

EDUCATION FOR DEMOCRATIC CITIZENSHIP: THEORY AND TEACHING PRACTICE

Session 3: Human Rights and Human Rights Education

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Guiding Questions:

- What are human rights and what kinds of human rights exist?
- What are the origins and history of human rights?
- What is human rights education?
- What are ways that human rights education takes place in schools?

Definition of Human Rights

(excerpt from Donnelly, 2007, pp. 21-24)

The term **human rights** indicates both their nature and their source: They are the rights that one has simply because one is *human*. They are held by all human beings, irrespective of any rights or duties that individuals may (or may not) have as citizens, members of families, workers, or parts of any public or private organization or association.

If all human beings have human rights simply because they are human, then human rights are held equally by all. Because being human cannot be renounced, lost, or forfeited, human rights are also inalienable. Even the cruelest torturer and the most debased victim are still human beings. In practice, not all people *enjoy* all their human rights, let alone enjoy them equally. Nonetheless, all human beings *have* the same human rights and hold them equally and inalienably.

We have human rights not only for what we need for survival but for what we need for a life of dignity. The human nature that is the source of human rights rests on a moral account of human possibility. It is concerned with what human beings might become, not what they have been historically or "are" in some scientifically determinable sense. Human rights rest on an account of a life of dignity to which human beings are "by nature" suited.



Human rights are paramount moral rights. They are universal, inalienable, indivisible and inter-dependent.

Human rights are also recognized in international law. Most countries recognize many of these rights in their national legal systems as well. Human rights thus provide a moral standard of national political legitimacy.

One "needs" *human* rights principally when they are not effectively guaranteed by national law and practice. If one can secure food or equal treatment through national legal processes, one is unlikely to advance human rights claims. One still has those human rights, but they are not likely to be used (as human rights). For example, in many countries both constitutional and statutory law prohibit racial discrimination. Discrimination based on sexual preference, however, is not prohibited in most jurisdictions. Therefore, gay rights activists frequently claim a human right to nondiscrimination. Human rights is the language of victims and the dispossessed. Human rights claims usually seek to alter legal or political practices.

History and Philosophy of Human Rights

The United Nations (UN) was established in 1945, in the wake of the Holocaust and the tragic toll taken on life during World War II. International leaders proposed creating a new global organization to maintain peace and avoid the abuses of war. The foundational principles of human rights were established through the Universal Declaration of Human Rights, which was published in 1948.

The early history of the UN predated the independence movement and political decolonization of many territories that are now sovereign nations. One of the critiques of the UN (and human rights) is that many countries were not 'at the table' when human rights were first being conceptualized. At the present time, the United Nations is comprised of 187 member states, nearly all the countries in the world. All new international human rights laws and accompanying standards are written, reviewed and ultimately voted upon by all UN members through the General Assembly.



Another critique has been that human rights rests on the notion of ‘natural rights’ which is a fundamentally individualistic basis of rights that ignores cultures that are ‘collectively’ oriented. This has been corrected over time in the regional African Charter on Human and Peoples’ Rights as well as the recognition of group rights in human rights standards related to Indigenous peoples (for example). However, it remains one of many examples questioning the ‘universality’ of human rights values.

Kinds of Human Rights

The foundation documents of human rights law are the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966) and its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966). Known collectively as the International Bill of Human Rights, these four documents were followed by more than twenty human rights conventions—treaties that become binding law in those countries that ratify them. When a UN member state ratifies a convention, it agrees to abide by its provisions, to change the laws of the country to conform to the convention, and to report on its progress in doing so.

(excerpt from Donnelly, 2007, pp. 24-25)

There is an international *legal* and *political* consensus on the list of rights in the Universal Declaration of Human Rights and the International Human Rights Covenants.

Consider the Universal Declaration of Human Rights. One must be recognized as a person (Universal Declaration, Article 6) in order to be treated with any sort of concern or respect. Personal rights to nationality and to recognition before the law, along with rights to life and to protection against slavery, torture, and other inhuman or degrading practices, can be seen as legal and political prerequisites to recognition and thus respect (Articles 3-5,15). Rights to equal protection of the laws and protection against racial, sexual, and other forms of discrimination are essential to *equal* respect (Articles 1,2,7).

