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Emerging Rights - A Topic of HRE

"Let us open the windows to the new educational air"
Ettore Gelpi 2002
In Memoriam

This article examines Human Rights Education vis-a-vis the challenges of the emerging human rights of the 21st century. It discusses the difficult situation of HRE in the uncertain and insecure times of globalization and permanent violence particularly after the September 11 attacks. In spite of these unfavorable circumstances, it can be concluded that HRE has gained ground in the agenda of NGO's to become a demand formulated hand in hand with the fight for democracy and peace. Due to the fact that human rights are the result of an unfinished process under permanent transformation, the article underlines emerging human rights as a dimension of human rights (education) and one of the challenges in the 21st century.

Keywords:

Human rights, human rights education, United Nations Decade for Human Rights Education (1995-2004), emerging human rights, globalization, uncertainty, torture, human rights violation, uncertainty, education, civil society, ethics

1 Human Rights Education in Times of Globalization and Uncertainty

The uncertainty and insecurity faced early in this new century regrettably expose the weakness of the United Nations. This vulnerability became apparent, particularly after the September 11 attacks in the US, the attacks of March 11 in Madrid and June 7 in London, as well as the illegitimate invasion of Iraq and the violent post-war process. The permanent violence in Colombia, Chechnya, Iraq, Israel, Palestine and other countries, the alarming and growing poverty are, among others, great problems of this century that test us and lead some authors, actors and institutions involved in human-rights to prudence, withdrawal or resistance. The International Law underpinning human rights has been reduced and limited by governments claiming to fight against terrorism, as in Guantanamo prison, in Abu Graih or in the case of the so called "de-location of torture". Torture as a practice continues to be carried out around the world, and is still used in many countries despite the efforts carried out by the United Nations.

This context of global insecurity and uncertainty in the early 21st century coincides with the conclusion of the United Nations Decade for Human Rights Education (1995-2004) and the initiation of a new Global Programme for Human Rights Education.

It is important to contrast these fundamental challenges to human rights with the achievements of the Decade for Human Rights Education. HRE are now being carried forward on the backs of civil society, with various initiatives having taken up the guidelines. Examples in Latin America include Colombia, Mexico and Brazil, who wrote their national plans on human rights to include HRE. Both NGOs and other educational agents took up the initiatives of the national plans, and new national agendas sprung up at the regional levels that were heavily loaded with human rights education. One example is the Mexico Declaration (Declaración de México 2002) and another is the World Educational Forum of Porto Alegre (FME 2004).

As the Decade for Human Rights Education drew to a close in the year 2003, there were those who proposed to lengthen the Decade or call for a second Decade of education in the field of human rights and to further the preparation of comprehensive action Plans with regard to human rights education from the various levels of education, whether formal, non formal or informal. In spite of the progress made with regard to HRE, the expected impact and results proved to be scarce. Although a number of activities and initiatives were known, there was a lack of quality indicators and detailed evaluations.

It is worth mentioning some exceptions, specifically the report entitled Promotion and Protection of Human Rights: Information and Education (United Nations OHCHR 2003). There was also a study on the follow-up to the United Nations Decade for Human Rights Education (1995-2004) and a report prepared by the UN Office of the High Commissioner for Human Rights, which contains a study of the complimentary measures of the United Nations Decade for Human Rights Education (1995-2004) and the possible means to strengthen education in the field of human rights at nationally, regionally and internationally. The study also introduced the concept of a series of seminars between sessions that would be held in 2003 and 2004 to address the most pressing issues on human rights education.

The U.N. framework for HRE in place between 2001 and 2004 did not result in a more solid commitment among most States. Consequently, human rights education seemed to fall back onto the vista of the international field. Civil society demanded that new rights be acknowledged and that HRE become one of its most privileged tools. The international community responded with a new proposal to extend the life of HRE at the United Nations. On December 10, 2004 a new World Programme on Human Rights Education was accepted in a resolution (2004/71) passed by the General Assembly. This program was prepared by the United Nations Office of the High Commission on Human Rights, in cooperation with UNESCO.

