

INTERVENTIONS  
AUPRÈS DES  
ORGANISATIONS  
INTERNATIONALES  
2016

UNITED NATIONS



OIDEL



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## **Conseil des droits de l'homme**

### **Déclarations orales**

#### **31ème session (29 février /24 mars 2016)**

#### **Interactive Dialogue - Special Rapporteur on Cultural Rights**

OIDEL, as one of the founders of the NGO Platform on Cultural Rights and Diversity would like to congratulate the new Special Rapporteur on Cultural Rights. OIDEL had worked for the creation of this mandate since 2001. We would like to assure you of our commitment to collaborate with you in whatever way you would need or wish. We are convinced that the other members of the Platform share the same point of view.

We would like to recall that Cultural Rights do not have the priority attention that they deserve in order to face the main challenges of the international scene. In fact, its promotion causes mistrust due to its politicization and misconception. Although not very visibly and dispersed, these rights are included in different international instruments and submitted to different definitions and regimes.

We would also like to mention the impact of Cultural Rights on peace and human security that has been neglected so far. Collective humiliations, identity injuries or the disdain toward a culture have been a fertile ground for the spread of violence, terrorism and war. In order to fight terrorism it is fundamental to take into account the cultural dimension of crisis.

At a policy level, cultural rights deal with a triple challenge. Firstly, cultural rights remain one of the weakest and most forgotten rights within the human rights international instruments. Secondly, cultural rights are at a crossroad between Civil and Political Rights, Economic and Social Rights and Minority Rights. Thirdly, due to the multiple dimensions of these rights, it is hard to find a clear delimitation. Once this complexity is recognized it is essential to move towards the definition of the terms that define these rights in order to accomplish their realization. We appreciate, in this regard, the efforts done by the Special Rapporteur to define key terminologies such as identity and community; and we encourage her to continue in this way. This is in this sense that the Fribourg Declaration on cultural rights oriented its vision which represents an important step towards the legitimation of these rights.

We encourage Ms Bennoune to adopt a global and transversal approach of these rights, by using all the international human rights instruments. We understand that this approach would allow a better comprehension and implementation of these rights.

Finally, we welcome the importance given by the Special Rapporteur to the right

of education. Moreover, we reaffirm that the cultural dimension is crucial to turn education “acceptable” for all students and their families, as education is essentially a cultural right.

## **General Debate – Freedom of Education Index 2016**

2015 has been a really important year due to the adoption of the Sustainable Development Goals and Education 2030. We welcome the inclusion of a human rights-based approach in these documents. As stated by these, the scenario and the main challenges of the right to education have changed and this requires new answers. The rise of stakeholders who want to be involved in the right to education and the demand for greater transparency require a new paradigm of governance. In this regard, the Incheon Declaration urges States to turn to « participatory governance and coordinated partnerships at all levels and across sectors, and to uphold the right to participation of all stakeholders» .

Also the Human Rights Council, in the last resolution on the Right to Education, recognizes the need of the States to strengthen their engagement with civil society to contribute to the realization of the right to education. . The same ideas appear in the important document of UNESCO Rethinking Education, Towards a global common good?

The existing civil society participation mechanisms are clearly insufficient. It is necessary to establish new mechanisms to assess the attitude of the public authorities. It is in this context that OIDEI, together with the Novae Terrae Foundation, has published a new Index. This instrument monitors the attitude of States towards civil society. For example: Do States foster the creation of civil society schools?

We realize that most of the States are already aware of the importance of this new governance in education. Almost 73% of the States have some type of financial partnership with civil society schools, even if the financial aid is low or poorly defined in 43% of these countries.

We encourage the international community to use this Index which covers 94% of the world population. It has been done not for ranking countries but to help the States to assess the participation of civil society in educational policies from a human rights-based approach.

## **32ème session (13 juin/1 juillet 2016)**

### **General Debate – Civil Society and the realization of the right to education**

We really appreciate this report and we think that the obligations of the public authorities towards civil society could not be better defined. OIDEAL is convinced that the realization of each right requires at certain level the participation of civil society. As said in the report progress and civic participation go hand in hand. Moreover, the report quoted that “a confident nation gives citizens a say and a role in the development of their country”.

However we are surprised that this list of good practices does not include the right to education, besides certain mention to Human Rights Education. The International Covenant on Economic, Social and Cultural Rights recognizes the right of the individuals to set up educational institutions. As stated by the Dutch Mission during the negotiation of the Universal Declaration of Human Rights, the prior right for parents to choose the education they consider best for their children is a guarantee that education does not become a State monopoly.<sup>1</sup>

Moreover, it is clear that the countries that are friendlier with the provision of education through civil society are also countries that have addressed with excellence the challenge of diversity and the accomplishment of civil rights.

The content of this report was the compilation of practical recommendations for the creation and maintenance of a safe and enabling environment for civil society. Although we think that the overall objective was well accomplished the annual report remains incomplete due to the lack of inclusion of practices concerning the provision of the right to education.

We encourage the UN OHCHR to take into consideration the role of civil society in the provision of education due to the good impact it has in the realization of friendly environment for the right to education.