Equal respect for all persons is at most a hollow formality without the freedom to choose and act on one's own ideas of the good life. Freedoms of speech, conscience, religion, and association, along with the right to privacy, guarantee a private sphere of personal autonomy (Articles 12, 18-20). The rights to education and to participate in the cultural life of the community provide a social dimension to personal autonomy (Articles 26,27). The

rights to vote and to freedom of speech, press, assembly, and association guarantee political autonomy (Articles 18-21). Rights to food, health care, and social insurance (Article 25) make equal concern and respect a practical reality rather than a mere formal possibility. The right to work is a right to economic participation very similar to the right to political participation (Article 23). A (limited) right to property may be justified in such terms (Article 17).

Finally, the special threat to personal security and equality posed by the modern state requires legal rights to constrain the state and its functionaries. These include rights to be presumed innocent until proven guilty, due process, fair and public hearings before an independent tribunal, and protection from arbitrary arrest, detention, or exile (Articles 8-11). Anything less would allow the state to treat citizens with differential concern or respect.

In practice virtually all human rights today are implemented and enforced by states operating within recognized territorial jurisdictions. Although human rights are held universally (by all human beings), implementation and enforcement lie with states, which have duties to protect and aid only their own citizens (and certain others under their territorial jurisdiction). Neither states nor any other actors have legal rights or obligations to protect or aid victims in other jurisdictions (with the limited exception of genocide). In other words, we have a system of national implementation of international human rights.

Convention on the Rights of the Child

(excerpt from UNICEF-Thailand, 2021)

The Convention on the Rights of the Child (CRC), it is the world's most ratified international agreement. Because it addressed the rights of children and young people, it is often used in HRE in schools. The CRC contains four main categories of rights.

1. The Right to Survival

Since the first moment children are born, they have the right to life. They have the right to a registered name and nationality. They have the right to be cared for and protected by their parents and not be separated from their families. The government needs to safeguard these rights and provide basic services for children to survive and thrive. This includes quality healthcare, age-appropriate nutrition, clean drinking water and a safe place to live as well as access to future opportunities for development.

2. The Right to Protection

Once children are born and survive, they have the right to be protected from all forms of harm including domestic violence. They must be protected from physical violence and psychological intimidation may they be within and outside their families. The right to protection also includes being protected from child labour, tasks that are dangerous or impede their education. Likewise, children must be protected from harmful substances and drugs.

3. The Right to Development

A child today is an adult of tomorrow. Education and development are essential rights. This should begin with the right to access to early childhood development services and access to information from various sources with parents responsible for giving guidance. Meanwhile, children with special needs such as children with disabilities must have equal rights to development and education that enable them to realize their potential and meaningfully participate in society. The right to development also includes the opportunity to further specialized skills and physical and mental abilities that open ways for them to a brighter future and realize their dream.

4. The Right to Participation

Children are members of society. They may be small in size but they fully have the right to freely express their thoughts, views and opinions, and participate in society particularly in the areas affecting them. Their voices must be seriously taken into account in line with their age and maturity.

Definition of Human Rights Education

(excerpt from UN General Assembly, 2011)

The UN Declaration on Human Rights Education and Training (DHRET) defines human rights education (HRE) and reminds educators of relevant approaches.

Article 2 1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.

3.2. Human rights education and training concerns all parts of society, at all levels, including preschool, primary, secondary and higher education, taking into account

academic freedom where applicable, and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting. It includes, inter alia, vocational training, particularly the training of trainers, teachers and State officials, continuing education, popular education, and public information and awareness activities.

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

Human Rights Education in Practice

(Tibbitts, 2018; Tibbitts and Fernekes, 2011)

HRE is a practice-oriented expression of the high-minded ideals of the Universal Declaration of Human Rights (UDHR), including equality and respect for human dignity. As with other educational processes, human rights education and learning has components of knowledge, skills and attitudes, which should be consistent with recognized human rights principles and which should empower individuals and groups to address oppression and injustice.

