

INTERVENTIONS AUPRÈS DES ORGANISATIONS INTERNATIONALES

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OIDEL

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HUMAN RIGHTS COUNCIL

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46th session (22 February / 24 March 2021)

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

One year of pandemic has brought unprecedented challenges upon the world. Besides the health crisis, the looming economic downturn has had a dramatic impact on people's lives and greatly affects the right to education of children and young people, impacting particularly those with fewer opportunities. Inequalities have been deepened.

As NGO WG on HREL we have reaffirmed that human rights and human rights education should not be paused. Referring to the global response, UN High Commissioner for Human Rights Mrs. Michelle Bachelet emphasized that "Human dignity and rights need to be front and centre in that effort, not an afterthought."

We encourage Member States to address the impacts of the pandemic on human rights in a concrete way through recommendations during the UPR Working Group sessions and in particular the right to quality of education. Especially in the times of the crisis, member states must have a coherent approach to human rights education.

This year marks the 10th anniversary of the adoption of the Universal Declaration on Human Rights Education and Training. On this occasion, our working group would like to highlight its rising relevance and call on member states to meaningfully implement the Plan of Action of the fourth phase of the World Programme as this is a key condition to ensure that human rights are at the core, and not an afterthought, in this Covid-19 crisis.

ID: SR in the field of cultural rights

First of all, we would like to thank the Special Rapporteur for her work in

the field of cultural rights and its many challenges. It is vital that this issue is discussed in depth in these times of uncertainty.

Secondly, even in times of crisis, we would like to highlight the importance of creating a sense of community among schools, which act as a safety net protecting the fundamental rights of children. In this regard, parents should also be supported as they play a key role in the education of their children. As Article 10.1 of the International Covenant on Economic, Social and Cultural Rights states, “the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children”.

Thirdly, we would like to highlight what has been said by the Special Rapporteur in relation to economic, social, and cultural rights. A maximum of international resources must be put forward in order to protect children’s educational development.

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

To contribute to the creation of a sense of community and belonging within schools.

Express support to teachers and parents, who are cultural rights defenders, and vindicate and encourage their work.

Raise awareness of the importance of public funding to keep cultural rights alive in the field of education.

ID: SR on the rights of persons with disabilities Rights.

We welcome the report of the Special rapporteur on the rights of persons with disabilities and we wish him the best for his work in this mandate. We are really keen on the content of your priorities. We are happy to observe that concerning the rights of handicapped people, you do not ask them to fit into the system, but you hear their wishes and preferences so the system can adapt to the person.

OIDEI is happy to observe that poverty among persons with disabilities and the unequal access to resources and human rights that cause the poverty

have been pointed out. In the field of education, this unequal access is quantitative and qualitative. Many children with special needs are receiving an education that does not enable them to develop their own personality, that later condemn them to endemic poverty. We understand that among the persons with disabilities are children with diverse needs. The rights of children with special needs should be a priority in which all actors, including them and their parents, should be heard.

We would like to encourage you to focus on the topic of the rights of persons with disabilities in the field of education to overcome the problem of endemic poverty and to find consensual frameworks within which all actors can help. In this regard, we would like to offer our help, support and resources to the special rapporteur in case He wants to deal with topics of this nature.

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

Premièrement, nous voulons remercier le Rapporteur Spécial pour son rapport.

Deuxièmement, nous sommes d'accord et satisfaits du point soulevé par le rapporteur spécial en ce qui concerne les groupes victimes des discours de haine. En effet, il est important de rappeler que ce type de discours vise la discrimination fondée sur divers motifs, non seulement sur l'origine ethnique ou le sexe/genre, mais aussi en raison de la nationalité, langue ou encore, religion.

De plus, nous partageons également la nécessité soulignée dans le rapport d'adapter étroitement les lois sur les discours de haine afin d'éviter qu'elles ne soient pas utilisées pour limiter illégitimement la liberté d'expression, en particulier, des groupes minoritaires.

Cela nous préoccupe, particulièrement dans le cadre de notre travail sur la liberté d'enseignement. En effet, nous craignons que, sous le prétexte d'interdire les discours haineux, ces lois s'utilisent pour limiter la liberté d'expression et d'enseignement des minorités, et par conséquent, le droit à l'éducation des enfants appartenant à ces groupes.

Ainsi, nous voudrions adresser la suivante question au Rapporteur Spécial : Comment peut-on empêcher que la législation sur les discours haineux devienne un mécanisme pour limiter la liberté académique et d'enseignement ?

47th session (31 June / 14 July 2021)

ID: SR on the Right to Education

First of all, we would like to thank the Special Rapporteur for choosing the cultural dimension of the right of education as a topic. We also thank the Special Rapporteur for including the civil society in the process of drawing up this report. In addition, we agree that cultural rights are those that ensure the cultural resources necessary to freely follow a process of identification. Cultural factors can be of the main reasons for exclusion, prohibition and disavowal in education.