In this regard, we also want to invite the UN OHCHR to review our last report “Freedom of Education Index 2016”. This report shows how the participation of civil society in the provision of education is a cornerstone of democratic societies and a guarantee for minorities in pluralistic societies.

Among the good practices we have identified we can highlight the important role in deprived areas of charter schools in the United States or the subsidized non-government schools in South Africa. The report also shows that the participation of civil society in education is compatible with quality. Among countries with the highest level of freedom of education we find some of the best PISA results; such as the Republic of Korea, the Netherlands and Belgium.

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<sup>1</sup> GLENDON, Mary Ann, 2001 A World made new. Eleanor Roosevelt and the Universal Declaration of Human Rights Random House (p.159 y 190)



## **Towards a Right to International solidarity**

The main representative of APG23 participated actively to two regional consultations, namely the regional consultation with representatives of Western Europe and Other States, and of Eastern Europe States, in Geneva and the one with African States in Addis Ababa, giving inputs on both the content and the format of the draft declaration.

As the Independent Expert points out in the conclusions of the report, recurring issues have emerged from the regional consultations, which have not been resolved, including the qualification of “non-state actors” and the identification of rights holders and duty bearers, and also the definition of the right itself.

Our NGOs would like to reiterate that the right of peoples and individuals to international solidarity draws on articles 1, 28 and 29 of the Universal Declaration of Human Rights and puts current state’s human rights obligations and ethical responsibilities of non-state actors in a new context.

There is a great need to move from the principle of international solidarity towards the recognition of the right of individuals and peoples to international solidarity. In our globalised and interconnected world several challenges such as, inter alia, climate change, increased inequities between and within countries, the supremacy of finance and economics over politics and the unprecedented migration flux require such a step ahead.

We are convinced that the draft declaration on the right to international solidarity could tackle these challenges efficiently and would reinforce the importance of human rights in these issues.



Furthermore, the recognition of the right to international solidarity would be crucial for the implementation of the 2030 Sustainable Development Agenda and of the climate agreement of COP 21 in Paris and for the progress of the human family towards equality and social justice. It is an added value to the panoply of human rights as it enables the fulfilment of all the other human rights.

"We support the idea that "the text should be shortened" and "to use of a more traditional format for declarations", adopting later a Guidelines to orient the practice of States and nonstate actors in implementing the right to international solidarity.

Finally, the co-signing NGOs look forward for the revised text of the declaration and fully support the suggestion made by Ms Dandan to convene an expert meeting to examine the first revision of the draft declaration, with a view to giving specific recommendations for its finalization before submission of the final text by the end of her term in June 2017.

### **Panel on the 30th Anniversary of the Declaration on the Right to Development**

There are still great obstacles in the realization of the right to development due mainly to the long-standing politicization in the debate on this right. People, especially those in situations of extreme poverty, continue to exceedingly and unnecessarily suffer for the lack of will by States to implement this right.

We hope that this Panel will be a cornerstone to get over this politicization. A clear sign of this politicization is the delay of the work of the Open-Ended Working Group on the Right to Development, which recently announced the continuation of the reading of the criteria and operational sub-criteria for another two years. We can do nothing else than share with you our big disappointment.

We want to encourage the States to end the polarization that has characterized last year negotiations and to work effectively and speedily towards the adoption of meaningful criteria and operational sub-criteria for the implementation of the right to development.

The Declaration on the Right to Development says in the preamble "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population". In a context of multiple crises, the implementation of the right to development is more needed than ever.

A right to development approach has been used in the elaboration of the 2030 Sustainable Development Agenda. We are happy to see that in this matter there has been a consensus and we hope that this instrument will contribute to the realization of the Right to Development. SDG 17 should be used in order to



unlock the hot points of the controversy, especially concerning finance, technology, trade and multi-stakeholders partnerships.

### **The promotion of gender equality through equitable access to lifelong learning opportunities**

Gender-based discrimination in education is both a cause and a consequence of deep-rooted disparities in society. There are currently 34 million girls out of lower secondary school<sup>2</sup>. Poverty, geographical isolation, ethnic background, disability, and traditionally limiting attitudes towards the status and role of girls and women all undermine their ability to exercise their rights. Barriers to education for secondary school age girls include harmful practices such as early marriage, gender-based violence, and a lack of safe access to schools.

To strengthen gender equality in education combined with the right to education the undersigned make the following recommendations:

Gender-mainstreaming must be integrated in all international mechanisms and national institutions, whether private or public, who have a stake in education. Women must achieve parity in leadership of education institutions so that they become represented in decision-making positions at all levels. Gender parity in teaching staff recruitment, training and deployment in countries and areas where women are inadequately represented in the teaching profession, especially science and technology, must be established. Adequate provision for gender-disaggregated data collection and analysis must be financed as a measure of existing inequality and progress towards gender equality and the education targets of the SDGs.

Integrating gender equality into curricular is critical to strengthen gender equality in education. A gender perspective must be introduced at an early stage, actively promoting the training and career opportunities available to women particularly in the areas of science, technology, engineering and maths (STEM). Teacher-training, both pre-and in-service must be context-relevant and gender-conscious so that teachers are equipped with the skills and knowledge to employ appropriate gender-sensitive teaching methods. Gender sensitivity taught in the curriculum should emphasise the positive contribution boys and men can make in addressing discriminatory stereotypes.