The United Nations offers further explanation of what HRE encompasses:

- (a) Education *about* human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- (b) Education *through* human rights, which includes learning and teaching in a way that respects the rights of both educators and learners; and
- (c) Education *for* human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others (UN General Assembly, 2011).

Human rights education is a bold attempt to influence laws and state behavior but also to connect human rights to the daily lives of people. HRE recognizes that for human rights to become a legal and moral framework that is self-evident in the political culture of a country, it needs to be part of the fabric of values that are acted on in daily life.

In the area of curricula, more than 83 countries across different regions of the world have adopted human rights education in legislation, policy documents and curricula since the 1990s. Studies of textbooks have also shown a dramatic increase in the number of times that

human rights is mentioned, with increases most pronounced in Africa, Asia and the West and least pronounced – though still improved -- in Eastern Europe and the Middle East (Moon, 2009).

Human rights education in many countries intersects with democratic citizenship education, by taking the core concepts of citizenship education and applying them both more universally and more critically. In that way, knowledge about key concepts and facts and issues of civic disposition and civic skills are applied to the areas of global social responsibility, justice and social action.

Human rights education has both legal and normative dimensions. The legal dimension deals with content about international human rights standards as embodied in the UDHR and other treaties and covenants to which countries subscribe. These standards encompass civil and political rights, as well as social, economic and cultural. In recent years, environmental and collective rights have been added to this evolving framework. This law-oriented approach recognizes the importance of monitoring and accountability in ensuring that governments uphold the letter and spirit of human rights obligations.

At the same time, HRE is a normative and cultural enterprise. The process of human rights education is intended to be one that provides skills, knowledge and motivation to individuals to transform their own lives and realities so that they are more consistent with human rights norms and values. For this reason, interactive, learner-centered methods of are widely promoted.

The following kinds of pedagogy are representative of those promoted by HRE advocates:

Experiential and activity-centered: involving the solicitation of learners' prior knowledge and offering activities that draw out learners' experiences and knowledge

Problem-posing: challenging the learners' prior knowledge

Participative: encouraging collective efforts in clarifying concepts, analyzing themes and doing the activities

Dialectical: requiring learners to compare their knowledge with those from other sources

Analytical: asking learners to think about why things are and how they came to be

Healing: promoting human rights in intra-personal and inter-personal relations

Strategic thinking-oriented: directing learners to set their own goals and to think of strategic ways of achieving them

Goal and action-oriented: allowing learners to plan and organize actions in relation to their goals.

Human rights education in school settings is adapted to the age of learners and the conditions of national/local educational policies and schools. Developmental and conceptual frameworks for HRE have been developed by the United Nations and several NGOs. These frameworks assist in setting goals for HRE, illustrating both what it shares and what it contributes to other educational approaches that address values such as social justice.

Human Rights-Friendly Schools

(Amnesty International, 2017, p. 5)

Human Rights Friendly Schools (HRFS) aim to empower young people and promote the active participation of all members of the school community to integrate human rights values and principles into all areas of school life. Through an approach which goes beyond the classroom and into all aspects of school life, commonly called a ‘whole-school approach,’ a ‘holistic approach’ or ‘rights-based approach,’ both schools and young people become powerful catalysts for change in their wider communities.

Four areas of school life may be influenced in the human rights-friendly school approach:

Governance - the way the school is run, including both formal and informal decision-making systems;

Relationships - how members of the school community interact;

Curriculum - how human rights are taught and learned;

Environment - the setting in which people learn.

HRFS transform their school into a place where human rights are embedded in everything they do. From the way decisions are made in schools, to teaching and extra-curricular activities, to the environment in which students are taught, the school cultivates respect for human rights. Using this approach, human rights principles are practised in four key areas

of school life. These areas are not mutually exclusive – all four elements overlap in the day-to-day activities of any school. Looking at each area individually, however, helps us understand how to integrate human rights across the broad spectrum of school life.



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