

Some Reflexions on Key Subjects of Human Rights Education and Training Integrated Approach

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By Resolution 6/10 of 28 September 2007 the Human Rights Council requested its Advisory Committee «to prepare a draft UN Declaration on Human Rights Education and Training». The Committee established a drafting group chaired by Mrs. Halima Warzazi (Morocco), and Prof. Emmanuel Decaux as Rapporteur. An ad hoc «Platform» composed of Costa Rica, France, Italy, Morocco, Philippines, Senegal, Slovenia, Switzerland, is supporting the drafting process of the Declaration. On the initiative of the «Platform» an «International Seminar on the United Nations Declaration on Human Rights Education and Training» was organised in Marrakech by the Ministry of Justice of the Kingdom of Morocco on 16-17 July 2009. The Seminar's strategic aim was to help the Advisory Committee in gathering possible elements that should be included in the draft Declaration. The present paper was presented during the first plenary session of the Marrakech Seminar.

1. «All human rights for all» marks the holistic and inclusive rationale of human rights culture, in particular of human rights education and training (HRET).

This motto fits in well with the demanding message that is provided by the combination of Article 1 and Article 28 of the Universal Declaration: «All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood» (Article 1), and «Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realised» (Article 28).

Needless to emphasise that at the age of planetary interdependence and of the interconnected globalisation processes, reference should be made to a common (universal)

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steering compass for achieving and carrying on good and effective governance.

«All human rights for all» is a civic, political and economic discourse that implies knowledge, commitment and action in different fields.

Those who educate and train for human rights contribute to sustain and strengthen constitutional principles and values at the national, regional and international level.

To set up a genuine HRET system, it is necessary to be aware of the revolutionary importance and impact of the Universal Declaration, the «source of the sources» of a new humancentric international law and the yeast of a culture that throws bridges across different knowledges, cultures, religions and civilisations.

The Universal Declaration and the subsequent human rights legal instruments bear the incommensurable historical credit for having proclaimed that the inherent dignity and equal rights of all members of the human family constitute the value on which freedom, justice and peace in the world are founded.

The value of human dignity with all inherent rights, including the right to education, is endowed with a native primacy over any other value in whatever polity and system.

Since human dignity cannot exist without the real existence of his/her holder, life and peace should be considered not only as «rights» among other rights, but essentially as the foundation of whatever system at whatever territorial level.

The legal recognition of human rights and fundamental freedoms at the international level is the paramount outcome of a long historical movement marked by people suffering and claiming, intellectual endeavours, mass mobilisations, cross-fertilisation of cultures and civilisations, and moral commitment of enlightened (and courageous) political leaders.

In mid 20th century, for the first time in the history the human being – *la personne humaine* – has been recognised as a subject, not as a mere object, of international law: or better, as *the* original subject of law. It should be stressed that this original subject is conceived not as a selfish individual, but as a social person which is included and grows in the family and in larger communities.

States, international and national organisations, public institutions should comply with the same humancentric deontology.

¹ *Global Education Guidelines. A Handbook for Educators to Understand and Implement Global Education*, by the Global Education Week Network, in coordination with the North-South Centre of the Council of Europe, Lisbon, 2008, p. 17.

² Article 26: «Everyone has the right to education [...]. 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».

³ Article 13: «The States Parties to the present Covenant recognise the rights of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace».

⁴ Article 29: «States Parties agree that the education of the child shall be directed to: a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; b) The development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations; c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own; d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes,

When a legal system founds itself on human rights, it enters a new stage of humane maturation that we can call *plenitudo iuris*, law plenitude or fullness. The international law of human rights indicates that this achievement has started marking also the international system. Being the «ferryman» that brings universal ethics into the political and economic arenas, it cannot but be considered and exploited as the core of any genuine educational and formational strategy. Needless to remind that the Universal Declaration does explicitly emphasise that its effectiveness should be pursued primarily through teaching and education. It should further be reminded that the new pan-human law, as the *noyveau dur* of the human rights knowledge – *le savoir des droits de la personne humaine* –, is a particularly useful tool for pedagogical purposes also because it permits to refer to values that, for the very fact of being included in international legal norms, cannot but be assumed as less arbitrary than others.

2. HRET aims at «opening a global dimension and a holistic perspective in education in order to help people understand the complex realities and processes of today's world and develop values, attitudes, knowledge and skills that will enable them to face the challenges of an interconnected world»¹. It is a powerful instrument for capacity building and empowerment of all, especially of those who are most in need and vulnerable. HRET should be organised as a process of individual and collective growth that produces peaceful and democratic transformation and self-transformation.

As such, HRET is a public commitment, even when it is carried out in private school and in non-formal education establishments. Then it should not be monopolised or affected by the logic of the market.

