



HRE USA

Human Rights Educators USA

A national network dedicated to building a culture of human rights.

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VIEWS OF HUMAN RIGHTS EDUCATORS USA (HREUSA) REGARDING RECOMMENDED TARGET SECTORS, FOCUS AREAS AND THEMATIC HUMAN RIGHTS ISSUES FOR THE FOURTH PHASE OF THE WORLD PROGRAMME FOR HUMAN RIGHTS EDUCATION AND TRAINING

INTRODUCTION:

This statement of views is submitted to the Office of the United Nations High Commissioner for Human Rights pursuant to the Letter to Stakeholders from the Methodology, Education and Training Section of that Office dated 16 March 2018. In that letter, the Methodology, Education and Training Section requested stakeholder input regarding the possible focus for the fourth phase of the World Programme for Human Rights Education and Training, to begin on 1 January 2020, with particular attention to the recommended target sectors, focus areas and/or human rights issues.

Human Rights Educators USA (HREUSA) is a national network within the United States dedicated to promoting human dignity, justice, and peace by cultivating an expansive, vibrant base of support for human rights education (HRE) within the United States. As such our views regarding suggested priorities for the Fourth Phase are particular to our network's priorities and to institutional environment within the United States that affects dissemination and promotion of HRE initiatives.

FEDERALISM AND THE UNITED STATES

In its response to various global human rights initiatives regarding education, law enforcement, public services, etc., the United States government has noted, even in its treaty ratification language, that the United States is a Federal republic and that, therefore, much of the direct implementation of human rights related obligations contained in treaties such as the ICCPR must occur under local and state initiative at the local and state level. The Federal government generally offers its commitment in such ratification statements that it will support and encourage appropriate state and local efforts.

In practice, however, the mechanism for support and encouragement of local initiatives is poorly developed. Often, local and state government officials, school districts, etc. are not aware that their national government has identified a role for them in the overall United States commitment to meet its treaty obligations. Thus, a cycle of blame and denial has evolved between the various HRE stakeholders and the U.S. State Department on the whole area of implementation of US treaty obligations to promote human rights education. The stakeholders note the very limited level of Federal activity to promote HRE. The U.S. State Department notes that as an agency in the Federal government with responsibility for international relations they lack authority over state and local educational institutions. A couple of years later, in the next report, the stakeholders make the same criticism and the State Department makes the same response.

Lost in this ritual are the ways in which the U.S. Government could be using its legitimate Federal programs and powers to encourage the state and local development of HRE initiatives. In addition, this discourse often ignores efforts of national significance that are being undertaken by consortia of states or schools, civil society organizations and professional associations with national scope.

THE FIRST THREE PHASES OF THE WORLD PROGRAMME IN THE UNITED STATES

There has been some significant local, state and civil society movement forward in the United States in regard to the promotion of human rights education in public schools and, to a more limited degree, in higher education, particularly the

preparation of social studies teachers in the teacher education programs housed in institutions of higher education. These have included

- The adoption of a position statement calling for human rights education at every grade level by the National Council for the Social Studies (https://www.socialstudies.org/positions/human_rights_education_2014),
- The revision of social studies standards in several states, with a greater emphasis on human rights education than in previous state standards (see for example the California History/Social Science Framework [2016]. Ch. 1, Introduction, pg 13-14, Ch. 17 – Principles of American Democracy, p. 452, Appendix D—Teaching the Contemporary World, pg . 764-767 [Framework available at <https://www.cde.ca.gov/ci/hs/cf/hssframework.asp>])
- Inclusion of specific reference to human rights competencies in the standards for the preparation of social studies teachers (<https://www.socialstudies.org/standards/teacherstandards> , particularly Standard 5).
- Cooperative efforts between local schools or school districts and locally-based civil society organizations to foster school-based and student-led initiatives for HRE.

However, these efforts have generally not been identified with the World Programme nor have they increased domestic awareness of the ongoing global programs to promote human rights education for all. In addition there has not developed any mechanism at the Federal level to either inform or encourage state and local education agencies or postsecondary education institutions regarding these advances.

Nor does it appear that a more effective channel has opened up between the U.S. State Department and the U.S. Department of Education in order to inform state and local entities of HRE expectations memorialized in ratified treaties and approved declarations or to offer support and incentives for state and local HRE initiatives. Thus the “Federal System” reference in State Department reports to the OHCHR has been more of an excuse for inaction than a guide to the kinds of actions which the State Department and its sister Federal departments are willing and able to undertake.

HRE USA PRIORITIES FOR THE FOURTH PHASE OF THE WORLD PROGRAMME

TARGET SECTOR – THE THREE LEVELS OF GOVERNANCE IN A FEDERAL SYSTEM AND THEIR CIVIL SOCIETY PARTNERS

HRE USA’s priorities seek to address the high degree of fragmentation among programs and stakeholders within the United States promoting the goals and priorities of the first three phases of the World Programme. We also seek recognition for the referenced instances of positive initiatives among some civil society education organizations and state and local education agencies. Thus, HRE USA believes that, at least in addressing the education systems of the United States, the Fourth Phase of the World Program needs to target the actual educational decision makers and gatekeepers within the various state parties belonging to the United Nations.

In the United States, these decision makers and gatekeepers would include the various state departments of education which define the core educational expectations for public schools within the respective states. They would also include key professional associations involved in establishing criteria various university-based degrees and credentials in licensed professions such as education, social work, etc. Finally, HREUSA believes that the Fourth Phase must recognize and empower civil society organizations working within the various nation state parties to promote the goals of the World Programme and the Declaration on Human Rights Education and Training.

