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HUMAN RIGHTS COUNCIL

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Oral statements

43rd session (24 February / 20 March 2020)

Item 3 General Debate. Fourth phase of the World Programme for Human Rights Education. (2020-2024)

I speak on behalf of the 12 organizations of the NGO Working Group on Human Rights Education and Learning.

In January 2020 began the fourth phase of the World Programme for Human Rights Education, focusing on youth. The Plan of Action adopted unanimously during the 42nd session of this Council provides for very specific objectives.

Beyond the setting of principles, these objectives set the goal of reviewing existing education legislation to expressly include human rights education. Going further than just adapting state legislation, the objectives call for the development of policies that will make human rights education effectively accessible to all without any discrimination in line with the 2030 Agenda for Sustainable Development, and particularly target 4.7 of the Sustainable Development Goals. Specifically, the Plan of Action aims to make human rights training a criterion for State licensing or certification for teaching personnel. In other words, we are setting our focus on making human rights education for, by and with young people a living reality within the education systems of the member-States present here today.

Our working group would like to remind states that human rights education with youth is not a tick box exercise, but rather a necessary condition to prevent human rights violations and abuses, achieve peaceful, inclusive and just societies. Recognizing that “the promotion and protection of human rights and the implementation of the 2030 Agenda are

interrelated and mutually reinforcing,”¹ effective coordination among all actors involved is crucial. Our NGO Working Group on Human Rights Education and Learning is fully ready to make meaningful contributions in this regard.

ID: SR on Cultural Rights

“First of all, we would like to thank the work carried out by the Special Rapporteur during her years of mandate and thank her for choosing an issue of such importance and relevance as cultural rights defenders.

Secondly, considering that defenders can be of any gender or age, from any part of the world and from any profession, we would like to highlight the role of teachers. The right to education plays an important role in the realization of cultural rights. As General Comment No. 21 says “The right of every person to participate in cultural life is also intrinsically linked to the right to education” (par.2). In this sense, it is important to recognize the role of teachers who ensure cultural transmission to groups whose culture is excluded from mainstream education, as is the case of certain minorities or indigenous people. We believe that the role of these teachers should be taken into account as human rights defenders, since without their work the intergenerational transmission of certain values and cultural heritage would be impossible.

We encourage the rapporteur to take them into account.

Thirdly, we would like to highlight what was said by the former Special Rapporteur on human rights defenders, who pointed out that defenders working in the field of economic, social and cultural rights – including teachers – They often have more difficulty getting their work accepted as human rights work

In conclusion, we would like to highlight three recommendations from the reporter’s report.

1. Adopt cultural rights-based cultural policies that include the work of

¹ UN General Assembly, Resolution 37/24, “Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development,” March 23, 2018, <https://undocs.org/A/HRC/RES/37/24>.

cultural rights defenders, and protections for them, including strategies and mechanisms for responding to violations, and amend existing cultural policies to ensure these issues are fully covered.

2. Express support for cultural rights defenders and their work, and encourage non-State actors to do so.
3. Raise awareness, through human rights education, of the inherent importance of cultural rights.”

ID: Interactive Dialogue with the Special Rapporteur on minority issues.

“First of all, we would like to thank the Special Rapporteur for his exhaustive work, as well as the numerous country visits, communications, conferences and awareness in order to raise awareness of the human rights of minorities and increase their visibility.

Secondly, we agree that language is a pillar of the identity of many minorities. Moreover, language issues are sometimes among the main reasons for grievances, exclusion and discrimination in education that can lead to tensions between minorities and central authorities. In this regard, it is important to highlight that the use of minority languages by these groups is essential to ensure inclusion and trust, particularly for vulnerable segments of society, such as indigenous peoples and women.

