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The UN Decade for Human Rights Education and Its Implementation in Germany

*“Since wars begin in the minds of men, it is in the minds of men
that the defenses of peace must be constructed.”*

(From the Preamble to the UNESCO Constitution, November 16, 1945)

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1. Introduction

In the spring of 2003 it became public knowledge that the second in command of the Frankfurt am Main police had ordered threats and the actual use of physical and psychological violence during interrogations in the investigation of a 2002 kidnapping and murder case, in order to discover the whereabouts of the kidnapped child. After being verbally threatened by the interrogating police officers, the suspect divulged the place where the body could be found and admitted his guilt.² Directly following publicity about this incident, the president of the association of German judges stated that under certain circumstances, such as to prevent terrorism, torture was a last resort, but a permissible one.³ The Federal minister of justice initially conceded that when police officers used torture, an emergency might justify the means.⁴

These spontaneous statements justifying threats of torture during extreme situations contradict not only the German constitution but Germany’s international human rights obligations as well. Germany is a state party to various international human rights agreements that prohibit torture. These include the European Convention on Protecting Human Rights and Basic Liberties of November 4, 1950,⁵ the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of November 26, 1987,⁶ and the

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² Cf. *Frankfurter Rundschau*, February 22, 2003 (including additional references on the entire debate)

³ Cf. *Der Tagesspiegel*, February 20, 2003

⁴ Cf. *Frankfurter Rundschau*, March 1, 2003

⁵ UNTS, v. 213, p. 221 (BGBl. 1952 II p. 685 / 953)

⁶ Cf. BGBl 1989 II, p. 946

International Agreement against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which entered into force in Germany on October 31, 1990.⁷

Article 1 of this international anti-torture convention defines torture as:

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.”

There is no possible justification for torture since paragraphs 2 and 3 of Article 2 of the international anti-torture convention state that

“(2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

(3) An order from a superior officer or a public authority may not be invoked as a justification of torture.”

Despite these unambiguous international standards, a few individuals declared that torture was permissible under certain circumstances, and the question is whether these individuals were simply unaware of these international proscriptions, or whether they were ignorant of their duty to respect and protect human rights.

In the end, however, this discussion is just one example of the lack of knowledge of human rights within German society in general and among civil servants and political decision-makers in particular. In order to improve the protection of human rights, attempts have been made for some time to integrate human rights into education. The goal is to ensure that the recipients of this message will act accordingly—that people who know about human rights will respect them and forego violating them, as well as protect them and work for their implementation.

In regard to the prohibition of torture, the committee of the United Nations charged with monitoring the anti-torture convention had already called upon the Federal Republic of Germany in October 2000:

“The Committee recommends that police and immigration officers of all ranks, as well as medical personnel, receive compulsory training concerning human rights in general and especially concerning the Convention against Torture; in view of the fact that most reports of ill-treatment come from foreigners, the Committee recommends that these officers also receive compulsory training in the areas of conflict management and ethnic minorities.”⁸

International efforts toward human rights education are more broadly formulated in the demands of UNESCO and the United Nations, which have combined their efforts toward a “culture of human rights” in the United Nations’ Decade for Human Rights Education (1995 to 2004). The following discussion will describe the fundamentals and standards for human rights education that have been developed in the course of the UN Decade and what impact these developments have had in Germany.

⁷ A/RES/39/46 dated December 10, 1984 (BGBl. 1990 II, p. 247)

⁸ U.N. Doc. A/53/44 on U.N. Doc CAT/C/SR.328 and 329 dated May 11, 1998

2. International Standards for Human Rights Education

Human rights and education go hand in hand. Rights to education are closely tied both to the quality of education and to averting and preventing discriminatory or violent attitudes, opinions, and forms of behavior that are fed by differences and presumed superiority and inferiority (such as racism, sexism, and prejudices based on other differences).

The human right to education was first set forth in the United Nations Universal Declaration on Human Rights of 1948. Article 26 states:

“(1) Everyone has the right to education (...)
(2) Education shall be directed to the full development of the human personality and to the 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.”⁹

Education rights are further postulated in Article 13 of the International Covenant on Economic, Social and Cultural Rights,¹⁰ in Article 10 of the Convention on the Elimination of all Forms of Discrimination against Women¹¹ and in Article 29 of the Convention on the Rights of the Child.¹² All these articles point to the central role of education in realizing human rights. Education enables human beings to develop their personality and self-respect and to participate actively in social life.¹³

Based on these definitions and goals of education, the Social Committee of the United Nations sets forth a nation’s obligation¹⁴ to provide education that serves the full development of human personality as a prerequisite for effective protection of human rights pursuant to Article 55 of the United Nations Charter¹⁵. In order to achieve this goal of respect for human rights through education, the human right to education should also be characterized as a right to education in human rights¹⁶. As a consequence, countries must take the relevant steps, such as creating teaching materials and integrating them in all curricula required to reach that goal.¹⁷

