



**NGO WORKING GROUP
ON HUMAN RIGHTS
EDUCATION AND LEARNING**

REPORT

PANEL DISCUSSION

DRAFT UN DECLARATION ON HUMAN RIGHTS EDUCATION AND TRAINING *Toward Proclamation and Implementation*

11 March 2011
Palais des Nations, Geneva

A meeting held in parallel with the 16th Session of the United Nations Human Rights Council

Facilitated by

The NGO Working Group on Human Rights Education and Learning (NGO WG on HREL)

Cosponsored by

The Platform for Human Rights Education and Training in the Human Rights Council
(Costa Rica, Italy, Morocco, Philippines, Senegal, Slovenia and Switzerland)



The NGO WG on HREL is a working group of the Conference of NGOs in Consultative Relationship with the UN (CoNGO), Geneva

INTRODUCTION

The present meeting of Panel Discussion¹ was held in parallel with the 16th session of the Human Rights Council (HRC), facilitated by the NGO WG on HREL² and cosponsored by the Platform.

The objectives of the meeting were to raise further awareness among all stakeholders at the HRC of the ongoing process for the final draft of the United Nations (UN) declaration on human rights education and training; to assess the value of the draft declaration from the practical viewpoint and through the perspectives of different sectors; to create a positive impact to the adoption of the draft declaration by the HRC toward the proclamation by the UN General Assembly; and to discuss the prospective implementation of the declaration.

Relevant documents and publications were provided by the Office of the High Commissioner (OHCHR), the Organisation Internationale de la Francophonie (OIF) and the NGO WG on HREL³ for all attendants.

Including the panellists, this meeting was attended by over 50 representatives, mainly those from NGOs and other civil society actors and those from 7 Member States and organisations such as OHCHR and the Council of Europe that were participating in the HRC 16th session.

This meeting followed up to the Panel Discussion of 17 March 2010, on the same subject, held in parallel with the 13th Session of the HRC.⁴

The present report includes highlights of human rights education from the 16th session of the HRC (pp.10-15).

Background

Mandated by HRC resolution 6/10 of 28 September 2007, the Advisory Committee (CAC) of the HRC prepared the first draft of the declaration.

At the 13th session of the HRC in March 2010, the High Level Discussion on the Draft Declaration was held by the HRC in which the first draft submitted by the CAC was focused.

Pursuant to HRC resolution A/HRC/RES/13/15 (15 April 2010), the HRC held open-ended informal consultation meetings on 24 June, 3 September and 14 December 2010.

The drafting process was followed by the HRC working group meeting held from 10-14 January 2011 with the aim to finalise the draft text of the declaration, at which NGO participants also actively took the floor. As a result, the present draft text was made available in document A/HRC/WG.9/1/2, dated 26 January 2011.

The HRC, at its present session, had this updated text as of 26 January 2011 as the finalised draft declaration. Accordingly, the Platform Member States drafted a procedural resolution for the HRC for the necessary proceedings to follow. Once the declaration is eventually adopted by the General Assembly, it will be a new instrument to be added to the set of international human rights standards.

¹ Simultaneous interpretation for French and English was provided by Ursula Barter-Hemmerich. 12 volunteered representatives of 8 NGOs from the network of the NGO WG on HREL contributed to the preparation and logistics for this meeting as well as the drafting of the present report: OIDEL, Association Points-Cœur, United Network of Young Peacebuilders, Worldwide Organization for Women, Arigatou International, Association pour la Promotion des Droits Humains, Women's World Summit Foundation and Soka Gakkai International.

² The NGO Working Group on Human Rights Education and Learning is part of the NGO Committee on Human Rights, Geneva, of the Conference of NGOs in Consultative Relationship with the UN (CoNGO). Website of CoNGO: www.ngocongo.org

³ Documents provided by the NGO WG on HREL include: NGO written statement A/HRC/16/NGO/116 on NGO assessment of the draft declaration, jointly submitted by 37 organisations to the present session of the HRC.

⁴ The report is available at: www.ngocongo.org/congo/files/report__panel_on_dundhret_mar_2010.pdf

PANELLISTS

Ms. Urška Čas Svetek

Representative, Permanent Mission of the Republic of Slovenia

Mr. Samir Yeddes

Chargé de mission, Organisation Internationale de la Francophonie (OIF)

Mr. IHEME Richmond

Head, HRE Unit, Abuja Metropolitan Office, National Human Rights Commission of Nigeria

Ms. Marie Nodzanski

Representative to the UN in Geneva, Association Points-Cœur

Mr. Kazunari Fujii

Chair, NGO WG on HREL / Director, Soka Gakkai International UN Liaison Office

MODERATOR: ***Ms. Claire de Lavernette***

Organisation Internationale pour le droit à l'éducation et la liberté d'enseignement (OIDEL)

KEYNOTE PRESENTATIONS

Ms. Urška Čas Svetek

Representative, Permanent Mission of the Republic of Slovenia

On behalf of the Platform Member States, Čas Svetek expressed her appreciation to the NGO WG on HREL for organising the panel discussion on the draft UN declaration on human rights education and training. She noted that the Platform Member States (Costa Rica, Italy, Morocco, Philippines, Senegal, Slovenia and Switzerland) firmly believed that human rights education and training was indispensable for the full realisation of all human rights and that one must know their rights in order to claim them. For this reason, she added, the Platform had been pushing for a comprehensive document addressing human rights education and training which would provide guidance to both States and non-State actors regarding this key aspect of promotion of human rights.

Čas Svetek overviewed the drafting process since September 2007 that the HRC had initially tasked the Advisory Committee of the HRC to prepare a draft of the declaration. She recalled that the preliminary draft had been submitted by the Committee to the HRC at the beginning of 2010, followed by a process of open-ended consultations to refine the text, and the intergovernmental drafting process was carried on at the recent work of the HRC working group on the draft declaration that had met in January 2011 to finalise the text. Her presentation was based on this final draft declaration, the outcome of the meeting of the HRC working group.

