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Human Rights Education for All: A Proposal for the Post-2015 Development Agenda

Gillian MacNaughton

HUMAN RIGHTS EDUCATION FOR ALL: A PROPOSAL FOR THE POST-2015 DEVELOPMENT AGENDA

Gillian MacNaughton[†]

Abstract: The Millennium Development Goals ("MDGs") have been highly successful in bringing commitment, expertise and funding to key human development targets in education, health, gender equality and other poverty reduction measures. Yet, the MDGs failed to integrate, or even align with, the international human rights laws to which states have committed themselves. Many commentators argue that linking the post-2015 Sustainable Development Goals with human rights would bring greater participation by people living in poverty in creating the agenda intended for their benefit, higher levels of accountability from governments and international organizations, greater attention to marginalized groups and economic inequality, and a universal framework that addresses poverty in high- and middle-income states, as well as low-income states. Universal human rights education – mandated during the free and compulsory school years – is one goal that could effectively integrate human rights into the post-2015 development agenda. This goal promotes universality, equality and nondiscrimination, participation and accountability, key human rights principles missing from the current MDG framework. It also furthers one of the main purposes of the United Nations – to promote respect for, and observance of, human rights for all – and derives from the international legal obligation to provide free and compulsory primary education that aims to promote the realization of human rights. Finally, it will build the capacity of rights-holders to demand their rights and duty-bearer to meet their obligations. In sum, universal human rights education is a human rights-based approach to development and merits serious consideration as a goal for the post-2015 agenda.

I.   INTRODUCTION

Since 2001, the United Nations Millennium Development Goals ("MDGs") have served as the focus for global collaboration on international development policy, planning, and monitoring.[1] The eight MDGs are elaborated in twenty-one targets aimed at improving education, health, gender equality, work conditions, safe drinking water, and other poverty reduction measures.[2] This MDG framework was highly successful in gaining commitment from governments, international organizations, and

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[†]   J.D., M.P.A., D.Phil., Assistant Professor, School for Global Inclusion and Social Development, University of Massachusetts Boston.

[1]   Philip Alston, *Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals*, 27 HUMAN RIGHTS QUARTERLY 755, 755 (2005) ("The Millennium Development Goals (MDGs) have become the single most important focus to promote human development and dramatically reduce poverty.").

[2]   *Millennium Development Goals Indicators*, UNITED NATIONS (Jan. 15, 2008) [hereinafter Official List of MDG Indicators], http://mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/OfficialList.htm (last visited May 15, 2015).

civil society to focus attention, expertise, and funding on key human development targets. [3]   Nonetheless, the MDGs have also received considerable criticism. [4] Among the critiques of the MDGs was their failure to include, or even align with, the international human rights laws to which state parties have committed themselves. [5]   Notably, the Millennium Declaration, from which the MDGs were drawn, included commitments to human rights in addition to human development. [6] The Secretary-General's report, *Road Map Towards Implementation of the United Nations Millennium Declaration*, also elaborated on six human rights goals along with the eight development goals. [7] The report did not, however, establish time-bound targets and indicators for realizing the human rights goals as it did for the development goals. [8] Thus, at the level of implementation, the opportunity offered by the Millennium Declaration to align human development and human rights—to mainstream human rights into the international development agenda—was unfortunately lost. [9]

Most MDG targets were to be achieved by 2015, [10] and discussions on new goals and targets for the post-2015 international development agenda have been underway for several years. [11] Among the recommendations

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[3]   *See* Alston, *supra* note 1, at 756-57; Mary Robinson, *The MDG-Human Rights Nexus to 2015 and Beyond*, 41(1) IDS BULLETIN 80, 80 (2010).

[4]   *See, e.g.*, Robinson, *supra* note 3, at 80-82; Malcolm Langford, *A Poverty of Rights: Six Ways to Fix the MDGs*, 41(1) IDS BULLETIN 83-90 (2010); Office of the High Commissioner for Human Rights [OHCHR], Claiming the Millennium Development Goals: A Human Rights Approach, U.N. Doc. HR/PUB/08/3, at vii (2008) [hereinafter OHCHR, Claiming the MDGs]; Ashwani Saith, *From Universal Values to Millennium Development Goals: Lost in Translation*, 37(6) DEVELOPMENT AND CHANGE 1167 (2006); Gillian MacNaughton & Diane F. Frey, *Decent Work, Human Rights and the Millennium Development Goals*, 7 HASTINGS RACE AND POVERTY LAW JOURNAL 303 (2010); Thomas Pogge, *The First United Nations Millennium Development Goal: A Cause for Celebration?*, 5(3) JOURNAL OF HUMAN DEVELOPMENT 377 (2004).

[5]   OHCHR, Claiming the MDGs, *supra* note 4, at vii.