Thus, despite an uncertain international climate for human rights, the HRE Decade has become a permanent World Programme, calling for States to develop a comprehensive national Plan that reflects a commitment to HRE throughout society. The first phase of the program (2005-7) involves a focus on basic, primary and secondary schools. Human rights education

goes back to school (United Nations OHCHR 2005a).

That is how, at the international level, we have ended up retracing the vision and strategies of HRE, the means and proposals on HRE with a global breadth. HRE has gained ground in the agenda of base organizations to become a demand formulated hand in hand with the fight for democracy and peace.

2 The New Challenges of HRE in View of the Emerging Human Rights of the 21st Century

HRE in the 21st century faces new challenges. Many things have changed in relation to the knowledge of human rights. Human rights are the result of an unfinished process under permanent transformation. Awareness is arising in the present societies, we find new social groups that are victims of exclusion. We find an emerging international civil society which is organized at regional, national and local levels, and demands the fulfillment of the State-human rights commitments.

The notion of the Nation-State in which the bases are laid for the liberal doctrine of human rights has changed. Not only are we witnessing the weakening of the Nation-State, but also the strengthening of the market and financial actors which, through transnational companies or alliances and financial consortia define today the economic policies that influence the whole planet and the exercise and enjoyment of rights. The liberal credo, a sign of one-dimensional thought, is becoming consolidated in the face of new and uncertain scenarios within the framework of economic and political globalization.

"In theory, human rights violations can be regarded as obstacles to globalization and to the unification of the global market". In practice, "we can ask ourselves, with certain exceptions, are certain societies excluded from globalization due to human rights violations?" The answer is no. We can compare the facts against the list of countries included in the Amnesty International annual report and in the extent of the integration of some of these to the global economy. Globalization clearly divides the world into three groups: "those who globalize," "those who suffer globalization" and "those who are excluded from globalization," which contributes to the violation of the economic and social rights (Hallak 1999, 15).

The demands of the 21st century and the emerging human rights that have been gathered to the bosom of international civil society needs to be analyzed in the context of education and, more specifically, human rights education. According to Hallak (1999, 21):

Education can contribute to the regulation of globalization, fundamentally establishing conditions of respect to human rights, which is a previous condition to a humanistic evolution of globalization.

The knowledge society asserts itself in the 21st century with new challenges. Universal knowledge has become a dignity-, liberty- and equality-bearing factor. It is from this concept that human rights education renews itself in its contents between the theory and practice thereof. Civil

society is reacting to the globalization processes that intend to turn education into a commodity and HRE into a single, unidirectional moral.

If we paraphrase Emilio García Méndez, there is what might be called an "irregular doctrine of human rights education" that intends to provide an education that separates itself from the reality of the peoples and their social context, address specific trainings or abstract and individualistic values only where there is no communication. The possibility to articulate a dimension of demand and justice is left aside, thus depriving the citizen from the exercise of his/her rights.

This doctrine limits the rights to obligations and imposes a unidirectional moral that knows neither diversity nor multiculturalism or the concept of gender. Within this context, I believe that human rights education has a reason to exist: being a tool that will make it possible for the conditions of the vulnerable population to develop a democratic culture that will allow the full exercise of all rights for all and the consolidation of democracy.

From the standpoint of world civil society of the 21st century, HRE is, more than anything else, a political project that must redefine its role on the grounds of integrity and wholesomeness of the rights and respond to international, regional, national and local citizen agendas. In this regard, we see HRE in its multiple dimensions and spaces, formal, not formal and informal. We demand the necessary articulation between the theory and practice of human rights.

The civil society of the 21st century proposes a HRE that will develop alternative projects, favor new forms of resistance, contribute to guarantee development and favor a participative democracy. The global civil society is now aware of the fact that "we are entitled to more rights than we thought" (Osset 2001, 41).

Emerging human rights aren't really "new rights" as a whole. The newness lies in its vindication and its present demand through a number of texts and proposals of the civil society. In this way, it is important to acknowledge the Charter of Emerging Human rights (CEHR) presented in the Universal Forum of Cultures - Barcelona 2004, whose draft is written as an initiative of the Institut de Drets Humans de Catalunya, (Institute of Human Rights of Catalonia, IDHC 2004). This Charter is presented as a new ethical horizon of the civil society of the 21st century, and is in itself an educational practice.

