



## **Driving Development Education Forum 20 November 2008**

### **Human Rights and Development – the implications for Education**

#### **Opening Address**

**By**

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#### **Introduction**

I am delighted on behalf of the Irish Human Rights Commission (IHRC) to have the opportunity to speak to you today at this important meeting, on the topic of *Human Rights and Development – the Implications for Education*.

I am especially delighted to have this opportunity to speak to you on human rights, development and education in the year that we celebrate the 60th Anniversary of the Universal Declaration of Human Rights which set down the principle that human rights, civil, political, economic, social and cultural are universal, inalienable, indivisible and interdependent.

In the context of our discussions here today we can recall that the UN General Assembly proclaimed the Universal Declaration of Human Rights as a common standard which should be kept constantly in mind by:

“teaching and education to promote respect for human rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.”

I would like to discuss with you the importance of human rights in education, the contribution it is making to both the concept and practice of education, and the role of national institutions for the protection and promotion of human rights, such as the Irish Human Rights Commission in progressing human rights in and through education.

I will begin by giving an overview of the linkages between human rights and development before outlining the implications for education and the role of the Irish Human Rights Commission and other National Institutions for the protection and promotion of human rights (NHRI). But first, let me briefly explain the role and functions of the Commission.

The Irish Human Rights Commission is one of Ireland's primary human rights protection mechanisms. In accordance with the United Nations *Principles relating to the status and functioning of national institutions for protection and promotion of human rights* (the Paris Principles), the IHRC is an independent statutory body, established under the Human Rights Commission Act 2000. Its mandate is to ensure that the human rights of all people in Ireland are protected and promoted in law, policy and practice. In particular the IHRC is mandated to protect and promote the rights and freedoms guaranteed by the Constitution and by any treaty, convention or agreement to which the State is a party.

The IHRC is tasked with monitoring and reviewing the State's compliance with its legal obligations under international human rights law. Part of this mandate involves making recommendations on how the State can better fulfil its obligations in relation to civil, political, economic, social and cultural rights including the right to education. In its 5-year strategic plan, the IHRC has committed itself to promoting the mainstreaming of human rights education in the policy and practice of a wide range of stakeholders including teachers, students, legal professionals and civil and public servants. The Commission considers that education which is human rights based is central to building a culture of human rights in Irish society. By this, we mean a society which has the principles of fundamental human rights at the centre of its law, policy and

practice. A culture of human rights emerges when all citizens see themselves not only as beneficiaries but as custodians of human rights. Human Rights Education is key achieving such a culture.

## **Human Rights and Development**

We are here today to discuss the relationship between human rights, development and education. However, how we understand the concept of development is continuously evolving. Development includes within its scope economic, social, and political development as well as environmental integrity. In parallel, the extent of human rights recognised in national and international law also continues to evolve. Now, more than ever, both at a conceptual and a practical level human rights and development are increasingly linked. We are challenged to strengthen the human right to education and links between human rights education and development education. A challenge I will come back to later.

The understanding that human rights and development reinforce each other has been gaining momentum over the past thirty years or more. As far back as the 1970s, development was described as 'the process of creating the conditions within which the whole person and all persons can realise their full potential' as human beings.<sup>1</sup> This may be compared to the foundation for human rights, which give expression to what society considers are the most basic requirements of human dignity. Thus, both human rights and development are founded on the concept of creating conditions whereby all people can achieve their full potential.

The relationship between human rights and development is further reinforced by the principle of the indivisibility and interdependence of civil, political, economic, social and cultural rights. Most significantly, the 1986 United Nations (UN) Declaration on the Right to Development<sup>2</sup> provides a clear basis

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<sup>1</sup> O'Neill, Helen (1980) 'What New International Economic Order', Irish Studies in International Affairs Vol. 1, No. 2 1980 Dublin: Royal Irish Academy

<sup>2</sup> United Nations General Assembly resolution 41/128 (4 December 1986)

for linking development with human rights. The Declaration states in its preamble that

“development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from”<sup>3</sup>

Article 1 of the Declaration provides that the right to development is an inalienable right. While Article 8 requires states to undertake to ensure the realisation of the right to development through ensuring equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income.