[6]   United Nations Millennium Declaration, G.A. Res. 55/2, U.N. Doc. A/55/L.2, ¶¶ 24-25 (Sept. 8, 2000) [hereinafter Millennium Declaration].

[7]   U.N. Secretary-General, *Road Map Towards the Implementation of the United Nations Millennium Declaration*: *Rep. of the Secretary-General*, ¶¶ 195-224, U.N. Doc. A/56/326, (Sept. 6, 2001) [hereinafter Millennium Declaration Road Map].

[8]   *Id.*

[9]   Alston, *supra* note 1, at 761 (limited convergence between MDG and human rights agendas "amount to a major missed opportunity").

[10]   *See* WE CAN END POVERTY: MILLENIUM DEVELOPMENT GOALS AND BEYOND 2015, http://www.un.org/millenniumgoals/ (last visited Apr. 9, 2015).

[11]   *See, e.g.*, *About*, WORLD WE WANT 2015, http://www.worldwewant2015.org/post2015-about (last visited Apr. 9, 2015) (website for global conversation to gather priorities of people from around the world to plan the new development agenda to be launched in 2015); High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, *The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development* (May 30, 2013), http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf [hereinafter *Report of the High-Level Panel*]; OHCHR, Statement by 17 Special Procedures Mandate-holders of the Human Rights Council on the Post-2015 Development Agenda, (May 21, 2013),

gleaned from discussions in both development and human rights communities are that: 1) the process of selecting new goals and targets must be less top-down and more participatory;[12] 2) targets must focus on reducing inequality and ending discrimination;[13] 3) mechanisms of accountability must be strengthened;[14] and 4) time-bound targets must apply to both developed and developing countries.[15] These four concerns— participation, equality, accountability, and universality—are key human rights principles.[16] To address these concerns, civil society has called for integrating human rights into the post-2015 international development agenda.[17]

Human rights education ("HRE") is one strategy for applying human rights to development theory, policy and practice.[18] HRE has been described as a human right,[19] a universal priority,[20] a global movement,[21] a

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http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13341&LangID=E [hereinafter Statement by 17 Special Procedures]; Vienna+20 CSO Conference, June 25-26, 2013, *The Vienna+20 CSO Declaration* (June, 26 2013), http://viennaplus20.files.wordpress.com/2013/07/vienna-20-cso-declaration-final-post2.pdf.

[12] Langford, *supra* note 4, at 84-85; Nicholas Burnett and Colin Felsman, POST-2015 EDUCATION MDGS 17, 20 (Overseas Development Institute 2012).

[13] Statement by 17 Special Procedures, *supra* note 11; Robinson, *supra* note 3, at 81; Langford, *supra* note 4, at 87; Burnett and Felsman, *supra* note 12, at 5-6, 20; Sakiko Fukuda-Parr, *Reducing Inequality – The Missing MDG: A Content Review of PRSPs and Bilateral Donor Policy Statements*, 41(1) IDS BULLETIN 26, 34 (2010).

[14] Statement by 17 Special Procedures, *supra* note 11; Robinson, *supra* note 3, at 81; Langford, *supra* note 4, at 89; Burnett and Felsman, *supra* note 12, at 22; OHCHR and Center for Economic and Social Rights [CESR], Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda, U.N. Doc. HR/PUB/13/1 (2013) [hereinafter OHCHR & CESR, Who Will Be Accountable?].

[15] Langford, *supra* note 4, at 88 ("There are also calls to include all states, including the West, next time around."); Burnett and Felsman, *supra* note 12, at 20 (future education MDGs "should apply to all countries, not solely low income ones"); BEYOND 2015, *Just Governance for the World We Need: A critical cornerstone for an equitable and human-centered sustainable development agenda post-2015* 2 (2013), http://www.beyond2015.org/sites/default/files/Governance.pdf ("The new framework must be universally applicable in rich and poor countries alike.").

[16] *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies*, UNITED NATIONS DEVELOPMENT GROUP (2003), http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies [hereinafter *U.N. Common Understanding*] (listing key human rights principles as "universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law").

[17] *See* United Nations High Commissioner for Human Rights, *Foreword to Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*, at iii, U.N. Doc. HR/PUB/13/1 (2013) ("Civil society everywhere is calling for meaningful participation, higher levels of accountability from Governments and international institutions, an end to discrimination and exclusion, a better distribution of economic and political power, and the protection of human rights under the rule of law.").

[18] *See* Stephen Marks, *Health, Development and Human Rights*, *in* HEALTH AND DEVELOPMENT: TOWARD A MATRIX APPROACH 124, 130 (Anna Gatti & Andrea Boggio eds., 2008).

[19] G.A. Res. 48/127, preamble ¶ 7, U.N. Doc. A/RES/48/127, (Dec. 20, 1993).

[20] *Id*. at ¶ 4.

