

## 15. THE RIGHT TO HUMAN RIGHTS EDUCATION

### 1. INTRODUCTION

Knowledge of human rights is a prerequisite for individuals and groups so that they can reasonably expect and demand respect for their rights and freedoms. Education and the dissemination of information about human rights are essential for bringing about the necessary knowledge of legislators, judges and other officials so that national remedies are available and effective. This is also true for the successful employment of international monitoring procedures when human rights are violated.

Human rights education is not only about good intentions and action plans. Many of the major international human rights instruments actually establish a right to human rights education. In order to drive home the point, several provisions will be quoted to this effect in this chapter. The chapter describes the contents of the right and identifies some relevant methods for national implementation and international monitoring efforts, with an emphasis on the corresponding duties of states. The importance of technical cooperation and operational activities for the realization of the right will be underlined. The value of human rights knowledge and the usefulness of human rights education to linguistic and other cultural rights will come up in the process of this examination.

Stipulations about human rights education, and about the broader issue of dissemination of information, are a common sight in international human rights instruments, both treaties and declarations. They serve to encourage respect for human rights and fundamental freedoms, as mandated by Article 1(3) of the United Nations Charter. With the adoption of the 1993 Vienna Declaration and Programme of Action by the World Conference on Human Rights and the proclamation of the 1995–2004 United Nations Decade for Human Rights Education, the substantive provisions in the human rights instruments have attracted increased attention.

## 2. THE RIGHT TO HUMAN RIGHTS EDUCATION IN INTERNATIONAL INSTRUMENTS

2.1 *Universal Instruments.* The classical formulation of human rights education is contained in Article 26(2) of the Universal Declaration of Human Rights (UDHR):

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.

In proclaiming the UDHR 'as a common standard of achievement for all peoples and nations' in the Preamble, the General Assembly also stated that 'every individual and every organ of society . . . shall strive by teaching and education to promote respect' for the rights and freedoms set forth in the text.

In Resolution 217D (III), entitled 'Publicity to be Given to the Universal Declaration of Human Rights' and adopted on 10 December 1948, the General Assembly issues a series of recommendations to governments, the UN Secretary-General, the specialized agencies and non-governmental organizations (NGOs) about the dissemination and translation of the UDHR.<sup>1</sup> Remarkably enough, more than 50 years later, some of these recommendations have not yet been carried out.

Article 13(1) of the 1966 International Covenant on Economic, Social and Cultural Rights (CESCR) contains a formulation similar to Article 26(2) of the UDHR, adding references to human dignity, participation in a free society, and ethnic groups. Both articles appear in the context of the right to education.<sup>2</sup> Article 13 is subject to progressive realization as provided for in Article 2(1) of the CESCR,<sup>3</sup> but many other instruments are more forthcoming.

In Article 10 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as part of an effort to ensure to women equal rights with men in the field of education, the State Parties agree to eliminate 'any stereotyped concept of the roles of men and women at all levels and in all forms of education . . . by the revision of textbooks and school programmes and the adaptation of teaching methods'. Article 5 refers to family education leading to 'a proper understanding of maternity as a social function and the recognition of the

<sup>1</sup> D. Helle and M. Kohonen, 'Publicity for the Universal Declaration of Human Rights: General Assembly Resolution 217D (III)', in: G. Alfredsson and A. Eide (eds.), *The Universal Declaration of Human Rights: A Common Standard of Achievement*, 1999, pp. 725-742.

<sup>2</sup> See also M. Nowak, 'The Right to Education', Chapter 14 in this volume.

<sup>3</sup> This qualification is similar to the reference to 'resource constraints and institutional inadequacies' in the 1993 Vienna Declaration and Programme of Action.

common responsibility of men and women in the upbringing of their children'.

General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women in 1992, calls for 'preventive measures, including public information and education programmes to change attitudes concerning the roles and status of women'.<sup>4</sup> Likewise, the 1993 Declaration on the Elimination of Violence against Women,<sup>5</sup> in Articles 4(i), 4(j), 5(b) and 5(f), recommends a series of educational steps which enjoy the support of Radhika Coomaraswamy, the Special Rapporteur on the subject, in her reports to the Commission on Human Rights.

Article 7 of the 1965 International Convention on the Elimination of All Forms of Discrimination (CERD) reads as follows:

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.