Firstly, she recalled the original goal of the Platform to declare the right to human rights education and training through the declaration. Referring to the original draft text of Article 1 in this regard, she provided a brief summary of the intergovernmental negotiations where some Member States, such as Slovenia, had expressed belief that this right already existed and was contained in a number of human rights instruments, wherein States had accepted obligations to provide human rights education and training in a certain field, but this interpretation had not been shared by all Member States. However, she pointed out, all Member States in the drafting process agreed that human rights education and training was important and necessary for the full realisation of all Human Rights, based on which the final text of the draft declaration was formulated. She also added that in formulating the Article 1, paragraph 1, of the final draft declaration, to make it agreeable to all Member States, Article 6 of the UN Declaration on Human Rights Defenders (adopted in 1998) provided the basis for it.

Secondly, Čas Svetek pointed out that the final draft declaration was a very important achievement, even

though some compromises had been made in the drafting process. Among several important aspects, she indicated that the final draft declaration defined the principles upon which human rights education and training should be based, its goals and the means by which it should be delivered. She noted that it also specified who should be involved in the process of human rights education and training while acknowledging the primary responsibility of States to promote and ensure human rights education. She commented that during the negotiation process no effort had been spared to reach a consensual solution, and all delegations had shown a great degree of flexibility for which the Platform was sincerely grateful.

Čas Svetek underlined that the declaration, once adopted, would be the first such document produced in its entirety by the HRC, and was as such an important achievement for the Council as a body involved in the progressive development of international human rights law.

Thirdly, Čas Svetek mentioned a draft procedural resolution prepared by the Platform for the adoption of the declaration by the HRC at its present session and for forwarding it to the UN General Assembly. She remarked that there were no comments made by other Member States on the prepared draft procedural resolution at an informal consultation held on Wednesday 9 March 2011, prior to this meeting, and hence the Platform was ready to submit it to the HRC for its adoption. She hoped on behalf of the platform that it would be adopted by consensus by the HRC and that the General Assembly would adopt the declaration by the end of 2011.

Regarding the prospective implementation of the declaration, she emphasised that this was an important political commitment and that it was up to all stakeholders, including Member States, to implement it. She also expressed the expectation that civil society could be counted on for playing a crucial role in the implementation at the national level.

Čas Svetek then turned to the national activities of Slovenia in the last few years.

The summary she provided of such activity included the adoption of the Plan of Action (2005-2009) for the World Programme for Human Rights Education (WPHRE) focusing on the national school system, putting in place policies and legislation for a rights-based approach to education, giving special attention to human rights education and including topics linked to human rights in the school curriculum at primary level.

Čas Svetek pointed out that because human rights education was considered as a cross-curricular subject, it was also implemented via more flexible methods, such as theme days, activity weeks, or special events on the subject of human rights. In this regard, she said, Slovenia also carried out curricular projects in cooperation with non-domestic partner schools including the European Science Foundation (ESF) projects, UNESCO ASP net, Comenius, and the subject of human rights also received more emphasis in teacher education and training, school project tenders, and research topics. She also said that Slovenia paid particular attention to minorities, foreign nationals and children with disabilities.

Regarding the second phase of the WPHRE, she explained that Slovenia had already started preparing a national plan of action on the basis of identified gaps.

In her conclusion Čas Svetek stated that the declaration was meant to inspire governments and other stakeholders to make human rights education and training truly available to all, thereby promoting a universal culture of respect for human rights.

Mr. Samir Yeddes

Chargé de mission, Organisation Internationale de la Francophonie (OIF)

In his presentation, Yeddes focused on the perspective of OIF as an intergovernmental organisation. He presented the normative framework that the human rights activity of OIF was based on, and concrete projects as an example carried out by civil society partners of OIF with the support provided by OIF.

He stressed that the drafting process of a UN declaration on human rights education and training was of paramount interest for OIF, recognising the importance in its activity of the realisation of quality education for all and the promotion and protection of human rights.

In this regard, Yeddes made reference to the normative framework "Déclaration et Programme d'action de

Bamako” adopted in 2000. He stated that the basis of OIF action on human rights was found in this declaration which called upon the OIF Member States “to develop a spirit of tolerance and promote a democratic culture in all its dimensions, so as to foster, through education and training, an awareness of the ethical demands of democracy and of human rights among public officials, all players in political life and the citizenry at large”.

As for the need for such frameworks as Bamako Declaration and the UN declaration on human rights education and training in order to realise the objectives enshrined in them, Yeddes asserted that it was because while information and education were fundamental in every process of building a culture of human rights, democracy and peace, the respect for human rights and democratic principles was not innate and these were rather presupposed as known, understood, internalised, shared and defended. In this sense, he emphasised, the declaration on human rights education and training, once proclaimed by the UN General Assembly, would send a strong political signal of the importance of education and training, and thus taking effective steps towards making human rights a reality for all.

Yeddes further described concrete example projects in the field of human rights education and training that OIF was supporting.

Firstly, he mentioned the fund administered by OIF, “le Fonds francophone d’initiatives pour la démocratie, les droits de l’Homme et la paix”.

He explained that the fund was aimed to support projects of civil society organisations in the field in the developing francophone countries, directed toward establishing a democratic culture at the national level and respect for human rights.

As for the beneficiary, he informed that the fund was aimed to identify and facilitate the efforts of national NGOs, unions, media and all other actors competent of teaching, training, producing educational materials and popularising the subject, contributing to the consolidation of the active role of civil society organisations in human rights education and education in democracy and peace.

