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OIDEL

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Human Rights Council

52nd session (27 February / 4 April 2023)

ID: SR on Cultural Rights

We really appreciate the thorough approach of the Special Rapporteur to cultural rights in this report. Cultural rights go beyond folklore; they also acknowledge the protection of all those realities that give meaning to the existence and the development of the human being, such as values, convictions, and beliefs. This is especially relevant when considering the rights of migrants. As pointed out by the Special Rapporteur “Cultural rights are essential for the development of each person and community, their empowerment and the construction of their respective identities in a sustainable cultural ecosystem.” We really like the expression “sustainable cultural ecosystem”. In this regard, we would like to recall the importance of the cultural rights of migrant children.

The right to education aims at the full development of the human personality. This requires an education that allows all children, including migrant children, to know who they are. Beyond ensuring the presence of cultural diversity in the educational curricula, we thus need legal frameworks in which parents can transmit their chosen way of life. Why? Because migrant children are not isolated islands, rather, they carry and continue the history of their people. Therefore, parents must be granted the freedom to choose schools for their children and the right to ensure a religious and moral education in conformity with their own convictions and identity. Education should enable children to know their identity, roots, and values.

Only through an education that provides access to their own cultural framework, children will be able to participate on equal footing in intercultural dialogue, have honest and free exchanges of ideas, negotiate their values, and take free and informed decisions.

Link to the intervention: <https://www.youtube.com/watch?v=ZYikgeOKbv8>

ID: SR on Minority Issues

Today, we want to focus on the rights of children belonging to minorities. The OHCHR report and the Recommendations of the Fifteenth session of the Forum on Minority Issues stress the importance of granting the right of minorities to participate in the decision-making process of different policies.

I want to share a little reflection. In this report we talk about the following minorities: Christians, Baha'is, Jews, Sufis, the Manja community, the Rohingya people, Roma people, people of African, Asian and Middle Eastern descent in Eastern Europe, the Tigrayan community, Uighur people, people discriminated based on descent including discrimination based on caste and analogous systems of inherited status such as the Dalits or the Malaiyaha Tamils and the people of African descent (Human Rights Council, 2023).

All children belonging to these minorities have at least one feature in common. They all share the source of their discrimination with their families. Yet, families or parents are not mentioned once in these Recommendations (Human Rights Council, 2023) or in the Report that we are discussing (DEVARENNES, 2023). Of course, there are exceptions, but parents are the main advocates of children belonging to minorities. Do we want rights for children belonging to minorities? Let's place families and communities as the cornerstones in the decision-making process of different policies!

Hannah Arendt said: "What prepares men for totalitarian domination in the non-totalitarian world is the fact that loneliness [...] has become an everyday experience." (ARENDT, 1951). We cannot think of children as isolated islands. We must see them as part of something bigger: the family.

Link to the intervention:

https://www.youtube.com/watch?v=5ZmpnvFsm8Y&list=PLsJr-pg9GNEmZ1y-0eSD17iWteOxG_pJn&index=8

PD: 35th Anniversary of the Right to Development Declaration

The Declaration on the Right to Development provides an essential guide to the manner in which States, the international community and all organs of society shall act and cooperate to ensure an enabling environment for development that is sustainable, just, equitable and inclusive.

Nowadays, inequality has worsened to the point of becoming a threat to our societies undermining progress in the fight against poverty and endangering the future of our planet. Crisis after crisis the long-term structural gaps have widened and consolidated. The implementation of the right to development and the embrace of the principle of international solidarity are of paramount importance and inescapable ways to reduce the many inequalities that threaten fundamental human rights, in particular for those who are marginalised and poor. APG23 and the co-signing NGOs look forward to the prompt finalisation and adoption of a convention on the right to development, convinced that this will be a further important step for the implementation of such a vital right.

We regret that some States are still reluctant to fully recognise the right to development in all its dimensions and/or promote its realization.

Once and for all, the time has come to free the right to development from the trap of the political games as well as the tendency to cherry-pick its contents and let it fly!

Link to the intervention: <https://webtv.un.org/en/asset/k1c/k1cbt09gkp> (see at 1'29"38)

ID: SRSG on Violence against Children

OIDEL welcomes the full priority given to prevention (M'JID, 2023).

The report mentions several risks for children on the Internet as misuse of personal information, digital identity theft and exposure to inappropriate content. We believe that parents are uniquely placed to mitigate the negative impact of digital technologies on children.