In this regard, it is important to highlight that the existence of non-governmental schools such as religious schools, schools for minority groups, international schools, as well as homeschooling, contribute to guaranteeing educational pluralism and diversity in education.

Moreover, we would like to mention the reference of the report to the importance to the common good approach. All actors are necessary to achieve a holistic realization of the right to education that considers the cultural approach. Public authorities should perceive with trust families, teachers, civil society, and all other actors involved in education.

Finally and, referring to the above, we would like the Human Rights Council to consider the cultural approach to the right of education in their next resolution.

ID: SR on Privacy

We would like to thank you for treating such a delicate topic that is the right of privacy of children.

We would like to raise some concerns on the content of your report.

First, many of your proposals pursue autonomy as the supreme goal that the international community would want the child to achieve. I have looked for “autonomy” in the main Human Rights Treaties and it does not appear, not even in the Committee in the Rights of Children. The main goal of education is the full development of human beings, but we cannot say that this equals autonomy. The full development of a human being requires that children are not isolated islands and that they develop critical thinking

within a cultural context and within a community. We are afraid that the concept of autonomy is not consensual and that it holds conflictual ideological interpretations.

In addition, I want to underline the role of parents in ensuring the right of privacy of children. Parents are the ones who suffer the most for the abuses of the privacy of their children. Many times, these parents are the ones who share with their children the causes for the discrimination of children among their peers such as faith or cultural background. Many parents have played an essential role in ensuring the right of privacy of their children, and they have been the main allies of their children in helping them to decide who they want to be. I have to be prudent when perceiving moral convictions of parents, not only because they are protected by the human rights instruments, but also, because they are the cornerstones of the right of privacy of many children. The vilification of their parents can be traumatic for many children. In general, we should not perceive parents as suspicious actors in the realization of children rights, but as strategic allies.

ID: IE on international solidarity

The NGOs co-signing take note of the report of the Independent Expert on human rights and international solidarity on the issue of international solidarity in aid of the realization of human rights during and after the COVID-19 pandemic.

COVID-19 has put the world in turmoil giving origin to a pandemic that, with its devastating impact on the life and livelihoods of people across the world and its effects on health, social fabric, economics etc., represents the most serious, uncertain crises faced by humanity in recent history. It has exacerbated existing inequalities within and across countries to such an extent that they can no longer be ignored.

As Mr. Okafor rightly affirms in his report, the measures taken to combat the pandemic “have had deleterious consequences for the poor, the low-income earners and the millions who rely on informal activities”.

With this pandemic, Member States are confronted with a litmus test on

their commitment to promote, respect, and fulfill human rights and to achieve sustainable development and peace. In the resolution A/RES/74/270 adopted on 2 April 2020, Member States have recognized that “the COVID-19 pandemic requires a global response based on unity, solidarity and renewed multilateral cooperation”. Such words will be empty if not followed by deeds. In fact, a clear example of the lack of solidarity and multilateral cooperation is the unfair distribution of vaccines around the world with only 0.3% of all vaccines gone to people in low-income countries.

Mr. Okafor, do you agree that recognising international solidarity as a right would be crucial in addressing the impacts of present-day global challenges, including the COVID-19 pandemic?

We were pleased that in the report to the 75th General Assembly you included among the recommendations the adoption of the draft declaration on the right to international solidarity. For which reason did you not include once more such an important recommendation in your report for this session of the Human Rights Council?

48th session (13 September / 11 October 2020)

ID: SR on the rights of indigenous people

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ID: SR on the right to development.

APG23 and the co-signing NGOs welcome the report of the Special Rapporteur on the right to development.

On August 9, 2021, the Intergovernmental Panel on Climate Change (IPCC) released its sixth Assessment Report where the experts gave a red code on the threat posed by climate change. They clearly suggest that, in order to stabilise the world’s climate, we will require strong, rapid, and sustained actions to reduce greenhouse gas emissions and reach net zero CO2 emissions . There is no time to lose at all!

We firmly believe that the right to development offers the right lens through which the international community should address the climate threat given its fundamental key principles. In fact, the right to development brings a holistic vision of human needs and development, a vision that should be applied in creating new economic models and

ways of production and consumptions that are inclusive of and protect the most vulnerable people.

Programs, policies, and actions should be inspired and shaped by mainstreaming human rights at all levels, with a particular focus on reducing inequalities and on the protection of the most vulnerable and marginalized persons and groups. The participation of people to whom such policies are addressed, should also be guaranteed.

Mr. Alfarargi, referring to the Guidelines on right to development , rightly made explicit recommendations towards Member States. We would like to ask: which recommendations does the Special Rapporteur make to Non-State Actors, including the Civil Society?

High-level panel discussion on the tenth anniversary of the United Nations Declaration on human rights education and training

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

We welcome the High Level Panel Discussion on the Tenth Anniversary of the United Nations Declaration on Human Rights Education and Training.

Ten years ago, our network advocated for the adoption of the Declaration.