[21] *See* Felicia Tibbitts, *Human Rights Education*, *in* ENCYCLOPEDIA OF PEACE EDUCATION (2008), *available at* http://www.tc.columbia.edu/centers/epe/entries.html ("Human rights education (HRE) is an international movement to promote awareness about the rights accorded by the Universal Declaration of

transformative pedagogy,[22] and a strategy for development.[23] A 2005 report by the United Nations Educational, Scientific and Cultural Organization ("UNESCO") and the Office of the High Commissioner for Human Rights ("OHCHR") defines HRE as "education, training and information aimed at building a culture of human rights."[24] In essence, HRE seeks to raise awareness of human rights and promote a culture that encourages individuals to demand their own rights and to respect the rights of others.[25] As the report states, "[h]uman rights can only be achieved through an informed and continued demand by people for their protection."[26]

Importantly, the goal of realizing human rights for all is closely related to the goal of ending poverty.[27] Indeed, poverty is a denial of human rights. As Louise Arbour, formerly UN High Commissioner for Human Rights, stated: "Poverty is not only a matter of income, but also more fundamentally, a matter of being able to live a life of dignity and enjoy basic human rights and freedoms."[28] If the goals of development are to end poverty and realize human rights for all,[29] it follows that HRE is an essential element of a strategy to achieve it. Accordingly, this paper proposes universal HRE as a goal for the post-2015 international development agenda.

Universal HRE—particularly if mandated during the free and compulsory years of school—is one goal that could effectively integrate human rights into the human development agenda. It is particularly fitting because it furthers one of the main purposes of the United Nations as set out in the UN Charter—to promote respect for human rights and fundamental

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Human Rights and related human rights conventions, and the procedures that exist for the redress of violations of these rights (citations omitted).).

[22] *See* Marks, *supra* note 18, at 131.

[23] *See* Clarence Dias, *Human Rights Education as a Strategy for Development*, *in* HUMAN RIGHTS EDUCATION FOR THE TWENTY-FIRST CENTURY 51 (1997).

[24] UNESCO & OHCHR, Plan of Action: World Programme for Human Rights Education – First Phase 1 (2006), http://unesdoc.unesco.org/images/0014/001478/147853e.pdf.

[25] United Nations Declaration on Human Rights Education and Training, G.A. Res. 66/137, U.N. Doc. A/RES/66/137, art. 2(1), 4(a)-(b) (Feb. 16, 2012).

[26] *See* OHCHR, Human Rights Education and Training, http://www.ohchr.org/EN/Issues/Education /Training/Pages/HREducationTrainingIndex.aspx (last visited Apr. 9, 2015).

[27] OHCHR, Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies 6 ¶ 1 (2006) (the two goals – promotion of human rights and fight against poverty – lie at the heart of the UN Mandate; they "are closely connected and mutually reinforcing"), http://www.ohchr.org/Documents/Publications/PovertyStrategiesen.pdf (last visited May 14, 2015).

[28] *Id.* at iii (foreward by Lousie Arbour). She continues: "[Poverty] describes a complex of interrelated and mutually reinforcing deprivations, which impact on people's ability to claim and access their civil, cultural, economic, policial and social rights. In a fundamental way, therefore, the denial of human rights forms part of the very definition of what it is to be poor." *Id.*

[29] *See* Millennium Declaration, *supra* note 6, at ¶¶ 11-20 (development and poverty eradication) and ¶¶ 24-25 (human rights, democracy and good governance); Millennium Declaration Road Map, *supra* note 7, at ¶¶ 195-224 (detailing development and human rights goals).

freedoms for all.[30] It also derives more specifically from the international legal and ethical obligation to provide free and compulsory primary education that aims to promote the realization of human rights, as enshrined in the Universal Declaration of Human Rights ("UDHR") and subsequent international human rights treaties.[31] In addition to the explicit legal obligation to provide universal human rights education, efforts to achieve this goal will promote the human rights principles of universality, equality, participation, and accountability—important human rights features missing from the current MDG framework. Finally, universal human rights education will build the capacity of rights holders to demand their rights and duty-bearers to meet their obligations. In sum, the goal of universal human rights education correlates to all three components of the human rights-based approach to development policy and practice promoted by the UN as elaborated in the UN Interagency Common Understanding of a Human Rights-Based Approach to Development Cooperation.[32] It has explicit human rights goals, abides by key human rights principles and builds the capacity of both human rights holders and duty-bearers.[33] HRE, therefore, merits serious consideration for inclusion in the post-2015 development agenda.

This article is presented in five parts. Following this introduction, Part II lays out the international legal obligations for free and compulsory HRE for all. Part III provides a brief history of United Nations political commitments and efforts to implement HRE through the UN Decade for Human Rights and the World Programme for Human Rights Education. Part IV examines the MDGs, particularly the education goals and targets, and reviews proposals on education for the post-2015 international development agenda. Part V proposes universal HRE as a post-2015 goal and considers

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[30] *See* U.N. Charter art.1, para. 3. (The United Nations shall promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion").