Parents are recognized as having responsibilities, rights, and duties towards children in the field of education, since, due to lack of development, a child cannot properly exercise his rights without assistance. UN Convention of the Rights of the Child says that certain rights are exercised by parents “in a manner consistent with the evolving capacities of the child.” (GRAU, 2023).

The report insists on the role of children in their own protection, without specifying their ages, but when does a child distinguish between private or public sphere, true or false, relevant or superficial?

According to a dossier published by UNESCO (VARIOUS, 2019), the American Academy of Paediatrics has made recommendations on the use of digital media, which are very different for each age group. These are not merely educational recommendations, but public health recommendations, and are framed in terms of good example and guidance from adult.

We see an urgent need to inform parents about these recommendations based on scientific studies, to help them prepare their children for the digital world.

Link to the intervention:

https://www.youtube.com/watch?v=bYwliWiOD70&list=PLsJr-pg9GNEmZ1y-0eSD17iWteOxG_pJn&index=10

Annual Discussion: Rights of the Child

The digital world can be the best ally for the realization of children rights, but also one of the worst enemies. We have to acknowledge that today the digital world is too big to control or to encompass. If it is difficult for adults, imagine how difficult it is for children. This is especially critical, when many actors out there aim to ensure that children spend as much time as possible just connected to their apps, or when they are just trying to get advantage of them in the worst terms. Just one scary example: In western countries, the average age of the first contact with pornography is of 9 years old; and studies show that 40% of children end up seeing pornography accidentally or

involuntarily (Ballester-Orte et al., 2019; Camilleri et al., 2021; eSafety Commissioner, 2018)

The Convention of the Rights of the Child establishes parents – or legal guardians – as the main responsible for the upbringing and the development of the child in a manner consistent with their evolving capacities. The International Covenant on Economic, Social and Cultural Rights acknowledges family as the natural and fundamental group unit of society. Most parents, not to say all, want the best for their children.

Children are not isolated islands and to protect their rights in the digital world we also have to bear in mind its immediate context. Let's take advantage of parents. Let's name them. Let's hear them. Let's consider them as allies. If parents have done a good job in the material world, they also can do so in the digital world.

Link to the intervention:

https://www.youtube.com/watch?v=f9Ez5ltYCko&list=PLsJr-pg9GNEmZ1y-0eSD17iWte0xG_pJn&index=11

GD: ITEM 3: Make Families Matter Again

No human social institution has ever been perfect. None. Democracies have enabled inequality, civil society has promoted wrong ideas, companies have failed their employees and families have committed abuse. Democracies, civil society, private companies, and families. All these institutions have enabled great outcomes, and, at the same time, they have failed on many occasions. This should not be surprising. Human nature is imperfect; therefore, all human constructs are imperfect also.

In the field of human rights, we tend to talk less and less about families, because of their imperfections. Some even demonize families. Nevertheless, despite that families are not formed by rational decision-making and despite that they have been source of injustices, we have to realize they are a pillar

for the realization of human rights, specifically economic, social and cultural human rights.

History shows that families are the best economic shield in times of crises, that families are the best guarantors of cultural rights, that families ensure education when States fail and that they take care of children when hospitals are full. Families are not perfect because they are human. However, no social scientists have ever designed anything better to substitute it. And they won't.

We encourage the international community to make families matter again to grant the realization of economic, social and cultural rights. Because, we might have some reservations about family, but it is the best option we got.

Link to the intervention:

https://www.youtube.com/watch?v=DbiCW9krwc0&list=PLsJrpg9GNEmZ1y-0eSD17iWteOxG_pJn&index=9

GD: ITEM 3: Human Rights Education and Youth

Tenth December this year marks the 75th anniversary of the adoption of the Universal Declaration on Human Rights.

Seventy five years ago, leaders came together and drafted this key document, building on after the horrors of World War II with the clear objective of never experiencing such tragedy again.

Yet, today, many countries in the world are experiencing wars, forgotten conflicts, ongoing violence and discrimination. Human Rights are being violated every day in most societies and are the cause of and the symptoms of conflict. Without Human Rights Education, it can not be expected to reduce these violations and global conflicts. Human Rights Education is key to help prepare for and mitigate conflicts in every level of society. In this view, non-formal education is a key tool to build the capacity of young people to understand and advocate for their rights and the rights of others, to mitigate distorted information, enhance the response to violations and increase access to and protection of rights.

As we are now entering the two final years of the fourth phase of the World programme for HRE and youth, we want to recommend to OHCHR to reach out to all the possible stakeholders for their views on the fifth phase, including youth and children from the most marginalized communities.

Ensuring that civil society's voice at the UN is heard, including people from the most excluded background is crucial to ensure that the great expectations expressed in the Declaration become a tangible reality for everyone.