The guidelines on state reporting, as adopted by the Committee on the Elimination of Racial Discrimination, emphasize the human rights education part of Article 7.<sup>6</sup> Article 8 of the 1963 Declaration on the Elimination of All Forms of Racial Discrimination contains a similar provision.<sup>7</sup>

<sup>4</sup> Para. 24(e). Report of the Committee on the Elimination of Discrimination against Women, UN doc. A/47/38, pp. 1-6. See also the guidelines for state reports on Article 5 and 10 as adopted by the Committee on the Elimination of Discrimination against Women, UN doc. CEDAW/C/7/Rev. 3; and Z. Ilic and I. Corti, 'The Convention on the Elimination of All Forms of Discrimination against Women', in: *Manual on Human Rights Reporting*, 1997, pp. 305-365.

<sup>5</sup> General Assembly Resolution A/RES/48/104, 20 December 1993.

<sup>6</sup> See UN doc. CERD/C/70/Rev.4; and L. Valencia Rodriguez, 'The International Convention on the Elimination of All Forms of Racial Discrimination', in: *Manual on Human Rights Reporting*, 1997, pp. 267-304.

<sup>7</sup> General Assembly Resolution 1904 (XVIII), 20 November 1963. In addition to the instruments quoted in Article 7, the Declaration refers to the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly Resolution 1514 (XV) of 14 December 1960.

The 1978 UNESCO Declaration on Race and Racial Prejudice<sup>8</sup> is rich in provisions about human rights education and adds details not contained in other instruments. In Article 5, after observing in paragraph 1 that culture and education in a broad sense offer men and women effective means 'to affirm that they are born equal in dignity and in rights' and to recognize 'the right of all groups to their own cultural identity and the development of their distinctive cultural life', it is stated in paragraph 2:

States, in accordance with their constitutional principles and procedures, as well as all other competent authorities and the entire teaching profession, have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that curricula and textbooks include scientific and ethical considerations concerning human unity and diversity and that no individual distinctions are made with regard to any people; by training teachers to achieve these ends; by making the resources of the educational system available to all groups of the population without racial restriction or discrimination; and by taking appropriate steps to remedy the handicaps from which certain racial or ethnic groups suffer with regard to their level of education and standard of living and in particular to prevent such handicaps from being passed on to children.

In addition, one can refer to Article 5(3) of the UNESCO Declaration concerning the mass media; Article 6(2) on the use of education and culture in eliminating discriminatory practices and in encouraging the dissemination of knowledge and findings of research; Article 6(3) on the contribution of broadly based education and research programmes; and Article 8(2) and (3) on the role and responsibilities of specialists in natural and social sciences and cultural studies and of scientific organizations and associations.

According to Article 29(1) of the 1989 Convention on the Rights of the Child (CRC), the States Parties agree that the education of the child shall be directed to:

- (b) the development of respect for human rights and fundamental freedoms ...
- (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.

Article 17 of the CRC concerning the role and functions of the mass media is also noteworthy. Furthermore, reference can be made to principles 7 and 10 of the 1959 Declaration on the Rights of the Child and to principle VI of the 1965 Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and

<sup>8</sup> Adopted by the General Conference of UNESCO at its 20th session, 27 November 1978.

Understanding between Peoples.<sup>9</sup>

ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation of 1960 provides, in Article 3(b), that Member States undertake 'to promote such educational programmes as may be calculated to secure the acceptance and observance' of national policies aimed at equality of opportunity and treatment in the work place.

ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of 1989 stipulates in Article 31:

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

In Article 30 of the Convention, human rights education for indigenous and tribal peoples is addressed. The draft Declaration on the Rights of Indigenous Peoples, as passed on by the Working Group on Indigenous Populations,<sup>10</sup> would also provide for human rights education for both majorities and indigenous peoples.

Article 4(4) of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>11</sup> reads as follows:

States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

Several instruments and conference reports adopted by, or in cooperation with, UNESCO address human rights education, although the organization is slow in producing concrete operational activities backing up the endless declarations and action plans. The long list of texts adopted under the auspices of UNESCO include the 1974 Recommendation concerning Education for International Understanding,

<sup>9</sup> General Assembly Resolution 1386 (XIV), 20 November 1959; and General Assembly Resolution 2037 (XX), 7 December 1965. See also T. Hammarberg, 'Children', Chapter 19 in this volume.