Currently, he added, the selected projects were provided with funding from OIF in a range from 15,000 to 30,000 euro, and the interest of civil society organisations in this fund was evident as demonstrated by approximately a hundred applications received by OIF every year.

Secondly, Yeddes presented a teachers guide for human rights education in French speaking education, entitled “L’éducation aux droits de l’homme: comprendre pour agir ensemble” (“Human rights education: understanding in order to take action together”).

He described the guide that it was published in 2009 by “Association Francophone des Commissions Nationales des Droits de l’Homme” (AFCNDH) with the support of France, Morocco, Quebec and Senegal, and was consisted of an introductory section with the principles of human rights education, followed by the second section with a series of pedagogical materials to support the activities of teachers.

In terms of the dissemination of this guide, he added that OIF was continuing the distribution of this guide in 2011, relying particularly on the programme called, “Initiative for Distance Training of Teachers (IFADEM)” currently carried out in Burundi and Benin.

To conclude, Yeddes hoped that the UN declaration on human rights education and training would be proclaimed by the General Assembly this year, and underlined that everyone should be aware of one’s own rights and obligations as regards human rights thereby making them a reality for everyone and in all countries.

Mr. Iheme Richmond

Head, HRE Unit, Abuja Metropolitan Office, National Human Rights Commission of Nigeria

Richmond introduced the mandate of the National Human Rights Commission of Nigeria, placing an emphasis on its structural and organisational approach to human rights education as a national human rights institution (NHRI). He provided an insight into how NHRIs could integrate human rights education in their framework of activity through the examples of the NHRI of Nigeria.

He first described the mandate of the Commission by mentioning the importance of investigations of all alleged cases of human rights violations, among others. In this respect, he said that the Commission carried out investigations sometimes without having to wait to receive reports from victims of human rights violations and also monitored compliance with human rights standards in the country, inspecting all places of detention, for example. He stressed that, in addition to these activities, the Commission was indeed carrying out actions to further the promotion of human rights education in Nigeria.

At the same time, Richmond commented on a number of challenges that the Commission had to face, including the organisational structure and status of the Commission. He pointed out that because the Commission was currently placed under the Ministry of Justice in Nigeria, it was not in line with the Paris Principles, and was thus creating negative implications on the autonomy of the Commission.

On this matter, he explained that the Commission was currently addressing it as an important issue, by proposing a bill to the parliament of the country which was in the process of being passed.

According to this proposed bill - the Human Rights Commission amendments, he said, the Commission would no longer reside under the Ministry of Justice, and would therefore be able to restore its autonomy. He remarked that this was a crucial point, as every NHRI ought to be independent.

As for the geographical area of activity in Nigeria, Richmond referred to the existence of six geo-political zones in the country. He explained that the Commission could be engaged in activity based on its mandate and that there had been efforts to have more offices in other states of the federation at the national level in order to increase the visibility of the Commission and its activity.

Further in the context of the challenging issues that the Commission was tackling, he mentioned the Constitutional issue in Nigeria. He noted that the Constitution of the Federal Republic of Nigeria compartmentalised human rights provisions into two groups based on their enforceability. He explained the nature of the problem by noting that according to the Constitution, while the rights listed in Chapter 2 of the Constitution, principally civil and political rights, were “justiciable” as enforceable in the court, other rights listed in Chapter 4, economic, social and cultural rights, including “the right to free and compulsory education”, were “non-justiciable” as not enforceable in the court.

He asserted that there was no justifiable reason as to why human rights should be divided into two different categories “justiciable” and “non-justiciable”. Placing an emphasis on the universality and indivisibility of human rights, he explained that the Commission had addressed this issue to the Parliament.

As for the efforts of the Commission for human rights education, Richmond referred to a couple of example programmes that the Commission carried out.

One example that he explained was an outreach programme in which personnel from the Commission visited local communities to speak directly to Community Gate Keepers (Community Leaders) and local residents, informing them of the Commission, its mandate and activities. He emphasised that the purpose of the outreach programme was to interact, communicate and gain trust from local people, of which a key part was communicating with them in their own local and various languages.

Richmond underlined that during these visits they discussed human rights standards and their relation to the community visited, helping the local people to learn that they could report human rights violations at anytime and that the Commission was there to serve them.

The other example he explained was the plan for integrating human rights education into the primary and secondary school curricula at the national level in Nigeria, with the aim that students from an early age could gain basic knowledge about human rights.

In the process of these efforts, he also noted that the Commission had identified a number of relevant institutions and other activities related to school students, such as establishing “human rights clubs” in order to reach out to more children who might have a very limited access to school.

Richmond concluded by reiterating that the aim of the Commission was to sensitise young people, communities and those in governance about human rights standards.

Ms. Marie Nodzenski

Representative to the UN, Association Points-Cœur

Nodzenski expressed that her organisation supported the final draft declaration. The focus of her presentation was the implementation methodology of human rights education through arts, using her organisation's project as an example.

She indicated that it could be considered a practical approach to implement, in particular, Article 6, paragraph 2, of the draft declaration.

She stressed that Article 6 of the draft declaration encouraged various means and innovative approaches to the implementation of human rights education and training. She particularly highlighted a number of points that illustrated the added value of the arts as a medium to promote human rights education and training.

Firstly, regarding specific local needs and conditions that human rights education and training should take into account as stipulated in the draft declaration, Nodzenski asserted the link of the arts with such specific needs and conditions at the level of individuals, through which the arts could create a positive impact.

In this regard, Nodzenski explained the great added value in using the arts as a tool for the implementation of human rights education, noting that this methodology could apply to almost any target group because most of the art forms aiming at promoting human rights would not require the learner to have specific prior knowledge of human rights or to be literate.