Link to the intervention: <https://webtv.un.org/en/asset/k1q/k1qqhwj7s9>

53rd session (19 June/ 14 July 2023)

ID: SR on the Right to Education

The 7 NGOs co-signing this oral statement have been committed to supporting the work of this special procedure since its creation. We would like once again to offer our support and our collaboration to the special rapporteur to grant a holistic realization of the right to education around the world. We know your commitment and openness toward civil society and we want to acknowledge that.

Madam SR, we appreciate your report, as it helps us to see what has been achieved by this mandate in the past 25 years and what needs to be achieved in the years to come.

Because the world is going through turbulent times. We are aware that in uncertainty, governments have the tendency to control speech and content. In the field of education, it is non-mainstream groups whose liberties are most affected by these circumstances. For the years to come, we thus encourage the Special Rapporteur in her work to bear in mind the actors between the authorities and the children, such as the communities, civil society, and the family.

In this regard, we would like to raise a question: In an increasingly polarized and diverse world, in which governments tend to restrict the space between the authorities and the children: How can we build trust among the different actors of the educational community?

Link to the intervention:

https://www.youtube.com/watch?v=5oqM7dHbDEc&list=PLsJr-pg9GNEmZ1y-0eSD17iWte0xG_pJn&index=7

ID: SR on International Solidarity

We appreciate very much the robust arguments that Mr. Okafor provides in his report towards the criticism that some Academics and States have on the proposed right to international solidarity.

We would like to emphasize that, in our interconnected world, by recognizing solidarity as a fundamental human right, nations can strengthen global cooperation, promote sustainable development, and foster a just and equitable world order. It is an opportunity for nations to transcend self-interest and prioritize the collective good, ensuring the well-being of present and future generations.

As we strive to build a more inclusive, sustainable and peaceful world, a right to international solidarity can help to overcome global challenges such as, inter alia, poverty, climate change and public health crises and forge a future characterized by justice, equality, and prosperity for all.

We would like to invite the co-sponsoring countries of the resolution on human rights and international solidarity to consider annexing this revised text of the draft declaration to the resolution.

Link to the intervention: <https://webtv.un.org/en/asset/k1j/k1ji7xkc8w> (see at 1'03"19)

ID: IE on Sexual Orientation and Gender Identity

First, we want to express that religion never justifies violence against any person. Having said that, let me raise two questions.

First, most of the referred religions in this report hold strong moral behavioral standards. The consequence of breaking these moral codes, according to these religions, is an offense to God, a sin. These moral standards concern both public and private life. As far as I know, all followers, all, of any religion in which sin is a consequence of breaking the so-called norms given by God, are sinners. No one will deny that. Calling an act sinful

should not mean persecuting a person. Otherwise, all believers would be persecuted or rejected. Although the report does not say this explicitly, it seems to suggest that public authorities should prevent religious leaders to call what they consider a sin a sin. For clarification purposes, is the report preventing religious leaders to talk about sins? Or does it refer to preventing people on infringing unjustified violence over a person because of their sins?

Second question. In the name of the LGBT rights, this report suggests that faith-based schools should be forced to teach content contrary to their core beliefs or to hire people that publicly contradict in their speech or behavior the schools 'core beliefs. With what has been stated in this report, what autonomy is left for faith-based institutions?

Link to the intervention:

https://www.youtube.com/watch?v=HHYLfMQos9k&list=PLsJr-pg9GNEmZ1y-0eSD17iWte0xG_pJn&index=6

54th session (11 September/13 October 2023)

ID: OHCHR report on economic, social and cultural rights, and COVID-19 recovery

We share the concerns expressed in this report on the regression in the realization of the right to education. This regression was caused by many different reasons, among them school closure during the COVID crisis.

However, the education crisis could have been much worse if it wasn't for parents and families. Millions of children were able to continue receiving education thanks to the commitment, engagement and support of their parents and families. In the crisis, parents have proved to be reliable and trustworthy.

The Secretary-General has called for a renewed social contract between governments and their people and within societies, as well as for the enhanced trust of people in public institutions. Taking into account the role parents have played in the realization of the right to education during the COVID crisis, we consider that the enhancement of trust must go in two directions for the further realization of that right. We need to build the trust of citizens towards public authorities and at the same time we need to build trust of public authorities towards parents.

Hence, we encourage the OHCHR, as well as the whole international community, to explicitly recognize the role of families in the realization of the right to education and to consider how to enhance trust between them and the different public authorities for the benefit of the children.