<sup>10</sup> For the text of the draft Declaration as adopted by this Working Group of the Sub-Commission on the Promotion and Protection of Human Rights, see UN doc. E/CN.4/Sub.2/1993/29. The drafts are now under consideration by a working group of the Commission on Human Rights. See also A.-C. Bloch, 'Minorities and Indigenous Peoples', Chapter 20 in this volume.

<sup>11</sup> General Assembly Resolution 47/135, 18 December 1992.

Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms,<sup>12</sup> reports from international conferences on human rights education in Vienna in 1978<sup>13</sup> and in Malta in 1987,<sup>14</sup> a 1992 Forum on Education and Democracy in Tunis; the 1993 International Congress on Education for Human Rights and Democracy in Montreal;<sup>15</sup> the 1997 International Conference on Adult Education in Hamburg; the 1997 Regional Conference on Human Rights Education in Europe<sup>16</sup> and other which have yet to make much of a difference in practice.

*2.2 Regional Human Rights Instruments.* Human rights education is firmly anchored in a number of instruments adopted by regional organizations. Three declarations adopted by the Committee of Ministers of the Council of Europe deserve mentioning. In the 1981 Declaration regarding Intolerance—A Threat to Democracy,<sup>17</sup> it is decided in operative paragraph IV (iii):

to promote an awareness for the requirements of human rights and the ensuing possibilities in a democratic society, and to this end, in addition to human rights education, to encourage the creation in schools, from the primary level upwards, of a climate of active understanding of and respect for the qualities and cultures of others.

<sup>12</sup> Adopted by the General Conference at its 18th session on 19 November 1974. The Recommendation, which contains 45 operative paragraphs, is worth reading, and it is regrettable that it has never been subjected to systematic or comprehensive monitoring efforts. Instead, subsequent meetings such as the one in Montreal in 1993 (see below) have set about trying to reinvent the wheel with limited success.

<sup>13</sup> *The Teaching of Human Rights. Proceedings of the International Congress on the Teaching of Human Rights, Working Documents and Recommendations*, 1980.

<sup>14</sup> The report from the International Congress on Human Rights Teaching, Information and Documentation, Malta, August–September 1987, including the Malta Recommendations, is contained in UNESCO doc. SHS-87/CONF.401/15 of 16 May 1988.

<sup>15</sup> The Congress adopted a World Plan of Action on Education for Human Rights and Democracy which UNESCO submitted to the World Conference on Human Rights. See UN doc. A/CONF.157/PC/42/Add.6. For harsh, but correct and constructive criticism of the World Plan, see the statement by Philip Alston, the then Chairman of the Committee on Economic, Social and Cultural Rights, in UN doc. E/C.12/1993/SR.2, p. 4.

<sup>16</sup> *UNESCO Regional Conference on Human Rights Education in Europe: Conference Report and European Implementation Strategy*, 1997. For presentations to that conference, see S. Spiliopoulou Akermak (ed.), *Human Rights Education: Achievements and Challenges*, 1998.

<sup>17</sup> Adopted by the Committee of Ministers on 14 May 1981 at its 68th session.

In the 1982 Declaration on the Freedom of Expression and Information,<sup>18</sup> it is resolved, in operative paragraph III(b), to intensify cooperation in order 'to promote, through teaching and education, the effective exercise of the freedom of expression and information'. Additionally, in the 1988 Declaration on Equality of Women and Men,<sup>19</sup> operative paragraph VII stresses the importance of 'strategies of informing and educating people in a suitable way, and making them realise the injustices and adverse effects of inequalities of rights, treatment and opportunities'.

The Parliamentary Assembly by recommendation 1346/1997 and the Committee of Ministers by decision 676/7.2 (July 1999) have also directly addressed human rights education and called for steps towards its enhanced implementation.<sup>20</sup>

Under the European Charter for Regional or Minority Languages, adopted by the Council of Europe in 1992, the States Parties undertake in Article 7(3) to promote 'respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training'. Elsewhere in Articles 7 and 8, the Charter contains far-reaching and precise provisions on the use of such languages in education, including 'arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language'. Similar references are contained in the 1995 Framework Convention for the Protection of National Minorities.