Secondly, concerning cultural specificities that human rights education and training should take into account, Nodzenski noted that in the context of building a culture of human rights, an approach based on the local culture was vital, by both adopting it as a means and placing it as a target. In this methodology, she stressed, the objective was to build a universal culture of human rights by incorporating international human rights standards and principles in local cultures, through the respect for various local cultures.

She also noted that culture encompassed such elements as the arts, beliefs, traditions and any other ways of life through which individuals manifested their humanity, fostered their personal development, and formed one's own identity. In this aspect, too, she identified the usefulness of the arts for promoting human rights to help the individual grow willingness to respect human rights.

Thirdly, in regards to human rights education beyond mere information transmission and sharing, Nodzenski placed an emphasis on the potential of the arts that could enable the individual to develop one's personal perceptions, attitudes and behaviours to meet the objective of human rights education beyond mere recognition of the concept of human rights. She commented, in this regard, that the experience of a work of art or of beauty in the attempt to express respect for human dignity and human rights was an expression revealed for such purposes, influencing one's sensitivity and emotions of both the creator and spectator.

Through her presentation, Nodzenski used a projector to display several photos taken by the photographer, Reza Deghati, as an example of how the arts could convey messages for raising awareness of human rights that she believed would demonstrate the beauty of humanity and create an impact on the perception of the viewers. She also displayed photos of another photographer, Matthieu Paley, who had travelled the remote mountainous regions of central Asia and photographed the local populations. Based on this example, she commented that the first step to caring and respecting the rights of other people was learning about them and gaining knowledge of their history, culture or daily life.

With regard to the overall approach of her organisation to human rights education, Nodzenski noted that it was important to learn from the actual life of individuals whose living conditions were precarious or threatened by situations of exclusion in order to become aware of the human dignity of others and one's own. For this reason, she added, her organisations placed the focus of its activity on the heart of the poorest around the world where a few volunteers of the organisation lived to provide the local children and adults with a supportive environment for them.

Nodzenski noted that the arts were the basis of activity for her organisation, with the aim to help people

relate the arts to the value of their own culture, and thus becoming aware of the richness of their own life. As examples, she cited several activities of her organisation including arrangement of music classes for children in Naples, Italy, and traditional Indian dance classes in India, and facilitating spaces for artists to create and perform their work in New York.

In conclusion, Nodzinski asserted that Article 6, paragraph 2, of the declaration was symptomatic of human rights education enshrined in the declaration, which should be considered that human rights education was not solely about gaining knowledge in human rights, but rather creating positive impacts on perceptions and developing positive attitudes in order to create a universal culture of human rights, based on which she viewed the use of the arts as a pertinent approach.

Mr. Kazunari Fujii

Chair, NGO WG on HREL / Director, Soka Gakkai International UN Liaison Office

Fujii focused on the assessment of the draft declaration, which was now considered to be the final draft text, particularly through the NGO perspective with reference to several collective viewpoints of NGOs expressed in the discussions facilitated by the NGO WG on HREL.

Fujii first stated that the draft declaration had several different aspects that should be given much thought. Recalling the entire drafting process, he emphasised that many civil society actors, including academic institutions, made substantial contributions including, as an example, a written statement of the NGO proposal jointly submitted to the HRC in March 2009 by 365 organisations of 85 countries including 5 NHRIs. He emphasised that this example alone indicated the level of interest among civil society actors.

Fujii commented that although not every single view or proposal put forward by NGOs was included, many of them were incorporated and reflected in the draft declaration. He further commented that it was noteworthy that the whole drafting process brought in many stakeholders in the discussion, including civil society actors and Member States, in order to lay down the definition, standards, principles of human rights education and training. He also pointed out that the process provided important opportunities for Member States to clearly express their views, indicating both their commitment to human rights education and the limit of what they could do. He expected that all this would help identify the ways in which stakeholders including governments should and could implement human rights education and training in light of the declaration in the near future.

Regarding the principles of human rights education, Fujii considered the ultimate goal of human rights education the full realisation of human rights for all through building a universal culture of human rights in all nations. He stated that human rights education dealt with the root causes of human rights violations and abuses, contributing to the prevention of such abuses and was a lifelong process of all persons and requires various forums, private, public, formal, informal or non formal. He also emphasised that the recognition of rights-holders and duty-bearers was required for the effective implementation of human rights education and training.

In this regard, Fujii commented on Article 1 of the draft declaration. He referred to the original language of this article, "Everyone has the right to human rights education and training", which had been modified in the final draft text as a result of the intergovernmental negotiation. He stressed that this original language had been proposed and supported jointly and individually by many NGOs, as they believed that the right had already existed. He stated that such NGOs and himself would therefore continue to believe so while the modified Article 1 in the final draft declaration was indeed valuable and certainly appreciated. On this, he underlined that the true importance was the fulfilment by States of their commitment to the realisation of human rights in practice, and especially States and their appropriate governmental authorities should be accountable for the implementation of and equal access to human rights education and training in light of the declaration.

In this sense, Fujii remarked that as provided in Article 7 of the draft declaration regarding States responsibility, NGOs expected States and their appropriate governmental authorities to do their best to implement the declaration.

Based on the views expressed by Member States in the drafting process, Fujii also indicated that the range

of the regional and international mechanisms applicable in implementing the declaration had been understood those in a wide range. For this reason, he stated that the mechanisms as such stipulated in Article 13 of the draft declaration should properly be interpreted in practice as to include the Special Procedures and UPR as well as human rights treaty monitoring systems in the implementation of the declaration.

As for the provision on financial resources, he remarked that Article 12, paragraph 3, and Article 14 were some of the drastically rephrased elements in the drafting process. Although he was aware that there was no doubt that financial resources were a vital concern for many civil society actors and governments of developing countries, he expressed his understanding that Member States considered such concrete actions on financial resources as an international voluntary fund should be dealt with by a resolution of the HRC or at the national, regional or bilateral level rather than in the declaration. For this reason, he reiterated his appreciation for the modified Articles formulated in the final draft declaration, but also stated that necessary measures to ensure such financial resources should be taken when possible.

