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Towards a Human Rights Pedagogy

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Towards a Human Rights Pedagogy*

From Human Rights Education and Learning for Democratic Citizenship to a coherent Human Rights Pedagogy

Human Rights Pedagogy (HRP) is the way and methodology of 'how' to teach, train and learn in, through and for human rights. It derives from the notion of Human Rights Education (HRE), which primarily defines a concept and the design of what to teach and to learn about human rights. Thus, Human Rights Education is a set of pedagogical learning methods to inform people of and train them in their human rights. It provides information about the international or regional human rights norms, standards and systems and enhances peoples' skills and attitudes that lead to the protection and support of human rights in ones own daily professional and private environment (Mihr 2009).

Methods of teaching and learning in and about human rights vary. Content of the programme or curricula depend largely on whether one teaches and learns in the formal school or university sector or in the informal, NGO, private academies or training sector. Target groups also alter the content of each training and learning programme. Members of law enforcement and judges need different training programmes than high school students or people who want to learn about specific human rights, e.g., women's or children human rights. The number of documents that define and outline international normative standards go into the hundreds today. Hence, the trainer's task is to detect those that are relevant for his/her training course and programme in respect of the target group s/he is working with. Human rights norms range from abstract civic human rights to practical human rights as defined, for example, in the UN Convention on the Rights of People with Disability (UN Doc GA Resolution 61/106, 24 January 2007) or the Charter of Fundamental Rights of the European Union (EU Charter 364/01, 18 December 2000).

Human Rights pedagogy faces the challenge of advancing and expanding pedagogical concepts for human rights teaching beyond civic, peace, tolerance, inter-cultural and history programmes. Those programmes and learning concepts are often considered exclusive in society (Tomasevski 2003). That is to say, for example, peace education targets learners in

post conflict or war torn societies, history and holocaust education targets people whose past and/or heritage links to specific historical events, etc. While these concepts also refer to human rights, they often stop at either a moral imperative or a mere normative knowledge about institutions and mechanism. They do not necessarily aim to empower individuals to stand up for their own human rights and those of others, which is what HRE and Human Rights Pedagogy must lead to.

Over the past decades an abundant field of „private actors" in the field of HRE and HRP have appeared. NGOs, foundations and companies that have designed HRE programmes, often have a single issue agenda and at times, even political agendas. The reasons for this are two folded: First, many of these private and informal actors have limited resources and are work project orientated, working on a budgetary basis for a set time, commonly one to two years. They often aim to raise "exclusive" human rights awareness with specific target groups. Due to budget and time constrains, these actors and agencies must focus on specific human rights issues and often lack a holistic concept of human rights. In that case, target groups may learn about their specific rights as women or girls, but not those of others such as national minorities, children or migrants. This often leads to ignorance and misapprehensions about the human rights of others or the society as a whole, and again to that what Tomasevski referred to as the exclusion of others (2003). "Exclusive" HRP even carries the risk that groups that have enjoyed human rights trainings are empowered in their rights, but disregard the rights of others or worse, discriminate against them. The same risk exist for private companies or agencies who increasingly conduct internal, staff orientated, HRE programmes. The abundance of information and sources on human rights can be looked at as one cause of this. Teachers and trainers in human rights, often need to select one set of human rights and leave out others, in order to cope with the large number of human rights norms and standards. At least 300 regional and international human rights documents define, describe and often legally bind states and stakeholders to fulfill and comply with norms, may they be social rights, such as the human rights to professional development, economic rights such as the right to access to water or political rights such as to freely participate in decision making processes, to assemble or the rights of people with disability to an inclusive education. To find ones way through the abundant "forest of human rights norms" around the world, the trainer needs a clear analytical framework and the capacity to detect, find and define as well as assess and connect these human rights to the target groups they refer to while remaining inclusive. This is what Human Rights Pedagogy aims to do (Lenhart, Kaisa 2002).

Hence, in comparison to other than ordinary training or education programmes, such as pedagogy for history or democracy education that end in imperatives or institutional knowledge, the aim of HRP is as follows:

1. Enhance the personal engagement of the individual in, through and for human rights

2. Enable the individual to develop projects/programmes or other activities

3. Equip the individual to analyze, to dialogue and to compromise with others

4. Develop a level of empathy that allows moral judgments in ones own societal environment

Educators and trainers in the formal education sector often face the problem of not knowing how to assess, evaluate or mark human rights empowerment. Here, educators have to combine and merge conventional and formal assessment methods with more innovative methods. One way of doing it is in assessing self-reflective written outcomes, e.g., project outlines, essays, etc. Another way is to do cognitive testing on human rights norms in relation to things such as events. There are a number of samples around the world of how teachers and professors have successfully assessed acts of "personal empowerment" in and for human rights of students and learners (Council of Europe, OSCE/ODIHR, UNESCO, OHCHR 2009).

