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Human Rights Council

49th session (28 February / 1 April 2022)

ID: SR on cultural rights

Tout d'abord, nous aimerions souhaiter la bienvenue à Mme Xanthaki, et lui offrir notre soutien tout au long de son mandat.

Nous encourageons la Rapporteuse Spéciale à considérer le sujet de l'éducation comme un droit culturel, essentielle pour garantir le plein épanouissement de la personnalité humaine.

Comme l'a déjà indiqué la Rapporteuse Spéciale sur le droit à l'éducation, " La diversité est un élément humain essentiel qui doit guider l'action publique en ce qui concerne l'organisation des systèmes éducatifs, y compris les questions de participation et de représentation ". A cet égard, la reconnaissance des communautés et des parents comme piliers est essentielle pour garantir ce droit.

Conscients des obligations légales que les Etats ont envers les droits culturels, nous appelons à la nécessité de politiques actualisées qui respectent tous les groupes, en particulier les minorités et les communautés autochtones.

Ainsi, nous réaffirmons qu'aucun milieu culturel ne doit être privé de l'existence ou de l'accès à une éducation qui lui convient.

Nous aimerions souligner deux recommandations du rapport :

1. Exprimer un soutien spécial aux défenseurs des droits culturels, tels que les parents ou les enseignants, de la part des autorités publiques.
2. Faire prendre conscience aux États de l'importance de distribuer des fonds et des ressources vers les établissements d'enseignement qui veillent à la protection des droits culturels.

ID: SR on freedom of religion or belief

First of all, we would like to thank Mr. Ahmed Shaheed for the current report.

We share the Special Rapporteur's concern about the scale, severity and systematic nature of human rights violations against minorities, often based on their religious identity.

As stated in UNESCO's new global report on the futures of education¹, education has long played a fundamental role in the transformation of human societies, and must continue to do so in order to build just, equitable and sustainable futures. In this regard, we find it reprehensible that educational programs are being used to promote rhetoric against religious minorities, instilling hatred rather than tolerance among future generations.

It is regrettable that in many places attempts to reform the curriculum remain highly politicized, therefore, we are particularly pleased that civil society organizations (such as the Iraqi Minorities Alliance) have worked to reform curricula so that they represent and respect ethno-religious diversity.

We would like to make two recommendations. First, require the international community, including states, to engage all faith-based civil society organizations in the design of their educational policies. Second, ensure that civic education is not used as a tool to discriminate or to exclude religious groups or to reshape the identity or mind of children belonging to minorities.

ID: SR on minority issues

First of all, OIDEL thanks the Special Rapporteur on minority issues for choosing such a relevant topic for this report.

OIDEL would like to recall that many conflicts arise from a sense of grievance of exclusion, inequality, and a lack of recognition of different cultural groups. Ergo, the need of ensuring a pluralistic education system in which all communities can have a say in the realization of the right to education.

¹ Reimagining Our Futures Together: A New Social Contract for Education.

Secondly, we emphasize the importance of intercultural spaces in education to enable peace through the pluralistic exchange. Intercultural education requires that everyone can freely find their own identity and also that a dialogue takes place where all parties are equally involved in a process of organized cultural exchange.

Thirdly, conscious of the need of enabling spaces where children, by cultural exchange, can develop critical thinking and embrace the respect of differences and its enriching qualities.

Policies are required to guarantee educational centers that are respectful of their cultural background and spaces for fruitful exchange.

In conclusion, we would like to highlight two recommendations from the reporter's report.

1. Adopt legislation including minority rights protection in areas such as education and language.
2. Raise awareness of the important role an intercultural education to anticipate and prevent conflicts from arising.

ID: SR on the sale and sexual exploitation of children

We thank the Special Rapporteur for her dedication to this topic.

We appreciate your very practical approach to protecting our children from sale and sexual exploitation. In your report, you make it very clear that a child is not only to be viewed as an individual but as a part of a community and a wider context. You propose training for parents and awareness-raising for whole communities and we truly believe that this community approach is the right approach for long-term solutions.

On that same line, we ask you to take parents, communities, and their cultures into account when planning education campaigns. Under point 54 of the report you mention sexual education in primary and secondary schools. This can be very helpful the sexual education is connected the culture of the students' families. Embedding sexual education into the religious and cultural grounds of the students is crucial for them to understand and embrace the teaching. We urge you to work together with community groups in developing the education the children need for being best protected from sale and sexual exploitation.

