several of his relatives. The Court considered that the Turkish state had failed in its obligation to guarantee the right to life.

### **Environmental damage and right to life**

89. The positive obligation to take all appropriate steps to safeguard life for the purposes of Article 2 (...) entails above all a primary duty on the State to put in place a legislative and administrative framework designed to provide effective deterrence against threats to the right to life (...).

90. This obligation indisputably applies in the particular context of dangerous activities, where, in addition, special emphasis must be placed on regulations geared to the special features of the activity in question, particularly with regard to the level of the potential risk to human lives. They must govern the licensing, setting up, operation, security and supervision of the activity and must make it compulsory for all those concerned to take practical measures to ensure the effective protection of citizens whose lives might be endangered by the inherent risks.

Among these preventive measures, particular emphasis should be placed on the public's right to information, as established in the case-law of the Convention institutions. The Grand Chamber agrees with the Chamber (see paragraph 84 of the Chamber judgment) that this right, which has already been recognised under Article 8 (...), may also, in principle, be relied on for the protection of the right to life, particularly as this interpretation is supported by current developments in European standards (...).

FOR THESE REASONS, THE COURT,

Holds unanimously that there has been a violation of Article 2 of the Convention (...)

*European Court of Human Rights, 15 September 2004, Öneriyildiz v. Turkey*

#### **4 - Environment, obligations, and responsibility**

Finally, the environment relates to human rights education, but from the angle of obligations and responsibility. Indeed, any person may simultaneously be a victim of damage to the environment and responsible for its degradation. Therefore, human rights education should in this case aim for education about responsibility. Principle 1 of the Stockholm Declaration affirms the right of everyone to a healthy environment, but at the same time, it specifies that man "...bears a solemn responsibility to protect and improve the environment for present and future generations." Similarly, the Convention on the Rights of the Child, adopted in 1989 - that is to say at a time when the international community had integrated the environmental dimension - states that education shall be directed to "the development of respect for the natural environment." The same is true for the Committee on Economic, Social and Cultural Rights which, in its interpretation of Article 13 of the Covenant for which it is responsible, considers that the protection of the environment should be included in the aims of education.



## Annexes

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### Annex 1

#### **United Nations Declaration on Human Rights Education and Training** (Adopted by resolution 66/137 on 19 December 2011)

*The General Assembly,*

Reaffirming the purposes and principles of the Charter of the United Nations with regard to the promotion and encouragement of respect for all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also that every individual and every organ of society shall strive by teaching and education to promote respect for human rights and fundamental freedoms,

Reaffirming further that everyone has the right to education, and that education shall be directed to the full development of the human personality and the sense of its dignity, enable all persons to participate effectively in a free society and 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, security and the promotion of development and human rights,

Reaffirming that States are duty-bound, as stipulated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and in other human rights instruments, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

Acknowledging the fundamental importance of human rights education and training in contributing to the promotion, protection and effective realization of all human rights,

Reaffirming the call of the World Conference on Human Rights, held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions, and its statement that 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,

Recalling the 2005 World Summit Outcome, in which Heads of State and Government supported the promotion of human rights education and

learning at all levels, including through the implementation of the World Programme for Human Rights Education, and encouraged all States to develop initiatives in that regard,

Motivated by the desire to send a strong signal to the international community to strengthen all efforts in human rights education and training through a collective commitment by all stakeholders,

*Declares the following:*

### **Article 1**

1. Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.
2. Human rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, in accordance with the principles of the universality, indivisibility and interdependence of human rights.
3. The effective enjoyment of all human rights, in particular the right to education and access to information, enables access to human rights education and training.

### **Article 2**

1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.
2. Human rights education and training encompasses:
  - (a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
  - (b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
  - (c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

### **Article 3**

1. Human rights education and training is a lifelong process that concerns all ages.

2. Human rights education and training concerns all parts of society, at all levels, including preschool, primary, secondary and higher education, taking into account academic freedom where applicable, and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting. It includes, inter alia, vocational training, particularly the training of trainers, teachers and State officials, continuing education, popular education, and public information and awareness activities.

3. Human rights education and training should use languages and methods suited to target groups, taking into account their specific needs and conditions.

### **Article 4**

Human rights education and training should be based on the principles of the Universal Declaration of Human Rights and relevant treaties and instruments, with a view to:

(a) Raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms;

(b) Developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society;

(c) Pursuing the effective realization of all human rights and promoting tolerance, non-discrimination and equality;

(d) Ensuring equal opportunities for all through access to quality human rights education and training, without any discrimination;

(e) Contributing to the prevention of human rights violations and abuses and to the combating and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them.

### **Article 5**

1. Human rights education and training, whether provided by public or private actors, should be based on the principles of equality, particularly between girls and boys and between women and men, human dignity, inclusion and non-discrimination.

2. Human rights education and training should be accessible and available to all persons and should take into account the particular challenges and barriers faced by, and the needs and expectations of, persons in vulnerable and disadvantaged situations and groups, including persons with disabilities, in order to promote empowerment and human development and to contribute to the elimination of the causes of exclusion or marginalization, as well as enable everyone to exercise all their rights.