Several documents and reports of the Organization for Security and Cooperation in Europe (OSCE) touch upon human rights education in a variety of contexts. Examples are the Concluding Document of the Vienna Meeting, in principle 13.6 under the heading Questions relating to Security in Europe, on the consideration in educational institutions of the promotion and protection of human rights;<sup>21</sup> the Document of the Copenhagen Meeting on the Human Dimension, in paragraph 26 of Chapter III, concerning 'the teaching of democratic values, institutions and practices in educational institutions and the fostering of an atmosphere of free enquiry',<sup>22</sup> and the Hague, Oslo and Lund Recommendations on educational, linguistic and political rights of national minorities.<sup>23</sup>

<sup>18</sup> Adopted by the Committee of Ministers on 29 April 1982 at its 70th session.

<sup>19</sup> Adopted by the Committee of Ministers on 16 November 1988 at its 83rd session.

<sup>20</sup> For full texts, see the home page of the Council of Europe at <http://www.coe.fr>

<sup>21</sup> Conference on Security and Co-operation in Europe: Concluding Document from the Vienna Meeting, 15 January 1989.

<sup>22</sup> Conference on Security and Co-operation in Europe: Document of the Copenhagen Meeting of the Conference on the Human Dimension, 29 June 1990.

<sup>23</sup> The 1996 Hague Recommendations regarding the Educational Rights of National Minorities, the 1998 Oslo Recommendations regarding the Linguistic Rights of National

Article 25 of the African Charter on Human and Peoples' Rights establishes the duty of states 'to promote and ensure through teaching the respect of the rights and freedoms contained' in the Charter. Article 13(2) of the 1988 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (the Protocol of San Salvador) provides, *inter alia*, that education 'should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace'.

*2.3 Other Human Rights Texts.* The listing above of universal and regional instruments, both treaties and declarations, addressing human rights education is by no means exhaustive. In addition, the list would expand considerably if instruments calling for the dissemination of human rights information were included. For example, the 1975 Declaration on the Rights of Disabled Persons<sup>24</sup> stipulates, in paragraph 13, that disabled persons, their families and communities 'shall be fully informed, by all appropriate means, of the rights contained in this Declaration'.

Finally, two events merit special attention, that is the 1993 World Conference on Human Rights in Vienna and the 1994 proclamation of a United Nations Decade for Human Rights Education. Expressly drawing on existing instruments, the consensus texts from these events have reaffirmed the right to human rights education and the corresponding duty of states.

The 1993 Vienna Declaration endorses human rights education in Part I, paragraph 33 which reads in part:

The World Conference on Human Rights reaffirms that States are duty-bound ... to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference ... emphasizes the importance of incorporating the subject of human rights education programmes and calls upon States to do so ... [E]ducation on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels.

At the conclusion of paragraph 33, it is conceded that 'resource constraints and institutional inadequacies may impede the immediate realization of these objectives'. Consequently, in paragraph 34, governments and the system-wide organizations of

Minorities, and the 1999 Lund Recommendations on the Effective Participation of National Minorities in Public Life, with Explanatory Notes, have been published by the Foundation of Inter-Ethnic Relations in the Hague.

<sup>24</sup> General Assembly Resolution 3447 (XXX), 9 December 1975.

the United Nations and other multilateral organizations 'are urged to increase considerably the resources allocated to programmes aiming at ... human rights awareness through training, teaching and education'.

In the Vienna Programme of Action, the action-oriented approach is emphasized in Part II, paragraphs 78-82. In paragraph 79, the World Conference 'calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings'. In paragraph 82, it says that:

Governments, with the assistance of intergovernmental organizations, national institutions and non-governmental organizations, should promote an increased awareness of human rights and mutual tolerance ... [T]he advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments.

Also in paragraph 82, the World Conference recommended consideration of the 'proclamation of a United Nations decade for human rights education in order to promote, encourage and focus these educational activities'.

By Resolution 49/184 of 23 December 1994, the General Assembly proclaimed the United Nations Decade for Human Rights Education, commencing on 1 January 1995. On the basis of texts prepared by the Office of the High Commissioner for Human Rights, a Plan of Action for the Decade<sup>25</sup> has been endorsed by the General Assembly. The General Assembly, the Commission on Human Rights and the Secretariat have addressed issues relating to the Decade in a series of subsequent resolutions and documents.<sup>26</sup>

### 3. THE CONTENTS OF THE RIGHT TO HUMAN RIGHTS EDUCATION<sup>27</sup>

The preceding survey of provisions in international and regional texts already tells much of the story about the contents of the right to human rights education. Before

<sup>25</sup> See UN doc. A/51/506/Add.1 of 12 December 1996. See also the home page of the High Commissioner's Office at <http://www.unhcr.ch> where subsequent developments are described.