Link to the intervention:

https://www.youtube.com/watch?v=hUh9Wzyd9_0&list=PLsJr-pg9GNEmZ1y-0eSD17iWte0xG_pJn&index=4

ID: SR on Right to Development

We agree with the four characteristics through which the conceptual framework of the right to development is identified, namely: self-determination; intersectionality; intergenerational equity; and fair distribution. We share his vision on the right to development having a great role in promoting a human-rights enhancing economy. We also concur on the fact that there is an urgent need to reform the international financial architecture.

Furthermore, we deeply agree on the six challenges identified by the Special Rapporteur, and today we would like to place our attention on the 6th challenge: the neo-colonial and neoliberal order. We couldn't be more grateful for this topic entering the discussion on the right to development.

Our world is living a different but equally damaging wave of economic colonialism. This phenomenon finds its roots in a deep individualism upon which today's world order is grounded.

We suggest as an enriching point to the report, a further focus on International Solidarity. The need for cooperation and cohesion in carrying on collective actions and achieving common goals becomes stronger every day. It is vital to see cooperation not just as a tool for solving problems but also as a no-profit-oriented instrument guided by the principles of participation, respect for sovereignty and self-determination, avoiding interactions based on donor-receivers dynamics, and building an equal exchange instead.

Link to the intervention: <https://webtv.un.org/en/asset/k1b/k1bub1p6ur>

ID: EM on Right to Development

We found the 6th and 7th sessions of the Expert mechanism meeting very interesting and well organized. We appreciated the efforts to build on synergies by inviting other mandate holders.

We also appreciated how the Expert mechanism listens to and values the contributions of Civil Society. We look forward to the next thematic studies, such as the study on equal opportunities for women's active and meaningful participation, the one on international development cooperation, the two studies on climate justice and the one on artificial intelligence.

We are glad that the Expert Mechanism recognized the alignment between the right to development and the right to peace, emphasised the responsibility of States to provide an enabling environment for equitable development, including the duty to cooperate to eliminate obstacles to development and recognized the urgent calls for reform of the international financial architecture.

We are at a critical junction for making progress on the implementation of the right to development since the draft international covenant on this right will be forwarded to the General Assembly and two very important Summits are to take place very soon: the SDGs Summit and the Summit for the Future. We do hope that the Expert Mechanism will actively contribute making the voices of the most vulnerable people and countries at last heard in their claim for the right to development to be protected, respected and fulfilled.

Link to the intervention: <https://webtv.un.org/en/asset/k11/k11mzpgghh>

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

OIDEL welcomes the report summarising the views of States and other stakeholders for the fifth phase of the World Programme for Human Rights Education.

We welcome the variety of proposals, mainly in sectors that have not already been considered in the previous four phases, so that the Programme covers all sectors of society.

From our side, the proposal concerns the approach. The article 5 of the UNESCO Declaration on Cultural Diversity states that “all persons are entitled to quality education and training that fully respect their cultural identity”. We believe that human rights education should also be taught from a cultural approach. That is, considering and in coherence with the values and pedagogics of the community to which each child belongs. Therefore, the voice of parents and families should be heard and valued.

Human rights education must be respectful and consistent with the identity of the person: culture, race, religion, etc. Families and communities should not see human rights education as a tool for cultural homogenisation.

Therefore, we asked the international community to consider the cultural approach - which is a cornerstone of the right to education - in this new phase of the World Programme for Human Rights Education.

Link to the intervention:

https://www.youtube.com/watch?v=v9ioQaadIVU&list=PLsJrpg9GNEmZ1y-0eSD17iWteOxG_pJn&index=3

GD: ITEM 3: International Covenant on the Right to Development

We are very glad that, after a long negotiation in the Intergovernmental Open-Ended Working Group, the finalized draft text carries the name of “International Covenant on the right to development” with the wish that it may be included in a near future in the Bills of Human Rights as per Resolution of the General Assembly 52/136.

We do hope that such a Covenant will contribute to the effective implementation of the right to development that has for so many years lagged behind and will represent a further important step towards the realisation of a new more humane and responsible social and international order.

Moreover, we hope that it will deploy effective international cooperation initiatives and strengthen the duty of States to co-operate as already stated

in the Declaration on the Right to Development. Indeed, accountability mechanisms such as the UPR may be fostered for international cooperation aspects involved by the operationalisation of the right to development that would concern the signatory States.

Link to the intervention: <https://webtv.un.org/en/asset/k1l/k1lijvyk3d> (see 1'50"30)

Intersessional meeting on human rights and the 2030 Agenda

PD: “Overcoming multiple crises: realizing the SDGs through a human rights enhancing economy”

We appreciate this meeting’s focus on SDG 17. One of the targets of SDG 17 is the enhancement of multi-stakeholder partnerships to support the achievement of all the different SDGs.

