



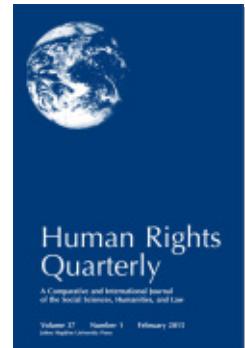
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Understanding Human Rights: Educational Challenges for the Future by Paula Gerber (review)

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Paula Gerber, *Understanding Human Rights: Educational Challenges for the Future* (Edward Elgar Publishing Limited, 2013), ISBN 978-1-84844-883-4, 261 pages.

The 2011 UN Declaration on Human Rights Education and Training (DHRET) defined human rights education as “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.”¹ Human Rights Education (HRE) has been carried out most arduously by civil society organizations. Yet it is governments that technically have the responsibility to implement HRE, according to international human rights standards.

The United Nations has been forwarding policies to endorse the role that governments have in carrying out HRE in conjunction with their treaty obligations since 1995. Paula Gerber’s book *Understanding Human Rights: Educational Challenges for the Future* investigates the ways in which the UN has sought to advance human rights education (HRE) with states over the past sixty years, and recommends strengthening such efforts. Dr. Paula Gerber is a human rights legal scholar and an advocate of human rights education as a tool for preventing human rights abuses. She is a rare scholar in the field of HRE as her body of work bridges both legal analysis and HRE policy. Her book is a unique and significant contribution to the HRE literature and will also be

relevant to those with broader interests in international human rights norms and UN mechanisms.

Gerber uses empirical research to examine the policies and activities of six UN bodies to monitor and supervise states’ efforts to comply with international norms relating to HRE. The book provides a unique historical overview of HRE within the UN system and impressive analytical details in relation to international human rights standards and the operation of UN mechanisms.

In Chapter 1 Gerber establishes key policies within the UN that endorse HRE specifically as a tool for preventing human rights abuses. She begins with an overview of contemporary HRE policies—the UN Decade for Human Rights Education (1995–2004) and the World Programme for Human Rights Education (2005–ongoing), with associated Plans of Action—and brings in General Comment No. 1 from the Committee on the Rights of the Child (2001). The policies since the mid-1990s make use of the term “human rights education,” a concept that did not really gain traction until the 1990s. Prior to the 1990s, the relationship between education and human rights evolved in UN documents from a general validation of the importance of education in promoting human rights and fundamental freedoms (Universal Declaration of Human Rights (UDHR)),² to a recognition of the right to education (Convention on the Rights of the Child (CRC)),³ and to human rights education as a practice in and of itself (with attention not only to thematic content but also to teaching and learning processes). Gerber’s methodology operationalizes these complementary

1. *United Nations Declaration on Human Rights Education, and Training*, G.A. Res. 66/137, art. 2, ¶ 1, U.N. Doc. A/Res/66/137 (2012).
2. Universal Declaration of Human Rights, adopted 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., U.N. Doc. A/RES/3/217A (1948).
3. Convention on the Rights of the Child, adopted 20 Nov. 1989, G.A. Res. 44/25, U.N. GAOR, 44th Sess., U.N. Doc. A/44/49 (1989), 1577 U.N.T.S. 3 (entered into force 2 Sept. 1990) [hereinafter CRC].

modalities within the singular framework of HRE.

It is perhaps worth noting that to this day, there can be confusion about whether HRE is referring only to schooling or whether it also encompasses non-formal education (e.g., workshops and activities carried out with youth or vulnerable groups by civil society), the training of professional groups (e.g., law enforcement officials, military and civil servants), and general awareness raising. The answer: all apply, though states' abilities to deliver or support HRE will depend upon the sector. For example, we might expect governments to provide HRE in schools and higher education institutions that prepare civil servants, teachers, law enforcement officials, military personnel, and other representatives of the state. In other sectors, government guidance and support will also be essential but directed towards educational providers. The Declaration on Human Rights Education and Training was passed by the General Assembly in 2011—the title itself a clue that the drafters wanted to make clear that the declaration was not intended to apply only to the schooling sector.