Education opportunity should be made available to all, regardless of age or ability. Where necessary, non-formal education must be put in place to reach out of school, marginalised, over-aged girls and youth and older women previously denied educational opportunities. Inclusive education must be recognised as a core component of first-phase response in emergencies. For all girls and women, a violence- and-harassment-free environment must be attained

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<sup>2</sup> UNESCO- Girls Education- the Facts 2015 <http://en.unesco.org/gem-report/sites/gem-report/files/girls-factsheet-en.pdf>

including unhindered passage to reach schools or other sites of educational programmes.

### **33ème session (13 septembre/30 septembre 2016)**

#### **High-level panel discussion on the 5th anniversary of the UN Declaration on Human Rights Education and Training**

Since its creation ten years ago, and with appreciation to the Platform comprising now 9 States<sup>3</sup>, the NGO Working Group on Human Rights Education and Learning has been continuously advocating to give Human Rights Education its full place in the work of the Council.

So, the holding of this panel to mark the 5th anniversary of the UN Declaration is very welcome. Indeed, human rights education plays a key role in building inclusive societies and a sustainable future, especially by strengthening social cohesion and preventing violence in all its forms, even the most extreme.

Human rights education is part of international law. Its concept has been clearly defined by the UN Declaration but the challenges of its implementation and follow-up remain. The adoption a year ago of the Sustainable Development Goals<sup>4</sup> (SDGs) and of the Education 2030, Framework for Action<sup>5</sup> opens up new opportunities for implementation at all levels.

We would like to insist, though, on the need for States to include Human Rights Education in all their reports to United Nations human rights treaty bodies and agencies.

We would also recommend the following:

1. Focus on implementation of human rights education within other global education initiatives such as Education First or Global Citizenship Education, among others.

It is essential to clarify the linkages between human rights education and all new initiatives so as to allow better implementation without loss of energy, time or resources.

2. Reinforce an existing entity, in a view to obtain stronger synergy among initiatives of UN agencies, intergovernmental entities and governments.

Complementary and coordinated efforts at all levels are key in this respect.

Lastly, Mr President, we would encourage those interested to read our joint written statement to this session, which develop this crucial issue of the implementation of human rights education.

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<sup>3</sup> Platform for Human Rights Education and Training comprising 9 States: Brazil, Costa Rica, Italy, Morocco, The Philippines, Senegal, Slovenia, Switzerland and Thailand

<sup>4</sup>Doc. A/RES/70/1

<sup>5</sup>Doc. ED-2015/Education 2030/1

## **General Debate – Right to development and the SDGs**

We take note of the two reports on Right to Development delivered at this 33rd session of the Human Rights Council and would like to reiterate the following:

1. The 2030 Agenda has been informed by the Declaration on the Right to Development and provides a new impetus for realizing its vision. For the SDGs to be successfully achieved, States should focus on strengthening the Means of Implementation (SDG17) and creating an enabling and equitable global order.
2. In implementing and monitoring the SDGs, it is necessary to adopt a Right to Development approach that focus not only on the outcomes but also on the processes through which those outcomes must be achieved.
3. The right to development expresses, at the highest level, the values of the United Nations Charter. Its achievement is necessary for the protection, respect and fulfillment of the economic, social and cultural rights as well as civil and political rights.
4. In order to be authentic, Right to Development must promote the good of every person and the whole person, being the catalyst for the realisation and implementation of Integral Human Development.
5. In our interdependent world, the Right to Development is relevant for both developed and developing countries and can give a new human face to the phenomenon of globalization by creating opportunities for all and by limiting its negative effects.
6. The set of standards presented by the Chair-Rapporteur of the OEIWG on RTD that are based on consensual and non-controversial understandings among States, should be not the end, but rather the beginning of a journey towards the full implementation of the right to development.
7. The slow pace of the OEIWG and the decision at its 17th session to “continue to consider criteria and operational sub-criteria with a view to finalize the text as expeditiously as possible, preferably no later than its nineteenth session” is simply unfair to the peoples of the world, especially the most vulnerable ones, who have waited for decades to have clear parameters for the implementation of the right to development.
8. Member States should start reporting on right to development during the UPR process even if the Declaration is not a legally binding document.

Finally, we second the proposal made by the International Youth and Student Movement for the United Nations (ISMUN), during the panel discussion held in conjunction with the 32nd Session that is, “for the Human Rights Council to propose, and the General Assembly to decide to formally include the Declaration on the Right to Development in the International Bill of Human Rights”. This will be a tangible sign to commemorate the 30th anniversary of the Declaration on Right to Development!

## Déclarations écrites

**31ème session (29 février/24 mars 2016)**

### **Human Rights Education in the context of the 2030 Agenda: A new opportunity**

The adoption a few months ago of the Sustainable Development Goals (SDGs) by the General Assembly and of the Education 2030, Framework for action by UNESCO opens up new opportunities for the implementation of Human Rights Education at all levels. We find it significant that Human Rights Education is part of this common Agenda and brought to the highest level of policy making. We want to reaffirm that Human Rights Education is important for the full and equal enjoyment of all human rights. It also plays a key role in building inclusive societies and a sustainable future.