[31] *See* Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 26, U.N. Doc. A/RES/127(III) (Dec. 10, 1948) ("Everyone has the right to education," which shall be directed "to the strengthening of respect for human rights and fundamental freedoms.") [hereinafter UDHR]; International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), art. 13, U.N. Doc. A/RES/2200A(XXI) (Dec. 16, 1966) [hereinafter ICESCR].

[32] *U.N. Common Understanding*, *supra* note 16, at 1-3.

[33] *See id.* (setting out three elements to a human rights-based approach to development). These three elements are: "(1) All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments. (2) Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments gudie all development cooperation and programming in all sectors and in all phases of the programming process. (3) Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights." *Id.*

possible targets and indicators for measuring progress toward this goal. Finally, in Part VI, the article concludes that universal HRE is a promising goal for the post-2015 international development agenda as it would enhance development policy and practice and contribute substantially to realizing human rights for all.

II.   INTERNATIONAL LAW ON HUMAN RIGHTS EDUCATION

Human rights and development are inextricably linked in the UN Charter, which declares both necessary to secure global peace and well-being.[34] Importantly, the Charter obliges all UN members to advance both human rights and development. Articles 55 and 56 specifically require states to promote 1) "higher standards of living, full employment, and conditions of economic and social progress and development," as well as 2) "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."[35] In these provisions, the Charter reflects the understanding that human rights and development are interrelated and interdependent, and that progress in both areas requires states to take "joint and separate action in co-operation with the [UN] Organization."[36]

The state obligation to promote respect for, and observance of, human rights established in the Charter necessarily implies a state obligation to provide education and training on human rights. This obligation is explicit in the UDHR and subsequent international human rights treaties. The preamble to the Declaration states that "every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms."[37] This aspiration is codified in Article 26 of the Declaration, which provides that "[e]veryone has the right to education," which shall be free and compulsory at the elementary level.[38] Further, "[e]ducation shall be directed to the full development of the human personality and to strengthening respect for human rights and fundamental freedoms."[39] Thus, education is enshrined as both a right and a duty in the Declaration, and must be designed and implemented to build a culture of respect for human rights. This is the

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[34] *See* U.N. Charter art. 55; Robinson, *supra* note 3, at 81 (noting that the UN Charter recognizes that the organization's objectives – to secure peace, development and human rights – are inextricably linked).

[35] U.N. Charter art. 55-56.

[36] *Id.* at art. 56.

[37] UDHR, *supra* note 31, at preamble.

[38] *Id.* at art. 26(1).

[39] *Id.* at art. 26(2).

human right to HRE.[40] The Universal Declaration also requires education to "promote understanding, tolerance and friendship among all nations, racial or religious groups," and to "further the activities of the United Nations for the maintenance of peace."[41] In sum, the links between development, human rights, and peace in the Charter are also explicit in the Universal Declaration and implemented, in part, through the right to education.

The right to education, including HRE, is further elaborated in international human rights treaties, the most broadly reaching provisions being those in the International Covenant of Economic, Social and Cultural Rights ("ICESCR") and the Convention on the Rights of the Child ("CRC").[42] The right to education elaborated in Article 13 of the ICESCR is similar to Article 26 of the Universal Declaration. It states that "education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms." [43]   It also requires education to promote understanding, tolerance, and friendship among nations and peoples to the maintenance of peace.[44] Likewise, the CRC requires that education of the child be directed to "the development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations."[45]

In view of the state obligation for HRE—implied in the UN Charter and explicit in the Universal Declaration, the ICESCR and the CRC—it is surprising that the UN human rights monitoring mechanisms, specifically the human rights treaty bodies and the Special Rapporteurs, have given little attention to HRE. The Committee on Economic, Social and Cultural Rights issued a General Comment on the right to education in 1999 to elaborate on the content of Article 13 of ICESCR. [46]   The Comment devotes two paragraphs to the aims and objectives of education spelled out in the first section of Article 13. Oddly, the Comment mentions each of the aims of

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[40] *See* Upendra Baxi, *Human Rights Education: The Promise of the Third Millennium?*, *in* HUMAN RIGHTS EDUCATION FOR THE TWENTY-FIRST CENTURY 142, 144 (George J. Andrepoulos & Richard Pierre Claude eds., 1997).

[41] UDHR, *supra* note 31, at art. 26(2).

[42] ICESCR, *supra* note 31, at art. 13(1); United Nations Convention on the Rights of the Child, G.A. Res. 44/25, art. 29(1)(b), U.N. Doc. A/RES/44/25 (Nov. 20, 1989) [hereinafter CRC].

[43] ICESCR, *supra* note 31, at art. 13(1).

[44] *Id.* (The state parties "further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.").