In that spirit the Commission on Human Rights declared in 2001:

*“Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.”*¹⁸

⁹ U.N. Doc. Res. 217 A (III), December 10, 1948

¹⁰ U.N. Doc. Res. 2200 A (XXI), December 16, 1966 (BGBl. 1973 II, p. 1570)

¹¹ U.N. Doc. Res. 34/180, December 18, 1976 (BGBl. 1985 II, p. 648)

¹² U.N. Doc. Res. 44/25, November 20, 1989 (BGBl. 1992 II, p. 122)

¹³ Cf., for example, Mustapha Mehedi, *The realization of the right to education, including education in human rights* – E/CN.4/Sub.2/1999/10, June 8, 1999

¹⁴ See: Committee on Economic, Social and Cultural Rights, Paragraph 4 of General Comment No. 13 (Right to Education Article 13) – U.N. Doc. E/C.12/1999/10

¹⁵ See: Committee on Economic, Social and Cultural Rights, Paragraph 4 of General Comment No. 13 (Right to Education Article 13) – U.N. Doc. E/C.12/1999/10

¹⁶ Dated June 26, 1945 / took effect on October 24, 1945 (BGBl. 1973 II 430)

¹⁷ Sub-commission on Prevention of Discrimination and Protection of Minorities – Resolution 1997/7 dated August 22, 1997; Mustapha Mehedi, *The realization of the right to education, including education in human rights* – E/CN.4/Sub.2/1998/10, June 3, 1998

¹⁸ Commission on Human Rights resolution 2001/61 “United Nations Decade for Human Rights Education (1995-2004)” of April 25, 2001 – U.N. Doc. E/CN.4/RES/2001/61

Treaty bodies have repeatedly emphasized the importance of human rights education for the realization of individual rights. For instance, in regard to Article 2 of the Social Covenant and the State parties' obligations to implement economic, social and cultural rights set forth therein, the Social Committee has declared that educational measures are an elementary component on the path to realizing these rights.¹⁹ And in regard to litigating these rights, the Social Committee stated that the direct application and justiciability of the provisions of the Social Covenant should be part of legal education and training.²⁰

In regard to the equality of men and women and the related prohibition of discrimination, the Human Rights Committee declared that, in relation to Article 3 of the Civil Covenant, measures to achieve equal rights between the sexes must encompass human rights education of the population, but even more so of the civil service.²¹

The anti-racism committee of the United Nations has also explicitly declared that human rights education and information about the duties of public officials to combat and avoid racism and discrimination must be an integral component of their education and training.²²

Finally, in regard to Article 29 of the Convention on the Rights of the Child, the Committee on the Rights of the Child has declared that all education must respect the human rights of the child and familiarize the child with the values of human rights. To that end, human rights education must be a comprehensive, lifelong process that starts with the reflection of human rights in daily life and children's own experience.²³

At least since the early 1990s a broad discussion has ensued internationally about the scope, methods, and subject matter but even more so about the implementation of international obligations in the realm of human rights education.²⁴ As the most recent highpoint of these international efforts, the United Nations declared 1995 to 2004 the UN Decade for Human Rights Education.²⁵ The Plan of Action for the UN Decade²⁶ defines human rights education as an instrument to build a universal culture of human rights. Through training and disseminating information, and through imparting knowledge and skills and molding attitudes, human rights education should make an effective contribution to strengthening consciousness of human rights and behavior based on them.

The "universal culture of human rights" is circumscribed by the following goals:

- (a) strengthening respect for human rights and fundamental freedoms;
- (b) the full development of the human personality and a sense of dignity;
- (c) the promotion of understanding, tolerance, gender equality and 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; and

¹⁹ Committee on Economic, Social and Cultural Rights, Paragraph 7 of General Comment No. 3 (The Nature of State Parties' Obligations) – U.N. Doc. E/1991/23

²⁰ Committee on Economic, Social and Cultural Rights, Paragraph 11 of General Comment No. 9 (Domestic Application of the Covenant) – U.N. Doc. E/C.12/1999/22

²¹ Human Rights Committee, Paragraph 3 of General Comment No. 28 (Equality of rights between men and women) – U.N. Doc. HRI/GEN/1/Rev.5, p. 168

²² Committee on the Elimination of Racial Discrimination, Paragraph 2 of General Recommendation XIII (on the training of law enforcement officials in the protection of human rights), contained in U.N. Doc. A/48/18

²³ Committee on the Rights of the Child, Paragraph 2 and 15 of General Comment No. 1 (The aims of education), U.N. Doc. HRI/GEN/1/Rev.5, p. 255 (259)

²⁴ Cf. Article 33 of the Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, 14-25 June 1993 - U.N. Doc. A/CONF.157/24

²⁵ Resolution GA/RES/50/177 of December 22, 1995

²⁶ Plan of Action program A/51/506/Add.1 of December 12, 1996; here, Art. 2

- (e) the furtherance of the activities of the United Nations for the maintenance of peace.