Goal 4 of the SDGs, dedicated to Education, calls on States to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Its target 7 is particularly relevant to Human Rights Education as it states: By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

Likewise, the Incheon Declaration par.9 stresses the importance of Human Rights Education and Training in order to achieve the post-2015 sustainable development agenda, notably through the implementation of the dedicated UNESCO Programmes "Education for Sustainable development" (ESD) and "Global Citizenship Education" (GCED).



Human Rights Education is important for all human rights, including the right to development. We insist on the need to incorporate Human Rights Education in all sustainable development goals and not only in goal 4.7

#### I. The challenge of implementation

The right to an education that promotes human rights, fundamental freedoms and respect for the content of specific treaties can be found in numerous international instruments and the concept and importance of Human Rights Education are now firmly established. We want to reaffirm that Human Rights Education is a human right in itself. The web resource entitled “The right to human rights education” launched by OHCHR in September 2014 represents a useful tool in this regard.

The United Nations Declaration on Human Rights Education and Training adopted in December 2011 and the World Programme for Human Rights Education adopted in 2004 and its accompanying Plans of Action are guiding documents that set out standards for Human Rights Education to encompass principles of peace, non discrimination, equality, justice and respect for human dignity.

Review and monitoring at the national level will in many cases be the most important way to ensure that a State is meeting its obligations. We welcome the last report of the Office of the High Commissioner for Human Rights on the evaluation of the implementation of the second Phase of the World Programme for Human Rights Education and its positive impact on national initiatives. We encourage States that have not yet done so to implement action plans and to send their national reports to the OHCHR since only 30 states submitted their reports last year.

We would also stress the relevance of a specific UNESCO mechanism that monitors implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. States are encouraged to submit to the UNESCO Recommendation by providing quality reports and consider international cooperation a responsibility in developing international education.

Concerning the United Nations Declaration on Human Rights Education and Training, and with appreciation for the States Platform for Human Rights Education and Training, our NGO Working Group would welcome a follow-up resolution at the 33rd session of the Human Rights Council in order to give human rights education the place it should have in the work of the Council.

In the context of the 2030 Agenda, heads of State and governments are committed to engage in systematic follow-up and review of the implementation

of this Agenda. With that in mind, there is a need for increased monitoring of legislation, policies and practices, also through the Treaty Bodies, the UPR and the work of Special Procedures mandate holders. A review of Human Rights Education should be included in all these reports.

Efficient monitoring would be better achieved by using quantitative and qualitative indicators. In this respect we would like to recall the resource launched in September 2015 by HRE2020 , a global Coalition for Human Rights Education, which suggests a framework of indicators or measurements to examine the presence and quality of Human Rights Education policies and practices.

## II The role of civil society

The process of arriving at the post-2015 development agenda was Member State led with broad participation from civil society stakeholders. Participation was also a key word in the Education 2030 Framework for Action which refers to an inclusive process. Civil society is mentioned as one of the groups who adopted the document. Civil society plays an important role in the implementation of the right to education, especially the right to peace and the integration of ESD and GCED.

The Plans of Action for the different Phases of the World Programme recognize and encourage civil society, including international, regional, national and local non-governmental organizations, to collaborate closely with UN and non - UN institutions and other civil society actors, in order to maximize resources, avoid duplication and ensure coherence for the implementation of the Plan of Action.

Finally, the UN Declaration on HRET in its Article 8 al.2 states that the conception, implementation and evaluation of and follow-up to such strategies, action plans, policies and programmes should involve all relevant stakeholders, including the private sector, civil society and national human rights institutions, by promoting, where appropriate, multi-stakeholder initiatives.

Indeed, NGOs, in close collaboration with other actors, can support governments in the elaboration, implementation and monitoring of the national strategy. Our NGO Working Group remains committed to working in this direction and also to facilitate information sharing at all levels by identifying, collecting and disseminating information on good practices.

## **“Mainstreaming Human Rights and the Right to Development in the implementation of the 2030 Agenda for Sustainable Development”**

The 2030 Agenda for Sustainable Development, adopted at the UN summit in New York in September 2015, is truly of unprecedented scope and significance. Its 17 Sustainable Development Goals comprise an ambitious blueprint for a world that leaves no one behind.



In contrast with the MDGs that were mainly considered targets for developing countries, with funding provided by developed countries, the 2030 Agenda is founded on universal implementation, recognizing that poverty and inequalities today hit every country.

The new agenda moves from a model of charity to one of justice, based on the inherent dignity of people as human rights-holders, domestic governments as primary duty-bearers, and all development actors sharing common but differentiated responsibilities taking into account variations in national situations.

From a human rights perspective, the goals and targets for the most part stop short of using explicit human rights language. On the other hand, the preamble of the document says clearly that the agenda “is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document. It is also informed by other instruments such as the Declaration on the Right to Development”.

Indeed, the Agenda for Sustainable Development has incorporated the transformative vision of the Declaration on Right to Development since it aims at realising a comprehensive, people-centred development based on the respect of human rights, a fairness in the distribution of wealth and benefits through a renewed global partnership, and the creation of an international and national enabling environment for sustainable development, social justice and lasting peace that address the root causes of inequities and existing structural obstacles.

