

## EDITORIAL INTRODUCTION

### HUMAN RIGHTS EDUCATION AS A FIELD OF PRACTICE AND OF THEORETICAL REFLECTION

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Humanity is facing a critical moment in its history. At the beginning of the 21st century, a profound change in beliefs and attitudes is called for, involving the rejection of force and violence, the recognition of human rights for all and the participation of all members of society. Education has to be at the heart of this change. This special number is an effort towards that end.

The combination of “human rights” and “education” here refers to five areas of practice and research: (1) teaching about and for human rights; (2) education as a human right in itself, (3) human rights in education; (4) education and training of professionals confronted with human rights issues; (5) educational and social work aspects of the rights of the child.<sup>1</sup>

#### Teaching about and for human rights

The international documents on human rights education that were elaborated in the 1990s form an important part of the world-wide educational discourse, indicating a progression towards the establishing of a world education system. Outside human rights education texts this discourse is reflected in the “four pillars of education” that the Delors Commission proclaimed in its report to UNESCO *Learning – the Treasure Within* (1996): “learning to know”, that is cognitive learning and acquisition of knowledge; “learning to do”, i.e. learning that is work-related and action-oriented; “learning to live together”, meaning the acquisition of social and moral competencies; and “learning to be”, that is to say personality-related and existential learning. Within this emerging global educational philosophy human rights education documents can be seen as operational action plans. They refer to the education articles of international conventions that constitute positive international law for all states having ratified them. Although the plans themselves are not legally binding for any state they set standards and thus put informal pressure on national governments to co-operate. The documents form part of a kind of world-wide educational policy. The plans claiming world-wide consideration are:

1. World Plan of Action on Education for Human Rights and Democracy (Montreal 1993)
2. Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (UNESCO, Paris 1995)



### 3. Plan of Action for the United Nations Decade for Human Rights Education 1995–2004 (1995)

In addition, there are policy papers, developed by non-governmental organisations, that guide world-wide activities, such as Amnesty International's Human Rights Education Strategy (April 1996).

The Action Plan for the UN Decade of Human Rights Education is based on a broad concept of education. Besides education and training in formal or non-formal settings various information activities, for example by the mass media, are proposed. The recipients of such information are also named "learners", and thus an educational connotation is always kept. The activities within the decade aim at:

- a) The strengthening of respect for human rights and fundamental freedoms.
- b) The full development of the human personality and the sense of its dignity.
- c) The promotion of understanding tolerance and gender equality as well as friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups.
- d) The enabling of all persons to participate effectively in a free society.
- e) The furtherance of the activities of the United Nations for the maintenance of peace (Plan of Action 1998: 3).

The Plan of Action, for which meanwhile a mid-term evaluation has been undertaken (UNHCHR, Mid-Term Global Evaluation 2000), comprises eight components: needs assessment and strategy formulation; strengthening international capacities mainly by co-ordination of the activities of the relevant international bodies; strengthening of national capacities; strengthening of regional capacities; strengthening of local capacities through networks of local initiatives; developing teaching and learning materials; supporting the role of the mass media; world-wide distribution of the Universal Declaration of Human Rights.

Two of the components shall be selected for illustration. Among the numerous teaching-learning materials developed during the decade the UNESCO Manual ". . . *all human beings*" (1998) has become internationally prominent. It is based on a collection of teaching units from all continents and makes use of the expertise of several regional centres of human rights education. The manual is a tremendous challenge to translate abstract norms, plans and strategies into everyday pedagogical and behavioural practice. Every student and teacher needs to understand the universal elements of human rights as a basis for promoting social progress, better living conditions and greater freedom. Therefore human rights education should become an integral part of the mainstream of education and be integrated into all subjects, in particular civics education. It should also inform about learning methods, organisation of work in educational institutions, teacher training, curriculum and textbooks. The UNESCO manual is an effort to provide a teaching aid that inspires teachers and students all over the world to strive for human rights.

By giving practical examples from all around the world the manual serves to promote intercultural understanding. The manual has been tested in a number of schools and revised through contributions of pedagogues and human rights experts.

The last component of the action plan has been implemented by translating the Universal Declaration into as many languages as possible and by linguistically adapting it to the understanding level of individuals who might have difficulties with the wording of the original text, for example school-children. The *Universal Declaration* was not only distributed in printed versions and in text files to be found in the Internet, but coded as a spoken text on a tape (for blind persons). It has even been translated into the form of a cartoon (for illiterates).

