

Human Rights Education: A Perspective from Norway

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Human Rights Education (HRE)

- **HRE as a political-normative concept**
 - UN, UNESCO and CoE definitions
 - HRE as in Human Rights
- **HRE as actual practices**
 - Contents and method
- **The case of Norway**
 - HR in society and HRE in school
 - NCHR
- **The portability of HRE**
 - A core of freedoms, obligations and justice
 - Different words – same ideas?



HRE as a political-normative concept

UDHR, Art. 26.2: “Education shall be directed to the full development of the human personality and to the strengthening of respect for HR and fundamental freedoms. It shall promote understanding , tolerance and friendship among all nations, racial and religious groups ...”

CESCR, Art. 13.1: “[The state parties] further agree that education shall enable all persons to participate effectively in a free society and further the activities of the UN for the maintenance of peace.”

General comment to Art 13: “Human rights can only be achieved through an informed and continued demand by people for their protection. Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community.”



HRE as a political-normative concept

UNESCO: “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”

<http://en.unesco.org/about-us/introducing-unesco>

OHCHR: “Human rights can only be achieved through an informed and continued demand by people for their protection. Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community.”

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

Since 1998, there is a Special Rapporteur on the Right to Education:

<http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/Overview.as>



HRE as a political-normative concept

Council of Europe: “Education plays an essential role in the promotion of the core values of the Council of Europe: democracy, human rights and the rule of law ... education is increasingly seen as a defence against the rise of violence, racism, extremism, xenophobia, discrimination and intolerance.

Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE) <http://www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education>

EDC/HRE: *“Children and young people may not be old enough to vote in elections or sit on juries, but they have rights and duties and they are entitled to have a say. EDC/HRE teaches them the skills they need for school and family life, whilst giving them knowledge for the future.”*

Aristotle (384 BC - 322 BC): *“If liberty and equality, as is thought by some are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.”*



HRE as a political-normative concept

UN Declaration on Human Rights Education and Training (2011), Art. 2.2:

- Education ABOUT human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them as well as the mechanisms for their protection
- Education THROUGH human rights, which includes learning and teaching in a way that respects the rights of both educators and learners
- Education FOR human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement>



HRE, actual practices

Both a thing to be taught and a way of teaching; a goal as well as a method

In many countries (a variety of) HRE already is a part of ordinary curriculums, at all levels:
in history (the history of national political institutions, the ‘ethos’ of the people)
in social science (democratic politics, civics, citizenship formation, *educación cívica*)
in religion (morals, philosophy, ethics, *educación cívica*)

Thus HRE typically appears ‘indirectly’, **rarely in the form of specific learning goals**
in preambles (for becoming good citizens and, for instance, good nurses)
arising in particular situations (discrimination, bullying) by referring to HR as an ‘ethos’
taken for granted, assumed to belong to the realm of ideas, i.e., in contrast to positive law
and applicable rules

But also: in the form of special courses about HR as a legal framework (and thus, a set of rules)
relevant for particular groups of government employees (police, military personnel, health
personnel), i.e., in areas where the state is particularly bound by international law

And at university level: HR theory (history, philosophy), the international HR system (treaties,
mechanisms, lists of rights), contemporary issues, promotion ...



HRE, actual practices

Uses of HRE

- As an implementation strategy for development or democratisation generally, or of sectorial reform (eg the prison system)
- To provide for a legal perspective on the issue at hand, i.e., analysing situations in terms of rights-holders, duty-bearers and the scope of the right, eg for clarifying welfare obligations
- As a strategy for the empowerment of discriminated or otherwise vulnerable group
- In emancipatory or 'alternative' pedagogy, a vision of equality and freedom

Models of HRE

- Values and awareness model (in civics; the learning of social citizenship: solidarity and loyalty)
- Accountability model (modern or rights-based citizenship, our rights and obligations as against the government and as members of a nation-state)
- Transformational model (forming people to become autonomous agents or rights-holders, forming a responsible and responsive state)

A long history, a project of civilisation

..... but frequently contentious

- The state assumes responsibility for moral education
- A secularising and a Western project
- Against the rights of parents



Implementing HR in Norway

- Gradually made part of Norwegian law through incorporation (Norway has had a dualistic legal system since ca. 1884)
- Specific references in recently amended (2014) Constitution as well as in the statutes of a range of governmental institutions and policy documents (for instance laws on education and health care)
- Norway is a signatory to most HR treaties, and an active UN and CoE member
- A well-established network of ombudsman institutions:
 - Parliamentary Ombudsman for Public Administration, 1962
 - Ombudsman for children, 1981
 - Equality and anti-discrimination ombudsman, 2005
 - National HR Institution, 2015



Implementing HR in Norway

- promoted actively since the late 1970s in three government white papers (1987, 1999, 2015)
- ... as well as by a growing community of NGOs
- since approx. 1990 a trump card in public debate
- generally imagined as a part of ‘our values’—as opposed to political dictatorships and theocratic and patriarchal rule, i.e. as identical to ‘democracy’ and ‘rule of law’ (*rettsstat*)
- generally imagined as lacking ‘out there’—in ‘the developing world’, ‘the global south’ or ‘distant cultures’, or when there is war: HR is defined through its absence
- but also lacking at home, when dealing with discrimination and cases of injustice and in treatment of vulnerable groups