While the UN Decade provides a very broad definition, Human Rights Education Associates (HREA), an NGO that is referred to as one of the most important international actors in this context, characterizes human rights education more specifically as

*“activities organized with the explicit purpose of forwarding understanding and action related to human rights framework, as contained in the Universal Declaration of Human Rights.”*²⁷

This definition formed the foundation for the following observations based on investigating and evaluating activities and projects in Germany. The application of such an action-oriented and international definition is supported both by the international discourse and by more recent concepts of preventative educational work. For instance, educational approaches that, by conveying alternative options of behavior, aim at applying the lessons learned are gaining notice, for example in violence prevention and conflict resolution work. The Plan of Action of the World Conference against Racism²⁸ is exemplary in this regard, linking human rights education to prohibiting and preventing racist discrimination.²⁹

Despite this wide-ranging international discourse on the goals, actors, addressees, and methods of human rights education, implementation of internationally developed concepts at the national level must be evaluated as low. The General Assembly of the United Nations said as much in 1998 when it once again called upon all states:

*“...urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education developed by the Office of the United Nations High Commissioner for Human Rights .”*³⁰

The world has grown increasingly aware of the global extent of racism and, in the aftermath of the World Conference against Racism, Racist Discrimination, and Xenophobia (Durban, 2001), willingness has grown to cooperate internationally in fighting it, so there has been increased recognition of the significance of human rights education in achieving this goal. Thus at its meeting in 2002, the Human Rights Commission

“...urges States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as appropriate, and encourages educational authorities and the private

²⁷ Human Rights Education Associates, Resource Book 2000, p. 2 – www.hrea.org

²⁸ UN Document A/CONF/189/12, September 8, 2001, Article 135; see also: United Nations: Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and follow-up of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Report of the Secretary General submitted pursuant to General Assembly resolutions 56/265 and 55784, ECOSOC A 57/83/E/2002/72 25 June 2002

²⁹ Cf. Nils Rosemann, *Human Rights Education as a Preventive Measure Against Racism*, in: Podium – International Tolerance Network No. 1/2002, p. 4

³⁰ Paragraph 3 of “United Nations Decade for Human Rights Education 1995-2004, and public information in the field of human rights,” General Assembly resolution 53/153 (09. December 1998); U.N. Doc. A/RES/53/153

sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes.”³¹

3. Special Challenges Facing Germany

In addition to these general obligations of all states and the challenges of human rights education in general, the Federal Republic of Germany has been repeatedly criticized and urged to improve human rights education in light of its reports to human rights committees of the United Nations and by regional bodies for the protection of human rights.

Along with the call mentioned in the introduction to implement human rights education to prevent torture, the European Commission against Racism and Intolerance also called upon Germany to carry out anti-racism and preventative work in its second report on Germany.³² Primacy in such work should be given to educational methods that center on human rights as a normative concept and make it applicable beyond the confines of the general education system.

Similarly, in the concluding observations of its fifteenth country report, the United Nations Committee to Eliminate Racist Discrimination called upon Germany specifically [to prevent]

“the mistreatment of foreigners, including asylum seekers, and German citizens of foreign parentage by public officials within the administration of justice [and] urged that existing educational efforts be increased for those officers who are involved with issues that concern foreigners, including asylum seekers, and German citizens of foreign parentage.”³³

The UN Committee for Economic, Social and Cultural Rights also criticized Germany for its failure to include human rights education in legal training. In the concluding observations to its fourth state report, that committee stated in regard to Germany:

“The Committee reiterates its concern about the lack of any court decisions in which reference is made to the Covenant and its provisions [...]. The Committee is concerned that judges are not provided with adequate training on human rights, in particular on the rights guaranteed in the Covenant. A similar lack of human rights training is discerned among prosecutors and other actors responsible for the implementation of the Covenant.”³⁴

In order to determine the extent to which Germany is meeting its obligations in regard to human rights education, the Committee demanded relevant information in the next country report:

³¹ Paragraph 5 of “United Nations Decade for Human Rights Education (1995-2004)” Commission on Human Rights resolution 2002/74 (25. April 2002); U.N. Doc. E/CN.4/RES/2002/74

³² European Commission on Racism and Intolerance, ECRI (2001) 36, SECOND REPORT ON GERMANY, adopted on December 15, 2000

³³ Article 11 of U.N. Doc. CERD/C/58/CRP = CERD/C/58/Misc.21/Rev.4 (March 21, 2001)

³⁴ Article 13 of U.N. Doc. E/C.12/1/Add. 68 (August 31, 2001)

“The Committee also requests the State party to provide up-to-date information in its next country report on the extent of human rights education in the German educational system.”³⁵