[45] CRC, *supra* note 42, at art. 29(1)(b).

[46] *See* U.N. Comm. on Economic, Social and Cultural Rights, General Comment No. 13: The Right to Education, 21st Sess., Nov. 15-Dec. 3rd, 1999, U.N. Doc. E/C.12/1999/10 (Dec. 8, 1999) [hereinafter CESCR, Gen. Cmt. 13: Right to Education].

education listed in Article 13—development of the human personality, a sense of dignity, the ability to participate effectively in society, and so on— except for "strengthening the respect for human rights and fundamental freedoms."[47] Instead, it simply refers state parties to other international instruments, including the Plan of Action for the United Nations Decade for Human Rights Education, for further elaboration on the objectives of education.[48]

In 2001, the Committee on the Rights of the Child issued General Comment 1, which elaborates on the aims of education outlined in CRC Article 29.[49] Despite the explicit reference to HRE in Article 29,[50] the Committee devotes only one paragraph to it in the General Comment.[51] Further, though issued mid-way through the UN Decade for Human Rights Education (1995-2004), there is no mention at all in the Comment of this initiative or the Plan of Action to implement it.

The UN Special Rapporteurs on the right to education similarly have given little attention to HRE. The first Special Rapporteur, Katarina Tomasevski, briefly mentioned HRE in several reports but never addressed it in any depth.[52] Her successor, Vernor Muñoz Villalobos, included a short section on HRE in his 2005 report at the end of the UN Decade for Human Rights Education, noting that the "[d]ecade got lukewarm reception from the [s]tates," but nongovernmental organizations had devised a multitude of initiatives with excellent results.[53] Villalobos stressed that HRE is necessary to quality education and the World Programme for Human Rights Education, which began that year, would continue efforts to integrate human rights

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[47] *Compare* ICESCR, *supra* note 31, at art. 13(1), *with* CESCR, Gen. Cmt. 13: Right to Education, *supra* note 46, at ¶ 4.

[48] CESCR, Gen. Cmt. 13 Right to Education, *supra* note 46, at ¶ 5.

[49] CRC, *supra* note 42, at art. 29(1); Comm. on the CRC, General Comment No. 1: Art. 29(1): The Aims of Education, U.N. Doc. CRC/GC/2001/1 (Apr. 17, 2001) [hereinafter CRC Comm., Gen. Cmt. 1: Aims of Education].

[50] CRC, *supra* note 42, at art. 29(1)(b).

[51] CRC Comm., Gen. Cmt. 1: Aims of Education, *supra* note 49, at ¶ 15.

[52] *See* Special Rapporteur on the Right to Education, *Preliminary Report on the Right to Education*, Comm'n on Human Rights, U.N. Doc. E/CN.4/1999/49 ¶ 7 (Jan. 13, 1999) (by Katarina Tomasevski); Special Rapporteur on the Right to Education, *Progress Report of the Special Rapporteur on the Right to Education*, ¶ 68, Comm'n on Human Rights, U.N. Doc. E/CN.4/2000/6 (Feb. 1, 2000); Special Rapporteur on the Right to Education, *Annual Report on the Right to Education, Exec. Summary*, ¶¶ 13, 73, Comm'n on Human Rights, U.N. Doc. E/CN.4/2001/52 (Jan. 11, 2001) (by Katarina Tomasevski); Special Rapporteur on the Right to Education, *Annual Report on the Right to Education*, ¶¶ 51, 68, Comm'n on Human Rights, U.N. Doc. E/CN.4/2002/60 (Jan. 7, 2002) (by Katarina Tomasevski); Special Rapporteur on the Right to Education, *Report on the Right to Education*, ¶ 48, Comm'n on Human Rights, U.N. Doc. E/CN.4/2004/45 (Jan. 15, 2004) (by Katarina Tomasevski).

[53] Special Rapporteur on the Right to Education, *Report on the Right to Education*, Comm'n on Human Rights, ¶ 110, U.N. Doc. E/CN.4/2005/50 (Dec. 17, 2004) (by Vernor Münoz Villalobos).

more fully into education.[54] Aside from these brief references, UN human rights mechanisms have not contributed to the development or implementation of HRE.[55]

Despite the lack of support from UN human rights mechanisms, it is now widely accepted that HRE is a legal obligation of all UN members. In 2011, the UN General Assembly adopted the United Nations Declaration on Human Rights Education and Training, which reaffirmed "that [s]tates are duty-bound, as stipulated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms."[56] HRE is necessary to build a culture in which people respect human rights—indeed, HRE is defined as building a human rights culture.[57] While the UN human rights mechanisms have not contributed significantly to promoting HRE, defining its content, or holding states accountable for this legal obligation, these mechanisms have the responsibility to do so. Accordingly, they should bring greater attention to HRE and strengthen accountability by highlighting HRE obligations in General Comments and annual reports, questioning states on their domestic policies and practices on HRE and including observations and conclusions on HRE in their responses to state reports.

