



Human
Rights
Educators
USA

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

April 27, 2016

TO: U.S. UPR Working Group 6, State Department US UPR Team

FROM: Human Rights Educators USA, Through Rosemary Ann Blanchard, Co-Vice Chair, HRE USA

Requesting a Strong and Clearly Identified Role for the U.S. Department of Education in Implementation of Existing US Human Rights Treaty Obligations for Human Rights Related Education of the Civil Population

Introduction

Human Rights Educators USA is a civil society organization which “exists to promote justice, tolerance, and respect by cultivating an extensive, vibrant base of support for human rights education within the United States.”¹ HRE USA advocates for the full integration of human rights education (HRE) into the school-based education experience of every child attending public school in the United States.

Statement of Problem

A foundational introduction to HRE and International Humanitarian Law (IHL) within the K-12 educational experience is a necessary step in achieving the goals which the United States has undertaken in its response to the UPR in regard to its many commitments to raise awareness of human rights and support human rights training for various segments of the adult population whose professional responsibilities require them respect human rights in the performance of their duties.

In its commitments to domestic Implementation of human rights treaty obligations, the field addressed by Working Group 6, the United States has stated its commitment to making various categories of adults in the United States more aware of, sensitive to and supportive of the human rights of various groups of targeted individuals and has given assurances that “we are taking steps to strengthen federal-level coordination, and are considering ways to improve implementation.”²

US Treaty Commitments to Teach the Civil Population About Human Rights and Humanitarian Law

In several of the HR and IHL related treaties which the United States has ratified and in various declarations which it has accepted, the state parties make a specific commitment to educate the civil population about the requirements of the treaty or the expectations of the declaration. These include the Convention on the Elimination of All Forms of Racial Discrimination, which the United States UPR addendum indicates is honored through existing laws, programs and practices. Article 7 of CERD commits the state parties to taking effective measures, “particularly in the fields of teaching, education, culture and information” to support the fundamental principles of human rights, as expressed in numerous international agreements, including specifically the Universal Declaration of Human Rights. Comparable commitments for wide-spread education about treaty expectations can be found in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 10), and in each of the four Geneva Conventions (1st Convention, Article 47, 2nd Convention, Article 46, 3rd Convention, Article 127, 4th Convention, Article 144). Declarations, which do not have the full force of treaty, but which the United States has indicated its acceptance of and support for, also include specific commitments to educate the population about the human rights expectations expressed in the declaration (see UDHR and UNDRIP)

U.S. Department of Education – A Necessary Partner for Domestic Implementation

For these treaty provisions and the related UPR commitments to be realized, the U.S. government needs to include in its plan effective support and guidance for efforts at state and local levels to integrate human rights education into the public education system at every grade level. The promised “steps to strengthen federal-level coordination” in ways that “improve implementation” at “all levels of government,” must fully involve the U.S. Department of Education and leverage

¹ From the HRE USA webpage, statement of history and mission (http://www.hreusa.net/about_hre.php).

² Ibid.

its unique mechanisms for coordination with state and local educational agencies and with the public and private college and university systems. Without public education involvement, any comprehensive plan to “improve implementation” of “compliance with human rights instruments” lacks the foundational educational work which must be done to build an awareness and understanding of the fundamental principles of human rights, upon which various local, state and federal interventions can build. Without public education involvement, the treaty commitments to educate the civil population cannot be met.

Civil Society Responds: National Council for the Social Studies Commitment to Human Rights and Humanitarian Law Education

As a civil society professional organization, the National Council for the Social Studies, “the largest association in the country devoted solely to social studies education,” has adopted a Position Statement entitled “Human Rights Education: A Necessity for Effective Social and Civic Learning”³ which identifies human rights education, “in both its civil and its humanitarian aspects,” as “a necessary element of social studies programs” which “should be integrated throughout the educational experience of all learners.” The NCSS HRE statement specifically referenced the US treaty obligations to educate the civil population about HR and IHL.

Needed: US Government Commitment to Encourage and Support HRE in Local Schools

In order to meet its treaty commitments to disseminate information about its treaty-based human rights and humanitarian law obligations to the civil population and to promote the domestic implementation of its treaty-based human rights commitments, the United States government must undertake a program, congruent with the shared responsibilities of the federal system of government, for promoting universal education in human rights and humanitarian law. To accomplish this, the US Government must develop an effective mechanism for working with state and local education providers. Such a mechanism requires that the U.S. Department of Education become directly involved in the federal efforts to “ensure comprehensive and coordinated compliance with international human rights instruments at federal, local and state level” insofar as those instruments relate to education and training of the civil population.

The collaborative mechanism for such an initiative already exists in the relationship between the U.S. Department of Education and both state departments of education and local school districts. The Department of Education has the authority and the responsibility to administer its many programs of educational funding and oversight in ways that support the treaty commitments that the United States has already undertaken to educate the civil population about HRE and IHL. The Secretary of Education has the authority right now to issue written policies, directives, and guidance to the program offices and the professional staff within ED advising them to exercise their current responsibilities in regard to the operation of their programs and their interactions with SEAs, LEAs and other non-Federal education entities in a way which supports the HR and IHL treaty obligations of the United States in regard to education. Such policies, guidance and directives would also be a guide to ED personnel involved in the rulemaking process soon to be undertaken in regard to the Every Student Succeeds Act, which, unlike earlier reauthorizations of the ESEA, has specific provisions for programs supporting education in civics and American History, subjects rich with human rights connections..

HRE USA requests the U.S. Department of State and the U.S. Department of Education to coordinate and integrate within their respective spheres the education-related responsibilities contained in human rights treaties ratified by the United States. With ED involvement, the United States can work, consistent with the federal system, to implement a framework for Federal-State-Local and Tribal⁴ cooperation in incorporating education in human rights and international humanitarian law into school-based education at every level and into the preparation of educators at every level. Through such a coordinated effort, ED can contribute to the United States’ performance of its human rights-related treaty commitments regarding education through its existing programs, granting authority and its interactions with State and Local Education Agencies.

³ http://www.socialstudies.org/positions/human_rights_education_2014

⁴Please note that in many programs administered by ED, the Bureau of Indian Education (BIE) is considered equivalent to a State Education Agency (SEA) for funding and oversight purposes.