In his conclusion, Fujii expressed his hope that the declaration would provide an opportunity for civil society actors to work together with States and their local governmental authorities, constructively, cooperatively and effectively with the declaration, and in this sense, he regarded the declaration as a significant momentum for the UN to officially proclaim international standards for human rights education.

DISCUSSION

The discussion had several comments presented and questions raised from the floor, including Ambassador of the Philippines and representatives of other Member States, the Council of Europe, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and several NGOs including Amnesty International, Arigatou International, Association pour la Promotion des Droits Humains, Comité pour les droits de l'homme et la démocratie au Rwanda and others.

Ambassador of the Philippines agreed with the concept that human rights must be built in the hearts and minds of people first and that human rights values must be accepted and take root in society and not just in laws and governments. He was pleased that this issue had attracted a high level of interest of governments, UN systems and civil society. He encouraged everyone to continue beyond the resolution of the HRC, maintaining this network at an international level in order to exchange views and perspectives on the implementation of human rights education so that best practices could be shared worldwide.

The representative of Morocco expressed his appreciation to everyone who had been working on the draft declaration developing it from the outset into a concrete document. He commented that although the final text of the draft declaration could not be considered perfect, it could act as a valuable tool and inspiration for governments supporting their efforts to improve their work on human rights education and training. He also made a positive comment on the presentation that was delivered by Nodzinski, sharing his own experience in his childhood that music and poetry had helped him learn and grasp the meaning of difficult subjects. Thus, he stressed the power of the arts as a key instrument that could directly reach the hearts of people.

The representative of the Council of Europe emphasised the importance of the draft declaration and reminded all those who were present in the room that on 11 May 2010, the Council of Europe adopted the recommendation on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education which recognised the role of non-formal education activities in providing human rights education, as complementary to the UN declaration. He hoped that there would be a future cooperation with the UN in this field. On this, Fujii remarked that in terms of the regional initiatives and activities including human rights education focusing on youth, the European region was relatively proactive and developed with the governments working together through regional intergovernmental organisations such as the Council of Europe and Organization for Security and Co-operation in Europe. He added that for the other regions it could be a model to learn from, and hoped that regional intergovernmental organisations of different regions would develop their cooperative efforts with one another.

The representative of ICC made a comment from the floor that it would be important for NHRIs to have

the declaration circulated among them particularly in light of Articles 8 and 9 of the declaration that were related to NHRIs. She also shared the information that the next meeting in May of NHRIs to be held in Geneva would deal with human rights education and training as one of their agenda items.

One question raised by an NGO was addressed to Čas Svetek - why only "people with disabilities" was mentioned in the declaration and not other specific minorities and groups such as persons in detention. Recalling the debate during the drafting process, Čas Svetek responded that the decision had been made not to make a long list of minority groups within the draft declaration as the word "minorities" had been considered encompassing numerous groups. In this respect, Čas Svetek also highlighted that the language "persons in vulnerable and disadvantaged situations" in Article 5 of the draft declaration did in fact comprise all minorities and vulnerable groups.

Other comments made by NGOs from the floor include the following.

- Human rights education was more than providing knowledge. Article 2 of the draft declaration stipulated both skills and attitudes, and a change in attitude would result in a change of behaviour, inspiring people to take action and claim their rights as stipulated in both Article 1 and 2 of the draft declaration.
- With regard to the original language of Article 1, which had been one of the focused subjects during the HRC working group meeting in January, "the right to human rights education and training" should be considered as already established in light of the number of international human rights instruments. States and NGOs should therefore reaffirm their engagement accordingly, in order that the declaration could act as a valuable guiding tool to implement human rights education and training.
- The draft declaration was a valuable tool in particular for children and young people who would grow up with a better understanding of human rights that they could manifest in their social life, religious environments, at schools and in their profession.
- The declaration should be properly implemented in response to certain concerns that the declaration could be considered as rather vague, abstract and far from the reality of daily life in certain countries.

Regarding a question asked by an NGO from the floor - what would be the next steps for the Platform Member States to take to ensure that human rights education remained on the agenda of the HRC, Čas Svetek described the present step. She responded that although there was already some ongoing talk on the next steps, the focus of the Platform at present was firmly set on the adoption of the declaration. At the same time, she reaffirmed the need to continue the efforts for promoting human rights education at the HRC, and this was echoed by the representative of Morocco who agreed to it from the floor.

The meeting was concluded with the following remarks by the panellists.

Čas Svetek reiterated that even though the declaration might not be a perfect instrument, it was nevertheless an important achievement with the potential to make a difference in the field. Yeddes stated that the draft declaration was a strong political signal and an affirmation of engagement as well as a valuable tool to help mobilise all stakeholders. Nodzinski reiterated that the main goal of the draft declaration should be to forge an impact on the individual, allowing all relevant actors to do so, by finding creative and various strategies for the implementation of human rights education and training. Recalling the Durban World Conference against Racism in 2001, Fujii pointed out that the root causes of human rights violations could be difficult to identify in society as they might be misperceived as traditions and cultures and that therefore it was vital to build a universal culture of human rights.

(End of Panel Report)

HUMAN RIGHTS EDUCATION HIGHLIGHTS FROM THE HUMAN RIGHTS COUNCIL 16TH SESSION (28 February - 25 March 2011)

(Kazunari Fujii, Chair of the NGO WG on HREL)

The following are highlights of human rights education from the 16th session of the Human Rights Council. Analytical comments are included. These are in summary as supplements and follow-up to the Panel Discussion reported above. For more about the 16 session, please visit the website of the United Nations Human Rights Council. (www2.ohchr.org/english/bodies/hrcouncil/16session/)

1. Report of the Human Rights Council Open-Ended Working Group

The highlight on human rights education at the present session of the Human Rights Council (HRC) was the final draft text of the UN declaration on human rights education and training. Since September 2007, a number of consultations and negotiations have taken place in the drafting process. Particularly in the context of the intergovernmental negotiation, the Platform for Human Rights Education and Training (the Platform) composed by Costa Rica, Italy, Morocco, Philippines, Senegal, Slovenia and Switzerland, played an important leading role.