Within the field of education, key professional associations would include the National Council for the Social Studies and the Center for Civic Education, the Council for the Accreditation of Educator Preparation, and the various regional accrediting bodies for colleges and universities. Civil society organizations seeking to promote the goals of the World Programme will vary by nation and region. Within the United States, HRE USA not only fits this profile, but many of our partner organizations such as Amnesty International USA and Teaching Tolerance likewise play a major role in promoting HRE on a nationwide basis. Various state parties around the world might also have a network of local, regional and national bodies that share decision making and gatekeeping responsibilities and authority and/or are recognized influential authorities in the field of HRE.

The point is that if the particular system(s) through which education is defined and vetted in a particular country are not

centralized, then an exclusive focus on the central government may be missing the locus of decision making. Indeed, if the central government is not inclined to disseminate information about the nation's human rights treaty commitments to local and state government officials, nor inclined to actively engage them in the federal response to these treaty obligations, these key gatekeepers may not even be aware that they have a role to play in upholding their nation's global commitments. Furthermore, local, regional and national civil society initiatives to promote HRE may not be recognized domestically as having any foundation beyond personal beliefs and organizational preference. That certainly appears to be the case in the United States.

FOCUS AREAS AND THEMATIC HR ISSUES: THE DOMESTICATION OF HUMAN RIGHTS DISCOURSE AND PRINCIPLES

HREUSA urges the coordinators of the World Programme for Human Rights Education and Training to spend the Fourth Phase of the Programme inviting local, state and civil society partners into the tent. Seek out, highlight and disseminate information about local HRE initiatives, state/provincial level decisions that foster HRE. These should include not only local and state/provincial support for public school-based HRE, but also local and state/provincial HRE initiatives involving law enforcement personnel, public officials, and community organizations. The point is to seek out the small and local places where HRE is taking place and to raise their visibility and legitimacy within the global HRE programme.

Such a change in the site of the HRE focus should not be considered an abandonment of the central state parties that have ratified HR treaties. Rather, particularly in the case of federal republics like the United States, the focus on state and local points of engagement should be seen as taking the central government at its word. When the United States Senate gave its advice and consent to the ratification of the International Covenant on Civil and Political Rights in 1992, the Senate Resolution stated:

(5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant. (<https://www.congress.gov/treaty-document/95th-congress/20/all-info?q=%7B%22search%22%3A%5B%22Civil+and+Political+Rights%22%2C%22Civil+and+Political+Rights%22%5D%7D> . See also Sen. Exec. Report 102-23)

Clearly it is the understanding of the United States, as expressed by its national government that state and local governments are appropriate parties and jurisdictionally legitimate partners in the implementation of the United States' responsibilities in regard to human rights education (See responsibilities identified in CERD, Article 7). Therefore, HREUSA proposes that these real parties in interest at the local and state level be directly engaged in the Fourth Phase of the World Programme and that the most promising of local and state initiatives be noted and acknowledged.

Likewise, the U.S. Department of Education recognizes the authority of regional accrediting bodies in defining the accreditation status of institutions of higher education (<https://ope.ed.gov/accreditation/FAQAccr.aspx>). The Department also acknowledges the roles and legitimacy of those regional accrediting bodies that accredit public schools within their regions. While this relationship is not mandated by federal law, it is a recognized and legitimate part of the network of public and private partners who define and evaluate the expectations for public education in the United States (see <http://www.ed.gov/international/usnei/us/accred-school.doc>).

The central U.S. government, particularly the U.S. State Department often hides behind this network of public and private partners in explaining its failure to more actively sponsor and promote HRE in both educational and public service environments at state and local levels. Yet the network has rarely been invited into the process of HRE promotion or HR treaty compliance. What the World Programme should focus upon in the Fourth Phase is both prodding the U.S. government to genuinely engage with its state, local and civil society partners in the promotion of HRE, and in the absence of appropriate commitments by the central U.S. government, directly engaging those local, state and civil society partners.

CONCLUSION

In conclusion, Human Rights Educators USA urges the Office of the United Nations High Commissioner for Human Rights and the Methodology, Education and Training Section of that Office to utilize the Fourth Phase of the World Programme for Human Rights Education to seek out within every state party the actual actors, doers, decision makers who are situated to exercise the greatest influence over the conduct of education and training in the various sectors of the particular nation state and to seek effective means of engaging with them directly in the implementation of the goals of the World Programme. HRE USA also urges the administrators of the World Programme to develop programs to recognize particularly effective initiatives by local, state/provincial and civil society participants and to publicize them globally, with the possible side effect of their efforts becoming acknowledged within their own nations.

During this Fourth Phase, the World Programme should urge the central governments of federated nations to develop programs, incentives and supporting resources that genuinely encourage and promote local, state/provincial and civil society initiatives in HRE. The OHCHR and its Sections should report in their findings the extent to which various federated nation states build relationships with their internal lower governmental units and with civil society partners to accomplish the positive purposes of the various human rights treaties ratified by those federated nation states. When a federal nation state has entered into human rights treaties which presume conforming conduct within the nation state, the OHCHR should evaluate them on their good faith engagement with the component jurisdictions of their own system.

Federalism should not be an excuse for the failure to meet treaty obligations, in the field of human rights or in any other area covered by international treaties. Likewise, international human rights treaties should not be perceived as threats to the internal mechanisms of federal republics. If the Fourth Phase of the World Programme can become a laboratory for working with complex systems that include multiple levels of authority and initiative, this Phase can initiate a laboratory for civil learning that will benefit many large, complex nations as they and their people struggle to balance local initiative, national purpose and global responsibility.

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