



# HRE USA

Human Rights Educators USA

*A NATIONAL NETWORK DEDICATED TO BUILDING A CULTURE OF HUMAN RIGHTS.*

COVER PAGE

Human Rights Education –  
HR Treaties and HR Practice

Submission to the  
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Universal Periodic Review of

United States of America

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## 1. SUMMARY

This report is submitted by Human Rights Educators USA, a civil society organization created in 2011 to “promote human dignity, justice, and peace by cultivating an expansive, vibrant base of support for human rights education (HRE) within the United States.”<sup>1</sup> HRE USA advocates for the full integration of human rights education (HRE) into the school-based education experience of every child in the United States.

1. The focus of this submission is the steps which the U.S. government must take to implement the human rights education (HRE) obligations it has agreed to in ratified treaties and steps available to state and local school districts, teacher preparation programs and civil society professional organizations to help address United States’ treaty responsibilities for HRE, whether the U.S. Government joins them or not.

## 2. INTRODUCTION TO THE PROBLEM

2.1 In its response to the recommendations of the Working Group that studied the United States of America in UPR Cycle 2, the United States agreed to various compliance activities:

- ‘conduct[ing] human rights awareness-raising activities for law enforcement officers’,
- ‘support[ing] human rights training for civil servants who need it’,
- ‘protect[ing] the human rights of migrant persons ... insofar as {the proposal} recommends compliance with our international human rights obligations’,
- ‘guarantee[ing] the enjoyment of human rights of the minorities and vulnerable groups in the country’,
- ‘ensuring equal access to education for vulnerable groups’,
- ‘implement[ing] the Declaration on Indigenous Peoples.... consistent with our 2010 Announcement of Support for the UNDRIP’,
- ‘tak[ing] measures and comprehensive programs aimed at developing sensitivities among cultures, creating the climate of mutual respect and expanding protection against all forms of discrimination’, and
- ‘tak[ing] effective measures to counter intolerance, violence, and discrimination against members of all minority groups’.<sup>2</sup>

2.2 These commitments envision making various adults in the United States more sensitive to and supportive of the human rights of various groups of targeted individuals. Lacking in the U.S. response was a commitment to assure a foundational introduction to HRE and International Humanitarian Law (IHL) within the K-12 educational systems, a necessary step in achieving these goals. Decades of that omission have left the U.S.A. ripe for the tragic retreat from human rights and respect for human dignity that threatens the very stability of the country today.

2.3 The U.S. Government invokes the “federal system” as a reason for not addressing the need for HRE in state and local schools. However, it has consistently failed to make use of mechanisms that are already in place that could promote human rights education without violating the constraints of the federal system. The U.S. discussion of HR treaty obligations tends to remain centered in the U.S. State Department. It has failed to seriously involve the U.S. Department of Education and leverage its unique mechanisms for coordination with state and local educational agencies and with public and private college and university systems. Programs available to public schools, colleges and universities from the Department of Education

are not used to even encourage HRE. Without public education involvement, any comprehensive plan to “improve implementation” of “compliance with human rights instruments” lacks the foundational HRE educational work upon which various local, state and federal interventions must be built.

2.4 The principle author of this report has personally experienced the lack of grassroots knowledge of human rights and humanitarian law by students, educators and the general population through her own experiences as educator and advocate. “Why are we just learning this now?” remains a constant refrain in every HR-based course, lecture, seminar, and dialogue for more than 20 years. The silence of the U.S. government about support for state and local programs of HR and IHL education has been a constant feature through at least a decade of this author’s advocacy to bring more HR and IHL awareness into social studies education.

### 3. IMPLEMENTATION OF RECOMMENDATIONS FROM 2<sup>nd</sup> (and 1<sup>st</sup>) UPR CYCLE

3.1 This section reviews recommendations made to the United States in the last two UPR Cycles which the U.S. supported either in full or in part, and the perceived degree of U.S. faithfulness to those commitments.