Writing a draft of the CEHR (IDHC 2004) involved research, deep thinking, and the production of knowledge, just as any other learning process. In this regard, it was an unquestionably educational process. To "emerge", as defined by the Royal Academy of the Spanish Language, derives from the Latin word "emergere", which means to come to the surface of water or any other fluid using figurative speech; therefore, "emerging" derives from this verb and as an adjective it means "that which comes to the surface, which is born, which is made present, that emerges". The relationships between this term to the human rights concept lead us to identify those principles or prerogatives that appear today as vindications of the globalized civil society and become ethical demands that face the States and the international community. The last ones complement human rights that are acknowledged today as guaranty of an honorable life.

Emerging human rights are a set of rights that the civil society demand and

understand; on the one hand, the rights that emerge after having been "deepened" in oblivion, indifference and even the despise of some States, as it has been the case of the rights of indigenous peoples or others that are recently gaining notoriety, such as the right to a decent death. On the other hand, they also belong to the rights that appear as a result of scientific development, new technologies, genetics, information systems, communication and, migrations and movements of large population nuclei, and in general terms, as a result of the transformations of the globalized world of today (Ramírez 2005, 2).

Emerging human rights as ethical demands of citizens become as enforceable as any other right and therefore necessarily require the State's participation as guarantor of the same. However, they also imply a responsibility on the part of the international community.

These rights are in no way an illusion or an unreachable utopia. They are a reality in some countries and are part of a set of regulations. In other countries, they are found at early stages, while others are part of our everyday life and begin to be acknowledged; such is the case of the right to sexual self-definition of individuals and the free exercise of their sexuality. These rights have recently been acknowledged by some countries as human rights in the city (Cf. Charter of Human Rights in the City - Diputación de Barcelona 2000).

Not only do emerging human rights complement the list of acquired rights, but they also affirm the commitments of civil society. This is about the rights seen from a renewed perspective of the participating citizens, not of passive or contemplating citizens but rather of those who are committed to the development of relevant public policies.

We can assert that the Charter of Emerging Human Rights (IDHC 2004) is the result of an unfinished process, one that is in constant transformation and reflects the essential dimension of the evolution of human rights. Progressiveness is a characteristic of human rights consisting of a widening of its sphere of competence in such an irreversible and sustained way that it provides better protection to a larger number of individuals and social groups. Or as Héctor Gross Espiell put it in 1985: "To make the issue of human rights a universal and international phenomenon is clearly an uncompleted process. A matter that remains open for the future".

Today we must acknowledge the existence of new vindications that also include the search for and recognition of new rights. We live in a global society where new commitments, needs and ethical demands are surfacing and require an explanation from States. But above all, we are witnessing how civil societies around the world are becoming increasingly aware of these new claims that make certain peoples or social groups or new identities are more visible. These are raising their voices through the emergence of an organized international civil society which demands the recognition of new rights and the search for mechanisms that will make them effective to all.

The creation of new mechanisms for the protection of human rights, such as the Charter of Emerging Human Rights (IDHC 2004) arouses different reactions ranging from rejection of anything new to skepticism or even apathy or annoyance. This is understandable if we take into account not only the difficulty in reaching consensus from all countries within the UN

but also the occasional lack of efficiency of certain mechanisms and organizations of the United Nations in protecting human rights in the daily happenings of nations. The fight for human rights has never been an easy one and we know that a great deal of these protection mechanisms and organizations existing today are rooted in initiatives of international civil society or international NGOs working towards human rights.

Some authors, specialists and human rights defenders believe that the time is not ripe to start debating about the Universal Declaration of Human Rights, as within this context of uncertainty and globalization, market forces and violence appear to have taken over the rights of citizens. They speak of the risk of trivializing this Declaration, of the fears and concerns exploited in a global context to lessen the creative abilities of citizens and their potential to fight.

However, the current mobilizing voices of the international civil society only continue to motivate us. They maintain that "another world is indeed possible" and warn us against the perils of obduracy, because, in this respect, caution could very well mean regression. History has shown that, when it comes to social conquests, nothing is irreversible.