<sup>26</sup> See, e.g., UN doc. A/52/469/Add.1 of 20 October 1997 with 'Guidelines for National Plans of Action for Human Rights Education'.

<sup>27</sup> See J. Delbrück, 'The Right to Education as an International Human Right', *German Yearbook of International Law*, Vol. 35 (1992), pp. 92-104.

coming to monitoring and technical cooperation activities, the following remarks will underline the legal commitments undertaken by states; emphasize the role of human rights education in improving racial and ethnic relations; outline the subjects to be covered in human rights education; and identify target groups.

*3.1 Legal Obligations of States.* States have undertaken obligations, by way of international law, to provide human rights education. It is likewise inherent in the instruments, both treaties and declarations, as spelled out in Article 6(1) of the UNESCO Declaration on Race and Racial Prejudice, that states have the primary responsibility for ensuring human rights and fundamental freedoms on an entirely equal footing in dignity and rights for all individuals and all groups'. All states are under a duty to enact legislation and to take other measures to bring about human rights education in line with these commitments.<sup>28</sup> Guarantees for the equal enjoyment of the right to human rights education, non-discrimination in that enjoyment, and introduction of special and concrete measures to eliminate discrimination and to achieve equal enjoyment in fact are obviously part of this exercise.

In the debate about human rights education, it is acknowledged that there may be limitations to the process, as evidenced by provisions about progressive realization related to limited resources, as indicated in Article 2 of the CDESCR. Illiteracy, poverty, political resistance and ignorance are among the additional obstacles to the necessary progress. International cooperation by way of technical assistance and monitoring procedures are intended to help in combating these problems (see below).

While states have undertaken the legal commitments to implement the provisions on human rights education, teachers, researchers, scientists, universities and other institutions of higher education also carry moral and political obligations to the same end. This approach is recognized in Articles 5 and 8 of the UNESCO Declaration on Race and Racial Prejudice, which lists duties for individuals and organizations. Reference can also be made to the Preamble of the UDHR, as quoted above, and to its Article 29 which says that everyone has duties to the community in which alone the free and full development of his/her personality is possible.

*3.2 Human Rights Education as a Tool for Improving Racial, Ethnic and Religious Relations.* Human rights education has many purposes. In reaching out to everyone, it aims

<sup>28</sup> As underlined in *Mänskliga rättigheter—mångas skyldigheter: Universitets- och högskoleutbildning i demokrati och mänskliga rättigheter* [Human Rights—Duties for Many: University Education in Democracy and Human Rights], 1998.

at promoting the human rights standards, including the equality of women and men, the proper administration of justice, the welfare of the child, and so on. In addition, the instruments demonstrate a loud and strong commitment to improving racial, ethnic and religious relations and to strengthening international and internal peace and stability. The multiple links established between human rights education, equal enjoyment of all human rights and non-discrimination are intended to contribute to mutual understanding, tolerance, friendship and harmony between nations and groups.

Unequal opportunities and discrimination against persons belonging to minorities and indigenous peoples, as well as against the groups themselves, are widely practised, or tolerated in the educational, cultural, economic, social and political life of most societies. Evidence of continuing discriminatory practices against minority groups is well-documented. In recognizing that the rules about equal enjoyment and non-discrimination are not always sufficient, several instruments introduce special measures or affirmative action in order to achieve equal enjoyment in fact. Special measures do not constitute privileges; they are firmly rooted in the rule of equal enjoyment just as is non-discrimination.

Ignorance is certainly a major reason behind racial, ethnic and religious discrimination, and human rights education constitutes one way of overcoming that handicap. This approach is clearly recognized in the provisions of international and regional instruments, and special measures to the benefit of minorities and indigenous peoples are clearly and at length spelled out as concerns the right to education as well as human rights education. In so doing, the instruments repeatedly emphasize the need for minorities to know the history, traditions, languages and cultures of minorities and indigenous peoples. The groups should, of course, also be informed about majority circumstances.