The 10th anniversary gives us today the opportunity to reflect on the progress made in implementing human rights education, looking at the same time at the existing gaps between the objectives set in the Declaration and reality.

Specifically, we want to emphasize that the Declaration in Article 7 affirms that States (...) 'are primarily responsible for HRET' and Article 14 urges States to take appropriate measures to ensure the effective implementation and the follow up of the Declaration, making the necessary resources available.

Looking at the continuous human rights violations today, it is key to prioritize human rights education to mitigate distorted information, enhance the response to violations and increase access to rights and protection of rights. For this, we call on States to commit to providing adequate resources for HRE implementations, to ensure a reporting and monitoring mechanism of the Declaration, including through mainstream it in the UPR and SDG 4.7 reporting, to provide adequate

space for civil society to carry out their work and safeguard human rights education.

This is key to ensure that the great expectations expressed in the Declaration become a tangible reality for everyone including the most marginalized, oppressed, and excluded.

Other oral interventions

The 2021 Human Rights Council Social Forum

OIDEL has been tracking the development of the COVID crisis in the field of education. We have organized different round tables with former ministers of educations to reflect on this topic. We have published different researches on strategies to overcome this crisis. Moreover, we have disseminated experiences of relevant stakeholders around the world to better understand the scope of this crisis.

The most relevant element that we have observed in the strategies to successfully overcome the challenges of COVID is the common good approach. The realization of the right to education cannot be realized through an exclusively vertical relation between the public administration and children. We have observed the crucial role of many intermediate actors such as the civil society, including non-governmental schools, communities and parents.

Millions of parents have been the pillar of the realization of the right to education for millions of children during this crisis. Indeed, the Convention on the Rights of the Child already recognizes that “Parents (...) have the primary responsibility for the upbringing and development of the child”. To overcome the durable challenges of this crisis, as well as to overcome the challenges of the post-covid world we need to include parents in the equation. This will ensure a full realization of children rights. It is not enough to expect parents to act as they have done when public authorities

were overtaken by reality. We have to respect them always as a crucial and trustful pillar on the realization of the right to education.

Coming back to the idea of the importance of education as a common good it is important to recall that the most successful strategies to overcome this crisis have occurred thanks to the collaboration between the state and different stakeholders: private companies, non-governmental schools, parents and communities. I want to highlight the importance of the common good approach underlined in different moments of this crisis and of overcoming the tensions between governmental and non-governmental actors in the field of education.

UNESCO

Oral statements

International seminar on the evolving right to education

Technical session : Digitalisation

I would like to present a reflection on the role of families in the context of digitalization. I would like to emphasize the importance of bearing families in mind in order for our strategies to foster digitalization to become more efficient. Most children live still in a family structure. We have observed during the pandemic that families have been the ones in charge of ensuring the realization of the right to education when all educational systems collapsed. Moreover, we have observed that most of the burdens that children have carried to receive good quality education are challenges that have been shared with the whole family. For instance, the concerns of a child with special needs regarding digital learning are the concerns of the whole family. A child who does not have access to a computer or to the internet usually belongs to a family without access to those. A child who is a digital analphabet usually belongs to a family of digital analphabets.

Most families, most parents want their children to do better and therefore want them to receive a good education. They have proven to be trustful allies in all the decisions that might imply a better future for their children. At the same time, most families share with their children the causes that

do not allow them to benefit from digitalization. It is essential that families become a cornerstone of the strategies on digitalization.

Of course, this cannot be an excuse for forgetting about the most vulnerable children such as orphans or children living without their family. Nevertheless, bearing in mind that most children live in family contexts, the wisest decision is to consider families as pillars for the realization of the discussed rights.

Technical session: Vulnerable people

Three quick reflections on the right to education for vulnerable children: one concerning the importance of cultural rights, two regarding the role of parents, and three on the multifaceted nature of minorities.

First, yesterday some of the speakers recalled the link of education with other rights. I want to recall the relevance of the right to education for the realization of cultural rights, especially for vulnerable people. An education that bears in mind a cultural approach is not just limited to pure folklore, but above all, enables children to know who they are, to know the rules of the community that surrounds them, and gives them the tools to critically think about their culture. Dignity starts by knowing who we are. Moreover, for those children not belonging to mainstream culture, this enables them to participate in the intercultural dialogue without being swept by the cultural hegemon.

This brings us to the second point. The adherence to a cultural group is not black or white. Citizens shape their identity through what is given to them from the culture of their families and communities and through the interactions they later have with other citizens. Children are not inmates of a particular crystalized cultural group. In this regard, in order to ensure an education that bears in mind the cultural perspective of the children, it is important to give power to parents, as they have more flexibility and as they know the needs of their children better than the community.

Finally, I think it is important to bear the category of minorities open and to not crystalize it. As we have seen, identity is a flexible reality. Therefore,

it is important to bear in mind that groups that today are not minorities can become minorities. Also, the minorities that are persecuted and discriminated are more likely not to be recognized as a minority. Furthermore, someone can belong to a majority in certain fields and to a minority in others.