However, I would suggest that this recognition of a right to development was not the creation of a ‘new’ human right, but an acknowledgement that without the right to development there cannot be enjoyment of the full range of fundamental human rights set down in the Universal Declaration of Human Rights. This is perhaps in keeping with the growing acceptance of the *interdependence* of human rights; social, economic, political and civil as well as environmental development and was clearly stated in the Vienna Declaration which I will turn to in a moment.

However, first I would note that the concept of development has taken on a broader meaning over the last 30 years. A broader understanding of development, as one which must be sustainable, began to emerge in the 1980’s. For example, in 1987, the World Commission on Environment and Development (the Brundtland Commission) defined sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

In 1992, the UN Earth Summit in Rio de Janeiro identified three components of sustainable development – social development, economic development

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<sup>3</sup> Ibid

and environmental sustainability – as interdependent and mutually reinforcing pillars. Since that summit, the normative and conceptual links between human rights and this broad understanding of development have been clearly identified and the use of human rights as strategic tools to realise sustainable development objectives has been understood.<sup>4</sup>

A clear statement of both the interdependence of rights and the link between the right to development emerged with the proclamation of the Vienna Declaration in 1993. The UN Conference on Human Rights reaffirmed in the Vienna Declaration the principle of indivisibility and equal priority of all rights – economic, social, cultural, and civil and political. It also stated that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.

I would also note that the Vienna Declaration reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights and encourages the establishment and strengthening of national institutions, having regard to the Paris Principles.

## **A Human Rights Framework for Development**

Human rights can be seen as both a normative framework and as strategic tools that can strengthen development<sup>5</sup>, in other words, human rights may be described as the “scaffolding of development”.<sup>6</sup>

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<sup>4</sup> OHCHR, ‘Human Rights, Poverty Reduction and Sustainable Development: Health, Food and Water’ – A Background Paper. World Summit on Sustainable Development, Johannesburg, 26 August – 4 September, 2002

<sup>5</sup> Ibid

<sup>6</sup> ODI Briefing Paper ‘What can we do with a human rights based approach to development?’, September 1999. [www.odi.org.uk/publications/briefing/rightsbp.pdf](http://www.odi.org.uk/publications/briefing/rightsbp.pdf)

Although the understanding of the linkage between human rights and development has been developing since the 1980's, this interconnection between human rights and development was given practical effect in the UN Secretary General's 1997 Programme of Reform where the whole of the United Nations System was required to mainstream human rights in all its work.<sup>7</sup>

Applying a human rights framework to development means using human rights standards in the

analysis of development problems and in the design of projects and programs, including mechanisms to assess the impact of these programs, and the process by which they are developed and implemented.<sup>8</sup>

According to the Office of the UN High Commissioner for Human Rights, the principles that underpin a human rights framework for development are: universality, inalienability, interdependence of human rights; empowerment; participation; equality and non-discrimination, and accountability<sup>9</sup>. Integrating human rights into approaches to development shifts the focus from people having *needs* to people having *rights*. This involves achieving a more equitable distribution of power and resources, requires that root causes of development issues be addressed, and the application of non-discrimination and equality in accessing and benefiting from rights.<sup>10</sup> It makes it a requirement that people be empowered to know their rights and responsibilities to each other, to participate in decisions that affect them, and to be able to hold the state and its agencies to account for any violations of those rights.