Finally, we would like to mention the reference of the report of public and private education, highlighting that, as the report points, *minorities have the right to establish and operate private schools and educational institutions that use their language to teach*. Human beings have a right to education, and States must comply with this right by ensuring a quality and public education and guaranteeing to the different communities the establishment of alternative schools to those managed by the State. The main obligations of the states regarding the right to education are not about the preservation of a unique educational model, but rather of assuring the 4 A’s: Ensure that education is Available, Accessible, Acceptable and Adaptable. Public Authorities should have positive obligations in relation to non-governmental schools, to ensure that the equal respect of the enjoyment of the right to education for all children,

regardless of whether they are part of a majority or a minority, and irrespective of income levels

In conclusion as the Special Rapporteur points, it is essential ensuring a pluralistic, inclusive and quality education for all, as indicated by the Sustainable Development Goal 4.”

44th session (30 June / 17 July 2020)

ID: SR on Education Cont'd- 8th meeting

"We thank the Special Rapporteur for the report on the realization of the right to education during this COVID-19 crisis.

"Together, we are all going to come out of this crisis", this has been one of the most popular sentences of this crisis. On this regard, UNESCO's director has remarked the importance of education as a common good². Also, on this line, the special rapporteur mentions the importance of mutual trust between citizens and public institutions to overcome this crisis (para 7). We urge the international community to bear in mind this approach so all the actors are included and there is no child left behind.

Secondly, we appreciate that the special rapporteur has pointed out the relevance of cooperation between schools, families and communities (para 7). Families and communities have played a fundamental role mitigating the educational crisis. If we have learned anything from this crisis, it is the importance of the role of parents in the realization of the right to education for their children, which is crucial for the international community to recognize and support. The sacrifices and efforts of many parents around the world have been essential for the realization of the right to education for millions of children. It is crucial that the international community recognizes and supports parents and their choices.

Finally, we want to highlight the important role of non-profit non-governmental schools during this crisis. Non-profit non-governmental schools such as community schools are a cornerstone of the education of children belonging to cultural or religious minorities. In this context of COVID-19, we appeal the international community to support these schools which are essential for the realization of education as a cultural right for many communities."

² AZOULAY, A. & ZEWDE, SW. (23/06/2020) « Le temps est venu d'agir pour ce bien commun mondial qu'est l'éducation », *Le Monde*. Available : https://www.lemonde.fr/idees/article/2020/06/24/le-temps-est-venu-d-agir-pour-ce-bien-commun-mondial-qu-est-l-education_6044049_3232.html

45th session (14 September / 7 October 2020)

Item 3 General Debate. The implementation of the Plan of Action and COVID-19

“We welcome the publication of the Report on the ‘Evaluation of the implementation of the third phase of the World Programme for Human Rights Education’. We encourage States that have not done so yet to submit their report to OHCHR.

Nine months have passed since the fourth phase of the World Programme for Human Rights Education started. Its Plan of Action sets great possibilities for human rights education and young people. While COVID-19 adds challenges to the implementation of the Plan, there cannot be a “break” for human rights education which is a key condition for human rights to be a reality.

We urge States to:

First, acknowledge civil society’s role and guarantee access to funds and resources for NGOs that work on human rights education with youth to ensure that they can continue their work effectively.

Second, ensure a meaningful participation of all young people, including those with disabilities, in the implementation of the Plan. This means giving them means, space, opportunities and full support.

Third, take concrete actions to tackle the digital divide, to ensure an inclusive and affordable access to digital technologies also for young people from marginalized communities.

Fourth, facilitate a better collaboration with all the stakeholders, including civil society, to ensure that the promises made in this room are reflected nationally and locally.

Finally, we want to stress that human rights education will only fully achieve its purpose if it is mainstreamed holistically. This means, integrating human rights education into national school curricula and creating synergies between formal and non-formal education.”

Item 3&5: Interactive dialogue with the Expert mechanism on the Rights of Indigenous People (EMRID).

“We do want to acknowledge the work of the Special Rapporteur on the Rights of indigenous people. The realization of the right of indigenous people are an essential part of the realization of human rights in the XXI century.