General Debate: ITEM 3 - Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

We welcome the report of the 'Panel discussion on the tenth anniversary of the United Nations Declaration on Human Rights Education and Training: good practices, challenges and the way forward'. Notably, in relation to strengthening human rights education and training for youth.

Recognizing that "the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,"¹ - regional and international cooperation is essential in order to build on good practice and maximize resources.

By adopting the United Nations Declaration on Human Rights Education and Training, Member States had delivered a strong message that human rights education and training were a priority for the international community and for all States. Therefore, our working group wants to remind member states to review progress in the national implementation of human rights education and training, by submitting their mid-term reports on the fourth phase of the World Programme, to OHCHR, to share the collective responsibility for HREL.

Lastly, we call on the incoming Special Rapporteur on the Right to Education, in June, to focus on Human Rights Education and to engage meaningfully with young people, as they are the "leaders and key partners in designing and conducting human rights education" efforts.

General Debate: ITEM 3 - Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

We are highly concerned about the situation of the Ukrainian children. We are seeing children fleeing the country, we are seeing children fleeing within the country itself. We are seeing children who have lost family members, who are separated from their fathers or the men in their family. We are seeing mothers needing to take care of their children while they are in a state of deep shock.

The emergency pedagogy tries to support the self-healing forces of children in order to overcome the traumatic experiences they are facing. The emergency pedagogy wishes to provide safe spaces within schools and

kindergartens but also enable these spaces within the refugee camps - wherever possible.

We need to train teachers and people in the social support services on emergency pedagogy for children so that children eventually can deal with their highly traumatizing experiences back home.

We, therefore, ask the international community to establish safe corridors for people who wish to flee, but we also must bring focus to this kind of support for children and emphasize the need to have people on the ground - wherever needed - who can receive those children and work with their state of distress. All in order to help these children have better futures.

General Debate: ITEM 3 - Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

L'Office International pour l'enseignement catholique (OIEC) a mené une mission en Ukraine la semaine dernière. Cette mission a été organisée par la Commission Ukrainienne de l'Eglise grecque catholique pour l'éducation.

Lors de cette mission, l'OIEC a pu constater de graves violations du droit à l'éducation en Ukraine du fait de la guerre qui sévit depuis déjà 20 jours dans ce pays. Comme l'a constaté le Comité des droits de l'enfant des Nations Unies le 4 mars dernier, « les enfants en Ukraine sont actuellement soumis à des souffrances et à des traumatismes extrêmes. Ils sont tués et blessés. Ils sont séparés de leurs familles. Des maisons sont détruites. Des jardins d'enfants, des écoles, et des orphelinats ont été attaqués et bombardés ».

De fait, la vie quotidienne des enfants a été complètement bouleversée. Les enfants sont exposés à une violence extrême et éprouvent des niveaux insupportables de peur et d'anxiété. Les enquêtes internationales ont pu faire la preuve du décès de nombreux enfants des bombardements et des blessures parfois très graves de beaucoup d'autres. Des enseignants ont également été tués.

De plus, le processus éducatif a de nouveau été interrompu, comme il l'avait été durant la pandémie. Plusieurs générations d'enfants auront donc été privées de manière préjudiciable du droit à l'éducation.

Les écoles sont devenues des centres d'accueil des réfugiés. Elles doivent faire à de nombreuses tâches nouvelles, comme assurer l'accueil,

l'hébergement et le soutien de familles, sans toutefois disposer des moyens financiers et humains pour cela.

Face à un tel drame, nous appelons la communauté internationale à s'unir pour refuser de telles atteintes au droit des enfants et au droit de l'éducation et surtout, pour condamner fermement ceux qui les commettent en toute connaissance de cause.

50th session (13 June / 8 July 2022)

ID: SR on the Right to Education

OIDEL thanks Mme. Koumbou Boly Barry for her work and her advocacy for the right to education over the last six years.

We are pleased that such a relevant issue as digitalisation is being addressed with a human rights approach.

As the report points out, “educational settings as such are places of interaction between all members of the educational community, namely, teachers, parents, learners, families and communities”. In this regard, two remarks need to be made. First, parents play an important role, given that digitalisation affects not only formal but also informal education. Second, all the actors including communities, schools, and families have to be considered in the design of digital educational strategies and policies.