4. Implementation in the Federal Republic of Germany

The discussion of human rights education and the difficulties in reaching the goals of the UN Decade that can be observed around the world are caused overwhelmingly by the lack of national implementation. Despite the unambiguous State parties’ obligations, the UN Decade has not received the attention and implementation that was originally hoped. Thus the Human Rights Commission also recommended in 2001:

*“States Members of the United Nations have unanimously proclaimed the United Nations Decade for Human Rights Education, thereby making commitments relating to human rights education, as set out in General Assembly resolution 49/184 of 23 December 1994. Prior to the Decade, Member States had ratified human rights treaties which contained provisions on human rights education, thereby setting themselves treaty obligations with regard to education in general and human rights education in particular. The evaluation, however, reveals that effective national strategies for human rights education have very rarely been developed.”*³⁶

While Germany is certainly no exception in its lack of implementation, in view of its above-average experience in the realm of civic education and great efforts in the realm of preventative education concepts, it is also an example that gives cause for concern.

The sole and thus the central document implementing international requirements in the realm of human rights education and of the attempt to implement human rights education in the Federal Republic of Germany is the recommendation of the Standing Conference of Ministers of Education and Cultural Affairs to promote human rights education in schools, dated December 4, 1980, and reiterated twenty years later on December 14, 2000.³⁷

According to this document, human rights education should impart knowledge and insights that become the normative basis upon which to judge political conditions and thus enable the recipient to participate in realizing and protecting human rights. This knowledge is described as follows:

- “the historical development of human rights and their significance today;
- the importance of basic and human rights, both for the rights of the individual and for the objective principles shaping the life of the community;
- the relationship between personal civil liberties and basic social rights in the Basic Law and in international conventions;
- the various interpretations of human rights and their protection in various political systems and cultures;
- the fundamental importance of human rights in the emergence of the modern constitutional state;

³⁵ Article 47 of U.N. Doc. E/C.12/1/Add. 68 (August 31, 2001)

³⁶ Annex to Commission on Human Rights resolution 2001/61 “United Nations Decade for Human Rights Education (1995-2004)” of April 25, 2001 – U.N. Doc. E/CN.4/RES/2001/61

³⁷ Recommendation of the Standing Conference of Ministers of Education and Cultural Affairs to promote human rights education in schools (Resolution of the Standing Conference of Ministers of Education and Cultural Affairs dated December 4, 1980, in the version dated December 14, 2000)

- the necessity of giving consideration to the protection of individual human rights within international law;
- the importance of international cooperation for the realization of human rights and safeguarding peace;
- the extent and social, economic, and political reasons for the human rights violations that are observed around the world.”

This recommendation has not been the subject of any noticeable implementation at the *Länder* level, however, with the exception of a decree by the Ministry for Schools and Training in North Rhine-Westphalia on “Teaching Human Rights in the School.”³⁸

In addition to this specific document on human rights education, connections are repeatedly made to human rights education in other educational contexts, without defining them more specifically, however. Thus, according to the Anti-Racism Report³⁹ by the German Federal government of May 8, 2002, human rights education could impart the fundamentals for democracy and tolerance in a diverse community, as well as freedom from racism and discrimination. Similarly, according to statements in the 2002 sixth report by the German Federal government on human rights in foreign relations and other areas of politics,⁴⁰ the foundations for the significance of human rights must be established in both public and private education and training. Young people in particular must be given both an intellectual and an emotional understanding of democracy and fundamental rights.

Alongside these attempts to institutionally anchor and thematically situate these issues, actual practice provides a different picture. Human rights education remains today something of a stepchild within educational research and practice. The lion’s share of activities takes place within the context of the work of non-governmental and international organizations. Particular mention should be made here of the exemplary work of Amnesty International, German UNESCO Commission, World University Service (German Committee), and UNESCO.

This picture is beginning to change, however. One indicator of this growing trend is the many new institutions and initiatives that have been established, such as the founding of the Human Rights Center at Potsdam University in 1994,⁴¹ the Europe Institute at the University of Saarland in 1995,⁴² the establishment of the UNESCO Chair for Human Rights Education at Magdeburg University in 2001,⁴³ and of course the founding of the German National Human Rights Institute in 2001⁴⁴.

Against this backdrop, it must be said in regard to Germany that, for the majority of potential and actual actors in human rights education in Germany, there is great interest and great unmet need for support and information, as well as a desire to create networks. To that end, the following tasks⁴⁵ and goals can be defined for developing and anchoring human rights education in Germany:

³⁸ Decree dated February 14, 1997, GABl. NW. I p. 71

³⁹ Item II.1. – *Report on Current and Planned Measures and Activities by the Federal Government against Rightist Extremism, Xenophobia, Anti-Semitism, and Violence*, dated May 8, 2002 (pursuant to Sec. 21 of the Resolution of the German Bundestag dated March 30, 2001 (Drs. 14/5456))

⁴⁰ Foreign Office (Ed.): *Sixth Report by the Federal Government on Human Rights Policy in Foreign Relations and Other Spheres of Politics*, dated June 6, 2002, reporting on the period from 1/1/200[sic]-1/31/2002.