A successful Human Rights Pedagogy is therefore determined by whether or not the learner/ student can identify the set of human rights issues that are relevant to her/his situation in any given context. S/he knows where to find the sources and reference and is able to analyze and assess any situation or event, whether in the private or professional field concerning human rights issues. Everyone should therefore be encouraged and empowered to ask the following questions; (1)"Why is the behavior or decision taken the way it is? (2) Is it because of traditions, customs, cultures, political regimes and systems or other circumstances?, (3) Does the decision or behavior lead to a human rights violation or abuse or does it leverage human rights of others and myself?". In response to this, the person should identify the relevant legal and political entitlements and duty holders and then be able to connect this to the relevant instruments, mechanisms and institutions on a local, domestic or international level. Such mechanisms can be local, for example, local authorities, Ombudsoffices, district or administrative courts or NGOs and committees that are capable to support or intervene in the

respective human rights issue. Such pedagogical methods are within the larger "package of human rights education" and contain at least three aspects (Reardon 1995; Equitas 2007, Mihr 2004).

1. *The Head:* Learning **about/in** human rights, that is the cognitive, normative and knowledge based analytical thinking.
2. *The Belly:* Learning **through** human rights, that is the perception and understanding of human rights and its interconnectedness with ones own private or professional environment, past and present. It is also learning through emotions, affection and compassion in order to enhance ones own empathy.
3. *The Feet:* Learning **for** human rights, that is the way in which one takes action and initiative to change something about the flaws of human rights compliance. It is the behavior, the way of acting, the solving of problems, and the improvement of situations.

As mentioned earlier, the analytical and cognitive learning outcome is enhanced when one can ask "why and how are human rights violated?". In order to answer these questions, one has to analyze the context of the present situation and its relation to the past and present on the local, domestic and international level. One has to have a basic understanding of human rights principles, of norms and standards and, if possible of international human rights treaties, conventions, declarations and/or protocols. A thorough understanding of human rights principles, an empathically understanding of justice and injustice, of freedom versus restriction and of exclusion versus inclusion can sharpen one's analytical ability to detect human rights abuses. For the cognitive learning process one should have a solid understanding of protection and monitoring mechanisms of human rights on all societal and political levels. The learner and empowered person should know the root causes of injustice and conflicts in order to detect human rights violations and carefully distinguish them from „*non-violation*" (Tibbitts 2002).

When learning through human rights, one is often confronted with strong emotions such as affection, anger about discrimination, violence and injustice towards one self and towards others. This is the stage where we increase our empathy and learn how to deal with it. The empathetic capacity of each learner to put oneself in the position of the other is seen as an asset. The trainers and teachers have to know how to deal with these emotions, often

expressed in classroom or course context. One has to put oneself in the situation of the ‚other' :*„Imagine you had been a dissident in the Soviet Union in 1975..? or "Imagine you are protesting in Tunis in 2011..?" etc* .

Learning for human rights is about problem solving, working toward alternatives and giving answer on how to change a human rights abusive situation or circumstances. It is about getting active, question and change – if needed- societal and well as individual behavior. This is a medium and long term process and oneself can start with doing small steps by changing his/her own behavior and decision making in its own environment. Knowledge and empathy come together at this stage. They should lead the individual to attain alternative solutions to the current human rights abusive environment. Lobbying local or domestic decision makers, setting up community projects, campaigns or simply acting and doing things "different" than before are seen as the main outcome of progressive HRP.

Assessing Human Rights Pedagogy

Assessing human rights learning continuous to be seen as a main challenge in HRP. Kohlberg's stages of moral reasoning can be utilized to assess and understand students reasoning. His theories are broken down into three levels, pre-conventional, conventional and post-conventional, with each level containing two stages. Each stage is seen as a vital building block in order to reach the succeeding stage. Kohlberg focuses on development and how it is related to justice, and critics argue that this focus on justice excludes other moral values (Sohan, Modgil, Kohlberg 1986). By assessing learners/students at which level they are reasoning at, teachers are better able to teach to the student and Kohlberg advises teachers to teach at one level higher, in order to challenge the student to continuously develop her/his reasoning abilities. Seemingly, in its guidance materials, the Office of the High Commissioner for Human Rights (OHCHR) stresses the importance of assessing human rights teaching methods and HRP in contributing to the protection and dignity of all human beings. Four steps are laid out for the implementation and advancement of human rights education in higher education, (1) analyze current situation, (2) set Priorities and Create Implementation Strategy, (3) implement and Monitor, and (4) assess learners outcome (OHCHR HR/PUB/12/3). To successfully meet these goals, one must first be able to assess the current quality of human rights education in a country and identify areas that necessitate heightened attention. Using the OHCHR and UNESCO jointly published *Human Rights*