Implementing HRE / HR in Norway

- entering the national political agenda in the late 1970s:
 - the entry into force of the CCPR and the CESCR (1976)
 - the Carter administration' stress on HR
 - end of cold war; HR the new utopia (emancipatory appeal)
 - general globalisation process (situations demanding HR rules)
- a realisation in the political elite that HR were on the rise on the international agenda and will benefit small countries, hence a need for building competence + a corresponding ambition among a new generation of internationally inclined legal scholars
- increasing use of HR as standard for evaluating socio-economic or political conditions in referring to 'the third world' or 'authoritarian regimes' (problematic links to regimes that violate HR)
- increasing use of HR in development cooperation and increasing weight of this policy arena in national politics and Norway's foreign politics



Implementing HRE in Norway

The Norwegian Centre for Human Rights:

- A unit of the Faculty of Law at the University of Oslo
- Founded in 1987, complying with the white paper of that year
- The basic task is to provide critical thought and fundamental knowledge about HR, for instance as regards:
 - The construction of and mechanisms of the international HR system
 - The normative foundations and variations in conceptualisations and operationalisation globally
 - It offers a two-year master programme (“Theory and Practice of Human Rights”)

<http://www.uio.no/english/studies/programmes/humanrights-master/>

HR is also a compulsory subject (mandatory courses) in regular law teaching at Norway’s two other law faculties (universities of Bergen and Tromsø)



Implementing HR in Norway

Situations in which HR typically is referred to in public debate:

- Discrimination of special, vulnerable or weak groups: women, children, ethnic and religious minorities (i.e., unequal opportunities or distribution of welfare)
- Where Norwegian Practice seems to be at odds with IHR (ECHR)
 - Child Protection Agency either too active or too passive
 - Undue preference given to the state church (Evangelical-Lutheran Church of Norway) in school system
 - Questions of freedom of speech (ban on political advertising in TV, disagreements about what constitutes ‘hate speech’)
- Undue use of remand prison
- Inappropriate treatment of asylum seekers, particularly minors
- Undue proposed legislation about security measures in ‘war against terror’



As criteria for evaluating social, economic and political conditions in other countries

Implementing HR in Norway

Critical voices and counterforces:

- Fear of losing sovereignty (to ‘Europe’)
- Fear of democratic deficit (excessive ‘legalisation’ of politics, i.e., too much power to the courts at the cost of the other branches of government)
- Fear of ‘rights inflation’ (because this might undermine respect for core rights)



Implementing HR in Norway

- Generally, few cases go to Strasbourg
- ECtHR statistics show a preponderance of cases relating to respect for parental rights
 - religious instruction in school
 - children taken care of by authorities
- Other significant cases
 - Freedom of expression
 - Political advertising in radio and TV
 - Defamatory speech
 - Rights of landowners on ‘leased’ (byggslet) land
- http://www.echr.coe.int/Pages/home.aspx?p=press/factsheets&c=#n1347951547702_pointer



Transporting HRE

Transporting ideas / packages / practices

- HR generally imagined
 - (in Scandinavia): as an ‘ethos’, a set of ideas about decency in society
 - (in Central America): as something ‘more advanced’ which we haven’t yet attained
 - (in Scandinavia): as something we already possess, a fruit of our unique history of democratisation, ‘the Nordic model’
 - (in Scandinavia): as something we know through its absence (poverty, dictatorship, war)
 - (in Central America): as Occidental, a set of alien practices

I.e., possibly more amenable to be re-imagined as a set of practical learning goals in Central America than in Scandinavia?



Transporting HRE

Exemplification. «The Nordic HR Paradox»

- As political actors: seen from abroad: trustworthy HR defenders; but domestically there is increasing scepticism and ambivalence about using HR
- In the research community: researchers either look (exclusively) at Nordic particularities or (solely) at international conditions (worldwide problems of development, poverty etc.)
- Hypothesis: Nordics believe that HR are ‘something we’ve got already’ and consequently domestic problems are minor
 - Test 1. Compare treatment of HIV/AIDS in Nordic development aid projects (rights of individual patients) with how HIV/AIDS is dealt with at home as a threat against ‘popular health’, i.e., collectively
 - Test 2: Widespread use of isolation in prison, on the one hand, and on the other a ‘soft’ police and ‘comfortable’ prisons



Transporting HRE

Transporting ideas / packages / practices

- If imagined as international law with associated treaties, and implementation mechanisms, then this package ...
- ... will acquire its meaning as much from the context in which it is supposed to work as from the actual (skeletal) contents
 - **Human rights is a social (institutional) fact**
- What is then universal about HR?
- Are HR Western? – HR is the appropriate answer to the challenges of modernity, i.e., efficient state power and a pervasive market economy
 - **HR is the way to build a just society in today's world**



Transporting HRE

Transporting ideas / packages / practices

- A core of ideas about ‘human dignity’ and ‘just rule’, with associated institutional state practices as defined by your own actually existing context
- A core of treaties and texts and associated ‘best practices’ as defined by international organisations (UN, CoE)
 - Educating about: international HR law (and democracy)
 - Educating through: applying pedagogics that builds agency
 - Educating for: in strategies for building democratic citizenship
- Internationally acknowledged ‘best practices’ must always be redesigned locally