3. Human rights education and training should embrace and enrich, as well as draw inspiration from, the diversity of civilizations, religions, cultures and traditions of different countries, as it is reflected in the universality of human rights.

4. Human rights education and training should take into account different economic, social and cultural circumstances, while promoting local initiatives in order to encourage ownership of the common goal of the fulfilment of all human rights for all.

#### **Article 6**

1. Human rights education and training should capitalize on and make use of new information and communication technologies, as well as the media, to promote all human rights and fundamental freedoms.

2. The arts should be encouraged as a means of training and raising awareness in the field of human rights.

#### **Article 7**

1. States, and where applicable relevant governmental authorities, have the primary responsibility to promote and ensure human rights education and training, developed and implemented in a spirit of participation, inclusion and responsibility.

2. States should create a safe and enabling environment for the engagement of civil society, the private sector and other relevant stakeholders in human rights education and training, in which the human rights and fundamental freedoms of all, including of those engaged in the process, are fully protected.

3. States should take steps, individually and through international assistance and cooperation, to ensure, to the maximum of their available resources, the progressive implementation of human rights education and training by appropriate means, including the adoption of legislative and administrative measures and policies.

4. States, and where applicable relevant governmental authorities, should ensure adequate training in human rights and, where appropriate, international humanitarian law and international criminal law, of State officials, civil

servants, judges, law enforcement officials and military personnel, as well as promote adequate training in human rights for teachers, trainers and other educators and private personnel acting on behalf of the State.

### **Article 8**

1. States should develop, or promote the development of, at the appropriate level, strategies and policies and, where appropriate, action plans and programmes to implement human rights education and training, such as through its integration into school and training curricula. In so doing, they should take into account the World Programme for Human Rights Education and specific national and local needs and priorities.

2. The conception, implementation and evaluation of and follow-up to such strategies, action plans, policies and programmes should involve all relevant stakeholders, including the private sector, civil society and national human rights institutions, by promoting, where appropriate, multi-stakeholder initiatives.

### **Article 9**

States should promote the establishment, development and strengthening of effective and independent national human rights institutions, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (“the Paris Principles”),<sup>6</sup> recognizing that national human rights institutions can play an important role, including, where necessary, a coordinating role, in promoting human rights education and training by, inter alia, raising awareness and mobilizing relevant public and private actors.

### **Article 10**

1. Various actors within society, including, inter alia, educational institutions, the media, families, local communities, civil society institutions, including non-governmental organizations, human rights defenders and the private sector, have an important role to play in promoting and providing human rights education and training.

2. Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel.

### **Article 11**

The United Nations and international and regional organizations should provide human rights education and training for their civilian personnel and for military and police personnel serving under their mandates.

## **Article 12**

1. International cooperation at all levels should support and reinforce national efforts, including, where applicable, at the local level, to implement human rights education and training.

2. Complementary and coordinated efforts at the international, regional, national and local levels can contribute to more effective implementation of human rights education and training.

3. Voluntary funding for projects and initiatives in the field of human rights education and training should be encouraged.

## **Article 13**

1. International and regional human rights mechanisms should, within their respective mandates, take into account human rights education and training in their work.

2. States are encouraged to include, where appropriate, information on the measures that they have adopted in the field of human rights education and training in their reports to relevant human rights mechanisms.

## **Article 14**

States should take appropriate measures to ensure the effective implementation of and follow-up to the present Declaration and make the necessary resources available in this regard.

## Annex 2

### **Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education** (Adopted 11 May 2010 following Recommendation CM/Rec(2010)7 of the Committee of Ministers)

#### **Section I - General provisions**

##### **1. Scope**

The present Charter is concerned with education for democratic citizenship and human rights education as defined in paragraph 2. It does not deal explicitly with related areas such as intercultural education, equality education, education for sustainable development and peace education, except where they overlap and interact with education for democratic citizenship and human rights education.

##### **2. Definitions**

For the purposes of the present Charter:

a. "Education for democratic citizenship" means education, training, awareness-raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law.

b. "Human rights education" means education, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower learners to contribute to the building and defence of a universal culture of human rights in society, with a view to the promotion and protection of human rights and fundamental freedoms.

c. "Formal education" means the structured education and training system that runs from pre-primary and primary through secondary school and on to university. It takes place, as a rule, at general or vocational educational institutions and leads to certification.

d. "Non-formal education" means any planned programme of education designed to improve a range of skills and competences, outside the formal educational setting.

e. "Informal education" means the lifelong process whereby every individual acquires attitudes, values, skills and knowledge from the educational influences and resources in his or her own environment and from daily experience (family, peer group, neighbours, encounters, library, mass media, work, play, etc).

### **3. Relationship between education for democratic citizenship and human rights education**

Education for democratic citizenship and human rights education are closely inter-related and mutually supportive. They differ in focus and scope rather than in goals and practices. Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives.

### **4. Constitutional structures and member state priorities**

The objectives, principles and policies set out below are to be applied:

- a. with due respect for the constitutional structures of each member state, using means appropriate to those structures.
- b. having regard to the priorities and needs of each member state.