To quote Mary Robinson, former UN High Commissioner for Human Rights:

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<sup>7</sup> Schabas, William, and Peter. Fitzmaurice (2007) *Respect, Protect and Fulfil – A Human Rights Based Approach to Peace-Building and Reconciliation* Dublin: Border Action

<sup>8</sup> Workshop of the Implementation of a Rights-Based Approach to Development: Training Manual, UN, Office of the Resident Co-ordinator, Philippines, 2002

<sup>9</sup> OHCHR, 'Human Rights, Poverty Reduction and Sustainable Development: Health, Food and Water' – A Background Paper. World Summit on Sustainable Development, Johannesburg, 26 August – 4 September, 2002

<sup>10</sup> Schabas, William., and Peter. Fitzmaurice (2007) *Respect, Protect and Fulfil – A Human Rights Based Approach to Peace-Building and Reconciliation* Dublin: Border Action

Poverty eradication without empowerment is unsustainable. Social integration without minority rights is unimaginable. Gender equality without women's rights is illusory. Full employment without worker's rights may be no more than a promise of sweat shops, exploitation and slavery. The logic of human rights in development is inescapable.<sup>11</sup>

Thus, it may be said that when we speak of development, we are not only speaking of development which is sustainable but of *human rights based* development. I will come to some of the practical implications of human rights based development and the role which national human rights institutions may play in such development shortly, however, I would now like to turn to consider the implications for education.

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<sup>11</sup> UNHCHR 'Development and Rights: The Undeniable Nexus' Speech by Mary Robinson, UN High Commissioner for Human Rights, 26 June 2000 [www.unhchr.ch/hurricane/hurricane.nsf](http://www.unhchr.ch/hurricane/hurricane.nsf)

## Human Rights, Development and Education

- **Education as a human right**

If we consider that development must be human rights based, then it is essential that there is both education through and in human rights and that there is promotion of awareness of human rights. Indeed, if we consider the role and functions of national institutions, we can see the importance of promoting human rights both generally and through specific educational programmes was recognised by the international community which specifically proposed the creation of institutions for the protection and *promotion* of human rights and included as a core function “to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles”.<sup>12</sup>

Education has been formally recognised as a human right since the adoption of the Universal Declaration of Human Rights in 1948. A range of subsequent human rights instruments assert the right to education including the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Vienna Declaration; the Convention on the Rights of Persons with Disabilities and last but not least the Convention on the Rights of the Child (CRC).

The Convention on the Rights of the Child (CRC) provides that education should be holistic and concerned with the development of respect for human rights and fundamental freedoms. The CRC emphasises the need to promote respect for diverse cultural identities, and a spirit of understanding, peace, tolerance, and equality for all. Recognising that children are capable of

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<sup>12</sup> *Principles relating to the status and functioning of national institutions for protection and promotion of human rights.*

forming their own views, within the convention, the right to education and the right to participate are closely linked. Emphasis is placed on the need to nurture and facilitate the right to “express...views freely and on all matters affecting the child.”<sup>13</sup> The right to education is also closely linked with the article 6 of the CRC, the right to development. The CRC links human rights and the broader environment, acknowledging the need to develop respect for the natural environment, not an explicit feature of earlier conventions.

Education is also the key to unlocking other rights. At the core of international human rights law is the belief that education is paramount to the exercise of other human rights such as the right to health or to participation. Implicit in that understanding is the view that education which promotes human rights will lead to holistic personal development and increased respect for everyone’s human dignity, equality and freedom to participate effectively, value diversity and protect our habitat.

The same approach applies to educational processes within the classroom as within the tertiary and professional sectors. Legal professionals, civil and public servants, teachers, and the police force may differ widely in their specific human rights education needs. However in order for each group to promote and protect human rights in and through their work all need to understand human rights, to know how to implement them in their professional practice, and to experience and benefit from human rights protection in their work place and private life. Consequently, it is redundant to distinguish between everyday educational processes and human rights education “lessons”; human rights education should be an intrinsic part of any and all teaching and learning processes for both adults and young people.

Without knowledge of human rights and the existing means to protect and vindicate them it is impossible for people to seek redress from duty bearers, such as Governments and their agents, when these rights have been infringed upon.

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<sup>13</sup> Article 12, Convention on the Rights of the Child

- **Human Rights, Development and Education**

The challenge has been to translate the purpose of education as set out in international instruments and by international human rights bodies into a language and set of tools that educators and learners can understand and adopt.