In Chapter 2, Gerber identifies instruments within the international legal framework that she concludes are most closely related to HRE as an approach and the role of education in promoting human rights and preventing violations. The UDHR, the Convention on Economic, Social and Cultural Rights (ICESCR), and the CRC and their use as standard-setting instruments are the main

focus of ensuing chapters, which address the degree to which the associated monitoring bodies are reviewing states' implementation of HRE.⁴

As an aside, brief references to HRE can be found in other instruments, requiring governments to educate their citizens about the content of the standard (e.g. Convention on the Elimination of Discrimination against Women, UNESCO Convention Against Discrimination in Education and many more).⁵ The relevant provisions from these instruments are helpfully set out in Appendix A in the book. However, Gerber's decision to focus on the UDHR, the ICESCR and the CRC is sensible given the relatively greater presence of the HRE norm. Her argument for a more concerted integration of HRE within treaty body reporting ultimately applies across all international human rights standards.

In her treatment of the UDHR in Chapter 2, Gerber observes that there was a discussion at the time about how to characterize the role of education—whether as reactive (combating intolerance and hatred) or proactive (promoting tolerance and friendship). These are perhaps better understood as rationales for HRE within specific policy environments. (HRE often emerges as a response to recognition of human rights violations, for example, in post-authoritarian or transitional justice environments or, on the small scale, in relation to incidences of bullying or anti-immigrant sentiments). Gerber supports the approach that prevails, which focuses on education as necessary for creat-

4. UDHR, *supra* note 2, art. 26(2); International Covenant on Economic, Social and Cultural Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., art. 10, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (*entered into force* 3 Jan. 1976) [hereinafter ICESCR]; CRC, *supra* note 3, art. 29;
5. Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* 18 Dec. 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., U.N. Doc. A/34/46 (1980), 1249 U.N.T.S. 13 (*entered into force* 3 Sept. 1981); Convention Against Discrimination in Education, *adopted* 14 Dec. 1960, UNESCO, 11th Sess., 429 U.N.T.S. 93 (*entered into force* 22 May 1962).

ing cultures that respect human rights rather than viewing HRE more narrowly as a tool to prevent war and conflict. It is these fascinating vignettes of earlier policy discussions that contribute to this book being a treasure trove of information about the history of education for human rights and HRE within the UN system.

In Chapter 2, Gerber also identifies the presence of education for human rights in the ICESCR and CRC, which are based on 26(2) of the UDHR. She points out that relevant clauses do not offer much more specificity than the original language of the UDHR. Accountability is further diluted with language that recognizes that states should take steps to realize the rights set out to the best of their ability.

In the remainder of the book, Gerber evaluates how the UN is endeavoring to secure state implementation of existing HRE mandates. She examines general comments, concluding observations, resolutions, policies, technical resources, and other outputs that can be seen as promoting the implementation of HRE between 1997–2008 for the following entities: the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of the Child; the Human Rights Council; the Economic and Social Council; the General Assembly; and the Office of the High Commissioner for Human Rights. This was a mammoth analytical exercise and the results are a wealth of information for those interested in understanding how HRE is presenting across a range of UN bodies. Here we find the real meat of the book, and a methodology for future research efforts. Gerber also de-mystifies UN processes, laying bare how treaty bodies work and the meaning of General Comments

through her treatment of the presence of HRE.

In Chapters 3 and 4, Gerber's book contains tables that usefully summarize the presence of HRE within state party reports and written products of treaty body committees associated with the CRC and the ICESCR. For the latter, the results reveal both a low level of state party reporting and a low level of detail in regards to HRE, with only twenty state party reports between 1997 and 2008 reflecting what Gerber considers to be substantive HRE content. An average of 34 percent of these reports contained some reference to HRE, with no apparent trend, either positive or negative. In regards to the ICESCR treaty body committee, her conclusion is that this treaty committee does not place a high value on the implementation of HRE, as it rarely gives detailed feedback on state compliance in this area. Rather, the committee, when it refers to HRE, simply reiterates the general content of the treaty.⁶ The relative passivity of the treaty committee appears to be more a result of member ignorance about the importance of education and awareness raising in relation to treaty body norms rather than any resistance per se.

The Committee on the Rights of the Child fared somewhat better, as Article 29 deals specifically with the right to education, and is therefore a gateway to addressing HRE.⁷ Moreover, the very first General Comment on the Aims of Education produced by the committee in 2001, pertained to HRE in Article 29, identifying education as a tool for preventing future human rights violations. There are references to education being able to "contribute to the prevent-

6. ICESCR, *supra* note 4, art. 13(1).

7. CRC, *supra* note 3, art. 29.

tion and elimination of racism, ethnic discrimination, xenophobia, and related intolerance.”⁸ Further, such programs “should become part of the standard response by Governments to almost all situations in which patterns of human rights violations have occurred.”⁹ This is perhaps a more narrow view of the role of education than Gerber prefers—more reactive than proactive—but nevertheless is a clear one.