#### 3.2. From 1<sup>st</sup> UPR Cycle:<sup>3</sup>

Rec 87: *Incorporate human rights training and education strategies in their public policies.*

The U.S. said in its response that it supported this recommendation:

- “25. *The following enjoy our support:*
  - 87. *Programs at the Federal and State levels provide training on human rights, particularly on issues related to civil rights and non-discrimination; we are continuing to explore ways to strengthen such programs.*”

HRE USA and USHRN’s Stakeholders Report in the 2<sup>nd</sup> Cycle noted “There is a lack of concerted effort at all levels to infuse HRE into the formal education sector in order to meet international and national human rights education obligations. ...”<sup>4</sup> It must be noted that the absence of a specific, generic request in the UPR 2<sup>nd</sup> Cycle Working Group report urging the U.S.A. to improve its record regarding support for human rights education throughout the public education system made it embarrassingly easy for the U.S. Government to ignore its HRE obligations under treaty. The subject was largely missing from the various UPR-grounded policy initiatives that were undertaken by the U.S. through the conclusion of the 2<sup>nd</sup> Cycle.

#### 3.3. From 2<sup>nd</sup> UPR Cycle:<sup>5</sup>

##### 3.3.a. Supported

3.3.a.i. 176.74 *Strengthen human rights education programmes and training for all civil servants, particularly for law enforcement and immigration officers, and combat impunity concerning abuses against defenceless persons (Costa Rica).*

From the U.S. Response to the UPR Working Group:

- “25. *The following enjoy our support:*
  - 25.74. *There are Federal and State institutions to monitor human rights; we are considering whether this network of protection is in need of improvement.*
  - From Addendum to U.S. Response: 74. *We support human rights training for civil servants who need it, understanding that not all perform functions that require it (e.g., air-traffic controllers).*”

Between the original U.S. response to recommendation 74 and its follow-up response, the U.S. made a tepid commitment to provide HR training to some civil servants “who need it.” Yet, its response opined that “not all perform functions that require it.” This reflects the dismissive attitude of administrations prior to the current federal administration toward the benefit of a broad understanding of human rights by the civil population. Air traffic controllers may have been ordered to undergo “sexual harassment training,” (almost all government employees have been at one time or another). However, they were deemed to be a part of a large pool of government employees who did not, in their employer’s opinion, require an understanding of human rights. After the 2016 election and inauguration of the current President, the U.S. Government largely abandoned any visible work on meeting its commitments made during the UPR 2<sup>nd</sup> Cycle.

3.3.a.ii 176.161 *Take measures and comprehensive programmes aimed at developing sensitivities among cultures, creating the climate of mutual respect and expanding protection against all forms of discrimination, including profiling on the basis of race, religions or national origin (Indonesia).*

From the U.S. Response to the UPR Working Group:

- “13. *The following enjoy our support: ... 161*” (U.S. response affirmed support without comment) Whatever programs might have been initiated in response to U.S. “support” for this recommendation, it did not involve an HR-based outreach to the larger population either through HRE or otherwise. Whatever small efforts may have been contemplated, they stopped abruptly in the wake of the 2016 Presidential election. It was not too many months after the change of administration, and in the aftermath of White Nationalist violence in Charlottesville, VA, that the UN Committee on the Elimination of Racial Discrimination (CERD), acting under its Early Warning and Urgent Action Procedures, called on the U.S. Government, high-level politicians and public officials to “unequivocally and unconditionally reject and condemn racist hate speech and racist crimes.”<sup>6</sup> Not only has the U.S. government and its highest elected official failed to heed this early warning, the climate of xenophobic and race-based hatred has increased. While the U.S. President’s rhetoric and tweeting bear a great responsibility for these developments, they must be viewed in the context of a civilian population in the United States that have learned little over the courses of their lives about fundamental principles of Human Rights or their own country’s long contribution to promoting human rights and have been inundated by nativist rhetoric that equates adherence to international human rights treaties with a foreign take-over of the United States.

3.3.b Supported in Part:

3.3.b.i. 176.108 *That a mechanism be established at the federal level to ensure comprehensive and coordinated compliance with international human rights instruments at the federal, local and state levels (Norway);*

From the U.S. Government Response Addendum:

- “U.S. international human rights obligations are implemented through a comprehensive system of laws and policies at all levels of government. We are taking steps to strengthen federal-level coordination, and are considering ways to improve implementation.”

The U.S. Government currently is not “considering ways to improve implementation of international human rights instruments.” Given the absence of an HR-educated general public, there is little incentive for it to do so.

3.3.b.ii 176.321 *Guarantee the enjoyment of human rights of the minorities and vulnerable groups in the country, including the indigenous peoples and migrants (Nicaragua)*

From the U.S. Government Response:

- “6. We support, in part: ...321. We note that we have federal, state, and tribal legislation and strategies in place to combat discrimination, including racial discrimination, and we take effective measures to counter intolerance, violence, and discrimination against members of all minority groups, including African-Americans, Muslims, Arabs, and indigenous persons.”