According to the new agenda, all the above mentioned aims should follow the principles of participation, nondiscrimination, indivisibility of human rights, accountability, equality of opportunities between men and women as well as the respect for the sovereignty of peoples over all natural wealth and resources and the right to self-determination of peoples. These principles are all well elaborated in the Declaration on Right to Development.

The question is: will the implementation of the 2030 Agenda for Sustainable Development lag behind as is the case with the Right to Development? We hope not. If adequately implemented, the Agenda, and especially goal 17, will provide a new impetus for realizing the right to development and will have a significant impact on the enjoyment of human rights by everyone, everywhere.

Getting consensus on such a broad development agenda was an achievement in itself, but the real work starts now for it remains a responsibility of Member States and all the other development actors to mainstream human rights, including right to development, in the means of implementation as well as in the choice of adequate indicators for monitoring the implementation of goals and

targets.

The long process of developing the 2030 Agenda for Sustainable Development has been very participatory and inclusive, with satisfactory results and compromises. Similarly, the monitoring for the implementation of the new agenda has to be participatory and inclusive, carried out at national, regional and international level, and focusing on both the policy and budgetary efforts of governments alongside development outcomes. Integration of meaningful institutions and systems to ensure human rights accountability of all development actors is crucial. Civil society will have a great role to play in the monitoring process.

While states remain the primary duty-holder in development, all development actors, including third-party states, the private sector and international financial institutions have to be made responsive and accountable for achieving and not undermining global goals.

APG23 and the co-signing NGOs welcome the explicit reference to the UN Guiding Principles on Business and Human Rights in the Agenda.

In fact, Governments have a duty to protect human rights through the proper oversight and regulation of private actors, especially of business and private financial actors, to guarantee in practice that they respect human rights and the environment, including in their cross-border activities. No government should allow its territory to be used for illegal or criminal activities elsewhere, such as tax evasion, depositing assets obtained through corruption, environmental crimes or involvement in human rights violations, no matter the perpetrator.

An effective accountability architecture will be critical for the full implementation of the Sustainable Development Goals (SDGs). As proposed in the UN Secretary General's Synthesis Report<sup>1</sup>, there should be a universal review process built on "national ownership, broad participation and full transparency." The universal review process should function in close relationship with national and regional review processes.

The global High Level Political Forum (HLPF) has already been mandated by Member States to build on existing reviews and existing reporting mechanisms, and this should include systematically integrating existing reports and recommendations generated by international human rights mechanisms that are relevant to the SDGs. Incorporating reports and recommendations from the Human Rights Council's Universal Periodic Review (UPR), the human rights treaty bodies, and Special Procedures will be essential. Moreover, the general principles guiding the follow-up and review processes at global, regional and national levels should be based on the human rights principles of universality, participation, accountability, non-discrimination and equality.

The human rights relevance of the 2030 Agenda will also depend on the choice of

concrete indicators that should refer to and require disaggregated data to be meaningful for monitoring its implementation.

The report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators<sup>2</sup> that will be presented at the 47th session of the Statistical Commission in March 2016 contains global indicators that are also useful for gauging the realisation of human rights, including the right to development. For example, disaggregated data on the percentage of population covered by social protection floors can be found among the indicators for eliminating poverty. The indicator “Number of ILO conventions ratified, by type of convention” is explicitly measuring progress on labour rights and decent work.

Other indicators are very interesting when compared to the criteria and operational sub-criteria for the implementation of the right to development under discussion at the Open Ended Intergovernmental Group on Right to Development of the Human Rights Council. In this regard, the OEIWG on RTD should speed up the finalisation of the criteria and operational sub-criteria and can play a great role on how the RTD framework could facilitate effective implementation of future Sustainable Development Goals (SDGs).

Mainstreaming human rights in the 2030 Agenda for Sustainable Development means also that Governments should oblige, with the pre-existing human rights legal norms, standards and political commitments to which they have already voluntarily agreed.

In relation to Official Development Assistance (ODA), developed countries must fulfil the commitment to reach the target of 0.7% of GNP as well as the target of 0.15 to 0.20 per cent of gross national product for ODA to the least developed countries.

Governments such as environment, trade, investment, aid, tax, migration, intellectual property, debt, weapons trade and military cooperation, monetary policies and financial regulation.

Finally, we would like to raise a serious concern in regard to the first negative signals given by some States at the dawn of the implementation of the 2030 Agenda for Sustainable Development. A clear example is the issue of migration.

The 2030 Agenda recognises the positive contribution of migrants for inclusive growth and sustainable development. It calls on full respect for the human rights and humane treatment of migrants, refugees and displaced persons while highlighting the necessity to meet the special needs of people living in areas affected by complex humanitarian emergencies.

With the Sustainable Goal 10, the international community committed to ensuring equal opportunities through the elimination of discriminatory laws,

policies and practices, while facilitating orderly and safe human migration and mobility.

In this unprecedented era, where conflicts and persecutions around the world have forced more than 60 million people to flee their homes, where an unprecedented number of refugees and migrants has clearly demonstrated to be ready to set out on a dangerous and uncertain journey in order to seek asylum in Europe, the whole international community has been shamefully missing the opportunity and the duty to respond to those globally agreed commitments.