III. INTERNATIONAL POLITICAL COMMITMENTS TO HUMAN RIGHTS EDUCATION

While the international human rights mechanisms have not actively developed authoritative standards for HRE under international law, over the past several decades, UNESCO, other UN entities, scholars, and NGOs have produced working definitions, guidance on the content of HRE, curriculum guides and information on best practices.[58] The absence of collaboration

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[54] *Id*. at ¶¶ 105-109.

[55] *But see* Mustapha Mehedi, *The Realization of the Right to Education, including Education in Human Rights*, (UNHCR, Sub-Comm'n on Prevention of Discrimination and Protection of Minorities, Working Paper 1998) ¶¶ 29-37, UN Doc. E/CN.4/Sub.2/1998/10.

[56] G.A. Res. 66/137, Preamble, U.N. Doc. A/RES/66/137 (Feb. 16, 2012).

[57] UNESCO & OHCHR, supra note 24, at 1 (defining HRE as "education, training and information aimed at building a culture of human rights).

[58] *See, e.g.*, UNESCO & OHCHR, supra note 24; DAVID SHIMAN, TEACHING ABOUT HUMAN RIGHTS (1986); BETTY REARDON, TEACHING FOR HUMAN DIGNITY: LEARNING ABOUT RIGHTS AND RESPONSIBILITIES (1995); AMNESTY INT'L, FIRST STEPS: A MANUAL FOR STARTING HUMAN RIGHTS EDUCATION (Jan. 1996); HUMAN RIGHTS EDUCATION FOR THE TWENTY-FIRST CENTURY (George J. Andrepoulos & Richard Pierre Claude eds., 1997); NANCY FLOWERS, THE HUMAN RIGHTS EDUCATION HANDBOOK: EFFECTIVE PRACTICES FOR LEARNING, ACTION, AND CHANGE (2000); *About,* PEOPLE'S MOVEMENT FOR HUMAN RIGHTS LEARNING, http://www.pdhre.org/about.html (last visited Apr. 28, 2015);

between the legal and education communities involved in human rights is startling.[59] The editors of the Journal of Human Rights Practice, Brian Phillips and Paul Gready, commented in their recent article introducing a special issue on HRE that "[o]n occasion it can seem as though human rights [law] and human rights education inhabit two, parallel worlds." [60] Accordingly, a brief history of the HRE movement is necessary to understand the place of HRE on the international agenda today.

Although largely separate from the development of human rights law, the HRE movement also began in the post-World War II era following the creation of the United Nations in 1945 and the adoption of the UDHR in 1948.[61] "Human rights education itself is the first and primary purpose of the Universal Declaration as a whole."[62] Indeed, the preamble states that "every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms."[63] Following the Universal Declaration, HRE activities began in the 1950s.[64] Since then, HRE has been the focus of international conferences, resolutions, reports and databases that explain its purposes and content, as well as the steps that states must take to ensure the full realization of the right to HRE.[65] The growth of the HRE movement over the past sixty-five years reflects the development of the human rights movement more generally as well as the tremendous expansion of education in many countries during this period.[66]

About, HUMAN RIGHTS EDUCATION ASSOCIATES, http://www.hrea.org/index.php?doc_id=97 (last visited Apr. 28, 2015).

[59] "Legal community" refers to the human rights mechanisms, including the Human Rights Council, the human rights treaty bodies, the Special Rapporteurs, as well as human rights courts, domestic courts, legal scholars and practitioners and a multitude of NGOs that contribute to defining and implementing human rights legal obligations. "Education community" refers to UNESCO, Ministries of Education, scholars and practitioners in education, and a multitude of schools and NGOs that contribute to defining and promoting HRE, developing and delivering HRE programs and curriculum, and building a network of people and organizations with expertise in HRE.

[60] Brian Phillips & Paul Gready, *Introduction – Why a Special Issue on Human Rights Education (HRE) and Training?*, 5(2) JOURNAL OF HUMAN RIGHTS PRACTICE 215, 217 (2013).

[61] See Baxi, *supra* note 40, at 144 (the origin of HRE can be traced to the text of the UDHR); David Suarez and Francisco Ramirez, *Human Rights and Citizenship: The Emergence of Human Rights Education*, (CENTER ON DEMOCRACY, DEVELOPMENT AND THE RULE OF LAW, STANFORD INSTITUTE FOR INTERNATIONAL STUDIES, Working Paper No. 12, at 6, 7, 2004) (pointing out that creation of United Nations in 1945 and the adoption of the UDHR in 1948 were the beginning of human rights education in intergovernmental orgainzations but that most growth in other organizations linking human rights and education did not happen until the 1970s).

[62] *See* JOHANNES MORSINK, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ORIGINS, DRAFTING AND INTENT 326 (1999).