## **Section II - Objectives and principles**

### **5. Objectives and principles**

The following objectives and principles should guide member states in the framing of their policies, legislation and practice.

- a. The aim of providing every person within their territory with the opportunity of education for democratic citizenship and human rights education.
- b. Learning in education for democratic citizenship and human rights education is a lifelong process. Effective learning in this area involves a wide range of stakeholders including policy makers, educational professionals, learners, parents, educational institutions, educational authorities, civil servants, non-governmental organisations, youth organisations, media and the general public.
- c. All means of education and training, whether formal, non-formal or informal, have a part to play in this learning process and are valuable in promoting its principles and achieving its objectives.
- d. Non-governmental organisations and youth organisations have a valuable contribution to make to education for democratic citizenship and human rights education, particularly through non-formal and informal education, and accordingly need opportunities and support in order to make this contribution.

e. Teaching and learning practices and activities should follow and promote democratic and human rights values and principles; in particular, the governance of educational institutions, including schools, should reflect and promote human rights values and foster the empowerment and active participation of learners, educational staff and stakeholders, including parents.

f. An essential element of all education for democratic citizenship and human rights education is the promotion of social cohesion and intercultural dialogue and the valuing of diversity and equality, including gender equality; to this end, it is essential to develop knowledge, personal and social skills and understanding that reduce conflict, increase appreciation and understanding of the differences between faith and ethnic groups, build mutual respect for human dignity and shared values, encourage dialogue and promote non-violence in the resolution of problems and disputes.

g. One of the fundamental goals of all education for democratic citizenship and human rights education is not just equipping learners with knowledge, understanding and skills, but also empowering them with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law.

h. Ongoing training and development for education professionals and youth leaders, as well as for trainers themselves, in the principles and practices of education for democratic citizenship and human rights education are a vital part of the delivery and sustainability of effective education in this area and should accordingly be adequately planned and resourced.

i. Partnership and collaboration should be encouraged among the wide range of stakeholders involved in education for democratic citizenship and human rights education at state, regional and local level so as to make the most of their contributions, including among policy makers, educational professionals, learners, parents, educational institutions, non-governmental organisations, youth organisations, media and the general public.

j. Given the international nature of human rights values and obligations and the common principles underpinning democracy and the rule of law, it is important for member states to pursue and encourage international and regional co-operation in the activities covered by the present Charter and the identification and exchange of good practice.

### **Section III - Policies**

#### **6. Formal general and vocational education**

Member states should include education for democratic citizenship and human rights education in the curricula for formal education at pre-primary, primary and secondary school level as well as in general and vocational edu-

cation and training. Member states should also continue to support, review and update education for democratic citizenship and human rights education in these curricula in order to ensure their relevance and encourage the sustainability of this area.

## **7. Higher education**

Member states should promote, with due respect for the principle of academic freedom, the inclusion of education for democratic citizenship and human rights education in higher education institutions, in particular for future education professionals.

## **8. Democratic governance**

Member states should promote democratic governance in all educational institutions both as a desirable and beneficial method of governance in its own right and as a practical means of learning and experiencing democracy and respect for human rights. They should encourage and facilitate, by appropriate means, the active participation of learners, educational staff and stakeholders, including parents, in the governance of educational institutions.

## **9. Training**

Member states should provide teachers, other educational staff, youth leaders and trainers with the necessary initial and ongoing training and development in education for democratic citizenship and human rights education. This should ensure that they have a thorough knowledge and understanding of the discipline's objectives and principles and of appropriate teaching and learning methods, as well as other key skills appropriate to their area of education.

## **10. Role of non-governmental organisations, youth organisations and other stakeholders**

Member states should foster the role of non-governmental organisations and youth organisations in education for democratic citizenship and human rights education, especially in non-formal education. They should recognise these organisations and their activities as a valued part of the educational system, provide them where possible with the support they need and make full use of the expertise they can contribute to all forms of education. Member states should also promote and publicise education for democratic citizenship and human rights education to other stakeholders, notably the media and general public, in order to maximise the contribution that they can make to this area.

## **11. Criteria for evaluation**

Member states should develop criteria for the evaluation of the effectiveness of programmes on education for democratic citizenship and human rights

education. Feedback from learners should form an integral part of all such evaluations.

## **12. Research**

Member states should initiate and promote research on education for democratic citizenship and human rights education to take stock of the current situation in the area and to provide stakeholders including policy makers, educational institutions, school leaders, teachers, learners, non-governmental organisations and youth organisations with comparative information to help them measure and increase their effectiveness and efficiency and improve their practices. This research could include, inter alia, research on curricula, innovative practices, teaching methods and development of evaluation systems, including evaluation criteria and indicators. Member states should share the results of their research with other member states and stakeholders where appropriate.

## **13. Skills for promoting social cohesion, valuing diversity and handling differences and conflict**

In all areas of education, member states should promote educational approaches and teaching methods which aim at learning to live together in a democratic and multicultural society and at enabling learners to acquire the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences - particularly between different faith and ethnic groups - and settle disagreements and conflicts in a non-violent manner with respect for each others' rights, as well as to combat all forms of discrimination and violence, especially bullying and harassment.