The HRC held a meeting of its working group on the draft declaration from 10-14 January 2011, where the draft text was finalised based on the consensus of Member States as a result of constructive and intensive negotiations throughout the meeting.

More than 70 Member States and 3 regional/international organisations participated in the meeting. Some of them participated for the entire process, whilst some others participated for part of it. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and at least 10 NGOs also participated in the discussions during the meeting.

Based on the original text, the elements that raised a level of debate were, among others, Article 1 regarding the right to human rights education and training and Article 7 on States responsibility.

According to the final draft declaration, Article 1, paragraph 1, now reads: 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.

The grounds of the assertion by several Member States particularly on Articles 1 and 7 of the original draft noted during the working group meeting were, inter alia; a new right should not be established in this declaration; ensuring for everyone such a right requires excessive burdens upon States and their governmental authorities both financially and for providing necessary facilitation that they would not be able to afford; the federal system of some Member States would not allow for the State to interfere with the local governance including the local strategies and policies on education; for the same reason placing the primary responsibility exclusively upon States would not be possible; and so forth.

However it was also noted that several other Member States, including some of the Platform Member States, supported the original text of these Articles in terms of more concrete responsibility of States for, and the rights-based approach to human rights education and training.

The establishment of a voluntary fund in Article 13 of the original draft was eventually deleted due to opposition by a number of Member States. Instead, an alternative suggestion agreed among Member States was to “soften” and divide the original provision of Article 13 into two articles in the final draft declaration - Article 12, paragraph 3, “voluntary funding (...) should be encouraged” and Article 14 “States should (...) make the necessary resources available...”.

The report of the HRC working group¹ prepared by itself was presented at this session of the HRC under Agenda Item 5 by the Chairperson/Rapporteur of the working group, Ambassador of Switzerland, Mr. Jürg Lauber, followed by a number of interventions by Member States and observers at the plenary.

¹ A/HRC/WG.9/1/3: Report of the Open-ended Working Group on the draft United Nations declaration on human rights education and training - 10-14 January 2011 (28 January 2011).

2. High Level Segment and Substantive Session

During the High Level Segment of the first week of the present session where high level delegates of Member States spoke on human rights, more than 10 Member States delegates made reference in their statements to human rights education and the draft declaration.

In addition to Member States, the Commissioner for Political Affairs of the African Union expressed its “keen interest in the draft UN declaration” and its expectation of “strengthening local and regional human rights capacities”, to which, she stated, the adoption and implementation of the declaration could contribute.

During the substantive session after the High Level Segment, the general debate on the draft declaration was tabled under Agenda Item 5, along with other issues on human rights² which took place on 15 March.

The plenary meeting on Agenda Item 5 started with the report presented by the Chairperson of the HRC Advisory Committee (CAC), Ms. Purificación Quisumbing, on the recent activity of the CAC. In this report, which covered a range of various human rights issues within the CAC mandate, she made reference to the initial drafting process of the declaration carried out by the CAC. She stated that “the enthusiastic response received from a large variety of stakeholders to the issue and the preliminary findings by the Advisory Committee had demonstrated a need to emphasise human rights education as an obligation under international human rights law as well as a prerequisite to achieving the realisation of human rights”.

This context was followed by the report of the HRC working group on the draft declaration presented by Mr. Jürg Lauber, the Chairperson/Rapporteur of the working group. He provided the HRC with a summary of the intergovernmental negotiation process and indicated the outcome document, A/HRC/WG.9/1/2 that contained the final draft text of the declaration.

Among a number of interventions delivered on various issues under Agenda Item 5, the following would be highlights as human rights education and the draft declaration were referred to in their respective statements.

8 Member States took the floor in this regard: Morocco (on behalf of the 7 Member States of the Platform), Cuba, Brazil, China, Thailand, Indonesia, Kuwait, Philippines, Australia and South Africa.

2 intergovernmental organisations and 1 intergovernmental regional group in the HRC also spoke in this context: the European Union (by Hungary), the African Group in the HRC (by Nigeria) and Organisation internationale de la Francophonie (OIF).

In addition, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and several NGOs followed in taking the floor.

Morocco (on behalf of the Platform) stressed that the draft declaration represented a standard for the realisation of human rights education and training, reaffirming that everyone should have access to human rights education and training. It also stated that the declaration would be the first of such a document drafted in its entirety by the HRC since its establishment, opening up prospects for future initiatives for human rights education and training for which States were expected to promote and assure human rights education and training in line with the scope and principles of human rights education and training provided by the declaration. Morocco also appreciated the support from NGOs to the drafting process.

Brazil, commending the work on the draft declaration, stressed its domestic efforts for inclusion of human rights education in school curricula and government training courses; the adoption in 2006 of the national programme on human rights education as a result of devoted consultations with civil society, envisaging school teachers training and practical help for disseminating a culture of non-discrimination, non-violence and tolerance; and, the programme adopted in 2009 to ensure human rights education and contemplate guidelines for it within educational and public institutions at all levels including universities, schools and the police sector.