Human rights educators must take into consideration the fact that we live in a global political community in which we undertake commitments with a global dimension as well. Protecting our planet, preserving peace or developing information systems are issues that concern us all equally. It is inadmissible then that in today's world, there are still countries where some individuals have more rights than others. The purpose of the Charter of Emerging Human Rights is to facilitate and promote the values of freedom, pluralism and solidarity. HRE contributes to put into action the elements providing an ethical impulse that is also consistent with the phenomenon of globalization and the construction of an international democracy. This, in turn, will favor an educational framework on human rights for which new generations will actively participate. Emerging rights give way to an education system that allows individuals to think differently, to use a global approach and a global perspective to deal with problems and their solutions. Educators must learn to see crises and conflicts as opportunities.

Within this atmosphere of uncertainty, threats, renewed doctrines on security, repressive measures against foreigners or "paperless" aliens, educators must take initiatives to identify those speeches aimed at maintaining obduracy. They must make independent and committed analyses from a viewpoint of world solidarity. They must devise new strategies to encourage new forms of resistance, to fight fear and to strengthen the profile of a committed civil society.

From this perspective, citizens see themselves beyond the traditional categories of age or nationality, and comprise the acknowledgement of all people, whether boys, girls, teenagers, adults - men or women - local or foreign - as entitled to their rights from a twofold perspective: individually and collectively.

The CERH (IDHC 2004) intends to walk away from the traditional dichotomy between civil rights and social rights, as well as from generational classifications that are no longer relevant to the indivisibility and integrality of human rights. What is more, this Charter seeks to go beyond the contradictions between individual and collective rights, since every

collective right is in itself an individual right. Those human rights acknowledged in the CERH (IDHC 2004) herald, the position of all human beings and peoples as the holders of rights.

The CEHR (IDHC 2004) acknowledges the complexity of human rights in a twofold dimension: as simple and as double rights. The CEHR (IDHC 2004) vindicates as a complex human right, that or those related to simple rights as a compulsory condition for the full enjoyment thereof. For example, from a CEHR (IDHC 2004) perspective, we hold it that the present right to life involves the right to live in an honorable way, the right to enjoy human security, the right to demand the necessary measures to fight poverty and hunger, the right to a basic rent, the right not only to good health but also to medical assistance, to medicines, the right to work and the rights at work. In short: the right to a decent life.

In this context, the right to education as a simple right is not sufficient and cannot be possibly currently seen unless accompanied by the right to knowledge, the right to receive quality education, the right to basic literacy, the right to permanent education, the right to be told the truth, the right to historical memory, and the right to receive human rights education. Other related rights are the right to science, to technology and scientific knowledge that assures access to scientific, technologic and humanistic knowledge, and the right to enjoy the benefits resulting from these fields of knowledge. In turn all these rights are connected to the right to partake in the enjoyment of a universal common good, the right to equal opportunities, the right to democracy and democratic culture.

In a context where HRE must pave the way for complexity, Xesús Jarés (2005) points out that any education proposal must give priority to the following contents: reinforcing the worth of human life and a non-violent culture, fostering the search for truth and the teaching of historical truth, using rationality to help solve problems, promoting the value of justice and the rejection of shame and hatred, fighting against violence, insisting on the worth of democracy and the need to globalize human rights, and raising public awareness on the reorganization of the United Nations Organization as the bastion of international relations, offering alternatives and facilitating the knowledge of social concepts, educating in the light of commitment and hope (Jarés 2005, 93-106).

The Charter of Emerging Human Rights (IDHC 2004) is a catalogue of the rights questioned regarding the task of educators, as well as the foundation of HRE in the society of the 21st century, its contents, methods and strategies because today, we are entitled to more rights than we thought!

Ettore Gelpi (2002) emphasizes that:

the new paradigms of education are grounded on new contents, but they can not be developed in closed and air deprived circles that lack not only spaces open to educational innovation but also to culture, and to new justice and communication-related projects, and above all, projects with renewed approaches to production, which cannot be limited to economical benefits only (Gelpi 2002).

The new air that Gelpi talks to us about is that which flows in the places where deep thought is given to education from a critical stand point; that is the only way in which educational issues can be regarded, following the views of the author, as a fair adventure.

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