[63] UDHR, *supra* note 31, at preamble.

[64] Suarez & Ramirez, *supra* note 61, at 7.

[65] See *id.* at 7-15.

[66] *Id.* at 5.

Among intergovernmental organizations, UNESCO has been the leader on HRE.[67] In 1953, UNESCO established the Associated Schools Project, which supports experimental schools and activities aimed at developing education for international understanding and cooperation, and promoting the UDHR and UN activities.[68] UNESCO continued to work on HRE throughout the 1970s and 1980s. Notable milestones include the UNESCO Recommendation on Human Rights Education (1974), which established guiding principles for all stages of education, quoting the aims of education enshrined in Article 26 of the Universal Declaration of Human Rights.[69] UNESCO also convened the First International Congress on the Teaching of Human Rights in Vienna in 1978 and The International Congress on Human Rights Teaching, Information, and Documentation in Malta in 1987.[70]

It was not until the end of the Cold War, however, that HRE truly became a broad-based international movement. In 1993, UNESCO held the third conference on HRE, the International Congress on Education for Human Rights and Democracy in Montreal.[71] This conference produced the *World Plan of Action on Education for Human Rights and Democracy* which aimed to "create a culture of human rights and to develop democratic societies that enable individuals and groups to solve their disagreements and conflicts by the use of non-violent methods."[72] The plan identified objectives and guidelines for action at all levels of the school system, in non-

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[67] *Id.* at 7.

[68] ASSOCIATED SCHOOLS PROJECT NETWORK (ASPNET), http://www.unesco.org/education/ ecp/publicat/brochure/english/asschpro.html (last visited Apr. 28, 2015); Suarez & Ramirez, *supra* note 61, at 7. Today, UNESCO Associated Schools is a network of 10,000 schools in 181 countries—including pre-k, primary, secondary, vocational and teacher training—that promote four themes: UN priorities, sustainable development, peace and human rights and intercultural learning. *Education*, UNESCO ASSOCIATED SCHOOLS, http://www.unesco.org/new/en/education/networks/global-networks/aspnet/study-areas/ (last visited May 14, 2015).

[69] UNESCO, *Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms*, UNESCO (Nov. 19, 1974), http://www.unesco.org/education/nfsunesco/pdf/Peace_e.pdf (last visited June 14, 2015). Notably, only five states opposed the recommendation: Australia, Canada, France, Germany and the United States. Suarez & Ramirez, *supra* note 61, at 9.

[70] *See* UNESCO International Congress on the Teaching of Human Rights, Sept. 12-16, 1978, *Final Document*, U.N. Doc. SS-78/CONF.401/COL.29 (Sept. 28, 1978), http://unesdoc.unesco.org/images/ 0003/000326/032644eb.pdf (last visited May 14, 2015); UNESCO International Congress on Human Rights Teaching, Information and Documentation, Aug. 31-Sept. 5, 1987, *Malta Recommendations on Human Rights Teaching, Information and Documentation*, http://www.ohchr.org/EN/Issues/Education/ Training/Compilation/Pages/8.MaltaRecommendationsonHumanRightsTeaching,InformationandDocument ation%281987%29.aspx (1987).aspx (last visited May 14, 2015).

[71] UNESCO International Congress on Education for Human Rights and Democracy, Montreal, Can., Mar. 8-11, 1993, *World Plan of Action for Education on Human Rights and Democracy*, http://www.un-documents.net/wpa-ehrd.htm (last visited May 15, 2015).

[72] *Id.*

formal settings and in contexts where rights are endangered, including armed conflicts, foreign occupation, transitions to democracy and natural disasters.[73]   It also set an agenda for research, collecting information, resources, teaching and learning materials and information networks.[74]

Later in 1993, the World Conference on Human Rights was held in Vienna. Held at the end of the Cold War, the Vienna conference was a major turning point for the human rights movement generally and for the HRE movement more specifically. At the end of the conference, the Vienna Declaration and Programme of Action took into account the *World Plan of Action on Education for Human Rights and Democracy* adopted earlier that year and recommended "that [s]tates develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information."[75] As a result of lobbying by NGOs,[76] the UN General Assembly quickly followed up on the Vienna Declaration by passing a resolution at the end of 1993 that requested: 1) that the Commission on Human Rights consider proposals for a United Nations decade for human rights and 2) that the Secretary-General incorporate the proposal into a plan of action to be considered by the General Assembly at its next session.[77] The following year, the General Assembly proclaimed the period from 1995 to 2004 the United Nations Decade for Human Rights Education,[78] and welcomed the Secretary-General's plan of action for the decade.[79]

In 2004, the High Commissioner for Human Right's evaluation of the UN Decade indicated that it had been a mixed success.[80] Perhaps the most telling part of the evaluation is that only twenty-eight of the 192 UN members responded to the questionnaire sent out by the Director-General of UNESCO and the Acting High Commissioner for Human Rights in an effort to gather data for the study.[81] Although several countries reported progress on integrating HRE into the school curriculum and training programs, there

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[73]   *Id.*

[74]   *Id.*

[75]   World Conference on Human Rights, June 14-25, 1993, *Vienna Declaration and Programme of Action* , ¶ 81, U.N. Doc. A/CONF.157/23 (July 12, 1993).