Europe and the rest of the world, which do have the instruments to respond to this crisis, have let the feeling of compassion and solidarity be replaced so far by internal political interests and deceptive fear.

It is now time to show that the ambitious plan of the 2030 Agenda for Sustainable Development of creating a more equal and inclusive world for all, corresponds to a real and authentic will.



### **32ème session (13 juin/1 juillet 2016)**

#### **Interactive Dialogue: Special Rapporteur on the Right to Education**

The NGO Platform on the Right to Education welcomes the new report of the Special Rapporteur on the Right to Education. We consider this report extremely important as it identifies clearly the main challenges of the International community regarding this digital and technical revolution. We consider this

document as a step forward to address the digital revolution from a human rights perspective.

We agree with the Special Rapporteur that this digital tsunami is changing the educational landscape at a dazzling rate. Facing this revolution, the states have the obligation to ensure the protection and safeguarding of the right to education. We consider that this protection must lead towards a right-based approach to digital technologies and the achievement of quality education.

In line with what the Special Rapporteur have said we understand this media revolution as a huge democratization of educational means. There are many good examples of it, such as the Open European Library. However, we cannot forget that technology is not a finality, but a means. Indeed the simple investment of technology does not ensures quality, the investment in new technologies have to go hand-in-hand with well-planned pedagogy and teacher's training.

One of the main challenges of this technologic revolution is how to make the link between technology and humanities. Unlike technology, humanities are not objective-oriented; humanities are about creativity, critical thinking, empathy, dialogue. This humanistic approach is not only necessary for esthetic but also ethical considerations. Technology without humanities is doomed to failure.

The Special Rapporteur states the importance of the establishment of partnerships and the participation of civil society to address this digital revolution. The UNESCO document "Rethinking Education: towards a common good?" warns about this new landscape and its dangers and points out the importance to change the educational paradigm of education.<sup>6</sup> We encourage the states to adopt a common good approach when addressing educational issues and to collaborate closely with civil society.

Also, it is the first time that a Special Rapporteur addresses the issue of Higher Education extensively. Higher education needs to regain prominence in the next years. We welcome the opening of such an important debate in order to address the realization of the right to education from a holistic perspective.

Finally, as it is the last report of Kishore Singh to the Human Rights Council we want to acknowledge his work and want to recognize his efforts for the realization of the Right to Education.

## **Measuring civil society participation in education**

The international community is convinced that the realization of the economic, social and cultural rights depends on the means to measure their progress. The last report of the UN Secretary General to the Human Rights Council is entirely

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<sup>6</sup> UNESCO (2015) Rethinking Education

dedicated to this issue of indicators, which are particularly important in the context of the Sustainable Development Goals (United Nations, 2016).

It is in that context that we have developed a Freedom of Education Index (FEI) with the view to measuring a dimension of the right to education which has been little studied so far: the freedom of education, although this freedom is part of the core obligations of the State (ESCR, General Comment 13, 1999, par. 45).

Our research builds on article 13 of International Covenant on Economic, Social and Cultural Rights (ICESCR) which states:

*“(3) The States Parties to the present Covenant undertake to have respect for the liberty of parents [...] to choose for their children schools, other than those established by the public authorities, [...]”*

*(4) No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions [...]”*

According to the Committee on Economic, Social and Cultural Rights, freedom of education contains three and well-defined elements. One of which is that States parties undertake to respect the liberty of parents and guardians to ensure the religious and moral education of their children in conformity with their own convictions (ESCR, 1999, par. 28). Secondly, the liberty of parents as the capacity to choose for their children schools other than those established by the public authorities (ESCR, 1999, par. 29). And the third element is about the liberty to establish and direct educational institutions (ESCR, 1999, par. 30).

This research was done with a human rights approach. OIDE made previously research on the participation of parents in compulsory education adopting this approach. Our research emphasizes the importance of national legislation about funding. It is clear that without public funding – independently of the chosen formula – it is impossible to guarantee the possibility of school choice based on learners' needs and interests.

### **Methodology of Research**

With the purpose of identifying closely freedom of education, we developed an Index of a composite type, built on four different indicators based on available information. The FEI covers an important number of countries, 136 in total, from all geographic regions, and representing 94% of the global population.

1. Is there a legal possibility to create and manage non-governmental schools (NGS)?

The marking scheme ranges from 0 to 100 points.

2. Does public funding for nongovernmental schools (NGS) exist? If yes, what costs are subsidized by the State?

This indicator aims to assess the public funding for NGS. We have established five categories to assess the degree to which public authorities participate in the funding of NGS.

3. Net Enrolment Rate (Primary education) (%)



To correctly appreciate the extent of Freedom of Education, it is therefore important to consider whether States are fulfilling their obligation to provide basic education to all children. The marking scheme ranges from 0 to 100 points.

#### 4. Enrolment Rate in NGS as percentage of total (primary education) (%)

This indicator aims to assess the relative weight of NGS in each country. It is based on the enrolment rate in NGS at primary level. The marking scheme ranges from 0 to 1 point.