Whatever efforts may have been commenced at the Federal level to combat discrimination and counter intolerance, they are not visible at the national level today. Indeed, demonizing of migrants, refugees, Muslims, etc. and the rise of White Nationalist hate groups has increased. As referenced below, the only positive aspect of this situation is that the abdication by the current administration of its responsibility to uphold the humanity of disfavored minorities has led to an upsurge in HR-related initiatives at local, state and civil society levels.

#### 4. INTERNATIONAL AND NATIONAL HUMAN RIGHTS EDUCATION OBLIGATIONS AND U.S. RESPONSE

4.1 There is an increasing body of international law on human rights education and a growing consensus within the international community about the fundamental role of education in the realization of human rights. The U.S. government has ratified human rights treaties that oblige the state parties to address human rights education:

- the Convention to Eliminate All Forms of Racial Discrimination (CERD); Article 7 relates to human rights education;<sup>7</sup>
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Article 10 requires training about the prohibition against torture for persons who may be involved in any aspect of “custody, interrogation or treatment” of persons subject to “arrest, detention or imprisonment;”<sup>8</sup>
- the International Covenant on Civil and Political Rights; Article 27 protects the rights of ethnic, linguistic and religious minorities and indigenous peoples to enjoy their own cultures and languages, a right which special rapporteurs have related to education. The ratification memorandum acknowledged ICCPR implementation requires participation by state and local governments.<sup>9</sup>
- It is worth noting that the four Geneva Conventions also contain a specific provision requiring the state parties to educate the civil population about the conventions, another HRE-related responsibility which the U.S. government has not consistently addressed.<sup>10</sup>

4.2 The UN World Programme for Human Rights Education (WPHRE) and the UN Declaration on Human Rights Education and Training are guiding documents that set out standards for human rights education to encompass principles of peace, non-discrimination, equality, justice, tolerance, and respect for human dignity. The U.S. government has never reported to the OHCHR on the implementation of the WPHRE since it began in 2005.

4.3 There is currently no comprehensive national framework or action plan for human rights education within K-12 education (primary and secondary), higher education, or the training of educators. There has been movement within civil society professional organizations, most notably the National Council for the Social Studies (NCSS), to recognize HRE as an essential component of social studies education and a necessary element in the preparation of social studies teachers.<sup>11</sup> Additionally, several states within the

United States have undertaken revisions of their social studies standards which include greater expectations for human rights education.<sup>12</sup> However, the U.S. Government has neither encouraged nor responded to these national or state-based initiatives. Indeed, the failure of the U.S. government to favor grants to state and local education agencies for civics and social studies education has led NCSS to urge its members to work with Congress for specific legislation providing support for civics and other potentially HR-related education.<sup>13</sup>

## 5. KEY ISSUE

This report is an appeal to the UPR Working Group to hold the U.S. Government accountable for its failure as the national leader of a federal republic to promote, within the confines of that federal system, comprehensive efforts to ensure that education in human rights and international humanitarian law is made available to the general population, particularly to students in public schools and to those who prepare to enter the field of public education. There may never be a sufficient core of citizens and community members within the United States who understand and support the human rights expectations of the UDHR and the treaty-based HR commitments their own country has undertaken until HRE becomes widespread across the educational systems of the various states.

## 6. RECOMMENDATIONS

This UPR 3<sup>rd</sup> Cycle will receive many stakeholder reports pointing to violations of human rights in U.S. public and private life. This Stakeholder maintains that the threats to human rights in so many aspects of life in the United States today are contributed to and exacerbated by the failure of the United States to meet its treaty obligations to foster education of the people about human rights and U.S. HR commitments. The nativist, White Nationalist backlash facing the U.S.A. today flourishes in the HRE vacuum fed by that failure. Therefore, HRE USA urges the UPR Working Group on the U.S.A. to make the following recommendations:

- 6.1 The U.S. Government, directly or through facilitation and support of state and local efforts, must assure that education in human rights and IHL, and in the United States' human rights treaty commitments, is provided in public schools, colleges and universities, incorporated into professional training of educators, law enforcement, corrections, immigration and human services personnel and members of the military, and widely disseminated to the civilian population
- 6.2 U.S. Departments of State, Education, Justice and Homeland Security must work with civil society organizations with expertise in social studies and HRE, teacher preparation, and education of social workers, law enforcement personnel, and other public professionals to assure that all public officers and employees and members of the public generally have a comprehensive understanding of the human rights treaties that the United States has ratified and recognized standards of conduct for protecting human rights.
- 6.3 The U.S. must develop and expand federal programs with discretionary funding for state and local efforts to support local and state education and training in human rights and IHL.