## **Section IV - Evaluation and co-operation**

### **14. Evaluation and review**

Member states should regularly evaluate the strategies and policies they have undertaken with respect to the present Charter and adapt these strategies and policies as appropriate. They may do so in co-operation with other member states, for example on a regional basis. Any member state may also request assistance from the Council of Europe.

### **15. Co-operation in follow-up activities**

Member states should, where appropriate, co-operate with each other and through the Council of Europe in pursuing the aims and principles of the present Charter by:

- a. pursuing the topics of common interest and priorities identified;

b. fostering multilateral and transfrontier activities, including the existing network of co-ordinators on education for democratic citizenship and human rights education;

c. exchanging, developing, codifying and assuring the dissemination of good practices;

d. informing all stakeholders, including the public, about the aims and implementation of the Charter;

e. supporting European networks of non-governmental organisations, youth organisations and education professionals and co-operation among them.

#### 16. International co-operation

Member states should share the results of their work on education for democratic citizenship and human rights education in the framework of the Council of Europe with other international organisations.

## Annex 3

### Glossary

#### Civil and Political Rights

More than natural rights, these most often refer to individual freedoms that states have committed to respect. The International Covenant on Civil and Political Rights first lays out a series of prohibitions: against torture and cruel, inhuman or degrading treatment or punishment; against slavery and forced labor; against prison sentences for debt; against intrusion into private, family and domestic life as well as correspondence; and against attacks on an individual's reputation through libel or slander. It then goes on to provide for a certain number of rights and freedoms: the right to freedom and security; the right to respect for one's human dignity; the right to a fair trial; the right to be presumed innocent; the right to be recognised as a person before the law; the right to citizenship; the right to marry; the right to participate in government; the right to elect and be elected; freedom of movement; freedom of thought, conscience and religion; and freedom of opinion, assembly and association.

#### Committee

This term is used within the United Nations to designate the body responsible for ensuring compliance by states with one or more treaties. Composed of independent figures appointed by the states, powers vary from one committee to another. All examine state reports; some may receive communications and/or carry out investigations. Committees make recommendations to states and, in the case of individual communications, they can find violations.

#### Communication

This term is used almost exclusively in human rights treaties to designate the document used to refer or submit a case of alleged treaty violation to an organ responsible for a convention. The communication may be submitted by a state or an individual. Each treaty lays out the conditions of admissibility, the examination procedure, and any further steps to be taken. When addressed to international courts, the term appeal is used.

#### Competence

In law, the term "competence" refers to the legal capacity to act in a certain field. Therefore, it has deviated considerably from the idea of competence as pertaining to a collection of technical skills leading to a high-level of professional performance in a certain field. "Competence" and its antonym "incompetence" are frequently used to describe organs, such as courts and committees, responsible for receiving communications, complaints, and appeals. Before examining a case, an organ must first rule on the admissibility of the appeal and thus call into question its own competence. An organ does so by asking itself whether it has the right to examine an issue in accordance with the treaty that established it.

## Constitution

Also known as fundamental law, a constitution is the highest legal text in the hierarchy of laws of a state. The way a constitution is developed and adopted varies from country to country. It lays out the basic rules for a society, the details for delegating authority and exercising power, and the organization and functioning of government powers and how they interact. It is through a constitution that human rights and fundamental freedoms are generally recognised.

## Convention

● Treaty

## Court

While in French the term “jurisdiction”, meaning the right and power to interpret and apply the law, has come to designate an organ qualified to exercise this power, the preferred English term in this context is “court”. International human rights courts are few in number, being currently limited to the African Court on Human and Peoples’ Rights, the European Court of Human Rights, and the Inter-American Court of Human Rights, to which should be added the international criminal tribunals and the International Criminal Court.

## Decision

This term designates the decision of an international court, one that is composed of independent and impartial judges and to which states, individuals, or groups of individuals refer cases to decide a dispute. For human rights issues, the courts that accept cases from individuals are the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court on Human and Peoples’ Rights. The decisions are final and binding. They are sometimes limited to finding violations but can also grant compensation.

## Declaration

The meaning of the term “Declaration” varies according to context. It may be an act emanating from an international organization or adopted during a diplomatic conference between states and international organizations. The authors use it to affirm or reaffirm principles that they deem particularly important, the quintessential example being the Universal Declaration of Human Rights. However, a declaration itself has no binding legal value. Nonetheless, it may serve as an important milestone in developing international customs. The term “Declaration” is also used to describe an act through which a state recognizes the competence of a committee or court to receive communications or complaints directed against it.

## Dignity

The original meaning of “dignity” is merit and repute or an outstanding function in society. This latter sense is the one intended by Article 6 of the French Declaration of the Rights of Man and Citizen: “Law is the expression of the

general will. (...) All citizens, being equal in the eyes of the law, are equally eligible to all public dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents." The term evolved to refer also the value that attaches to every individual as a being human, as in the preamble of the Universal Declaration of Human Rights, which states: "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

### Discrimination

The term "discrimination" was originally neutral in tone. It means to make a distinction, a separation, or a differentiation. Over time, it has acquired a negative connotation. In addition to differentiation, it now also tends to refer to a hierarchical structure between groups that are consequently categorized based on a depreciation of certain groups in comparison to others. In other words, it introduces a value judgment about the distinction.