The formula used to obtain this Index, which ranks the States on a 0-100 scheme follows the rationale described below. The formula is based on a two-step process. Firstly, the overall "Points" mark is calculated on the basis of all four indicators. All indicators are added up with the exception of Indicator 4. Indeed, Indicator 4 is used as a multiplicative factor of Indicator 2. This was done with a double objective in mind. On the one hand, States with a high Indicator 2 should be advantaged proportionately to the value of Indicator 4 as they finance a proportionately large NGS sector. On the other hand, States with a high Indicator 4 but low Indicator 2 should not be disproportionately advantaged by the fact that they have a large NGS sector, for which they only provide low or no funding.

Secondly, the overall "Points" mark is then converted to the Index mark by equating the "points" mark of the fictive ideal State to the index value of 100. The fictive ideal State's "Points" mark is calculated as follows: Indicators 1, 2 and 3 are awarded 100 points, whereas Indicator 4 is awarded the same number of points as the existing country with the highest number of points for Indicator 4.

Each country profile includes other information that is not taken into account in the calculation of the Freedom of Education Index. The information concerns its commitment to international instruments concerning the right to education (ratifications of ICESCR, OP-ICESCR and CADE).

## Conclusions

Legally, freedom of education is universally recognized. Among the 136 countries studied, only three prohibit the creation of NGS: Cuba, Gambia and Libya; 84 recognize them constitutionally, granting them the highest protection. Concerning the funding of NGS, the panorama is more contrasted. If 73% of the countries grant aid, for 43% of them it is an aid that we have qualified of "weak" or "not well-defined". Countries that fund consistently represent 30% of the 136 studied countries. This clearly shows that the countries are aware of the necessity to fund liberty to make it effective.

In Europe, notably in Southern countries (Italy, France, Spain and Portugal), there is still a political debate on the funding of NGS due to the amalgam done between NGS and catholic schools. Most of the countries that present a high level of freedom are in Europe-North America. The first ones are Ireland, the Netherlands and Belgium with a substantial difference of 7 points on a scale of 100 compared to countries which follow. In the 15 first, however, we find

countries from other regions such as Chile (76.9), South Korea (70.8), Israel (69.1) and Peru (68.2). Regarding the regions, Europe-North America has the highest score, followed by Asia-Pacific and Latin America-Caribbean; and finally Arab countries and Africa.

Among the European countries, all the Northern countries are in a good position, just as the Anglo-Saxon countries. Most of the Southern countries - notably Balkan countries and Greece - figure below the average of 55.1 points. Countries of Central Europe and Oriental - such as Slovakia, Poland and Hungary - are also in a good position, probably in reaction to their communist past. Russia is well above average and ranks 31st.

The Asia-Pacific score is quite high, thanks notably to the South Korean, Australia, New Zealand, Timor-Leste (66) and Singapore (64.1). China (50.3) is under the average whereas Japan and India are way above the World average.

Regarding Latin America, apart from Chile and Peru already mentioned, the best scores go to Argentina (64.4), Equator (59.5) and Uruguay (59.5). Those countries are ranked in the first Third. Brazil is just above average with 55.4.

In Arabic countries, that globally obtain lower scores than the previous regions, only Lebanon, Jordan and Qatar are situated above average.

Concerning the innovative policies, it is worth mentioning the “free schools” and the “academies” in England, the provision of public land for the construction of schools in Spain and the flexibility of the curriculum for the NGS in Portugal. The growth of Charter Schools in the USA, particularly in Florida and California, goes in the same direction. A successful experience is also the “fiscomisionales” schools in Ecuador; as well as the help to NGS in disadvantaged areas of Guatemala that finances the teachers’ salaries and the running costs. In Africa, some governments such as Nigeria and Ivory Coast start funding schools issued from civil society to counter the phenomenon of privatization.

### **33ème session (13 septembre/30 septembre 2016)**

#### **5th Anniversary of the UN Declaration on Human Rights Education and Training**

This statement, jointly submitted by 23 organizations, reflects discussions facilitated by the NGO Working Group on Human Rights Education and Learning (NGO WG on HREL) of the Conference of NGOs in Consultative Relationship with the UN (CoNGO).

The NGO WG on HREL welcomes the high-level panel discussion to be held on 14 September to mark the fifth anniversary of the United Nations Declaration on Human Rights Education and Training (UN Declaration on HRET), on the theme “The implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges”, following resolution HRC/31/L.12.

Created in 2006 for ensuring NGO participation in the process of global policy making on human rights education, the NGO Working Group, with appreciation to the States Platform on Human Rights Education, has been continuously advocating to give this issue its full place in the work of the Council and participated actively in the negotiation process of the UN Declaration on HRET. We wish the discussions during the high-level panel to be fruitful and look forward to the largest participation of States.

The right to an education that promotes human rights, fundamental freedoms and respect for the content of specific treaties can be found in numerous international instruments and the concept and importance of Human Rights Education are firmly established. Article 26 of the Universal Declaration of Human Rights and its link with Article 13,1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 29 of the Convention on the Rights of the Child (CRC) clearly state that there is a right to human rights education. The web resource entitled “The right to human rights education”<sup>7</sup> launched by OHCHR in September 2014 represents a useful tool in this regard.