Furthermore, the report refers multiple times to the “right of public education”. This expression concerns an important part of civil society as it could be used by certain governments to prevent the existence and support of non-profit non-state schools. In previous reports, Mme. Boly Barry has stressed that the right to education should be provided not only by state-run schools. She also pointed out that public funding to certain non-state schools is important to grant the cultural approach of the right to education. The expression “the right to public education” could confuse the international community on the essential content of this right. Convinced that the aim of the Special Rapporteur when using this expression was not to prevent educational diversity, we would like her to clarify what this expression refers to.

ID: SR on freedom of peaceful assembly and of association

L'OIDEL remercie le Rapporteur spécial, M. Clément Nyaletsossi, pour son exposé clair des tendances, des faits nouveaux et d'autres facteurs qui compromettent l'accès de la société civile aux ressources financières, nécessaires pour mener à bien le travail de leurs organisations et qui affectent directement les communautés qu'elles servent.

Compte tenu de la relation étroite entre la liberté d'association et la liberté d'enseignement, l'OIDEL estime qu'il est important de souligner deux points :

1. L'importance de la liberté d'association pour la réalisation du droit à l'éducation et, en particulier, de la liberté d'enseignement ;
2. L'importance de l'accès aux ressources publiques afin que l'association d'acteurs qui rend possible une éducation acceptable et adaptable ne soit pas limitée aux familles disposant de ressources.

Dans ce contexte, une bonne pratique en matière d'exercice de la liberté d'association exportable dans d'autres pays serait celle énoncée au paragraphe 76 de la résolution du Parlement européen de 2018 sur la modernisation de l'éducation, qui *encourage, en ce qui concerne le renforcement du caractère inclusif et de la liberté des choix éducatifs, l'apport d'un soutien financier suffisant pour les établissements scolaires, tous niveaux et toutes filières confondus, et qu'il s'agisse d'établissements d'enseignement publics ou privés sans but lucratif.*

PD: Good governance in protecting Human Rights during Covid

One of the main challenges of this pandemic has been to deal with school closure, and therefore the significant educational discontinuity. According to UNESCO, during the worst moment of the crisis, 90% of children were deprived of attending school. Moreover, according to Mme Azoulay, no educational system was prepared for this.

Nevertheless, education did not stop for most children thanks to parents, civil society organizations and the devoted efforts of many teachers. As we know, the main role of the State in the realization of the right to education is the role of guarantor. Nevertheless, the realization of the right to education cannot be based on a vertical scheme in which the only actors are the child and the State.

Parents, civil society, and many teachers have revealed themselves yet again as critical actors in the realization of the right to education. Parents, in line with the granted role of the Convention of the Rights of the Child, have acted as the main responsible for the upbringing of their

children. Nevertheless, parents, as well as the other actors, cannot just be evoked in moments of crisis.

In the work of OIDEL, we realized that families have played a critical role to ensure the realization of the right to education. And that's only parents but also grandparents and uncles. The wider family has played a special relevant role in regions such as Latin America.

Our little contribution today is to recall that parents, families, as well as many intermediate actors, have played a crucial role in the response to the pandemic. This cannot be just an anecdote. We call on the international community to include all these intermediate actors, especially family members, as cornerstones of the realization of the right to education also for the future.

ID: SR on the rights of indigenous people

En primer lugar queremos agradecer el trabajo del Mecanismo de Expertos sobre los Derechos de los Pueblos Indígenas en aras a una mejor consecución de sus derechos.

Hoy participamos de nuevo en este debate para repetir una idea que hemos expresado en estas discusiones los últimos años. El derecho a una educación de calidad es primordial para garantizar los derechos de los niños indígenas.

Pero no cualquier educación. Como señala el informe del Mecanismo de Expertos son muchas las voces que expresan que una educación de calidad debe conectar a los niños indígenas con su cultura y sus tierras ancestrales. En este sentido, la educación de estos niños debe permitirles ser autónomos, pero igualmente hacerlos conocedores en profundidad – y no superficialmente – de sus raíces, y responsabilizarles de las problemáticas y desafíos de sus comunidades.