One important dimension of the rights of indigenous people that has been neglected has been the right to education. The right to education is the right that enable members of a community empower themselves. An important dimension of empowerment consist on knowing your history, your environment, your roots and your culture. It is hard to develop in full without knowing your roots. The transmission of the cultural dimension is an essential part of the right to education, especially for those communities that are not mainstream such as the indigenous people. Without the realization of the cultural dimension of the right to education for all it is not possible to realize the rights of indigenous people.

We want to invite the special rapporteur on the right to education to realize a future report on this topic. There are many good initiatives on this regard coming from the government such as in New Zealand. Moreover, there are many good initiatives coming from non-governmental institutions also focused on the realization of the right to education such as the Red de Educación Intercultural Bilingüe Amazónica in the Amazonia. We are happy to share more experiences like that and to deep together on this important topic.”

ID: SR on Truth & Justice- 8th meeting

“Dans un premier moment, nous voulons remercier le Rapporteur Spécial pour son rapport, ainsi que pour l’ensemble d’activités et de visites menées au cours de son mandat.

Deuxièmement, nous sommes tout à fait d’accord avec le RS sur la nécessité d’affronter les crimes et les violences du passé comme moyen pour la construction d’une société démocratique, plurielle, inclusive et pacifique.

De plus, nous considérons notamment importantes les références à la mémoire comme champ de bataille, et, en particulier, à la nécessité de considérer le cadre culturel comme un espace de coexistence d’une diversité de valeurs et d’interprétations des faits passés. Comme si bien a indiqué le RS, au sein d’une société démocratique, différents récits et interprétations de la violence passée (§37) peuvent cohabiter. Ainsi, avec le rôle des États en matière de mémoire, le rapport rappelle l’importance de la société civile dans la création d’un espace de débat sur les causes et les responsabilités des crimes du passé

Dans ce contexte, nous voulons souligner l’importance de l’éducation dans ce processus de mémorialisation, et en particulier, comme moyen pour la construction de cet espace de débat et d’échange. Ainsi, nous célébrons la mention du RS à l’éducation comme voie pour prévenir les violences futures et forger une culture de paix (§22).

Étant l’éducation le moyen de rapprocher les différentes interprétations, le rôle des écoles non-gouvernementaux, représentants de la société civile et du pluralisme dans le domaine de l’éducation, s’avère essentiel afin de garantir l’inclusion des divers points de vue et d’éviter la monopolisation du discours par un seul récit. Ainsi, on trouve de bonnes pratiques développées par des écoles non-gouvernementaux telles que les écoles catholiques situées au cœur de la Colombie ou la Terre Sainte, qui ont contribué au processus de mémorialisation et réparation des crimes passés. ”

Item 3: Interactive Dialogue with the Special Rapporteur on the right to development.

“APG23 and # co-signing NGOs welcome the report of the Special Rapporteur on the right to development on the theme of financing for development at the national level (FFD).

FFD should be carried out at all levels based on the perspective of participation. Rights-holders, individuals, communities, particularly vulnerable and marginalized groups, should be always involved in the decision-making and evaluation process.

The COVID-19 pandemic has shown that States play a pivotal role in facing global challenges.

States should put into action policies that address the crisis focusing on health, on financial help with debt relief and cash grants. States should also enhance support for working activities in accordance with the best interest of the workers, ensuring economic stimulus packages. Rebalancing the distribution of wealth through proper tax policies, countering corruption and tax havens, are crucial elements to provide States with the essential tools to assure the right to development. The structural crisis highlighted by the causes and consequences of COVID-19 call for a paradigmatic change on how development is conceived and pursued, putting the interest of the environment and of those in situation of vulnerability and marginalisation at the fore.

It is our hope that States adopt proper reporting mechanisms such as the Voluntary National Review at the High-Level Political Forum and the Universal Periodic Review. States should also control private actors through appropriate regulation and ensure redress to individuals and groups who are harmed by the actions of those private actors who have been not adequately controlled.