### **The right to education**

The human right to education was established after its first proclamation in the Universal Declaration of Human Rights (1948) especially in three international agreements that for the time being represent the strongest anchoring of education as a human right in international law:

1. The Convention against Discrimination in Education (UNESCO 1960/1962, the latter year indicating when it came into force)
2. The International Covenant on Economic, Social and Cultural Rights (1966/1976)
3. The Convention on the Rights of the Child (1989/1990).

These agreements have been ratified by the 191 nation states of the world in different degrees. While all 191 countries have accepted the Convention on the Rights of the Child, the Covenant on Economic, Social and Cultural Rights had been acknowledged by 138 (August 1999), and the Convention against Discrimination by 90 state parties (UNESCO, World Education Report 2000: 108, with updating 2001).

Article 26 of the *Universal Declaration* declares the right to education, sets the aim of all educational activities and defines the principle of free educational choice:

- 1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- 2) Education shall be directed to the full development of the human personality and to strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- 3) Parents have a prior right to choose the kind of education that shall be given to their children.

The educational provisions of the conventions can be read as a differentiation and specification of the norms of the *Declaration*. Today's representation of the human right to education in international law can tentatively be summarised as follows:

Education as a human right is formulated in "shall" or "should" terms. "State parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall . . ." (International Convention on the Rights of the Child 1989, Art. 28). This means that education is not granted unconditionally but is dependent on the availability of the needed resources and funds. Within this framework the convention specifies the following:

- Basic education is the educational level that all individuals are most firmly entitled to. In a country, for example, where a complete and covering net of primary schools is established, it is a human rights violation to exclude a child from the access to these schools.
- The access to and the participation in secondary education is the next strongest claim individuals can make. Equal availability of and equal access to general and technical or vocational secondary education is stated.
- Conceding a selection on the basis of merit, that is capability and achievement, the inclusion of all into higher education is normatively institutionalised in the weakest way.

For the World Education Forum (Dakar, Senegal, 2000) the degree of realisation of the human right to education was assessed. Together with its partners, UNESCO undertook the evaluation of the progress made ten years after the "Education for All" conference held in Jomtien, Thailand. The global Education for All 2000 Assessment demonstrates that there has been significant progress in education in many countries. However, it is unacceptable that in the year 2000, more than 113 million children do not have access to primary education, 880 million adults are illiterate, gender discrimination continues to permeate education systems, and the quality of learning and the acquisition of human values and skills fall far short of the aspirations and needs of individuals and societies. Millions of young people and adults are denied access to the skills and knowledge necessary for gainful employment and full participation in their societies. Without accelerated progress towards education for all, nationally and internationally agreed targets for poverty reduction will not be attained, and inequalities between countries and within societies will widen (Dakar Framework of Action 2000). The Dakar Framework of Action represents a collective commitment of all main constituencies present at the conference – governments, civil society institutions, bilateral donors, the five convenors, other UN agencies and intergovernmental organisations – to achieve Education for All by 2015. The vision of education confirmed in Dakar refers to the Universal Declaration of Human Rights and the Convention on the Rights of the Child. That vision includes learning to know, to do, to live together and to be, as well as

education geared to tapping each person's talents and potential and developing learners' personalities so that they can improve their lives and transform their societies.

The Dakar Framework of Action considers education as a fundamental human right.

It is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the twenty-first century, which are affected by rapid globalization. Achieving EFA goals should be postponed no longer. The basic learning needs of all can and must be met as a matter of urgency (Dakar Framework of Action 2000, art. 6).

If education is really to be for all, it must take account of the needs of the poor and the most disadvantaged, including working children, remote rural dwellers and nomads, and ethnic and linguistic minorities, those affected by conflict, HIV/AIDS, hunger and poor health, and those with special learning needs.

Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children, is one important collective commitment of Dakar. Strong emphasis on girls is an overriding feature of the Framework. It is hoped that by 2015, all children, including girls as well as children in difficult circumstances and from ethnic minorities, will have access to completely free and compulsory primary education of good quality. Countries need to re-think and reform their educational systems in the sense of more authentic, inclusive, and modern contents, methods, and delivery modes.

### **Human rights in education**

Together with the general human right to education, the provisions concerning the goals of education and the freedom of educational choice, as laid down in the education articles of the human right conventions, form the standards for granting human rights in education.