Generally speaking, international human rights instruments address the issue of discrimination after establishing the principle of equality. This is the case of the Universal Declaration of Human Rights (Articles 1 and 2) and the International Covenant on Civil and Political Rights (Article 26). This procedure is logical to the extent that equality and discrimination are closely related.

Discrimination may therefore have two meanings. First, it can refer to the act of making a deliberate distinction among human individuals and groups in order to assign a particular status. This is known as direct discrimination. The criteria for this distinction are diverse in scope: sex, skin colour, political convictions, religion, etc. Second, and without conscious intent, the enforcement of a policy or law may lead to de facto discrimination, also known as indirect discrimination.

### Economic, Social and Cultural Rights

These rights may be understood as state obligations in relationship to individuals, somewhat like services that states must provide to individuals, who would be, in a way, their creditors. As with civil and political rights, economic, social and cultural rights are laid out by the International Covenant on Economic, Social and Cultural Rights, as follows: the right to work, as well as just and favorable working conditions; the right to form trade unions and to join a trade union of one's choice; the right to social security; the right to an adequate standard of living; the right to health; the right to education; and the right to participate in cultural life. These rights are recognized provided that there are available resources.

### Equality

Equality among all humans is a basic legal principle. It is also the principle with which the Universal Declaration of Human Rights opens: "All human

beings are born free and equal in dignity and rights.” The principal consequence of equality in the recognition of human rights is that no discrimination may be made.

## 🕒 Discrimination

### General Comment

This term is used to describe acts through which various committees interpret treaties whose enforcement they are responsible for overseeing. Some committees use the expression “General Recommendation” with equivalent meaning and scope. These documents are extremely useful for understanding the measures to which they refer.

With respect to human rights education, two may be cited:

- General Comment No. 13, The Right to Education (Article 13), (E/C.12/1999/10), Committee on Economic, Social and Cultural Rights, 15 November-3 December 1999.
- General Comment No. 1, Article 29.1: The Aims of Education, (CRC/GC/2001/1), Committee on the Rights of the Child, 17 April 2001.

### Human Rights Council

The Council is a subsidiary organ of the UN General Assembly. It is composed of 47 member states elected for a term that may be renewed only once. It is primarily a venue for political dialogue among states for all questions relative to human rights. Its mission also includes evaluating the human rights practice of states, in the form of the Universal Periodic Review. It can also receive individual communications in the event of flagrant and/or massive human rights violations.

### Human Rights

Human rights may be defined as a collection of prerogatives to which each individual is entitled solely on account of his/her status as a human being. International conventions do not grant these rights, they simply recognize them. These prerogatives are protected from violations by other parties as well as states. The recognition of specific rights for certain categories of persons (children, women, refugees etc.), in no way nullifies the unity of the ensemble.

### International Humanitarian Law

International Humanitarian Law refers to the set of laws arising from customs and international treaties that aim to protect human persons during armed conflicts. The main texts in the field are the four Geneva Conventions adopted in 1949 through the initiative of the International Committee of the Red Cross. These four Conventions address: the amelioration of the condition of the wounded and sick in armed forces in the field; the amelioration of the

condition of wounded, sick and shipwrecked members of armed forces at sea; the treatment of prisoners of war; and the protection of civilian persons in times of war. These Conventions were supplemented by two additional Protocols adopted in 1977.

### International Organization

An international organization is an association among states materialized as a new entity. In addition to having its own international legal status, it usually has several specific organs unique to it. The treaty establishing an international organization assigns more or less specific missions to it, generally with the aim of fostering cooperation among member states in one or more fields. An international organization is said to be “universal” in scope when membership is open to all of the nations of the world. It is known as a “regional” organization when only a select group of states may become members, regardless of the criteria: geographical, political, linguistic, religious; etc. A more appropriate expression for labelling such entities would be “inter-governmental organization” which would set them apart from non-governmental organizations that are international in scope, but not created by states.

### Judgment

 Decision

### Jurisdiction

In human rights treaties, the term “jurisdiction” has broad meaning, especially when it is used in the expression “placed under the jurisdiction of the state.” In this case it means a person placed under the authority of a particular state, which does not necessarily mean a citizen of the state in question, and may also refer to a foreigner residing within this state.

### Jurisprudence

This term refers to a group of rulings and decisions handed down by a court. For example, experts talk about the jurisprudence (or case law) of the European Court of Human Rights, of the International Court of Justice, of the Inter-American Court of Human Rights. This term may also be used with the more limited meaning of rulings and judgments handed down on a particular issue. This is what is meant by jurisprudence with respect to freedom of conscience, for instance. Although theoretically reserved for courts, this word is frequently used to refer to acts by entities other than courts. For example, it is commonplace to speak of the jurisprudence (or case law) of the Human Rights Committee.

### Law

This term - understood as positive law, from the verb to posit, as distinct from natural law - designates the ensemble of laws established for the governing a given society (Swiss law, international law, etc.) or the ensemble of rules related to a specific domain (environmental law, trade/commercial law, etc.).