⁴¹ <http://www.uni-potsdam.de/u/mrz/>

⁴² <http://eirewi.jura.uni-sb.de>

⁴³ <http://www.menschenrechtserziehung.de>

⁴⁴ <http://www.institut-fuer-menschenrechte.de>

⁴⁵ Cf. Claudia Lohrenscheit, *Zum Zusammenhang von Menschenrechten und Bildung*, [On the Connection between Human Rights and Education] in: ZEP 4/2002, p. 1 (4)

- Learning *about* human rights: imparting knowledge about the emergence and development of human rights, the various declarations and conventions, and about important initiatives, groups and individuals who have fought to realize human rights;
- Learning *through* human rights: developing the consciousness of each individual about how and by what means human rights can be translated in their specific social and political reality;
- Learning *for* human rights: encouraging attitudes of tolerance, acceptance and solidarity for the realization of human rights as expressed in everyday and professional behavior.

Beyond this basic interest, human rights education can differ widely depending on the institution involved or the area of work. It will therefore be documented in subsections according to the four main groups that were investigated, i.e. public administration and civil service, justice administration, training and educating the educators, and non-governmental organizations.

4.1. Public Administration and Civil Service

For most German federal ministries and agencies, the way that human rights relate to their work is that they limit the authority of the government and its agencies in a constitutional state. In this context, continuing education and training focuses overwhelmingly on imparting knowledge of the human rights anchored in the Basic Law, so the international context is often missing. This overwhelmingly affects the classic areas of executive administration, such as the police and federal border patrol. In contrast, administrative areas involving an international component, such as the Foreign Office and increasingly the federal armed forces, human rights as an international concept, along with the Basic Law of Germany, represent a core element and model in education, as well as a value-based principle of action. In this context, human rights education is also integrated into support for educational projects by external partners. For instance, the Federal Ministry for Economic Cooperation and Development supports human rights education projects abroad and views human rights as the foundation for domestic educational work on developmental policy.

In government agencies with a strong tradition of civic education, such as the Federal Ministry of the Interior and the subordinate Federal Agency for Civic Education, human rights education has become more and more an interdisciplinary task, which is also reflected in their publications. The inclusion of human rights education in already existing programs and fields of involvement is apparent in other areas of action as well, such as:

- civic education,
- intercultural projects,
- networks (Alliance for Democracy and Tolerance - against Extremism and Violence, Forum against Racism),
- anti-racism work of the Federal Agency for Civic Education,
- projects against xenophobia in the Federal armed forces,
- the program for Key Qualifications for Social Expertise of the Federal Institute for Occupational Education.

Police training and continuing education under the jurisdiction of the *Länder* does not present such a uniform picture. Here an overwhelmingly broad notion of human rights education is applied, according to which human rights represent an important basis of police decision-making and action. In more and more technical schools and colleges for police training,

human rights are integrated as a topic in individual educational units or addressed in week-long seminars.

4.2. The Judiciary

The judiciary can be subdivided into law schools and the administration of justice on the one hand, and the criminal justice system and penal institutions on the other. Human rights education in these areas takes the form of learning *about* human rights, i.e. primarily through imparting knowledge.

In general, neither the federal courts nor the judiciary at the *Länder* level can be viewed as primarily educational institutions. Rather, their educational tasks are indirect, for instance, when they make their court decisions accessible to the general public, such as through press releases or publication of orders and decisions on the Internet. In that process, some courts make explicit reference to human rights, or hold them to be relevant to their own application and interpretation of the law.

For this reason, action-oriented educational concepts related to human rights are found only in the criminal justice system and penal institutions. In that context, the basic rights found in the Basic Law and the European Human Rights Convention are the primary topics (e.g. the prohibition of the death penalty and international prohibition of torture). Some *Länder* judiciaries, specifically Berlin and Thuringia, also have their own concepts of civic education in which human rights are viewed as the normative foundation for the prevention of violence and racism.

In the context of law schools, human rights are dealt with primarily by instructors in the areas of international and constitutional law. There, imparting knowledge through exploring international documents and protective mechanisms is combined with practical references. The emergence and development of human rights are taken up in areas of voluntary advanced training as well, such as electives in international and European law. This also includes, for instance, the current discussions about the universality of human rights and problems arising in the enforcement of international law.

In regard to the examination rules for law schools, human rights are not viewed as required subjects, beyond the realm of constitutional law. For that reason, instructors in this subject often assess the selection of classes on human rights as insufficient, and as a rule students have little interest in subjects such as this that are not relevant to their exams. Such relevance can only be established by a revision of the educational and examination rules. It is thus up to the student or instructor to acquire an understanding of human rights through their own efforts in elective subjects or practical training and elective elements. The quite considerable amount of legal research in the area of human rights thus has little connection to education and practice.