The arguments in favour of language education have to a large extent the same justification as those concerning human rights education, namely the promotion of tolerance and understanding between majorities and minorities. The contribution of language education to cross-cultural learning and peaceful cohabitation on the basis of equal rights has repeatedly been emphasized.<sup>29</sup> In addition to the preservation and use of minority languages and international and regional human rights standards established in this regard, the knowledge of national languages by minority persons is a necessary tool for political participation, social contact and other involvement leading to equal participation in society (as distinct from forced assimilation).

<sup>29</sup> See G. Alfredsson (Rapporteur), *Report for the Conference on the Strengthening of Human Rights and Inter-Ethnic Communication in Times of Political and Economic Transition: The Baltic Experience*, 1994.

The 1960 UNESCO Convention against Discrimination in Education<sup>30</sup> foresees the possibility of separate educational systems to be maintained by minorities for linguistic reasons, including the use or the teaching of the minority language. ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries addresses language education in Article 28:

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 4(4) of the 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities calls on states to encourage knowledge by the majority of minority languages. In addition, according to Article 4(3), states 'should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.'

*3.3 What to Teach.* The subjects to be covered in human rights education emerge already from the listing above of the relevant instruments. Accordingly, the topics should include equal rights and opportunities across the spectrum of civil, cultural, economic, political and social rights, including dignity, identity, liberty, the human rights of women, elimination of racial, ethnic and religious discrimination, life in a free and democratic society, the rights of the child, sense of moral and social responsibility, the rights of disabled persons, self-determination, decolonization, human rights in the development process, peace, and so on. Human rights education should encompass both the theoretical dimension and practical application.

The instruments attach special importance to the teaching about different civilizations, cultures and languages for the purpose of improving ethnic and religious relations. The right to human rights education is thus a major component in the realization of the rights of minorities and indigenous peoples.

*3.4 Whom to Teach and How.* According to the instruments, states should see to it that human rights education is provided at all school levels, that is in primary education, in secondary education and in institutions of higher learning. Adult education and formal and non-formal education are likewise to be employed. At the different levels, human rights should be incorporated in a variety of subject matters, such as

<sup>30</sup> See Articles 2(b) and 5(1)(c) of the Convention.

history, the social sciences and medicine, and also taught in courses specially designed for this purpose.

Politicians, judges, prosecutors, defence attorneys, police, prison guards, other officials engaged in the administration of justice, members of armed forces, parents and journalists are frequently mentioned as target groups for receiving human rights education, but it should by no means be limited to them. Teachers in general and human rights trainers in particular deserve, of course, special attention. Officialdom responsible for the implementation of economic, social and cultural rights should also be addressed, as well as NGOs.

Language translations of instruments, strongly emphasized in General Assembly Resolution 217 D (III) and in subsequent mandates for the UN and UNESCO Secretariats, are lagging behind other efforts.<sup>31</sup> The same is true for the availability of teaching materials prepared by these organizations in languages in other than a few official languages. It is, of course, essential that both instruments and teaching materials be available in all languages; the chances are that nations and groups who go without such translations are particularly vulnerable and in need of human rights attention.

#### 4. PROMOTIONAL ACTIVITIES AND TECHNICAL COOPERATION

Referring to human rights education as 'a universal priority', the UN Commission on Human Rights recommended that 'knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in educational policies' and that international agencies for financial and technical cooperation should include support for such programmes.<sup>32</sup> The World Conference on Human Rights in 1993 and the General Assembly in subsequent resolutions have used similar formulations.

This attention has now found expression in the 1994 proclamation of the UN Decade for Human Rights Education. With almost 200 states, several thousand minority groups and more than six billion individual clients, there is indeed space and need for many initiatives. While states have the primary responsibility for implementation, international organizations also have contributions to make as indicated by Article 2(1) of the CDESCR about the role of 'international assistance

<sup>31</sup> For a list of available translations of the UDHR into over 300 languages, see the web site of the Office of the High Commissioner for Human Rights at <http://www.unhcr.ch>. In other words, in would seem that UDHR translations are still missing in several thousand languages. Translations of other major instruments lag far behind.