### Non-Governmental Organization (NGO)

A non-governmental organization is an association of individuals and/or legal entities of various nationalities. Public figures may also participate. In contrast to international or inter-governmental organizations, which are created by a treaty among states and/or inter-governmental organizations, a non-governmental organization is created by an agreement among individuals. Additional criteria also define an NGO: it must be non-profit, which means it must not seek to provide revenue for its members; it must be international in scope, which means that its members must come from several countries; and its aims must go beyond the scope of a single country. Many non-governmental organizations participate in the activities of organizations and organs responsible for promoting and protecting human rights.

### Party

This term in international law refers to states that have ratified or adhered to a treaty. It is also common to see the term «Contracting Party.» In the past, the expression «High Contracting Party» was used.

### Protocol

A protocol is an international treaty. The term is commonly used to refer to an additional treaty attached to a main treaty. This is the case for the two protocols adopted to complement the International Covenant on Civil and Political Rights; numerous protocols adopted to complement the European Convention on Human Rights; and texts attached to the American Convention of Human Rights. In these cases, and as a general rule, ratification of a protocol presupposes the previous ratification of the convention which it complements.

### Report

Commonly used in international law, particularly with regard to procedures for the protection of human rights implemented by the United Nations, the term report may mean many things. First of all, the documents that states must submit to various bodies charged with protecting human rights or to international organizations in general are usually called “reports”. A second use covers the document developed by a person designated special rapporteur or by an institution (working group, commission, etc.) to fulfill a mandate to the organ that established it. This person or group generally supplies interim reports (at more or less regular intervals) and a final report at the end of the mandate. Finally, it should be mentioned that various UN Committees provide an account of their activities through reports, generally on an annual basis.

### Right

This term signifies the prerogatives of an individual, as recognized by laws, treaties, international bodies, etc. These include: the right to work, social security, health, to marry, to travel, to practice one’s religion.

## Treaty

The Vienna Convention on the Law of Treaties of 23 May 1969 stipulates that a treaty is “an international agreement concluded between states in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.” A treaty may be bilateral (between two states) or multilateral (between more than two states). Treaties may bear various titles, which do not necessarily reflect precise usage. The following designations have been used: covenant (Covenant of the League of Nations), pact (Pact of the League of Arab States); protocol (Optional Protocol to the Covenant on Civil and Political Rights); charter (United Nations Charter, Organization of African Unity Charter); constitution, which was adopted to refer to the constitutive treaty of the ILO and should not be confused with a state’s national constitution; and convention (Convention against Racial Discrimination). States that ratify a treaty or adhere to it must respect it.

## Tribunal

 Court

## Universal Periodic Review

The Universal Periodic Review (UPR) is a new procedure implemented by the UN General Assembly through the same resolution that created the Human Rights Council. It is innovative in a number of ways. First, it is systematic in the sense that all states must submit to it. Moreover, it is based on a relatively substantial group of international instruments: the United Nations Charter, the Universal Declaration of Human Rights, human rights treaties to which a particular state is party, as well as obligations and commitments accrued voluntarily by that state. In addition, the Review must take international humanitarian law into account. The UPR aims, among other things, for states to respect their human rights obligations and commitments, to make concrete improvements, and to bring together best practices in the field.

The terms of the Review were specified by the Human Rights Council. It is based first on a report submitted by the state itself. For the preparation of that report, the state is invited and encouraged to consult with all national stakeholders. The Review then uses a “compilation” established by the High Commissioner for Human Rights of information contained in documents from UN committees, special procedures (rapporteurs, panels etc.), and other official UN documents. The Review then examines a summary drawn up by the High Commissioner of information provided by other stakeholders (in particular international organizations and non-governmental organizations). After dialogue between the state under review and the Human Rights Council, the process concludes with the adoption of recommendations.



## Bibliography and resources

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### Anthologies:

J. Hersch (ed.), *Birthingright of man: a selection of texts*, J.C. Lattès/UNESCO, Paris, 1969.

*No better presentation of this work can be found than that of René Maheu, Director General of UNESCO, who wrote the preface. To mark the 20th anniversary of the Universal Declaration of Human Rights, he wrote that the organization he directed "...wished to publish a collection of texts, from the greatest diversity of traditions and eras, that, while intensifying through that very diversity the deep unity of their meaning, would illustrate the universality in time and place of the affirmation and claim to the right to be a man." The result is 1103 texts organized into the following themes: man; power; limits to power; civil liberties; truth and freedom; social rights; concrete freedom; education, science, and culture; servitude and violence; law versus strength; national identity and independence; universality; sources and purposes.*

G. Lagelée and G. Manceron, *La conquête mondiale des droits de l'homme*. Présentation des textes fondamentaux, Le cherche midi/Éditions UNESCO, Paris, 1998.

*Though a bit dated, this is an excellent working tool. The first section addresses the emergence of rights (from the Magna Carta in 1215 to the ILO Declaration of 1944). The second is dedicated to the universal affirmation of human rights. Context is provided for each text.*

### Manuals and Handbooks:

AFCNDH (Association francophone des commissions nationales des droits de l'homme)/Organisation internationale de la francophonie, *L'éducation aux droits de l'homme*. Comprendre pour agir, AFCNDH, Paris 2009.