We particularly highlight a relevant and innovative mechanism for financing for development, that is, to reduce military expenditures³. Resources resulting from such cuts of weapons could be used for

³ Article 7 of the Declaration on the Right to Development

social expenditures and the achievement of the SDGs; thus, investing in practices and policies that enhance human well-being instead of threatening it.

At the international level, there is a need to increase international cooperation, reinforce multilateralism and cancel the external debt for those countries that are disproportionately affected by the economic challenges created by the pandemic. States should oblige with their commitment to release 0.7% of their GNI for Official Development Assistance and even increase the amount because of the COVID-19 crisis.”

Item 3: Interactive dialogue with the Expert Mechanism on right to development.

“Associazione Comunità Papa Giovanni XXIII (APG23) and other # co-signing NGOs welcome the first report of the Expert Mechanism on right to development.

Regrettably, due to the lockdown measures and travel restrictions imposed in the context of the COVID-19 pandemic and for technical reasons, the first session of the Expert Mechanism held in New York from 30 June to 2 July 2020, was not accessible either physically or virtually.

We are confident that the new Expert Mechanism on the right to development will fulfil the mandate in the best possible manner without duplicating the work undertaken by other related mechanisms and will bring its active and valuable contribution in the discussion for the draft of a legally binding instrument on the right to development at the forthcoming 21st session of the Open Ended Intergovernmental Working Group.

The two overarching objectives of the Expert Mechanism - to mainstream, reinvigorate and operationalize the right to development; and to enhance the ability of grass-roots organizations to use the right to development - are, indeed, very important as it is necessary to go beyond rhetoric, to identify obstacles to the realization of the right to development and to make concrete policy recommendations on how to overcome them.

We also welcome the choice of the six thematic studies to be carried out by the Expert Mechanism during the period of its mandate.

The Right to Development is not yet well known by the general public as well as at grass-root level and there is a need for it to be widely recognized in our present world. Has the Expert Mechanism thought to develop, together with the RTD section of OHCHR, a communication strategy for filling this gap?

How does the Expert Mechanism intend to be engaged in the High-Level Political Forum to contribute in pushing ahead the vision of the right to development that is so crucial for the implementation of the 2030 Sustainable Development Agenda?”

Other oral interventions

The 2020 Human Rights Council Social Forum

“Today we are here to talk about poverty and inequalities. An honest discussion about this topic must concern the realization of the right to education. Let’s talk about education. When we talk about education in a context of poverty and inequalities, we tend to limit our vision by conceiving education as an instrument for professional development.

If we open the scope and we take into consideration all the dimensions of the right to education, we will observe a more powerful tool to overcome poverty and inequalities. As the Universal Declaration of Human Rights stresses “Education shall be directed to the full development of the human personality”. Why is the development of human personality so important in a context of poverty and inequalities? Human personality is crucial to understand our roots, our traditions and the values of our community. Human beings are not isolated creatures, but part of a community. It is essential for the development of a human being to know who they are in order to critically reflect their environment and to become later a force for change in their community. Depriving a child from this right means excluding him from an holistic education, which is essential to overcome poverty and inequality

It is a big challenge in a plural world to develop a system in which the different communities feel their children can develop the human personality. Mainstream good life models tend to dominate mainstream education. Persistent minorities are excluded from educational systems all across the globe.

I conclude my intervention by calling the international community to take into consideration the voice of those communities and parents in order to truly make education a tool for change.”

Human Rights Council

Written statements

44th session (30 June / 17 July 2020)

A common good perspective to face the educational challenges in the COVID-19 era

This year the report of the Special Rapporteur on the Right to Education focuses on the impact of COVID-19 in the realization of the right to education. It makes sense that Mme. Bolly Barry focuses on this topic, as the COVID-19 has been the most disruptive phenomenon on this field in 2020. The numbers speak for themselves: According to UNESCO 90% of children have been deprived of attending school⁴. Online teaching and learning has played an important role to overcome this crisis for millions of children. Nevertheless, as the Committee on Economic, Social and Cultural Rights pointed out there is still a strong risk on deepening educational inequalities due to the unequal access to affordable internet services and equipment⁵. In a recent article of the General Director of UNESCO, Audrey Azoulay and the President of Ethiopia, Sahle-Work Zewde, pointed that only 57% of the worldwide population have access to internet from home. In areas such as the Sub-Saharan Africa only 18%⁶. We want to thank the Special Rapporteur for choosing this important topic and we acknowledge her efforts in the elaboration of this report.