<sup>32</sup> Operative paragraphs 6 and 8 of Resolution 1993/56.

and cooperation' in the progressive realization of human rights which can also be quoted in the context of the right to human rights education.<sup>33</sup>

Several universities now offer degree programmes in human rights, including the Universities of Essex, Lund, Nottingham, Oslo, Padova (Venice) and Strasbourg, Mahidol University in Bangkok, the University of Hong Kong, the University of Pretoria, the American University and the University of Notre Dame. Other such degree programmes are in the planning stages. In addition, many universities provide human rights courses at their professional school, although such lecture series are often focused on students of law and political science. For spreading the message, there is definitely a need for enhancing multidisciplinary and interdisciplinary approaches to human rights education.

Institutions of higher learning have obvious contributions to make to research and the preparation of textbooks and manuals.<sup>34</sup> Many academic institutions provide human rights training at home and abroad, such as the Raoul Wallenberg Institute for Human Rights and Humanitarian Law at the University of Lund. University libraries and other research and documentation centres, as well as intergovernmental<sup>35</sup> and non-governmental<sup>36</sup> organizations, are increasingly providing useful summaries of activities and bibliographies,<sup>37</sup> as well as virtual courses, CD-Roms and other electronic means of retrieving information about human rights education and training.<sup>38</sup>

<sup>33</sup> Technical cooperation and monitoring procedures relevant to economic, social and cultural rights are dealt with in separate chapters of this volume. The following observations are therefore limited to the subject at hand.

<sup>34</sup> See, e.g., H. Araldsen and Ø. W. Thuis (eds.), *Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers*, 1997. See also Z. Skurbaty, *Human Rights Training Materials: A Bibliographic Overview of Existing Human Rights Teaching and Training Materials*, 2000.

<sup>35</sup> See, e.g., *Human Rights Education, Including Education for Democratic Values at School Level and Teacher Training, in the Countries of Central and Eastern Europe*, 1994; and *Documentation Sources in Human Rights*, 1994.

<sup>36</sup> *The Human Rights Bulletin* of the World University Service; *Human Rights Education: The Fourth R* of Human Rights Internet and Amnesty International USA; the *Human Rights Tribune* of Human Rights Internet; the *Human Rights Internet Reporter*; and the *Censorship News* of Article 19 are, among others, particularly good sources of information about human rights education. See also brochures published by the People's Decade for Human Rights Education, including *Developing Sustainable Human Rights Communities: Claiming and Securing Our Right to Be Human*, 1997.

<sup>37</sup> *Human Rights Bibliography: United Nations Documents and Publications 1980-1990*, 1993, in five volumes. The 'Bibliographic Abstracts' published annually in the *Human Rights Internet Reporter* are particularly useful. See also J. Tobin and J. Green, *Guide to Human Rights Research*, 1994.

<sup>38</sup> Home pages of the various organizations and institutions have become the best sources of on-going activities. See, for example, <http://www1.umn.edu/humanrts>, <http://www.hri.ca>,

## 5. INTERNATIONAL MONITORING PROCEDURES

States do not always live up to the obligations they have undertaken in the international instruments. This is very much true for the right to human rights education. In order to encourage compliance, international and regional organizations monitor state performance. The available methods include examination of state reports, scrutiny of complaints submitted by individuals and groups, fact-finding and investigative procedures, and public debates with the threat of embarrassment. Expert advice when requested, as described above under technical cooperation, may also enter the picture.

As far as human rights education is concerned, few monitoring mechanisms are in place. Today, examination of state reports is the most effective method available to international organizations for keeping an eye on the issue. In examining the reports, the treaty bodies have expressed dissatisfaction with the information provided on human rights education. In General Recommendation No. V, the Committee on the Elimination of Racial Discrimination noted with regret that information on Article 7 was often 'general and perfunctory' and requested more detailed information on the immediate and effective realization of state commitments.<sup>39</sup> In General Recommendation No. 3, the Committee on the Elimination of Discrimination against Women, less than satisfied with information received on Article 5, urged States Parties 'effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder . . . the social equality of women.'<sup>40</sup>

Disappointingly, which in part may explain the lack of state reporting, the treaty bodies have in general comments and reporting guidelines paid limited attention to the right to human rights education.<sup>41</sup> One example is the Committee on Economic, Social and Cultural Rights which, in General Comment No. 10 on the role of national human rights institutions, has included merely the promotion of educational and information programmes in an indicative list of activities for

<http://www.abo.fi/instut/imr> and <http://www.rwila.se>. For an overview, see also H. Thoolen, 'Information Technology for Human Rights and Refugee Protection', in: G. Alfredsson and P. Macalister Smith (eds.), *The Living Law of Nations: Essays in Memory of Atle Grubli-Madsen*, 1996, pp. 441-464.