Like development itself, the concept and practice of development education has evolved over time. The UN's definition of development education dating back to the mid-seventies states that:

“Development education seeks to enable people to participate in the development of their community, their nation and the wider world as a whole. Such participation implies a critical awareness of local, national and international situations based on an understanding of the social, economic and political processes.”<sup>14</sup>

We could say that human rights are an implicit feature of this definition. At the core of the UN definition of development education is the importance of the participation by people in shaping their communities and the wider world, and being empowered with skills to critically analyse economic, social and political processes and to take action to bring about change.

Development education involves “reflection, enquiry, assessment synthesis and action”<sup>15</sup>, educating and learning about human rights is a key feature.

How can human rights be more explicit in education and in development education? I would like to present some of the current thinking and about human rights and education which I hope will be useful for your deliberations today.

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<sup>14</sup> Dillon, Sheila (2008) '35 Years of Development Education: Lessons for the Future', (citing Hicks and Townley, 1982) in Policy and Practice – A Development Education Review. Centre for Global Education

<sup>15</sup> Ibid p97

Central to the achievement of the right to education is an approach to education which builds a universal culture of human rights through imparting knowledge and the formation of attitudes that lead to actions which promote and protect human rights in everyday life. Human rights education can be understood as ‘both “human rights *through* education,” ensuring that all the components and processes of education – including materials, methods and training – are conducive to the learning of human rights, and “human rights *in* education,” ensuring that the human rights of all members of the school/learning community are respected.’<sup>16</sup>

Human rights education implies that the practice as well as the learning of human rights should not only be theoretical but should provide opportunities for learners to develop and practise the skills to respect human rights and democracy through school, professional, and personal life. The student of human rights must have direct experience of their rights being respected if human rights education is to be successful in achieving its goal of creating a culture of respect for human rights.

UN bodies have developed and promoted a human rights-based approach to development, the approach has been applied to tackling poverty and in relation to the right to health. Building on the rights based approach to development, in their recent joint publication *A Human Rights Based Approach to Education for All* UNESCO and UNICEF have applied those principles and the framework to education.<sup>17</sup> These UN bodies have taken the view that to make gains in the achievement of the education for all goals, a rights-based rather than a needs-based approach was required, asserting that the goal of a human rights based approach to education is:

To assure every child a quality education that respects and promotes her or his right to dignity and optimum development:

[Using a rights-based approach,] girls’ right to education, for example, can be achieved more effectively if measures are also implemented to address their right to freedom from

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<sup>16</sup> Plan of Action, World Programme for Human Rights Education, First Phase, New York and Geneva 2006, p 3.

<sup>17</sup> UNESCO/ UNICEF *A Human Rights-Based Approach to Education for All*

discrimination, protection from exploitative labour, physical violence and sexual abuse, and access to an adequate standard of living.<sup>18</sup>

The rights-based conceptual framework developed by UNESCO and UNICEF has three pillars on which to benchmark progress on the right to education:

- **The right of access to education** including: education throughout all stages of childhood and beyond; availability and accessibility of education; and equal opportunity.
- **The right to quality education** including a broad, relevant and inclusive curriculum; rights-based learning and assessment; and child-friendly, safe and healthy environments.
- **The right to respect in the learning environment** including respect for identity, respect for participation rights; and respect for integrity

The document sets out all the obligations and responsibilities that the states must meet in fulfilling these rights. Both UNESCO and UNICEF acknowledge that states cannot fulfil their obligations with regard to rights-based education without the active support and engagement of many actors including parents, unions, teachers, religious communities, civil society organisations and politicians.

### **Human rights, development and education and the role of National Human Rights Institutions**

Outside of the Irish State, the Irish Human Rights Commission, as Ireland's national institution for the protection and promotion of human rights, has a role to play in promoting of human rights and development. Before I move on to discuss this, I would note that Irish Aid supports specific actions designed to promote human rights, in particular, by strengthening government systems and domestic human rights institutions, in particular through legal training.

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<sup>18</sup> UNESCO/UNICEF (2007) A Human Rights-Based Approach to Education for All

It is very welcome that the Irish Government took a leading in relation to the first EU Guidelines on Human Rights Defenders. These Guidelines enhance the Union's role in the protection and support of those on the frontline of efforts to promote and defend human rights.<sup>19</sup> Specifically the Guidelines suggest practical support could include 'encouraging and supporting the establishment, and work , of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions"<sup>20</sup> (NHRIs).