The aim of this written statement is to develop some of the points already stated by the Special Rapporteur and to clarify some points that might be confusing.

The common good perspective:

"We are all going to come out of this crisis together", this has been one of the most popular sentences of this crisis. On this regard, UNESCO's

⁴ UNESCO (2020) Covid-19 school closures around the world will hit girls hardest, Available: <https://en.unesco.org/news/covid-19-school-closures-around-world-will-hit-girls-hardest>

⁵ E/C.12/2020/1, para.7.

⁶ AZOULAY, A. & ZEWDE, SW. (23/06/2020) « Le temps est venu d'agir pour ce bien commun mondial qu'est l'éducation », *Le Monde*. Available : https://www.lemonde.fr/idees/article/2020/06/24/le-temps-est-venu-d-agir-pour-ce-bien-commun-mondial-qu-est-l-education_6044049_3232.html

director has remarked the importance of education as a common good⁷. In 2015 UNESCO, published a document called *Rethinking education: towards a global common good?* which vindicated this approach to face the XXI problems⁸. The coronavirus is the moment to put in practice this paradigm. The common good approach of Education is crucial to leave no one behind and to involve all the actors.

We are happy to observe that the Special Rapporteur has referred to the relevance of the mutual trust between public institutions, schools, families and communities (par. 7, 17 and vi). In addition, the Special Rapporteur underlines that the educational crisis has been stronger in places where there were no mutual trust between citizens, public institutions and teachers.

The document stresses the importance and the challenges of teachers, which in many cases have continued teaching in difficult and challenging situations. Nevertheless, there is little said about the parents. The role of parents is strongly recognized in the Human Rights Declaration and in the Covenants; however, parents have been a bit neglected in the last big international consensus on education. Coronavirus has exposed the whole system by showing its strengths, flaws and opportunities. If we have learned anything from this crisis, it is the importance of the role of parents. The sacrifices and efforts of many parents around the world have been essential for the realization of the right to education for millions of children. It is essential that public authorities consider them to come out of this crisis together. Support parents not only means targeted aid to families, but also listen and respect their choices. This is the moment to recall the role of parents as cornerstone for the realization of the right to education, and the moment to ask governments to support them.

A common good approach also requires hearing the voice of non-state schools. Many of these schools are the result of community and families efforts and cannot be set aside. From our experience, we have not find any

⁷ AZOULAY, A. & ZEWDE, SW. (23/06/2020) « Le temps est venu d'agir pour ce bien commun mondial qu'est l'éducation », *Le Monde*. Available : https://www.lemonde.fr/idees/article/2020/06/24/le-temps-est-venu-d-agir-pour-ce-bien-commun-mondial-qu-est-l-education_6044049_3232.html

⁸ UNESCO (2015) *Rethinking education: towards a global common good?*, Paris. Available: <https://unesdoc.unesco.org/ark:/48223/pf0000232555>

non-for-profit private school not willing to collaborate with the government during this crisis. A common good perspective require listen to these schools, the parents who choose this institutions and its professionals to build the essential trust in a society required to overcome this crisis.