Education in Primary and Secondary School Systems: A Self Assessment Guide for Governments, written for human rights education integration into primary and secondary schools, one can find many methods and suggestions for assessment that are equally applicable and useful for higher education. A situation analysis is the first step for learning institutions introducing HRE for the first time. This is a swift analysis carried out by a small group of key actors within the institution who are able to use existing information in order to identify large gaps in HRE. Using this analysis, stakeholders for HRP are able to quickly set realistic and achievable goals. On the other hand, countries that have already implemented a HRE strategy must analyze what has been successful and unsuccessful, and determine why. The first phase when carrying out an assessment of this nature is to create a detailed plan for how the assessment will be carried out, giving thought and planning to accountability, data sources, data-collection methodology, etc. (OHCHR and UNESCO Publication HR/PUB/12/8, 2012). The next step is to create a focus for the assessment and to develop questions that can adequately assess the HRE implementation strategy in regards to key educational components, e.g., education policies, learning environment, and teaching and learning processes and tools (OHCHR and UNESCO Publication HR/PUB/12/8, 2012).

When developing and assessing the outcome of the "package of human rights education" all pedagogical methods have to include the third practical and active level. What should be done about human rights violations? Or how to leverage the human rights performance or compliance in any given situation? What actions, initiatives and participative way can one undertake, regardless whether one lives and works in a democratic or autocratic society? Each situation requires different actions, but the learner ought to develop an understanding that s/he can do something, no matter how small, for any situation. These options range from using public dialogue and/or protests in order to openly argue that human rights compliance also leverages the working or living conditions of other stakeholders, politicians, business people, etc., to spreading information through social networks and alerting the media. It is also important to build and network internally and externally, e.g., international human rights monitoring bodies on the regional European, African, American, Asian or global UN level. Though most effective on the local level, the lobbying of those who take decisions and can make a different in society through politics and business on all levels is fundamental. HRP is most effective if it is connected to the personal environment and circumstances of oneself and the stakeholder or duty bearer through history, social development. On a local level and private environment, one can use domestic and local remedies such as traditional problem

solving mechanisms, community services, faith based institutions. On the domestic and national level it is often national guidelines, laws, legislations, regulations, constitution etc. that ought to be amended through policy makers. One can also propose alternatives and solutions, moderate and mediate conflict situations, contact and engage with other peer groups or stakeholders and authorities.

In HRP it is important to never leave a learner/ students outside the classroom, without a tentative idea what s/he can do about a situation of human rights abuse. To stay at the cognitive, normative level or conclude with a moral imperative after getting emotional after being confronted with an image of great injustice or atrocity e.g. film or story about the genocide in Rwanda, the Holocaust or images of torture victims, will lead to frustration and even disgust of feeling helpless and overwhelmed. After being confronted with such images many learners and students often feel incapable of doing anything to change the situation, more so, if they are confronted with atricities that took place in the past. Educators and teachers must watch for warning signals from students expressing frustration over having enhanced human rights knowledge but feeling less empowered to create change. Expressions like "It will never work in my country!" or "Now I know that I cannot do anything about human rights abuse" is alarming. If participants of training course express this view, the pedagogical concept should be reconsidered.

In developing a pedagogy for human rights, one must ensure that the course content, the syllabus or curriculum does not lead to the exclusion of certain groups within the learning environment (Tomasevski 2003). Any sample situation of human rights described or talked about during the course, should be linked to the greater impact it has on the society at large. That is to say, talking about why human rights of minorities or people with a disability should be respected makes only a difference if their needs and rights are referred to the needs and rights of the whole society. There are no human rights for one group that should leave out or even discriminate another group. Or, talking about citizenship and democracy only for citizens of one country, whilst one third of the class is composed of people with migration background and non-citizenship of that particular country, can lead to anger and exclusion of those who do not enjoy certain "citizen rights". Exclusive human rights pedagogy, e.g., talking about rights of women and mentioning men as the mere human rights perpetrators, can manifest prejudice and increase discrimination. A non-proportional awareness about

historical, political or institutional facts will lead to a narrow-minded idea about human rights.