Thailand expressed that it recognised human rights education as a cross-cutting issue spanning across all

² Agenda Item 5: Human rights bodies and mechanisms. It was because the Advisory Committee of the HRC had initially prepared the first draft based on its mandate given by the HRC. However, the resolution was adopted under Agenda Item 3 at the present session, as the draft declaration was negotiated and finalised at the intergovernmental level of the HRC itself.

rights, and therefore, raising awareness of human rights as a whole through human rights education would serve to reinforce the significance of a whole range of specific rights. It also stressed its awareness of the primary role and responsibility of States in promoting human rights education and training as well as in providing an enabling environment for all the stakeholders engaged in such processes. Further, it stated that it would support the strengthening international cooperation and encourage a voluntary fund for projects and initiatives for human rights education and training.

Indonesia considered the right to education fundamental which was enshrined in Indonesia's 1945 Constitution. Based on this, it stressed that human rights education and training had been a core element of its national plan of action for human rights and would continue to be one of Indonesia's key educational priorities. It also stated that awareness-raising initiatives and the dissemination of information related to human rights had been carried out at all levels of Indonesian society, including government officials and the military. It added that the Indonesian Armed Forces and National Police had incorporated human rights awareness into their staff training programmes.

Kuwait stated that considering human rights education and training one of the pillars for the cohesion at the national level, since 2006 human rights education was reflected in the secondary and university levels of education, and the military officers and the judicial staff were being trained to be aware of the importance of human rights. It also stated that its participation in the Arab Plan for Education on Human Rights aimed at integrating human rights in all school curricula and preparing trainers in the field of human rights.

The Philippines reiterated its commitment to human rights education and training, welcoming the finalised draft declaration reached by consensus of Member States. It hoped that the final draft declaration would be adopted at the present session of the HRC, thereby the international community would be more aware of the fundamental importance of human rights education and training in developing a universal culture of human rights and contributing to the effective realisation of all human rights. It also added that the draft declaration was "a fruit of effective cross-regional and cross-sectoral dialogue and cooperation".

Australia considered human rights education the central importance in strengthening respect for human rights and fundamental freedoms and in contributing to the promotion, protection and effective realisation of all human rights. It underlined the timeliness for the country of the development of the draft declaration as the government had announced a national policy-framework for human rights with its centrepiece set to education with more than 12 million dollars invested in a suite of human rights education and training initiatives for schools, communities and the commonwealth public sector.

South Africa, placing emphasis on education, viewed human rights education and training as a process which contributed to achieving progressively the full realisation of the right to education. It believed in the importance of education in empowering women and children, promoting human rights and democracy, as an indispensable means of realising other human rights. It emphasised that human rights education and training was an inherent part of the right to education, therefore, also viewed the declaration as one of the tools which would facilitate and was aimed at achieving the right to education together with other elements.

OIF hoped that the adoption of the declaration would send a strong political signal on the importance of human rights education and training. It cited the Bamako Declaration and Plan of Action adopted in 2000 that the human rights activity of OIF were based on. It indicated that this framework called upon the OIF Member States to develop a spirit of tolerance and promote a democratic culture in all its dimensions, so as to foster, through education and training, an awareness of the ethical demands of democracy and of human rights among public officials, all players in political life and the citizenry at large. It also added that there was a special fund for financing projects aimed at building a culture of human rights and democracy. Further, it stated that the "Association francophone des Commissions nationales des droits de l'Homme" in collaboration with OIF had published a guide for teachers containing materials for human rights education in addition to other related teaching materials. It expressed its commitment to undertaking the dissemination of the declaration as broadest as possible through their institutions and civil society partners.

Hungary on behalf of European Union welcomed the final draft declaration, and expressed its view that the declaration was important in providing guidance for human rights education and training which was essential for the realisation of all human rights.

Nigeria on behalf of the African Group indicated the importance for Africa of the realisation of the right to education for all. Keeping that in mind, it hoped that the declaration would help to empower people by benefiting from human rights education and gaining a sense of responsibility for respecting and defending human rights, through learned skills, to take appropriate action in this regard.

These and other Member States unanimously commended the work of the Platform and expressed their support to the adoption of the final draft declaration, welcoming the outcome of the HRC working group.

ICC expressed its constant interest in the drafting process of the declaration because of the concrete embodiment of human rights education and training in the draft declaration as a guarantee of the effective enjoyment of human rights for all. It highlighted several elements relating to the draft declaration as important conditions and needs according to its view: the primary responsibility of States; establishing effective mechanisms to put in practice these obligations; allocating necessary resources; and creating synergies. It also expressed its commitment to achieving the quality objectives of the declaration.

The NGO joint oral statement of 19 organisations,³ prepared through the NGO WG on HREL network and delivered during this general debate, expressed their support to the draft declaration. Based on the substantial contributions made by many NGOs throughout the drafting process, they stressed that human rights education was a sustainable endeavour of dealing with the root causes of human rights violations and abuses, contributing to the prevention of such violations and abuses; human rights education was a lifelong process for all persons; the effective implementation of human rights education required the rights-based approach; according to Article 1 of the draft declaration, all Member States should ensure that everyone had access to human rights education and training, taking into account various settings and all forms and utilising languages and methods suited to the local specific needs and conditions; and at the international level, the Special Procedures and UPR of the HRC should be recognised as contributory mechanisms for the effective implementation of human rights education.

Myochikai (Arigatou Foundation), Plan International and the United Network of Young Peacebuilders jointly supported the draft declaration for adoption by the HRC, and expressed the view that the declaration reaffirmed the existing commitments of States regarding the right to human rights education for all, particularly children; human rights education was essential for the full development of the child with understanding of their rights; and the declaration should be translated into legislative measures and concrete policies that would be built upon the World Programme for Human Rights Education and put in place with relevant mechanisms for children to voice their needs.

Amnesty International emphasised its belief that everyone had the right to human rights education and training. It asserted the recognition of the right based on a range of international human rights instruments. It stated that it was also intrinsically linked to the right to education for all which obliged governments to integrate teaching of and through human rights in all forms of education to ensure respect for human rights and fundamental freedoms through education. It underlined the importance that all governments would take clear and concrete measures, as identified under the declaration, to enable effective implementation of the right to human rights education for all persons, at all levels of education.