UNESCO has one important instrument related to the right to education and human rights in education, namely the above mentioned Convention and Recommendation against Discrimination in Education (1960). UNESCO has already undertaken six consultations with member states on the implementation of this instrument. The sixth consultation (Examination of the Reports 1999) focused on the basic education of four groups: girls and women, minorities, refugees and indigenous people. All responding member states stated that in their societies, education is a constitutional right of all children and adults irrespective of their gender, ethnic, social, cultural, religious, linguistic or any other differences. However, many acknowledged that for some students, educational opportunities and outcomes are adversely affected by a range of

factors, such as gender, poverty, cultural and linguistic difference, disability, geographical and social isolation.

It should be specifically noted that the period since the fifth consultation has been characterised by a growing awareness within governments, educational institutions and the public at large, of the needs and barriers faced by various disadvantaged population groups. The new strategies developed in this sense clearly indicate that special assistance and action are required to ensure optimum learning opportunities for all students from disadvantaged population groups. These new strategies involved not only the reform of educational laws but also educational practice through the elaboration and application of special programmes, action plans and measures concerning the education of girls, minority groups, indigenous people and refugees.

As far as the education of minorities is concerned, many member states indicated that their educational policy made it possible for every child to be taught in his/her mother tongue, at least at the primary school level. However, they underlined constraints in finding qualified teachers and curriculum developers from minority groups. Publishers have no incentive to produce appropriate teaching material because of the limited market. The establishment of small schools is based on viability, and minority communities often do not meet the criteria for the establishment of a viable school. Many member states provide special funding and special learning courses for refugees to assist students who are disadvantaged in their access to education because of their language and cultural background.

Regarding the situation of indigenous people, the responding member states reported that they pursue four major educational objectives: involvement of indigenous people in educational decision-making, equality of access to educational services, educational participation and equitable and appropriate educational outcomes. This is increasingly combined within the incorporation of indigenous history and culture into curricula and teaching materials used in general non-indigenous schools, so that students can be aware of indigenous traditions and perspectives.

The problem of discrimination, in particular concerning certain population groups, remains one of the most persistent and difficult. There are still too many groups who do not have access to education at least to the kind of education that is adjusted to their needs and is of sufficient quality. These groups include: sexually exploited children; displaced children; refugees; children from families affected by substance abuse; victims of domestic violence; children in detention and institutionalised children; children who have lost their parents to AIDS; children living in remote rural areas; nomadic children; working children.

Europe, as manifested in the Council of Europe, is one example of a region in which individuals have the right to appeal to the jurisdiction of a supra-national court if they see their human rights violated by state authorities. The basis for the decisions of the European Human Rights Court is the European

Convention for the Protection of Human Rights and Fundamental Freedoms which came into force 1950 and was amended by an education article in 1952. The main aspects of the court's jurisdiction (cf. EHRR and the hudoc databank; Wildhaber 1986–2000) on human rights in education can be listed as follows:

The right of access to education refers only to existing schools. Parents cannot force the state to establish new ones. States are entitled, if not obliged, to establish compulsory education at the primary and secondary levels. Very probably, the state must not define for itself a school monopoly. There is a right to set up private schools. Governments cannot be forced to contribute to the financing of private institutions. The religious or philosophical orientation of a private school must be respected by the state if the freedom is not abused for practices that run counter to the principles of the Convention. States can define admission rules to schools and universities on the basis of ability and achievement. However, for primary education this is very doubtful. Students have the right to instruction in a national language of the respective country. They can demand that the certificates and diplomas that they acquired in official learning institutions are acknowledged by the state authorities. Governments are obliged to respect the religious and philosophical convictions of parents and pupils when organising the public education system. Though still a matter of controversial interpretation this very probably includes the right of students to appear in school wearing religious symbols (headscarf of Islamic girls, necklace with a cross of devoted Christian pupils). On the other hand, states have to make sure that this right is not misused for aggressive, provocative or fundamentalist purposes. Parents can demand that their child be exempted from religious lessons if these form part of the official curriculum. In exceptional cases they can even expect their child being excused from participation in other parts of the curriculum for religious and ethical reasons (for example an Islamic girl from swimming in the sports course). Parents and pupils have no right to select learning content deliberately from the prescribed school programme. They have no right to reject individual teachers they do not like. School discipline in public schools must not include corporal punishment.