We, OIDEL, work for the achievement of SDG4, for a holistic realization of the right to education and freedom of education. In our field, family and community are important stakeholders, yet too often they are neglected. The contribution of parents and the community is crucial for the realization of the right to education and critical for children belonging to non-mainstream groups. SDG 4 wants “quality education”, but what does that mean? Does providing the same education for all children guarantee quality education? Is there one, homogenous approach to ensure the main goal of education which is “the full development of the human personality”? No. Education has to be adapted to the cultural background of the child. Parents have the right to educate their children according to their and their community’s values and culture. And to grant those cultural rights and eliminate discrimination, the community must be included and listened to, and trusted in decision-making processes concerning education.

And this partnership cannot be a one-off thing. Communities are always changing. Societies are increasingly plural and communities are in constant dialogue with each other. That means that a multi-stakeholder partnership in education has to be dynamic and continually evolving as do the stakeholder communities.

We highly recommend including the need for trust in parents and communities for the achievement of SDG 4 and SDG 17 in the key messages for inclusion in the political declaration of the SDG Summit and the HLPF.

Link to the intervention: https://www.youtube.com/watch?v=uKWu7kYB-zQ&list=PLsJr-pg9GNEmZ1y-0eSD17iWteOxG_pJn&index=15

Social Forum

ID: Challenges and Risks from New and Emerging Technologies - STI and Human Rights and Fundamental Freedoms, Democracy and Development

We would like to highlight one aspect of this conversation on challenges and risks that new and emerging technologies can pose. An aspect that is important although not always acknowledged and that concerns the scope of the discussion.

With the ongoing digital revolution and the continuous exposure of children to screens, also in education, comes a wide range of challenges for children: screen addiction, mental health issues, access to inadequate content, uncontrolled contact with strangers, privacy issues, data mining, and so on. However, we observe that many human rights discussions only address one or the other symptom instead of taking a much-needed holistic approach to tackle the root problems, one of them being the very little accountability required of big tech companies when they provide screens to children for instance for educational purposes. We, therefore, call upon the international community to demand accountability and responsibility from the big data conglomerates and tech providers.

Link to the intervention:

https://www.youtube.com/watch?v=4pZ4SjvlOc4&list=PLsJr-pg9GNEmZ1y-0eSD17iWteOxG_pJn&index=2

ID: The Contribution of STI and Science-Based Decision-Making to the Rights of Present and Future Generations

As it has been demonstrated in the past years in the field of education, the opportunities and benefits of digitalization come hand in hand with challenges and even threats. These threats have also been pointed by UN Special Rapporteurs on the Right to Education Kishore Singh and Kombou Boly Barry (SINGH, 2016) (BARRY, 2022) and include the negative impact

technology can have on interpersonal relations of children, on their learning and concentration capabilities, their mental health, or their right to privacy.

In order to combat these threats, the role of parents is critical so children do not have to face them alone, because the isolation and loneliness of a child makes him or her even more vulnerable to the potential threats of technology. It is worth recalling that families are most often the main pillar of a child's support system: emotionally, economically, educationally and culturally. So, with the continual rise of technology, future generations' well-being and development, more than ever, depends on the active role of their parents and family.

Moving forward, and in line with article 5 of the UN Covenant on the Rights of the Child, we call upon the international community: to protect the enjoyment of children's rights by recognizing the rights and responsibilities of parents by including them in decision-making processes and listening to their voices, for the benefit and the well-being of the children.

Link to the intervention:

https://www.youtube.com/watch?v=Rj02kruh0jo&list=PLsJr-pg9GNEmZ1y-0eSD17iWte0xG_pJn&index=1

UNESCO

General Conference

Debate: Revised 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms

We will highlight one concern we have with the revised text of Recommendation 1974.

This text does mention parents but in no place it mentions the rights of parents which is an integral part of the right to education.

ICESCR art. 13 states: The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities.

Article 26 of UDHR says that Parents have the prior right to choose the kind of education that shall be given to their children.

These articles make reference to freedom of education, the freedom of parents to grant the education to their children that they see fit. In that way, the right to education is deeply interrelated with cultural rights and the freedom of religion, which is essential for “Education relating to Human Rights and Fundamental Freedoms”.

In the realization of the right to education, parents have rights, parents have responsibilities, and without recognizing those rights and responsibilities, this draft is not in line with international human rights instruments.



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