The link between the right to education and human rights education has been reaffirmed by last resolution on the right to education, HRC/32/L.33, which in its preambular paragraph 3 recalls *the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, and in its Op 12 Encourages States to promote human rights education in accordance with the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education as a means of contributing to the prevention of human rights violations and conflict*;

Indeed, it is our position, and one that is recognized by the wider international community, that human rights education plays a key role in building inclusive societies and a sustainable future, strengthening social cohesion, especially in situations where the physical and psychological uprooting, casualization of families and disorientation occur in an extensive and stronger way such as today. Investing in human rights education serves as a sustainable strategy for a people-centred human, social and economic development.

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<http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/Listofcontents.aspx>

The UN Declaration on HRET, at the initiative of Switzerland and Morocco, was adopted by the General Assembly in December 2011, *motivated by the desire to send a strong signal to the international community to strengthen all efforts in human rights education and training through a collective commitment by all stakeholders.*

If the UN General Assembly had already recognized the significance of HRE as a growing discipline when it proclaimed the period 1995-2004 the Decade for Human Rights Education, followed by Resolution 59/113 which established in 2005 the “World Program for Human Rights Education” in its consecutive, on-going phases, the UN Declaration on HRET was very welcome although the challenges of its implementation and monitoring still remain.

Before then, UNESCO made a remarkable work, especially by clarifying extensively the concept of human rights education. The *UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* adopted in 1974 is a useful tool and we encourage States to submit to the UNESCO mechanism by sending quality reports.

We also wish to mention the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, adopted in 2010 by the Organisation’s 47 member States in the framework of Recommendation CM/Rec(2010)7. The publication of Guidelines aimed at supporting States efforts in this domain is also remarkable. We would recommend the last updated one, containing the *Committee of Ministers’ guidelines to member States on the protection and promotion of human rights in culturally diverse societies* (13 June 2016).

Since then, many other initiatives were born. The adoption a year ago of the Sustainable Development Goals<sup>8</sup> (SDGs) by the General Assembly and of the Education 2030, Framework for Action<sup>9</sup> by UNESCO opens up new opportunities for the implementation of Human Rights Education at all levels as it has brought Human Rights Education to the highest level of policy making.

Goal 4 in its target 7 is particularly relevant to Human Rights Education as it states: *By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development.*

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<sup>8</sup>Doc. A/RES/70/1

<sup>9</sup> Doc. ED-2015/Education 2030/1

Likewise, the Incheon Declaration para.9 stresses the importance of Human Rights Education and Training in order to achieve the post-2015 sustainable development agenda, notably through the implementation of the dedicated UNESCO Programmes “Education for Sustainable development” (ESD)<sup>10</sup> and “Global Citizenship Education” (GCED)<sup>11</sup>.

#### Recommendations

1. Focus on implementation of human rights education within other global education initiatives such as Education First or GCED.

All these programs and initiatives are excellent tools but they also bring challenges, including clarification of each vis-à-vis the other and the necessary coordination between them. It is essential to clarify the linkages between human rights education and these initiatives so as to both avoid misunderstandings and allow better implementation without loss of energy, time and resources. Human rights education is part of international law, the UN Declaration of HRET has already defined it clearly. It is different though from civic education, from moral education or from citizenship education, among others.

2. Create an international entity or reinforce an existing structure, dedicated to stronger synergy among initiatives of UN agencies, intergovernmental entities and governments.

Article 12.1 and article 12.2 of the UN Declaration on HRET stress the importance of international cooperation and complementary and coordinated efforts at all levels in order to contribute to more effective implementation of human rights education. The proliferation of initiatives and programs require coordination, especially at international level.

3. Include human rights education in all States reports to United Nations human rights treaty bodies and the United Nations agencies.

As stated in article 13.1 of the UN Declaration on HRET, international and regional human rights mechanisms should, within their respective mandates, take into account human rights education and training in their work. Review and monitoring at the national level will in many cases be the most important way to ensure that a State is meeting its obligations. We hope that the high-level panel discussion will be an opportunity to remind heads of State and governments of their commitments to engage in systematic implementation and review of human rights education.

4. Budget and allocate resources

The UN Declaration in its article 14 stresses the importance for States to make the necessary resources available as part of the appropriate measures to ensure the effective implementation of and follow-up to the Declaration.

It is time to budget specific resources for implementing human rights education and we would like to see a transparent process in which a percentage of the GDP

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<sup>10</sup> <http://www.desd.org/>

<sup>11</sup> <http://en.unesco.org/gced>

is specifically devoted to Human Rights Education and Training, including financing civil society research work on good practices, initiatives and programs.

#### 5. Recognize and support the role of civil society

The UN Declaration on HRET in its Article 8.2 states that the conception, implementation and evaluation of and follow-up to such strategies, action plans, policies and programs should involve all relevant stakeholders, including the private sector, civil society and national human rights institutions, by promoting, where appropriate, multi-stakeholder initiatives.

Indeed, NGOs, in close collaboration with other actors, can support governments not only in promoting and providing human rights education as stated in resolution HRC/31/L.12 but also at all other stages, including the elaboration and monitoring of the national strategy. Our NGO Working Group remains committed to working in this direction and also to facilitate information sharing at all levels by identifying, collecting and disseminating information on good practices.