### **Human rights education for specific professional groups**

In fact, everybody should know about his or her rights and the rights of the others. Some professional groups need, however, especially to keep always in mind the human rights aspects of their practice. The following professional groups are either potentially or actually, actively or observingly, involved in human rights problems:

*Teachers*

More and more teacher training programmes (cf. Expert meeting 1997/2) include modules on human rights in education and human rights teaching. It is especially the multicultural classroom that demands consideration of human rights issues. This was also highlighted in recent statements on the implementation of the further education articles (31–37) of the 1966 UNESCO/ILO Recommendation concerning the Status of Teachers (Joint ILO/UNESCO Committee 1998, art. 53, 60).

*Social workers*

This profession has established its own network on information, training and policies for human rights (International Federation 2001). A valuable source for further education of social workers is the *Implementation Handbook* that UNICEF (Hodgkin and Newell 1998) provided for realising the International Convention of the Rights of the Child.

*Scientists*

Courses in the ethics of science including components of human rights issues have been established in the study program of the natural sciences (Chapman et al. 1997). At least since the Einstein generation of physicists had to decide whether to participate in the construction of the nuclear bomb, the human rights related responsibility of scientists is stressed. Today especially the life sciences face severe moral questions from gene manipulation to cloning, which cannot be answered without knowing what the international community has agreed upon in the human rights pacts.

*Medical personnel*

In dictatorships medical personnel have not infrequently been compelled to participate in actions that are human rights violations. This refers not only to obvious crimes like making threatening false diagnoses to intimidate patients defined as enemies by the regime, but also to actions such as writing reports on patients to the secret police. The human rights awareness of medical personnel is also demanded in situations in which profession members are called upon to participate in non-therapeutically required surgery, like the amputation of hands foreseen in the Sharia law and practised in some Islamic countries, or the culturally sanctioned female genital mutilation. The latter practice has been dealt with in a recent human rights document. The third report on the question of traditional practices affecting the health of women and the girl child, submitted to the Commission on Human Rights in July 1999, gives valuable information about the violence against women and discusses its elimination by taking into account cultural and religious factors. Common



traditional practices are female excision, other forms of mutilation, the force-feeding of women, early marriage, various nutritional taboos and traditional practices associated with childbirth. In addition, there are the problems of dowries in certain parts of the world, of crimes of honour and of the consequences of son preference. The Special Rapporteur considers that it is essential to act with tact and patience, bringing the communities concerned to understand that their cultural values are not to be confused with cultural practices, and that the practices can be changed without adversely affecting the values as such.

Training and education are key issues. "Traditional practices such as female genital mutilation, which are deeply entrenched across generations, cannot be treated as intentional forms of child abuse", states the Special Rapporteur (The Implementation 1999). In her conclusions she warns against the dangers of demonising cultures under cover of condemning practices harmful to women and the girl child. It is easy for the media, even when they believe that they are defending the victims, to resort to racist imaginary and demonise cultures, religions and entire communities. She concludes that the road ahead is long, but once women are reconciled with themselves, once they have economic autonomy and control of their fertility, they will be free from the thrall of harmful traditional practices.

The participation of medical personnel in these traditional practices affecting health is seen as a human rights violation by most observers. The examples show that human rights aspects must be included into the ethical consciousness building of health personnel. Respective learning units for use in academic education and in-service retraining have been developed (Mann et al. 1997).

#### *Lawyers*

As far as human rights are part of international law they directly belong to the professional field of lawyers and are academically treated in law schools. But there are also courses that enable law students to become practical human rights advocates. Such "clinical" programs in which students for example learn how to defend an asylum seeker from expulsion have been established in some universities (Wilson 1997; Expert meeting 1997).

#### *Members of the police force*

Police officers have to administer physical force if otherwise legal protection and public order cannot be guaranteed. This brings them into very close touch with human rights claims.

In a democratic country the strict binding of police actions to the law is a self-evident normative professional prerequisite. The legal code of democratic nation states will usually not contradict international human rights rules. If police members act against norms that translate human rights into national

law they will face disciplinary action. Even under these favourable conditions a specific introduction to human rights issues during initial training is called for. It is all the more necessary in countries in which an overall human rights conformity of the legal situation and its implementation by the executive forces cannot be taken for granted. National and many international programmes have been developed in which police force members learn how to bring a human rights perspective into their behaviour and actions in their daily tasks (Du Bois 1997). Likewise a human rights training package for prison officials has been developed (Expert meeting 1998).