States bear the main responsibility to implement norms and principles of international law of human rights, in particular the fundamental right to education the core of which includes human rights education and training. Pertinent provisions of the Universal Declaration², of the International Covenant on Economic, Social and Cultural Rights³, and of the International Convention on Children Rights⁴ – just to mention the main sources of international law of human rights – are further

specified by Article 15 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (9 December 1998), widely known as the *Magna Charta* of human rights defenders: «The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme». The importance of this Declaration has been underlined also by the European Union Council by adopting specific «Guidelines on Human Rights Defenders» (14 June 2004).

3. The HRET holistic and inclusive approach implies multidimensionality as regards the substantive content, as well as inter-disciplinarity (hopefully trans-disciplinarity) and action-orientation as regards the method.

The outline of an integrated approach is clearly indicated by the above-mentioned provisions of the international legal instruments that are specifically devoted to the fundamental right to education.

Human rights education and training should involve all human beings of whatever age and condition as a lifelong learning process.

Principal benchmarks are equality, non discrimination, inclusion, equal opportunities, solidarity, the best interest of children.

HRET multidimensional content includes civil and political rights as well as economic, social and cultural rights, and solidarity rights (to peace, development, environment), all to be realised accordingly to the principle of interdependence and indivisibility of all human rights, that in turn refers to the ontic *datum* of the integrity of the human being (body and soul, flesh and spirit).

Within this integrated scheme individual rights and solidarity rights should be connected with such large multidimensional strategies as human development and human security.

The HRET integrated approach is further characterised by its

and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; e) The development of respect for the natural environment».

ability to mobilise public institutions and private actors on the basis of the principle of subsidiarity, hence involving civil society actors, including NGOs and local governments. To understand the legitimate role of such actors, once again reference should be made to specific articles of the above-mentioned UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Article 1 proclaims that «everyone has the right, individually and in association with others, to promote and to strive for the protection and the realisation of human rights and fundamental freedoms at the national and international levels». This means that human rights defenders – teachers and trainers are in the front line of human rights promotion – are formally entitled to overcome domestic (state sovereignty) borders: the only legitimacy condition that is specified by the Declaration is that such behaviors should be realised «peacefully». Needless to emphasise that this rationale is strictly consistent with the inner logic of human promotion. Article 7 proclaims that «everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance». Article 18, points 2 and 3, states further: «Individuals, groups, institutions and non-governmental organisations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes. Individuals, groups, institutions and non-governmental organisations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realised».

It should be pointed out that tasks relating to the defence of democracy and the construction of a peaceful and just world order do have a high political profile, and that the contextual use of hard and soft law instruments in this context is a feature of the integrated approach as well as the connection of the legal instruments of the universal system with the pertinent

instruments of the human rights regional systems (European, Interamerican, African, Arab).

HRET has a twofold vocation: to mainstreaming across formal, non-formal and informal education and to recapitulating thematic sectors and levels (health care, social services, judiciary, military, etc.). It tends to encompass all the specific «educations»: for development, peace, interculturality, active and democratic citizenship, environment, etc.

HRET cannot but be a global education, that «opens people's eyes and minds to the realities of the globalised world and awakens them to bring a world of greater justice, equity and human rights for all»⁵.

The strategic «message» of the integrated approach is that education and training for human rights should also include information on how to set up a global good governance architecture that allows the development of participatory and representative democracy processes and institutions inside and beyond the state. Implementing «all human rights for all» and a transnational-cosmopolitan democracy go hand in hand. Commitment to democratise the international institutions, starting with the United Nations, should be carried out together with initiatives to strengthen its capacities in multi-level and supra-national governance in accordance with the principle of subsidiarity⁶.

4. Inclusion, inclusive city, plural citizenship, intercultural dialogue are key concepts of the HRET agenda⁷.

An important chapter of the HRET integrated approach is devoted to the subject of active citizenship. Accordingly to international law of human rights, citizenship should be defined as the legal status of the human being in the space that is proper to that law, that is in the world constitutional space that coincides with the vital space of all members of the human family. Human rights citizenship is not *octroyée* but simply «recognised», since the holder is an original holder of it. All human beings are by nature and by international law citizens of the planet earth. This primary citizenship is a universal, common citizenship. National, sub-national or, for instance, the EU citizenship are complementary citizenships, as such they should be consistent with the original legal status of the human being.

⁵ See *Global Education Guidelines...*, cit.

⁶ W. Benedek, M. Nowak et al. (eds), *Global Standards Local Action. 15 Years Vienna World Conference on Human Rights*, Wien, Intersentia, 2009. Very interesting highlights are in the section devoted to *All Human Rights for All. How to Spread the Message* (pp. 237-291).

⁷ L. Bekemans, M. Karasinska-Fendler, M. Mascia, A. Papisca, C.A. Stephanou, P.G. Xuereb (eds), *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and Their Partners*, Venice, Marsilio, 2007.