<sup>39</sup> Report of the Committee on the Elimination of Racial Discrimination, UN doc. A/32/18, pp. 93-94.

<sup>40</sup> Report of the Committee on the Elimination of Discrimination against Women, UN doc. A/42/38, p. 78.

<sup>41</sup> For a description and analysis of the various treaty reporting guidelines and the report examination processes, see *Manual on Human Rights Reporting*, 1997.



such institutions.<sup>42</sup>

Notwithstanding these and other efforts, there is every reason to expect that the treaty monitoring committees intensify their efforts in regard to the right to human rights education. All of the treaty bodies should require that states, in their reports, submit information about human rights education, in general and in line with the relevant provisions of the respective treaties, and the committees should issue specific recommendations when the state measures are missing or inadequate. In addition to their promotional and monitoring work, non-governmental organizations should also keep up the pressure on governments to honour their commitments.

Other monitoring methods have not been effectively employed to further human rights education. This omission calls for remedies. The use of the complaints procedure under Article 14 of the CERD or the new Optional Protocol to the CEDAW constitute interesting options.<sup>43</sup> One day, a similar treaty-based complaints avenue will become available under the CDESCR.

Another desirable and feasible mandate would be for a special rapporteur or a working group on human rights education. Rather than reporting on violations to the UN Commission on Human Rights, such a mechanism could focus on positive experiences, thus constituting an attractive and politically acceptable mandate. Furthermore, requests to states, educational institutions and NGOs to deposit teaching materials and course descriptions, in the original language, with the UN or UNESCO Secretariats would serve to exchange experiences, disseminate existing materials, help in the production of new tools and overall emphasize the art of the possible.

<sup>42</sup> Para. 3(a). Report of the Committee on Economic, Social and Cultural Rights, UN doc. E/1999/22, pp. 122-123, and Annex 2 to this volume.

<sup>43</sup> An Optional Protocol to the CEDAW concerning a complaints system was adopted by the General Assembly on 6 October 1999 (A/RES/54/4). It will enter into force 22 December 2000.

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### 16. CULTURAL RIGHTS AS INDIVIDUAL HUMAN RIGHTS

#### 1. THE DUAL NATURE OF CULTURAL RIGHTS

Under the system of human rights as contained in the International Bill of Human Rights,<sup>1</sup> cultural rights constitute a specific category, contained in Article 27 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the International Covenant on Economic, Social and Cultural Rights (CESCR). Cultural rights are at the end of the rights listed in both instruments, and appear almost as a remnant category. This lack of importance is reflected in human rights theory as well as in practice: cultural rights of the individual have received little attention. Whenever the expression 'economic, social and cultural rights' is used, in most cases attention is given to economic and social rights, both by the adherents and the opponents of these rights.<sup>2</sup>

Cultural rights have been receiving more attention at the end of the twentieth century. The right to participate in cultural life has been given greater attention, and so have the rights of the author of certain scientific or technical productions versus the enjoyment of economic and social rights. The right to participate in cultural life includes the right of members of ethnic groups to preserve and to develop their

<sup>1</sup> The Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966).

<sup>2</sup> One of the relatively few comprehensive studies in the field, G. Mower, *International Cooperation for Social Justice*, 1985, has in its first and main part an analysis of the CESCR, but does not mention Article 15 and its implementation. Among the more general standard works on international human rights, we find a similar situation. K. Vasak (ed.), *The International Dimensions of Human Rights*, Vol. 1-2, 1982, has a chapter on economic, social and cultural rights written by V. Kartashkin, which contains only three brief pages on cultural rights. Another major work, I. Meron (ed.), *Human Rights in International Law*, 1984, contains an admirable chapter on economic, social and cultural rights in the Third World, written by D. Trubek, but cultural rights under Article 15 of the CESCR are not mentioned. P. Sieghart, *The International Law of Human Rights*, 1983, contains a brief chapter on culture, arts and sciences, and makes the summary observation that 'none of these provisions has yet been interpreted or applied by any of the competent independent international institutions'. See also R. Stavenhagen, 'Cultural Rights: A Social Science Perspective', Chapter 5 in this volume.