*The first section is dedicated to human rights education with an historic overview, elements of methodology, and the question of democracy at school. The second section contains teaching aids addressing the following questions: education, responsibility, equality, solidarity, fundamental liberties, and international humanitarian law. The work is available at: <http://www.francophonie.org/Un-guide-de-l-enseignant-pour-l.html>*

J. Andriantsimbazovina and others, *Dictionnaire des Droits de l'homme*, PUF, "Collection Quadrige".

*A reference book written by human rights specialists.*

F. Audigier (ed.), *Stratégies pour une éducation civique au niveau de l'enseignement primaire et secondaire. Guide méthodologique*, Éditions du Conseil de l'Europe, 2000.

*A collective work that is not strictly limited to civic education. Human rights are present both in the first section, dedicated to principles, questions, and methods, and in the second, which is an ensemble of teaching aids.*

F. Audigier and G. Lagelée, **Les droits de l'homme**, Editions du Conseil de l'Europe, 2000.

*For the purposes of human rights education, this work is much more precise than its title indicates. It is in fact a veritable textbook intended for secondary school teachers and students. After an introduction to human rights and school, the work is divided into two sections: one for teachers and one for students. The first section begins with a presentation of texts (Universal Declaration, European Convention on Human Rights), and then presents teaching plans with many examples; a selected bibliography is also included. The second section contains numerous documents that can be explored using the plans in the first section: declarations, international treaties, cartoons, extracts from philosophical texts, etc.*

R. Babadji, **100 and 1 terms for human rights education**, Editions de l'EIP, 2ème édition, Geneva, 2011.

*While the first edition did indeed contain 101 terms for human rights education, the second includes 138, though the title has not been changed. It is accessible online at: <http://portail-eip.org/>*

*With vocabulary adapted for the broadest understandings, the author presents a range of useful terms in the domain of human rights.*

N. Baillargeon (ed.), **L'éducation**, GF Flammarion, Coll. « Corpus », Paris, 2001.

*Presentation of texts by Plato, Montaigne, Condorcet, Kant, Rousseau, etc. around the following themes: definitions of education; teaching and learning; states, society, and education.*

*OSCE Office for Democratic Institutions and Human Rights, Human rights education in the schools of Europe, Central Asia, and North America: a compendium of Good Practice, Council of Europe, OSCE/ODIHR, UNESCO, HCDH, 2011*

*[http://www.coe.int/t/dg4/education/edc/Source/Resources/HRECOMPENDIUMGOODPRACTICES\\_rev251109\\_en.pdf](http://www.coe.int/t/dg4/education/edc/Source/Resources/HRECOMPENDIUMGOODPRACTICES_rev251109_en.pdf)*

### **Council of Europe**

*On the Council's website one can find more than thirty works dealing with various aspects of human rights: rights of the child, discrimination, torture, minorities, etc.*

*[http://book.coe.int/EN/ficheouvrage.php?PAGEID=39&lang=EN&theme\\_catalogue=100069](http://book.coe.int/EN/ficheouvrage.php?PAGEID=39&lang=EN&theme_catalogue=100069)*

*In addition, the Council of Europe has published and put online a series of six works dedicated to democracy. Their content is nonetheless much broader, and human rights are discussed throughout. The goal of these guides is to offer teachers of all levels guides for their democracy and human rights teaching and education activities.*

Volume I: R. Gollob, P. Krapf and W. Weidinger (eds.), **Educating for Democracy**, Council of Europe Publishing, 2010.

*The title does not say it all. This volume deals equally with democracy and human rights, as the titles of its three sections indicate: 1) Understanding democracy and human rights; 2) Educating for democracy and human rights, and 3) Tools for teaching democracy and human rights.*

Volume II: R. Gollob, P. Krapf and W. Weidinger (eds.), **Growing up in democracy**, Council of Europe Publishing, 2010.

*Intended for primary schools, this volume proposes a number of activities around the following themes: identity, diversity and pluralism, equality, minorities, conflicts, the foundations of living together, power and authority, responsibility, rights and freedoms, etc.*

Volume III: R. Gollob and P. Krapf (eds.), **Living in democracy**, Council of Europe Publishing, 2008.

*For secondary schools, this volume addresses four major themes, organized into the modules indicated in parentheses.*

*Individual and community (stereotypes and prejudices, equality, diversity and pluralism, and conflict resolution).*

*Taking responsibility (human rights and liberties and responsibility).*

*Participation, with only one module dedicated to a school newspaper.*

*Power and authority (rules and laws, powers and authority).*

Volume IV: R. Gollob, P. Krapf and W. Weidinger (eds.), **Taking part in democracy**, Council of Europe Publishing, 2010.

*For secondary schools, this volume addresses participating in the community, participating in political life and how to resolve conflicts, and participating through communication.*

Volume V: R. Gollob and P. Krapf (eds.), **Exploring Children's Rights**, Council of Europe Publishing, 2007.