Gerber finds a relatively high level of HRE represented within state party reports to the Committee on the Rights of the Child as compared with those prepared pursuant to ICESCR, with an average of 67 percent of CRC-related reports containing some reference to HRE between 1999 and 2008, and with a clear upward trend. However, the written responses of the Committee on the Rights of the Child were far from adequate. As with the committee associated with the ICESCR, Gerber finds that responses were generic and non-state specific. The book relates that CRC comments and recommendations “lacked detail and specificity,”¹⁰ were inconsistent, ambiguous, and generally non-supportive, when considered together. Gerber recognizes here the potential for more active engagement of the Committee on the Rights of the Child, given the clear norm in General Comment 1.

In Chapters 5–8, Gerber goes on to examine normative standard-setting within the Human Rights Council (HRC), the Economic and Social Council, the General Assembly (GA), and the Office

of the High Commissioner for Human Rights (OHCHR). These chapters are especially enlightening in depicting the actual presence of HRE and the potential for its enlargement. Again, for those readers less familiar with UN processes, these chapters provide helpful insight into these bodies’ ways of working.

The chapters include an analytical rendering of the strengths, weaknesses, and potential for each of these UN bodies in relation to the implementation of HRE. For the HRC, the positives include the adoption of the Declaration on HRET and the potential to integrate HRE within Universal Periodic Review processes. The primary weakness of the HRC is its failure to highlight HRE as a specific theme for the Rapporteur on the Right to Education.

The activities of the GA are more complex and Gerber’s analysis contains familiar critiques in relation to this organ’s human rights efforts, which she views as characterized by “malaise, inconsistency and generality.”¹¹ Weaknesses elaborated by Gerber include the lack of consistent terminology regarding HRE (which I return to later in this review), excessive use of platitudes, and an overall lack of efficiency. Gerber views this lack of leadership in HRE as a blemish of the GA, but also one that can be rectified.

The OHCHR is arguably the most important UN agency for promoting HRE, and has essentially been the guardian and key promoter of HRE within the UN system through its Methodology, Education, and Training Unit. The OHCHR was founded in 1993 as an outcome of the

8. General Comment No. 1, *The Aims of Education, Convention on the Rights of the Child*, art. 29(1), ¶ 11, UN GAOR, Comm. on Rts. of the Child, U.N. Doc. CRC/GC/2001/1, (2001), available at http://www.unicef-irc.org/portfolios/general_comments/GC1_en.doc.html.
9. *Id.* ¶ 24.
10. PAULA GERBER, *UNDERSTANDING HUMAN RIGHTS: EDUCATIONAL CHALLENGES FOR THE FUTURE* 67–68 (2013).
11. *Id.* at 138.

Vienna World Conference on Human Rights and, within a year, the Decade for HRE was launched. It is within the OHCHR that the term "human rights education" emerged within the UN.

Unlike the other UN bodies presented in the book, the High Commissioner's Office is not comprised by state representatives or state-nominated experts. Since the mid-1990s it has provided support to the HRC, governmental and nongovernmental entities, published HRE resources, and coordinated a range of HRE-related programs, including the aforementioned UN Decade for HRE and World Programme for HRE. The United Nations strongest normative document to date is the Declaration on HRET, which was passed by the General Assembly without a vote on 19 December 2011.¹² This chapter outlines the expansion and refinement of the OHCHR's efforts in HRE and the potential for the High Commissioner's Office to play an even more effective role in relation to the Declaration.

Gerber concludes her book with a reflection on the findings of her research and eight recommendations for improving the United Nations efficiency and effectiveness in encouraging states to increase their commitment to and implementation of HRE. These recommendations include common sense strategies such as an HRE training of members of relevant treaty committees, the HRC and all UN staff involved in HRE initiatives; more online resources; an improved coordination of HRE efforts within the United Nations modeled on the United Nations Counter-Terrorism Campaigns; increased collaboration between the UN, states, and civil society actors working in HRE; and an internal (UN) evaluation of UN HRE efforts. Notwithstanding the

issue of resources, these actions would appear to be noncontroversial.