4.3. Training and Educating the Educators

At the post-secondary school level, human rights education is seen overwhelmingly as an interdisciplinary task. As a consequence, human rights can be integrated as a topic in all subjects and any occasion. In the process, connections with “education in democracy” and “civic responsibility” are given primacy.

In this context it is interesting to note that, although there is consensus over the goals, there are divergent opinions on the use of the terms “human rights education” and “human rights pedagogy.” These differences do not exist, for instance, in English language usage. Rather, in English the term “human rights education” denotes both the area of practice and scientific research and theoretical work. One conclusion for the German discourse in the field of educational sciences is that there is substantial need for basic theoretical education. Against this backdrop, the theoretical demarcation of terms by actors at the post-secondary school level is viewed as necessary on the one hand, while on the other human rights are combined with other related issues in educational work, such as ethics and religion, for example, tolerance, the arts, environment, peace/war, racism, discrimination, and violence.

No uniform picture can be drawn of research and practice at the post-secondary school level. For one, individual instructors pursue different foci and approaches, and furthermore, new foci have emerged in the recent past within education and training at the post-secondary level, which have not been coordinated with each other to date. In that context, practice-oriented research and support is provided primarily in cooperation with UNESCO project schools.

Two universities in particular should be singled out in the area of post-secondary education: (1) human rights education is a focal point of the Chair for Human Rights Education at the Otto von Guericke University in Magdeburg (held by Prof. Karl-Peter Fritzche) and (2) in the educational science institute at Ruprecht Karls University in Heidelberg (Prof. Volker Lehnhart). Prof. Fritzche’s UNESCO Chair for Human Rights Education represents a major area of studies within the political science department and is also geared towards students in all other subjects. As part of a reorganization, this subject is to be integrated into the peace research department as well. At the Heidelberg University’s educational science institute, Prof. Lehnhart teaches primarily philosophical, methodological and pedagogical concepts of human rights and human rights education as part of comparative educational science. A focal point here is didactics.

Beyond this, institutions for the continuing education of teachers offer seminars and materials. Their various concepts often center around prevention of racism and violence. Programs and concepts of non-governmental organizations or external educational institutions are often applied as well, such as:

- concepts and materials from Amnesty International,
- materials from the Ludwig Boltzmann Institute for Human Rights (Vienna),
- Bezavta – Together, the Bertelsmann Foundation,
- A World of Diversity, the Bertelsmann Foundation and C.A.P. (Center for Applied Political Research, Munich),
- Respect & Tolerance, the Bertelsmann Foundation and C.A.P. (Center for Applied Political Research, Munich),
- That is us!, the Anne Frank Foundation,
- The European Human Rights Covenant, the Council of Europe, and
- Global Learning, terre des hommes.

4.4. Non-Governmental Organizations

The group of non-governmental organizations can be divided into two or three main groups. One is engaged in practical work and provides active assistance abroad or views itself as a lobbying organization in Germany. This group does not view its work in direct connection

with a specific understanding of human rights education. Publicity work, such as campaigns against landmines, genital mutilation or child labor is not understood in this sense as part of human rights education. Possible explanations for not classifying them as such may be in many cases a lack of consciousness and a failure to connect their own work with human rights issues and human rights education.

Another group of non-governmental organizations considers themselves to be educational institutions or partners of them, with a primary task of providing information and education. These organizations not only share the goals of human rights education but also view themselves as an active part of its implementation. In this context, human rights are conceived of within the national context (the Basic Law) and with the “international legal system” as a normative concept. In the process, core values are emphasized, such as universality, freedom of belief, development, tolerance, and acceptance.

Numerous other non-governmental organizations that must be distinguished from both of these groups provide intercultural training and violence prevention training in cooperation with governmental agencies, primarily with the police. As in other contexts as well, the connection to human rights education is not emphasized since preventative work or anti-racism and anti-violence work functions to a large extent on the basis of their own legitimacy.

Despite these deficiencies in their own self-awareness of their educational work, non-governmental organizations in human rights education play a central role in preventing human rights violations. Non-governmental organizations stress the necessity of a broad public discussion about human rights and human rights violations in Germany in particular. The practice of these NGOs in human rights education is diverse, as illustrated by the following examples:

- publishing books and materials (German UNESCO Commission, German Society for the United Nations);
- publishing school materials (Amnesty International, terre des hommes);
- collecting information on specific educational topics, such as education in development policies (World University Service, Diakonie) or anti-racism work (IDA e.V./Information and Documentation Center for Anti-Racism e.V.);
- hosting day-long and weekend educational events (World University Service, political foundations, German Society for the United Nations, the Bahá’i community);
- coordinating informational events (Nuremberg Human Rights Center, Amnesty International);
- financing research, projects and networks (Bertelsmann Foundation);
- adapting and applying existing materials (Bertelsmann Foundation, C.A.P.);
- organizing conferences as well as education and training of police forces in the intercultural field and in prevention of violence (Alliance against Ethnic Discrimination, Berlin, together with Berlin and Brandenburg police education facilities, the EU “NAPAP” Project – Non-governmental Organizations and Police against Prejudices).