## ENDNOTES

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<sup>1</sup> From the HRE USA webpage, Mission, <https://hreusa.org/about/>.

<sup>2</sup> These statements are taken from the United States final responses to the UPR report and recommendations, as contained in the *Addendum of the United States of America to the Report of the Working Group on its Universal Periodic Review* submitted August 31, 2015 (<https://geneva.usmission.gov/2015/09/01/addendum-of-the-united-states-of-america-to-the-report-of-the-working-group-on-its-universal-periodic-review/>).

<sup>3</sup> Human Rights Council Sixteenth session Agenda item 6 Universal Periodic Review Report of the Working Group on the Universal Periodic Review\* United States of America, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/100/69/PDF/G1110069.pdf?OpenElement> . and United States of America Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review\*, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/116/28/PDF/G1111628.pdf?OpenElement>

<sup>4</sup> Human Rights Education Submission to the UN Universal Periodic Review 22<sup>nd</sup> Sessioni, United States of America. Submitted by Human Rights Educators USA (HRE USA) and U.S. Human Rights Network (USHRN), <http://www.hre2020.org/sites/default/files/HRE%20USA%20-%20USHRN%20Stakeholder%20Submission%20US%20UPR%20Sept%202014.pdf> .

<sup>5</sup> Human Rights Council Thirtieth session Agenda item 6 Universal Periodic Review Report of the Working Group on the Universal Periodic Review\* United States of America, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/159/71/PDF/G1515971.pdf?OpenElement> , and United States of America Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/207/66/PDF/G1520766.pdf?OpenElement> and Addendum of the United States of America to the Report of the Working Group on its Universal Periodic Review, Geneva, August 31, 2015 (Revised September 16, 2015), <https://geneva.usmission.gov/2015/09/01/addendum-of-the-united-states-of-america-to-the-report-of-the-working-group-on-its-universal-periodic-review/>

<sup>6</sup> Committee for Elimination of Racial Discrimination, 93<sup>rd</sup> Session (2017) Decision I(93): [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT\\_CERD\\_EWU\\_USA\\_8285\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/INT_CERD_EWU_USA_8285_E.pdf)

<sup>7</sup> CERD, Article 7, <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

<sup>8</sup> CAT, Article 10, <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

<sup>9</sup> ICCPR, Article 27, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; Martinez-Cobo, M.(1983) Study, of the Problem of Discrimination Against Indigenous Populations, Ch. 13, Education: [https://www.un.org/esa/socdev/unpfii/documents/MCS\\_xiii\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/MCS_xiii_en.pdf) ; U.S. Senate advice and consent to the ratification of the ICCPR: <https://www.congress.gov/treaty-document/95th-congress/20/resolution-text> .

<sup>10</sup> See in particular, Article 144 of the 4<sup>th</sup> Geneva Convention: <https://ihl-databases.icrc.org/ihl/385ec082b509e76c41256739003e63bd/6756482d86146898c125641e004aa3c5>

<sup>11</sup> NCSS Position Statement: [https://www.socialstudies.org/positions/human\\_rights\\_education\\_2014](https://www.socialstudies.org/positions/human_rights_education_2014); NCSS National Standards for Preparation of Social Studies Teachers: <https://www.socialstudies.org/standards/teacherstandards> (Both attached as appendices)

<sup>12</sup> E.g. Massachusetts: <http://www.doe.mass.edu/frameworks/hss/2018-12.pdf>; California: <https://www.cde.ca.gov/ci/hs/cf/hssframework.asp>; South Carolina: <https://ed.sc.gov/instruction/standards-learning/social-studies/standards/2020-south-carolina-social-studies-college-and-career-ready-standards/>; Colorado: <https://www.cde.state.co.us/standardsandinstruction/standards>.

<sup>13</sup> NCSS Executive Director's Blog: <https://www.socialstudies.org/executive-directors-message/social-studies-congress>