### *Soldiers*

Soldiers have a duty to fight and permission to kill in a legal combat. This legal task of their mission makes them especially susceptible to perpetrating human rights violations. The main end of human rights education for members of the military forces is fostering the idea that warfare is not a lawless activity, that soldiers are responsible for the actions they undertake and that warfare is bound to the rules of international law. International peace keeping forces have to stick to codified human rights, even if the population in the war area is hostile towards the representatives of an international intervention. The International Committee of the Red Cross has developed a comprehensive manual for human rights training of police and security forces (de Rover 1998).

### **Rights of the child, educational and social aspects**

The international Convention on the Rights of the Child generally defines a child as a human individual up to the age of 18 (art. 1). Some critics have argued that this view underestimates the difference between childhood and youth age. However, the distinction is well kept in some articles of the convention (e.g. art. 32.2). Within the framework of the rights of the child the urgency of the situation of refugee children (art. 22), of child soldiers (art. 38), of sexually abused children (art. 34), of children being affected by the HIV pandemic (art. 24 in connection with later implementation, cf. Hodgkin and Newell 1998: 333), and of working children (art. 32) has provoked practical help and theoretical reflection.

Some countries, like Germany (Convention on the Rights of the Child, Declarations and Reservations 1999), have voiced reservations concerning the implementation of the refugee article of the convention. The country has brought its asylum seekers law into line with the respective norms of the international pact. This has led to severe and often criticised actions of the authorities faced with arriving unattended children. Especially the so-called airport procedure (administered by an authority at Frankfurt airport) has been scrutinised and rejected by many educators and social workers.

The 200.000–500.000 child soldiers of this world need immediate help. While governments recruiting minors under 15 or even children into their armies can be reached somehow by international sanctions, this is much more difficult for militias in civil wars. Programmes to heal war traumatised child soldiers and to educate and integrate them into the civil society have been set up, sometimes even when military actions have not yet ceased. However, social work and special education as disciplines have only very tentative theories for professional intervention in this field.

Sexual abuse of children, sometimes even in the consequence of slave-trade-like activities, has been reported in recent times. A facet of the problem is the booming business of child pornography. National governments and the international community are requested to fight these severe human rights violations.

The Committee on the Rights of the Child has pointed out that the HIV/AIDS epidemic has drastically changed the world in which children live. The epidemic had also increased victimisation of children living in particularly difficult circumstances, who were at greater risk of infection, which in turn led to stigmatisation and greater discrimination. The Committee has stressed that the rights contained in the Convention on the Rights of the Child are very much relevant to prevention efforts. It has recalled that HIV/AIDS was often seen primarily as a medical problem, while the holistic, rights-centred approach required to implement the Convention is more appropriate to the much broader range of issues which must be addressed by prevention and care efforts.

Child labour is a serious human rights issue. It has to be seen in the context of poverty which is still a global fact. Globalisation seems to increase inequalities between and within countries. The UNDP *Human Development Report 2000* is devoted to human rights and human development (Summary 2000). Human development is considered essential for human rights, and human rights are essential for full human development. Poverty eradication is not only a development goal – it is a central challenge for human rights in the 21st century. There would be enormous progress if human rights became an integral part of all development efforts and if they were also taken into consideration in economic life. Concerning child work, two opposite positions of social work theory with different approaches can be found. While a majority of voices, including that of UNICEF, want to reduce and in perspective abolish child labour, a minority insists on children's right to work, if the conditions of the respective article are met: child labour must not be exploitative, hazardous and not detrimental to the child's education and development. Among the three "ps" of child related social pedagogy – protection, provision, and participation – the third "p", participation in productive work, should not be forgotten. A practical consequence is that social workers help working children and younger teenagers (for example in Nicaragua) to organise their own working children associations (cf. Liebel ed. 1998). However, the bitter conditions under which most children

have to work form a strong argument for the importance of protection and provision.

## Note

1. In this issue the articles of Tibbitts, Lohrenscheit, Hornberg, Lenhart and Baccouche focus on the first area of practice and research. The contribution of Best gives insights into (the second and third field of) education as a human right and human rights in education. The article of Andreopoulos conceptualises and reports about the fourth area, while the texts and analyses of Hart, Liebel, David and Druba concentrate on different aspects of the rights of the child (fifth area).

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