From the perspective of non-governmental organizations, there are also clear weaknesses and gaps in the development and realization of human rights education in Germany. Some of the aspects they have criticized are:

- failure to implement the UN Decade for Human Rights Education;
- lack of information about the UN Decade as well as its fundamental documents;

- no coordination of human rights educational activities;
- constant pressure placed on NGOs to legitimize and finance their educational work;
- failure to implement the recommendation of the Standing Conference of Ministers of Education and Cultural Affairs;
- lack of public recognition of human rights violations in Germany.

5. Conclusions and Perspectives

Taking stock at the end of the UN Decade in the Federal Republic of Germany provides a less than uniform picture. It can be stated that the international challenges put to Germany have only been implemented in part or sporadically. In comparison to progress in other European and non-European countries, Germany is about ten years behind international developments in this realm. This lack of implementation and support, which is certainly felt by the actors and addressees, leads on the one hand to a wide range of approaches, initiatives, and projects that, on the other hand, remain rather unconnected and uncoordinated.

Against this backdrop a coordinating office or service at the national level, as internationally recommended, could encourage research and networking as well as offer a forum for dialog for the various actors in which planned or existing programs, experience, and quality standards could be developed, discussed and evaluated. Materials and concepts that already exist, such as in the civil service for police and the armed forces, could be made available to other providers by such a service in the sense of multiplier work and be included in the emerging discussion among experts.

Existing cooperation among schools and non-governmental organizations, which primarily involves procuring information and instructional materials on the topic of human rights, shows, however, that there is a great interest on the part of schools as well as a great need to develop school materials and human rights instructional material. This evaluation can also be applied to other areas, such as early child development or social work with children and youth.

In general there is an information deficit for interested teachers and other potential multipliers for human rights education that can be seen in the lack of availability of specific German-language materials as well as the currently rather paltry offering in the realm of training and continuing education in this field. Those institutions and individuals that are particularly active and inventive in this field, i.e. primarily the non-governmental organizations, have limited personnel and financial resources and are thus dependent on support from the formal educational area.

The situation always looks different when human rights education overlaps with other educational sub-disciplines. In the work to prevent violence and racism, the practice and abundance of material is almost beyond measure. Here, human rights represent a classic interdisciplinary issue, i.e. they are one medium among others through which subjects such as tolerance, diversity, multi-religiosity, and non-violence, can be transmitted.

Against this backdrop it becomes clear that a specific core area within human rights education in German must still be developed. On the one hand, it should be an interdisciplinary task and lead to synergistic effects with other educational sub-disciplines. On the other hand, the specific contribution that human rights education can make should become clear, as differentiated from other disciplines.

In the process, human rights education's offerings, projects, materials, etc. should address equally both the actual and potential victims and perpetrators. The focus should be directed toward preventative work with possible violators of human rights as well as groups with special responsibility to respect and support the human rights of others. Nonetheless, the victims or threatened groups must also be able to draw their conclusions, since one of the primary goals of human rights education is to encourage education and consciousness in order to enable people to recognize the wrongs that are done to them as such and to use legal means to defend themselves. Programs should be designed for victims and threatened groups in Germany that can inform these people about their rights and help them evaluate the way they are treated in terms of human rights. Beyond that, alliances should be built with organizations that can transmit the relevant information to international bodies.

Certain occupational categories in civil services, such as immigration officers for example, or the Federal Office for the Recognition of Foreign Refugees, are in regular contact with persons or groups that are or could become victims of human rights violations. Occupational groups involved with the state's monopoly on violence such as the police, army and intelligence services also have a special relationship to the human rights of others. They can affect them directly. All areas of legislative power and application of the law also fall within this category, i.e. the courts, the highest judiciary offices of the *Länder*, the Federal ministry of justice, and parliament. All these occupational groups must be aware of the human rights of others and are important addressees for programs and initiatives of human rights education since they are obligated to protect, respect and ensure these rights.

As a national institution, the German National Human Rights Institute, founded in 2001 and still in the process of establishing itself, can make an important contribution to launching and supporting these initiatives. Not only according to its by-laws but in the demands and expectations of many human rights groups and organizations in Germany and abroad as well as the German Federal government, the German National Human Rights Institute has a contribution to make within the context of its human rights-related educational work. Thus the German Federal government forcefully stated in its sixth report on human rights,

“that, within the human rights debate at the national level, human rights education will be a primary task of the German National Human Rights Institute established in 2001.” (Item A 9.6.)⁴⁶

In accordance with the Paris Principles,⁴⁷ the German National Human Rights Institute has assumed the tasks of a national human rights institution in that it provides information about the status of human rights domestically and internationally and contributes to preventing human rights violations and to furthering and safeguarding human rights. The tasks anchored in its by-laws include in particular information and documentation, research, political consulting, human rights-related educational work within Germany, international cooperation, and furthering dialog and cooperation in Germany.