One of her recommendations is prescient, as she highlights the potential of the Universal Periodic Review as a mechanism in which there is great potential to incorporate HRE, as the UPR is based on the UDHR and the report-preparation process should—as with treaty body reporting—solicit input from civil society. Since her book was prepared, HRE 2020 was formed as an international civil society coalition to promote HRE with treaty-body and charter-based mechanisms at the UN, and as this book review is being written, a shadow report on the presence of HRE within the schooling system is being prepared as part of the second cycle of the United States UPR process.

Gerber also proposes that a full-time UN HRE Director be appointed in order to promote leadership and coordination, both internally within the UN and with external audiences. This HRE Director, in consultation with an HRE Task Force, could emulate the "one UN" programmatic approach that has taken hold in the past years.

Not surprisingly, Gerber also endorses a treaty on HRE in order to strengthen this standard within the UN system, though she admits that the high number of treaties and associated treaty bodies in recent years has had some states complaining of "treaty fatigue" and there is the risk that yet another treaty may contribute to the dilution of their import.

This book is a worthy read and an essential ingredient of any HRE library. Two final reflections are offered in order to help locate it within the international HRE movement.

12. Res. 66/137, *supra* note 1.

Gerber's assumption is that there is an international legal framework for HRE and thus the major challenge is implementation. This is partly true and partly false. In terms of an international legal framework, it is increasingly well developed but it remains non-binding. Normative policies with reporting requirements—such as the UN Decade for HRE, the World Programme for HRE, and the UN Declaration on HRET—have been promulgated by the Human Rights Council and aimed to nudge governments into taking these responsibilities more seriously. In fall 2014, the Office of the UN High Commissioner for Human Rights released a revised version of a 500+-page publication, *The Right to Human Rights Education*,¹³ which culls from a wide range of international and regional human rights standards in trying to make the case that understanding human rights is so fundamental to the operation of the human rights system that it must be considered as a foundational right. The outcomes of these cumulative policy efforts and any forthcoming ones in terms of the governments considering these legally binding requirements remain to be seen. One might propose that that the seriousness with which UN bodies as well as governments integrate HRE within treaty body reporting is mutually reinforcing. Most likely, Gerber would agree with this analysis.

With regard to implementation being a major challenge, this is certainly true, but perhaps the challenge is a more nuanced one than indicated in Gerber's book. This is because the definition of human rights education commonly used by the United Nations is quite broad,

allowing for flexibility but lacking specificity. Based in part on the experiences of civil society organizations, the UN definition of human rights education—the most recent one included in the Declaration on HRET—has evolved so that it now explicitly recognizes methodologies and results that empower learners and promote human rights change. In other words, human rights education cannot be viewed only as teaching about human rights content. As with other educational practices, there should be attention to methodologies and results that take into account knowledge, skills, and attitudes conducive to promoting human rights. This holistic definition of HRE—which can be considered central to “quality” and “effective” HRE—may not be clear to governments, let alone the UN bodies. Thus an endorsement of HRE with governments might be accompanied by pedagogical criterion, as contained in OHCHR resources.

These reflections are further food for thought and only endorse the importance of understanding better the UN mechanisms and actions that Gerber's book presents to us so clearly in relation to HRE. Ultimately, her book is an indictment of most UN bodies for failing to engage effectively in HRE. Her review of the status of HRE—though an admittedly “soft” policy area for the United Nations—raises a wider question: to what degree are other normative aspirations left wanting through inaction by UN actors? Her book can thus be read as a general criticism of UN bodies in relation to human rights norms.

At the same time, it is a call for action and improvement within the UN

13. UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER, *THE RIGHT TO HUMAN RIGHTS EDUCATION: A COMPILATION OF PROVISIONS OF INTERNATIONAL AND REGIONAL INSTRUMENTS DEALING WITH HUMAN RIGHTS EDUCATION* (2014), available at <http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/ListOfContents.aspx>.

and state governments. It is possible to remain optimistic, especially as such concrete recommendations are provided in the book. As with other human rights norms that the UN has proclaimed it seems likely that civil society partnerships will remain key to supporting and promoting governments' compliance with international human rights standards, though one hopes that this will become increasingly less necessary.

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