*For primary schools, the first part is organized around the four fundamental principles of the Convention on the Rights of the Child: non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. These themes are handled in modules, each of which offers a plan, tools, and working methods.*

*The second part provides useful information, teaching materials, and documents, including a simplified version of the Convention for children.*

Volume VI: R. Gollob and P. Krapf (eds.), **Teaching democracy**, Council of Europe Publishing, 2009.

*The introduction specifies that most of the 47 activities for democratic citizenship and human rights education presented in the book can be adapted for any age group, though some should be reserved for older children.*

*The eight chapters are entitled: building up classroom atmosphere, clarifying values, getting to know human rights, perceiving others, making justice work, understanding political philosophy, taking part in politics, and dealing with conflict. All of the works are available here:*

*<http://www.coe.int/t/dg4/education/edc/Source/Resources/>*

*[Leaflet\\_Livingdemocracy\\_EN.pdf](#)*

*They can be downloaded and printed.*

S. Keating-Chetwynd (ed.), ***How all teachers can support citizenship and human rights education: a framework for the development of competencies***, Council of Europe Publishing, Strasbourg, 2009.

[http://www.coe.int/t/dg4/education/edc/Source/Pdf/Contribution%20enseignants\\_develop\\_compencesf.pdf](http://www.coe.int/t/dg4/education/edc/Source/Pdf/Contribution%20enseignants_develop_compencesf.pdf)

United Nations, ***ABC - Teaching Human Rights: Practical Activities for Primary and Secondary Schools***, Geneva/New York, 2004.

*The first chapter is dedicated to a global approach to human rights, but also to basic methods. The second chapter provides exercises for primary schools, beginning with notions of human dignity and equality. The third chapter targets secondary schools with more elaborate exercises.*

*Annexes contain numerous documents, including simplified versions of the Universal Declaration of Human Rights and the Convention on the Rights of the Child.*

*It can be downloaded in five separate PDF files: cover, chapter 1, chapter 2, chapter 3, and Annexes.*

<http://www.un.org/fr/events/humanrightsday/2004/education.htm>

United Nations/Equitas, ***Evaluating Human Rights Training Activities: A Handbook for Human Rights Educators***, Professional Training Series n°18, Montreal/Geneva, 2011.

*This work deals mainly with the evaluation of human rights training, but its first section addresses the content of HRE. Accessible here in all of the UN languages:*

<http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>

UNESCO/UNICEF, ***Une approche de l'éducation fondée sur les droits de l'homme***, Paris/New York, 2008.

<http://www.unesco.org/new/fr/education/themes/leading-the-international-agenda/human-rights-education/resources/publications/>

## Graphic works:

**Dessine-moi un droit de l'homme**, Editions de l'EIP, Geneva, 1984.

*The various articles of the Universal Declaration of Human Rights are illustrated by graphic artists and satirical cartoonists, including Bilal, Cabu, Carali, Gotlib, Kerleroux, Petillon, etc.*

**Dessine-moi un droit de l'homme**. Un demi-siècle de droits de l'homme, Editions de l'EIP, Geneva, 1998.

*In the same vein as above, the articles of the Universal Declaration are accompanied by drawings and cartoon from around the world.*

R. Gilliquet, D. Casten, and F. Walthery, **La Convention des droits de l'enfant**, Le Lombard, Brussels, 1993.

*A comic book about the Convention on the Rights of the Child, with an annex containing an easy-to-understand version of the Convention.*

G. Sidki and Bordji, Venus d'ailleurs. **Les droits de l'enfant: an 10**, Editions de l'EIP, Geneva, 1999.

*A comic book about the Convention on the Rights of the Child on the 10th anniversary of its adoption. It also contains an easy-to-understand version of the Convention.*

Ligue des droits de l'homme, **Cent dessins pour les droits de l'homme**, Le cherche midi éditeur, Paris, 1987.

*Drawings and satirical cartoons on a number of themes relating to human rights: childhood and education, work, culture and freedom, political liberties, etc.*

## Films

Ecole instrument de Paix, **Droits et libertés tout courts** (Rights and Liberties, Quite Simply), Genève, 2007, 42 minutes (in German, English, French, and Italian).

*Filmmakers were invited by the EIP to make short films illustrating an article of the Universal Declaration of Human Rights: J. Gilbert and F. Choffat, Article 3; A. Vouardoux, Le campeur; F. Rossier, Croire; O. Paulus and Stefan Hillebrand, Der Illetrist; B. Foster, Selma; and M. Soudani and L. Buccella, Un altro mondo. Specific educational materials accompany each film.*

The United Nations, **A Path to Dignity. The Power of Human Rights Education**.

*This 28-minute film was made following the adoption of the UN Declaration on Human Rights Education and Training. After an introduction from the High Commissioner for Human Rights, it consists of three reports, from India, Australia, and Turkey. In English, subtitled in all of the UN languages, it is distributed with teaching materials that are only available in English. Accessible at: <http://www.path-to-dignity.org/>*

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In vain would it be declared that all men have the same rights; in vain would laws respect that first principle of eternal justice; if inequality in moral skills were to prevent the vast majority to the full enjoyment of those rights.

Condorcet

Condorcet, First Report on public instruction

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