The high value placed on human rights education is thus reflected in the very founding documents of the Institute. In this context, five possible directions for human rights-related educational work within Germany are provided:

⁴⁶ Foreign Office (Ed.): 6. Report of the German Federal Government on Its Human Rights Policy in Foreign Relations and in other Areas of Politics, as of June 6, 2002; Reporting period of 1/1/200[sic]-3/31/2002.

⁴⁷ General Assembly Resolution 48/134 of December 20, 1993 – U.N. Doc. A/RES/48/134

1. establishing a national coordinating office for human rights education pursuant to United Nations directives;
2. creating instructional programs and materials within sensitive areas, e.g. in agencies such as the police, penal institutions, and psychiatric institutions;
3. developing ideas for scholastic curricula and continuing education for teachers;
4. contributing to training and certifying specialists in civilian conflict management with human rights-related contents and topics; and
5. coordinating events, seminars, and symposia related to human rights.

By establishing these fields of involvement, which represent an innovation in both their content and structure, human rights education should become an integral component of the German educational landscape. For the first time in Germany, systematic furtherance and anchoring of human rights education will be supported, which will facilitate future coordination and networking among the to date rather isolated initiatives and activities of differing organizations. The extent to which the German National Human Rights Institute will be up to these tasks cannot be evaluated at this time since the work to establish the institute is not complete yet.

Finally, however, it must be said in regard to human rights education in Germany and the implementation of the UN Decade that we are witnessing just the beginning. Only when the international documents have finally been implemented nationally can the Federal Republic of Germany advance from a developing country in terms of educational policy to a country with a culture of human rights. This call was reiterated by the High Commissioner for Human Rights in the run-up to the Human Rights Commission of the United Nations:

“It highlights the need for Governments to fulfil the commitments made at the international level to develop national strategies for human rights education which are comprehensive (in terms of outreach), participatory (in terms of involvement of all relevant actors) and effective (in terms of educational methodologies). In this regard, priority should be given to sustainable approaches (i.e. training of trainers, integration of human rights into all relevant training and educational curricula). In addition, given the respective potential and capacities in this field, national strategies should be developed, implemented and evaluated through partnerships within and among actors, both governmental and non-governmental, working in a spirit of mutual respect.”⁴⁸

Finally, human rights education means facilitating self-realization through recognition of human rights. Human rights legitimize state authority when they are respected, and they delegitimize state authority when they are violated. Human rights education thus also serves to deconstruct power relationships and replace them with a mutually agreed upon international standard of cooperation and coexistence. Human rights education thus becomes the litmus test of a democracy.

⁴⁸ Report of High Commissioner for Human Rights: “Implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004” of January 03, 2003; U.N. Doc. E/CN.4/2003/100

Supplemental Readings (A Selection):

Amnesty International (Ed.): First Steps. A Manual for Starting Human Rights Education. London 1997 (AI Index Number: POL 32/04/95)

Andreopoulos, George J., and Claude, Richard P. (Eds.): Human Rights Education for the 21st Century. Pennsylvania, Philadelphia, 1997

German Foreign Office (Ed.): 6. Bericht der Bundesregierung über ihre Menschenrechtspolitik in den Auswärtigen Beziehungen und in anderen Politikbereichen vom 06. Juni 2002; Berichtszeitraum 01.01.2000 -31.03.2002

Bernstein Tarrow, Norma (Ed.): Human Rights and Education. Comparative and International Education Series. Volume 3. Oxford/New York, 1987

Deutsche UNESCO Kommission (Hrsg./Redaktion W. Köhler): Internationale Verständigung, Menschenrechte und Frieden als Bildungsziel: Drei Texte der UNESCO. Bonn 1992

Dies./Europäisches Universitätszentrum für Friedensstudien (Hrsg./Redaktion: W. Köhler): Erziehung für Frieden, Menschenrechte und Demokratie im UNESCO-Kontext. Sammelband ausgewählter Dokumente und Materialien. Bonn 1997

Selected Internet Resources on Human Rights Educations:

Amnesty International/Human Rights Education:
http://web.amnesty.org/web/web.nsf/pages/hre_home

The People's Decade for Human Rights Education: <http://www.pdhre.org>

Human Rights Education Associates: <http://www.hrea.org>

UNESCO - United Nations Educational, Scientific and Cultural Organization:
<http://www.unesco.de/>

Ludwig Boltzmann Institut für Menschenrechte –Human Rights Education Service:
<http://www.humanrights.at/humanrights.htm>

Human Rights Library/ Human Rights Education Materials:
<http://www1.umn.edu/humanrts/education/materials.htm>