Proveer una educación mainstream y focalizada en valores desarraigados de las comunidades indígenas es susceptible de desconectar estos niños de sus familias, religiones y lugar, destruyendo el alma de estos pueblos y dejando estos futuros niños aislados de sus comunidades al albur del oleaje de los mercados y las grandes corporaciones. Pedimos a los distintos actores, que para garantizar los derechos de los pueblos indígenas, se explicita la primordial importancia de un derecho a una educación de calidad coherente con la identidad cultural y los valores de estas comunidades.

ID: SR on slavery

OIDEL thanks the Special Rapporteur for this report on contemporary forms of slavery affecting persons belonging to minority communities. We welcome the emphasis on the importance of the right to education, “as it prevents child labour and facilitates access to decent work”², in

² A/HRC/51/26, par. 6.

order not to remain trapped in poverty³ and to reduce the risk of abuse or exploitation⁴.

Indeed, the lack of access to quality education can result in contemporary forms of slavery⁵. It is important to recall that quality education does not only concern an education that enables children to learn work-related skills but an education that enables them to develop holistically as human beings. Dignity comes not only from material needs but also from the recognition of identity, cultural and spiritual spheres.

Therefore, in order to help minorities fully overcome contemporary forms of slavery, and to guarantee them the right to fully enjoy their culture, profess and practice their religion and to use their own language, comprehensive quality education must be ensured.

We encourage all States, as the primary guarantors of the right to education, to support economically disadvantaged minorities in providing relevant, acceptable and appropriate education for their children.

ID: SR on the right to development

APG23 and the co-signing NGOs welcome the report⁶ of the Special Rapporteur on the Right to Development focusing on the “Response and recovery plans and policies on the coronavirus disease (COVID-19) pandemic from the perspective of the right to development at the national level “and we share its conclusion and recommendations.

We would like to thank all countries that provided practical examples of ways in which they have integrated the right to development into national COVID-19 response and recovery plans and policies.

The large-scale impacts and consequences that the pandemic has had and is still having on the world, are undeniable and incessant. The pandemic has clearly shown social disparity, systemic human rights violations and a

³ A/HRC/51/26, par. 15.

⁴ A/HRC/51/26, par. 21.

⁵ A/HRC/51/26, par. 6.

⁶ A/HRC/48/56

lack of a social safety net, aimed at protecting and supporting, in particular, those living in extreme poverty.

We fully agree when the Special Rapporteur says that “COVID-19 response and recovery plans are, ultimately, development plans and that as such they should be in line with the right to development and the commitments Governments made when elaborating the 2030 Agenda for Sustainable Development, most importantly the promise to leave no one behind” and that “The view that development is solely an economic outcome is incomplete since it is possible for the development priorities of a population to remain unfulfilled despite economic growth”. It is really time to dismantle the equation “development = economic growth” since it has proven to be a failure that even contributes to the increase of inequities. The right to development offers instead a holistic approach.

A COVID19 response should encompass such a holistic approach through recovery plans based on the RTD perspective. Many of the people suffering today will still be in danger when the next crisis will come, unless the commitments of the 2030 Agenda and a truly transformational approach, based on solidarity and international cooperation, are finally translated into concrete steps.

General Debate: ITEM 3 - Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

I speak on behalf of the organizations of the NGO Working Group on Human Rights Education and Learning. We welcome the High Commissioner’s Midterm progress report on the implementation of the fourth phase of the World Programme for Human Rights Education’.⁷

We appreciate that 17 Member States submitted relevant information to OHCHR, and we strongly encourage other States by 2024 to take meaningful actions to implement HRE and submit their reports to OHCHR.

Particularly, we positively noted that some States have facilitated and supported nonformal human rights education conducted by civil society⁸ and ‘engaged young people as key partners in planning and designing

⁷ <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session51/list-reports>

⁸ Par .10

human rights and human rights education policies.⁹ We hope that all these decisions can inspire other governments to ensure that the work of civil society and especially of young human rights educators can be enhanced.

We express support for the conclusion and recommendations of the Midterm progress report which emphasizes the importance of 'monitoring and evaluation'.

Particularly we agree that 'Human rights education in non-formal settings plays an important role and complements significantly human rights learning in formal education by extending access, particularly for youth in situations of exclusion and vulnerability, and by offering a platform to experiment with new methodologies which, if proven useful, can be replicated in all contexts.'

Finally, we want to reiterate that our Working Group will continue to advocate for a meaningful implementation of HRE for, with and by young people.