The World Association for the School as an Instrument of Peace stressed the importance of recognising that the right to education and the right to human rights education were not just human rights but also preconditions for the access to other rights. From this perspective, it underlined that the draft declaration should have reflected more the reality rather than just referring to the right to education and limiting the language of Article 1 to the extent of the right to information. It further wished more sufficient stipulation of the obligations of States, follow-up procedures and monitoring measures.

³ Soka Gakkai International, Human Rights Education Associates, International Organization for the Right to Education and Freedom of Education, Association Points-Cœur, International Network for the Prevention Of Elder Abuse, United Network of Young Peacebuilders, Myochikai (Arigatou Foundation), International movement against all forms of discrimination and racism, International association for religious freedom, Sovereign Military Order of the Temple of Jerusalem, International Catholic Child Bureau, World Wide Organization of Women, Soroptimist International, Servas International, Asian Forum for Human Rights and Development, International Organization for the Elimination of All Forms of Racial Discrimination, Al-Hakim Foundation, International Association of Peace Messenger Cities and Planetary association for clean energy.

3. Resolution on United Nations Declaration on Human Rights Education and Training ⁴

HRC resolution A/HRC/RES/16/1 was adopted by consensus on 23 March with a total of 86 cosponsors of Member States.

Morocco on behalf of the Platform introduced the draft resolution at the plenary before the adoption. It indicated the procedural nature of this resolution to forward the draft declaration from the HRC to the UN General Assembly for its adoption by the General Assembly. Operative paragraph 2 of the resolution reads:

(The Human Rights Council) *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

“The General Assembly,

Welcoming the adoption by the Human Rights Council, through its resolution 16/1 of 23 March 2011, of the United Nations Declaration on Human Rights Education and Training,

1. *Adopts* the United Nations declaration on human rights education and training as contained in the annex to the present resolution;
2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.”

Morocco also stated that at the informal consultation meeting (held on 9 March) on the draft resolution there had been no objection or reservation on the final draft text of the declaration.

Recalling the drafting process since September 2009, it stressed that there had been “great support for this initiative and cosponsors (of Member States) for various relevant resolutions as well as support from NGOs and experts”. It thanked all partners and relevant actors “for their commitment and their collective efforts for this first instrument adopted by the Council”.

Following the introduction of the draft resolution, two other Member States took the floor on this matter.

First, the United Kingdom made a general comment. With regard to the question on the right to human rights education and training of the original text of Article 1, it expressed its belief that there was no “basis under international law to declare or recognise human rights education and training as an international human right”, and stated that such a right was “not agreed upon in any UN human rights treaty”, nor was there “any evidence that it existed in customary international law”, but the declaration was an expression of a commitment to the goal of strengthening the respect for human rights and fundamental freedoms. It emphasised, however, the importance of human rights education and training and the protection and promotion of human rights, and stated that the U.K. government would continue promoting human rights education and training wherever possible. It also added that it was vital for people to continue to have access to information about their rights.

The other intervention was made by the United States. It stated that it had two primary goals, entering negotiations on the draft declaration: to underline the critical relationship that human rights education and training played, promoting all human rights and fundamental freedoms; and to strengthen support and respect for human rights educators and trainers of all kinds at all levels. While expressing its support to the draft text of the declaration and wished to have it adopted by the UN General Assembly, the United States reiterated its position, stating that it was among a number of Member States not recognising the right to human rights education and training. It noted that the authority of the United States federal government over education was limited at its national level, and thus would not accept additional obligations that the right to human rights education and training would imply. In turn, the United States emphasised that it would in no way lessen its commitment to promoting an individual’s ability to know or seek out information

⁴ Human Rights Council resolution A/HRC/RES/16/1 (8 April 2011). See, the Human Rights Council 16th session website: www2.ohchr.org/english/bodies/hrcouncil/16session/

regarding his or her human rights, as reflected in the draft declaration. It further commented on the contribution of education, particularly human rights education, to combating discrimination and intolerance. It also stated that human rights education should not be used in a manner leading to suppression of the right of freedom of expression in any way. Referring to the right to know, seek and receive information about all human rights and fundamental freedoms provided in Article 1 of the draft declaration, and expressing its respect for the belief of other Member States that the right to human rights education and training existed, the United States clarified that it considered this right in Article 1 no more extensive than the right to seek, receive and impart information under Article 19 of the Universal Declaration of Human Rights. It also noted that because the United States was not a party to the international Covenant on Economic, Social and Cultural Rights, it was not reaffirming the obligations under it.

4. Towards adoption by the General Assembly

According to the resolution and the information provided by the Platform on their intention, the draft declaration is forwarded to the UN General Assembly for adoption by the General Assembly within this year.

It will be tabled first at the Third Committee (Social, Humanitarian and Cultural) of the General Assembly, followed by the General Assembly plenary for consideration of its adoption. 10 December, Human Rights Day, may be a day for the General Assembly to adopt this UN declaration, according to the Platform.

As for the draft text of the declaration, after having been through the intergovernmental negotiation of the HRC and the consensus of Member States reached, it is very unlikely that the text will be modified any further even if some minor adjustments may be made.

For all stakeholders, including governments and civil society actors both, this UN declaration is expected to enter its implementation phase soon. As is the case with the World Programme for Human Rights Education, the effective implementation and development of human rights education and training depends also largely on efforts by all stakeholders for the dissemination and public-awareness of such document as this declaration.

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The NGO WG on HREL hopes that the present report provides all relevant actors with useful information and insights for better strategy-building.

The NGO Working Group on Human Rights Education and Learning

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