National institutions are recognised by the United Nations and other international and regional bodies as key actors in the development of stable, democratic societies based on respect for human rights. Through the network of national institutions we share experience and expertise on the entire range of human rights.

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<sup>19</sup> Government of Ireland (2005) *White Paper on Irish Aid* Dublin: Government of Ireland

<sup>20</sup> Ensuring Protection – European Union Guidelines on Human Rights Defenders  
<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf> Downloaded: 17 November 2008

Let me first briefly set the context in which NHRIs operate. Although we are *national* institutions, the role of NHRIs is also a collective and international one. There is a flourishing international community of national institutions. Currently, the 75 plus NHRIs around the world are divided into four regional groups: Africa, America, Asia-Pacific and Europe. The Irish Human Rights Commission was just last month re-elected for a second two-year term as chair of the European Group of National Human Rights Institutions.

Collectively, these regional groups form the International Coordinating Committee of National Human Rights Institutions (ICC). At a conference of the International Coordinating Committee in Kenya last month, the national institutions agreed to the incorporation of the ICC. The newly founded Statute of the ICC provides that its purpose is to promote and strengthen NHRIs to be in accordance with the Paris Principles and to provide leadership in the promotion and protection of human rights. Its core functions will include coordination at an international level including Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, and United Nations human rights treaty bodies; collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees, communication amongst members, and with stakeholders; development of guidelines, policies, statements; Implementation of initiatives; To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as: Assistance of NHRIs under threat; Encouraging the provision of technical assistance; Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs.

The IHRC as the Chair of the European Group, is also on the governing body or Bureau of the ICC and takes an active role in the core purpose of the ICC. It is these last functions of promoting the establishment and strengthening of NHRIs and providing assistance and training to which I will now turn as it fits well with the theme of today's conference and of some of the stated aims of Irish Aid.

As Chair of the European Group, the Irish Human Rights Commission is in a key position to assist in the establishment and strengthening of national institutions. Indeed, just this year, we have had visits from Lithuania, India, Azerbaijan and Scotland to exchange ideas and experience in the development of national institutions. In September, the IHRC co-hosted a conference with the Council of Europe Commissioner for Human Rights on the topic of Domestic Protection of Human Rights: Strengthening Independent National Structures. This Conference saw representatives from NHRIs from across Europe as well as from the UN OHCHR, the EU Fundamental Rights Agency, and the Council of Europe.

The unique position of NHRIs and their important place in the national and international framework presents important opportunities for not only human rights education at national level, but also for assisting in development at national level. NHRIs are uniquely placed in both the international and national human rights frameworks to identify and work towards solutions for human rights issues at national level. This is because NHRIs are independent state bodies. They are governed by the principles of the United Nations Paris Principles which set out their role and functions. They are founded in the national law of states and supported by the United Nations and by an ever growing international community of institutions. And now, we are also strengthened by the existence of a coordinating body to coordinate the work which NHRIs carry out across the globe.

## **Conclusion**

I hope that in this short presentation I have managed to identify the importance of human rights in education, the contribution it is making to the concept and practice of education, and the role of national institutions, such as the Irish Human Rights Commission in progressing human rights in and through education.

There is an “inescapable” link between rights and development, and development must be human rights based. There is great potential to build on

the initiative by UNICEF and UNESCO in the further development of a human rights based approach to education. Human Rights Education also has a lot to learn from the achievements of development education.

In progressing human rights based development the role of national institutions is one which will continue to grow and there is great potential in the Irish context for the IHRC to support the work of Irish Aid in strengthening human rights institutions. In developing countries and in the context of emerging human rights institutions the IHRC hopes to be able to find opportunities to work with Ireland Aid in this regard.

In the context of the IHRCs mapping study into human rights education, we also look forward to engaging with development education actors in the pursuit of making human rights more explicit in education in Ireland.