⁹ Par. 11

Other oral interventions

Fourth session of the Forum on Human Rights, Democracy and the Rule of Law

PD: “Developing stronger institutions and fostering trust in government”

We welcome this discussion’s emphasis on the need for trust between State institutions and their citizens for guaranteeing the continuity of democracy.

The question then is, how can this trust be re-established? I’d like to focus on education. To answer this question we shall turn to Human Rights instruments.

Art. 26 of the UDHR states that parents have a prior right to choose the kind of education that shall be given to their children. Art. 13 of the ICESCR calls States to respect the liberty of parents to choose for their children schools and to ensure the religious and moral education of their children in conformity with their own convictions. Similarly, Art. 18 of the ICCP requires the States to have respect for the liberty of parents. Summarising these articles, it becomes very clear that States must grant parents the prior right and the liberty to choose the kind of education that corresponds to their convictions.

Unfortunately, some States promote the State’s right to determine the education of children at the expense of the right of parents. Such advancement is often based on mistrust in parents and families and is detrimental to democracy. To grant the freedom of education, parents must be entrusted with the “upbringing and development of their children”, including the choice of education for them.

We thus suggest that re-establishing trust in regard to education starts by guaranteeing parents’ freedom to choose and continues by building frameworks for parents to participate in decision-making processes regarding education. What happens when someone in power hears you out, takes you seriously, and lets their decision be informed by what you said? You will put trust in that person. In the same way, when parents’ voices are heard and taken seriously and included in state decisions,

parents will put new trust in government decisions. Ultimately public trust increases and democracy is strengthened.

PD: “Learning through adversity - mapping pandemic-related democratic erosion”

Thank you very much for the possibility to speak here today on behalf of OIDEL, the organization for freedom in education. My name is Arja Krauchenberg and in addition to the aspects already mentioned by the members of the panel, I’d like to draw your attention to the impact that the COVID-19 pandemic has had on the right to education and here specifically on the children’s right to quality education which is enshrined in the Human rights declaration but more particularly in the UN Convention on the Rights of the Child.

Today, as of November 2022, many children have luckily been able to go back to formal education in pre-primary, primary and secondary schools but UNESCO tells us that there are still 244 million children worldwide out of school, a situation that has worsened through the pandemic, especially regarding upper secondary education and affecting girls and we haven’t been able to remediate that. The top five countries with the most children excluded from education are India, Nigeria, Pakistan, Ethiopia and China according to the latest GEM (Global Education Monitoring) report but also other countries report an increase in Early School Leaving and the number of NEETs – young people not in education, employment or training.

This is also a threat to democracy as democratic values don’t simply fall from heaven but have to be learned and practiced at home and also in the school community. It’s therefore crucial that all stakeholders in education, ministries and local authorities, school principals and teachers, parents, and pupils as well as other members of the community work closely together to guarantee good quality education for all children so that they can all develop their full and unique potential without leaving anybody behind.

UNESCO

Intersessional meeting for dialogue and cooperation on Human Rights and the 2030 Agenda for Sustainable Development

OIDEL is convinced that the realization of the SDGs from a Human Rights perspective requires the involvement and the consideration of all actors. Because of that, we celebrate that this intersessional meeting focuses on strengthening partnerships.

We would like to talk about the importance of the link between SDG 17 and SDG 4 on quality of education. With the emergence of COVID, we have realized the critical importance of a common good approach for the realization of the right to education. Between the State and the Children, many actors are essential to grant the realization of the right to education: teachers, parents, communities, and many other non-state actors. In line with the recent document of UNESCO, Futures of Education, to grant that education remains a public and a common good it is essential to grant the participation of all actors. We encourage public authorities to cooperate through partnerships with all non-state actors to achieve SDG4.

One non-state actor is particularly relevant: parents.

Due to the pandemic, parents have emerged, once again, as solid actors to grant education to most children.

Moreover, children are not isolated islands. Most of the discrimination suffered by children is shared with their families. In most cases, it is the parents that are the first ones to notice, share the suffering and fight the struggles of children. In different research of OIDEL, we have realized the importance of taking into account parents and hearing their voices in the realization of the right to education.

We encourage the international community to build a framework in which parents can exercise their choices and make their voices heard in order to grant a full realization of SDG4.