The 4 As: Recalling the importance of acceptability and adaptability

The report referred to the 4 As: Available, Accessible, Acceptable and Adaptable. There are two As that we consider that would need further development: Acceptability and adaptability. The disadvantages and inequalities of the educational systems are not only based on socio-economic basis, but can also be ethnical, religious or cultural. According to the General Comment No. 13: of the CESCR “the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents” (acceptability). Moreover, “education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings” (adaptability).⁹

These two criterion are essential for persistent minorities. In many cases, some communities can only find an education that is acceptable and adaptable to their day-to-day challenges in non-state schools. In plural societies, it is common to find communities that choose alternative schools, because their ethos is not supported by the mainstream culture. In a context such as the current crisis, the fact that many governments are not funding these institutions limits the possibilities of these children of receiving an acceptable and adapted education.

The article 18.2 of the Convention on the Rights of the Child states, “States Parties shall render appropriate assistance to parents (...) in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children”. Education is one of these responsibilities (art. 18.1 ICESCR); therefore, public authorities should support parents. We would like to highlight the

⁹ E/C.12/1999/10, par. 6

importance of the support of the state to certain non-governmental institutions to guarantee an education an acceptable and adaptable for all also during the coronavirus crisis.

Clarification of private actors:

One of the biggest concerns of the Special Rapporteur on the Right to Education is the weakening of the educational public systems. Education is a human right, and as a human right it has to benefit all citizens, therefore it has a public mission. Nevertheless, it does not means that the state has to be the main provider but the guarantor.

The last Special Rapporteurs have warned about the growing of commercial actors in the educational field. On this regard, we understand that the international community needs to be attentive to actors that could jeopardize the realization of the right to education in their quest for bigger profits.

The report is critical about the entrance of private actors such as Microsoft or Google in the field of education (par.51 and par.52), and, at the same time, it is critical with the role of private schools. It is important to make a clear distinction between the different private actors. Private companies looking for new investment opportunities and non-profit non-state community schools cannot receive equal treatment. Furthermore, it is essential to differentiate for-profit schools and non-for-profit schools. Non-state non-profit schools are essential for granting the realization of education as a cultural right of those families that do not fit in mainstream schools. Among these families, there are people belonging to minorities, or people who feel that the ethos of state schools is detrimental for the development of their children. The different nature between for-profit and non-for-profit schools requires a different treatment.

This lack of clarification can lead to unfair situations. For instance, the Special rapporteur is concerned on the salaries of teachers of schools depending of payment of fees mentions; and when refereeing to this problematic, it lumps together the situation of Spain and the situation of Cyprus and Morocco. In Spain, 87% of private schools are funded by the

state and are not allowed to require any tuition fees (art.116 and 117 LOE and art.51 LODE). The rest of private schools are elite schools. If there is anyone to blame for the precarious employment is the government who is the responsible of funding the salaries of the teachers. In the case of Morocco and Cyprus, private schools require families to pay tuition, because the government is not funding these institutions. It is true that many of these institutions are for-profit, but not all of them. Many parents and members of these communities are making huge efforts in order to develop these educational projects. The lack of state support during this crisis can have traumatic effects for the realization of the right to education. As mentioned for the Special Rapporteur, in Albania the lack of government support to non-governmental during this crisis could lead to the closure of non-profit private schools, coupled with the loss of jobs and the restriction of choice for many families.

The Special Rapporteur has used several times in the elaboration of this report the Abidjan Principles. These principles can be useful and comprehensive document to avoid the abuses of commercial institutions; nevertheless, they do not make a clear distinction among the non-state schools. The Special Rapporteur during the final remarks of the presentation of her Report on the implementation of the right to education and Sustainable Development Goal 4 in the context of the growth of private actors in education (A/HRC/41/37) made this important clarification¹⁰. It is important that this distinction is also clear in the international documents in order to grant a special protection to non-profit non-state schools.

¹⁰ BOLLY BARRY (27/06/2019) [UN MEDIA TV] Clustered ID [Cont'd]: *SR on Executions & SR on Education - 10th Meeting, 41st Regular Session Human Rights Council*, AVAILABLE: <http://webtv.un.org/search/clustered-id-contd-sr-on-executions-sr-on-education-10th-meeting-41st-regular-session-human-rights-council-/6052844101001/?term=&page=659#player>