Thus, one question that all human rights educators, trainers and teachers can ask when assessing and evaluating their own human rights course is "to what extent does X-education or pedagogy programme/ course empower people to take action and initiatives to generate social change, promote and protect human rights for themselves and others?" If the answer is exclusive or negative, because the programme exclusively focuses on history, only on one particular group or topic. the concept and methods of HRP should be reconsidered. That is not to say that peace or holocaust education is limited or not fruitful, but it is by no means human rights education because it purposefully leaves out large parts of a holistic pedagogical way of teaching and learning about human rights.

Merging Human Rights Pedagogy with Education for Democracy and Good Governance

The Council of Europe highlights that human rights education and training furthers the promotion of human rights, democracy and the rule of law (Council of Europe, Recommendation CM/Rec(2010)7, 11 May 2010). It is through this educational concept that citizens are able to become aware of their rights and responsibilities in a democratic society. Additionally, it is believed that this education will empower individually to actively combat violence, racism, extremism, xenophobia, discrimination and intolerance. However, the link between individual empowerment and the leverage of democratic performance or democratic culture is often not clear. For all to be part of a democratic society and leverage good governance principles one has to be participatory, consensus oriented, accountable, transparent, responsive, effective, efficient, equitable, and feel to be part of an inclusive society. HRE can lead to a better understanding and sensitivity towards human rights. A higher human rights awareness can enhance good governance principles. Human rights can act as benchmarks and tools to which actors must reach and can affect how policies, legislative frameworks, etc. are created.(OSCE/ODIHR, Council of Europe, OHCHR, and UNESCO, HR/PUB/09/3, 2009). Thus, if one is empowered to understand and act according to human rights and good governance principles the likeliness of corrupting democratic regimes is lower than otherwise. That is one of the direct links between democracy and HRE

/HRP in particular. Human rights and democratic institutions and mechanism are tools in two different toolboxes. If they are merged the gain for society is high.

The common denominators for merging the human rights toolbox of instruments and mechanism with the toolbox of democracy and good governance instruments seem evident. Yet the direct link and connection between the two seems challenging for educators and teachers in the classroom. We are used to learning about the toolboxes separately. In the one box we find human rights values, principles, instruments and mechanisms, while the other contains governance principles, government instruments and institutional knowledge. Yet the link becomes clear if one considers the one toolbox to be a leverage instrument for the other and vice a versa. Human rights are tools to leverage and improve the quality of democratic performance of its institutions on the basis of good governance principles. For example, the governance principle of **Accountability** and responsiveness of state authorities and their institutions towards constituencies and society can be enhanced by fulfilling the human rights of access to information, to participation, to professional development etc. This can lead to societal stability and leverage the legitimacy of political stakeholders, usually shown on election day. The governance principle of **Transparency** can be emphasized and leveraged through compliance with non-discrimination and equity acts, with the human rights of personal development, access to natural resources, scientific knowledge etc. If citizens are empowered in these rights their ways to claim and argue for these rights and ask for responses by stakeholders and duty bearers enhances transparency of democratic institutions. The third principle of good democracy or governance is **Participation.** Evidently, it can be increased through empowerment and responsible actions (UN OHCHR HR/PUB/07/4, 2007).

Fortunately, NGOs are no longer the sole or strongest force behind HRE, with many states now championing the role of HRE in society, too. Sonia Cardenas sees the integration of HRE into national agendas as the result of pressure from both below and above, as HRE has become an issue of state reputation. While many states verbally support and promote HRE, the actual implementation of HRE lags behind (Cardenas 2005). Supporters of HRE must call upon states to bridge this gap if one wants to see a culture of HRE emerge. Once HRE is implemented, other issues arrive, as it was found most recently in Hong Kong after assessing the ability of liberal studies teachers to teach human rights. Equally to the above mentioned criteria of HRP, the survey in Hong Kong found out, that teachers and trainers must be able to empower students to stand up for human rights, and not be taught human rights in a

manner that merely encourages student compliance. In order to do this, teachers must themselves have a thorough understanding of human rights and not only support them in theory, but also in real life situations, an issue that became apparent in the study (Yan Wing Leung, Yan Lam Lo, 2012).

Thus, not only can both toolboxes be merged and be mutually beneficial, they can be used in partnership to leverage democratic quality and performance. In democratic or quasi-democratic societies, but particularly in countries in transition from autocracy to democracy, these tools are a necessity. The change from one regime to another is slow, but the empowerment of citizens in their rights can add to the performance and transition to democracy and its maintenance (Mihr 2009).

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