A metaphor could serve our didactical purpose: nowadays, citizenship can be conceived as a tree, whose trunk is the juridical status of the human being, the roots are the inherent human rights, and the branches are national and sub-national citizenships.

Citizenship is a plural conceptual and legal category. Its rationale is an inclusive one: *ad omnes includendos*. Of course, the discourse raises serious, even dramatic problems if we consider that, from a historical point of view, national citizenships pre-exist to universal citizenship. Before the advent of the international law of human rights, citizenship was essentially characterised as being national and based on the *ius sanguinis* (law of blood) or on the *ius soli* (law of land), in a perspective of distinction-separation of nationals and non-nationals, in short *ad alios excludendos*. Today, as already pointed out, we are at an advanced stage of humancentric legal development on the international level, we entered the stage of *plenitudo iuris*, whose principles postulate the *plenitudo civitatis*, the fullness of citizenship for all in a perspective of universal inclusion. This implies that for the armonious exercise of identities the *ius humanae dignitatis* (the right of human dignity) should prevail upon the traditional parameter of *ius sanguinis*.

«United in diversity» is a motto that fits well with the universal citizenship identity: in this case, «unity» means the ontic identity of the human person, which is enriched and develops in different cultural, political and institutional contexts. Universal citizenship sums up and harmonises anagraphic-bureaucratic citizenships, and the inclusive city is the place that favours this process: plural citizenship and the inclusive city postulate each other.

In the inclusive city, particularly through intercultural dialogue, evolutionary dynamics of the identity/identities develops in the direction of a «transcend civic identity», a superior identity, or a higher degree of civic solidaristic awareness, that is authentically secular because it is universalist, trans- and meta-territorial, and trans-cultural. The transcend civic identity is the *plenitudo iuris* that is interiorised by individuals, an identity that is open to sharing responsibilities in the inclusive city, in the inclusive Mediterranean, in the inclusive Europe, in the inclusive United Nations, in the inclusive... school.

Reference should be made to the UNESCO Convention of 2005 on the Protection and Promotion of the Diversity of Cultural Expressions, especially to Article 2 that enshrines eight «guiding principles», the first of which is devoted to human rights: «Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof». Article 4 provides several definitions, including interculturality: «Interculturality refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect». The meaning is that the fertility of cultural diversity in inter- and pro-action produces trans-cultural outcomes such as what we call a transcend civic identity.

New plural citizenship in tandem with the impact of the necessary intercultural dialogue aimed at democratic inclusion can revitalise the public sphere in a perspective of multi-level and, when and where necessary, of supra-national (good) governance.

It is in fact the «phenomenology in the plural» of citizenship, dialogue and inclusion that obliges institutions to redefine themselves according to humancentric *telos* (values-goals), and therefore to open up and develop multiple channels of democratic representation and participation.

5. There are many arguments to advocate a UN formal act to solemnly highlight that HRET responds to the human right to education as its most substantial content and as a prerequisite for really implementing the fundamental right to cultural and political participation.

To procede quickly in this direction, one convincing argument is that the United Nations (in particular the World Program for Human Rights Education), UNESCO and the Council of Europe (for example the Global Education Guidelines) are

converging on sharing the same global and integrated approach having a multidimensional content.

A significant infrastructural implementation of the HRET integrated approach in the school system is the creation of the «human rights based school» as an inclusive-plural-participatory venue that combines the two-fold dimension of «human rights through education» and «human rights in education».

At the higher education level, in particular in the university system, there are already good examples of how to translate HRET in permanent structures. I refer among others to the establishment of specialised Human Rights Centres and Masters within the very academic establishments.

One case regards the Interdepartmental Centre on Human Rights and the Rights of Peoples that was created within the University of Padua in 1982. In 1997 it promoted, in partnership with other European universities, the establishment of the European Master Degree in Human Rights and Democratisation, E.MA, and of the European Inter-University Centre for Human Rights and Democratisation, EIUC, including now 42 European universities. This large academic venture awards the European Joint Degree in Human Rights and Democratisation, one of the first examples of «integrated diploma» in the framework of the Bologna Process. Besides participating in the E.MA network, the University of Padua offers a three-year degree course in «Political Science, International Relations and Human Rights» and a two-year advanced master in «Institutions and Politics of Human Rights and Peace». They are the most demanded courses among those offered by the Faculty of Political Sciences, both share a HRET integrated (multi- and inter-disciplinary) approach involving law, economics, political science, philosophy, history, field-techniques (monitoring, electoral observation, etc.).

Both the human rights integrated system of the Padua University and the E.MA transnational integrated system benefits from the substantial (also financial) support of external stakeholders, such as the Region of Veneto (which has endorsed two *ad hoc* Regional Bills) and the European Union (E.MA-EIUC is mentioned in a EU Regulation), as well as from a concrete cooperation with NGOs and local governments.