[76]   Suarez & Ramirez, *supra* note 61, at 15.

[77]   G.A. Res. 48/127, U.N. Doc. A/RES/48/127 (Dec. 20, 1993).

[78]   G.A. Res. 49/184, ¶ 2, U.N. Doc. A/RES/49/184 (Dec. 23, 1994).

[79]   *Id.* at ¶ 3.

[80]   *See* Report of the High Commissioner for Human Rights, *Promotion and Protection of Human Rights: Information and Education, United Nations Decade for Human Rights Education (1995-2004): Report on Achievements and Shortcomings of the Decade and on Future United Nations Activities in This Area*, U.N. Doc. E/CN.4/2004/93 (Feb. 25, 2004).

[81]   *Id.* at ¶ 6(a).

is in fact not enough data to be able to draw many conclusions.[82] Respondents' experiences and recommendations, however, provided valuable information for follow-up to the decade.[83]

On December 10, 2004, the UN General Assembly, followed up on the Decade for HRE by establishing the World Programme for Human Rights Education to begin on January 1, 2005.[84] The Programme is structured in consecutive stages.[85] The first phase (2005-2009) focused on human rights education in primary and secondary school systems.[86] The second phase (2010-2014) focused on human rights education in higher education, as well as human rights training programs for teachers, civil servants, law enforcement officials, and military personnel.[87] The third phase of the Programme (2015-2019) focuses on strengthening the first two phases and promoting human rights training for media professionals and journalists.[88]

Importantly, such efforts at the intergovernmental level have resulted in definitions, standards, and guidelines for HRE. The High Commissioner for Human Rights reported that "[t]he international community has increasingly expressed consensus on the fundamental contribution of human rights education to the realization of human rights."[89] In 2010, drawing on international instruments from the 1948 UDHR to the 2005 World Summit Outcome, the High Commissioner defined HRE as follows:

> [H]uman rights education can be defined as any learning, education, training, and information efforts aimed at building a universal culture of human rights, including:
>
> (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;

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[82] *Id.* at ¶¶ 10-19.

[83] *Id.* at ¶¶ 20-40.

[84] G.A. Res. 59/113, ¶ 2, U.N. Doc. A/RES/59/113 (Feb. 17, 2005).

[85] *Id.*

[86] OHCHR, World Programme for Human Rights Education (2005-ongoing), http://www.ohchr.org/EN/Issues/Education/Training/Pages/Programme.aspx, (last visited May 14, 2015).

[87] *Id.*

[88] OHCHR, Plan of Action for the Third phase (2015-2019) of the World Programme for Human Rights Education, ¶ 12, U.N. Doc. A/HRC/27/28 (Aug. 4, 2014).

[89] OHCHR, Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education, ¶ 1, U.N. Doc. A/HRC/15/28 (July 27, 2010) [hereinafter Draft Plan of Action].

(c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and minorities;

(d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;

(e) The building and maintenance of peace;

(f) The promotion of people-centered sustainable development and social justice.[90]

Further, HRE involves acquiring knowledge of human rights and the mechanisms of enforcement as well as the skills to apply them.[91] It also means developing values and behaviors that respect and uphold human rights.[92] Finally, HRE requires taking action to promote respect for human rights.[93]

Several decades of work on HRE have culminated in widespread agreement on many of its aspects. The United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in 2012, reflects many of the ideas about HRE promulgated since the UN Charter through the UN Decade on Human Rights Education and the World Programme for Human Rights.[94] Specifically, the Declaration calls on all parts of society—states, civil society, private actors, and international and regional organizations—to promote and ensure human rights awareness, education, and training as a lifelong process toward the goal of developing a universal culture of human rights.[95] Importantly, while the Declaration reaffirms the obligation of all states to ensure that education strengthens respect for human rights, it recognizes that HRE is essential to promote universal respect for, and observance of, human rights.[96]

This brief history of intergovernmental action on HRE since the adoption of the UN Charter mentions only a few of the milestones at the international level.[97] There were, and continue to be, many other major efforts at the international, regional, national and local level led primarily by

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[90]   *Id.* at ¶ 3.

[91]   *Id.* at ¶ 4

[92]   *Id.*

[93]   *Id.*

[94]   *See* Declaration on Human Rights Education and Training, G.A. Res. 66/137, preamble, U.N. Doc. A/RES/66/137 (Dec. 19, 2011).

[95]   *Id.* at ¶¶ 3, 4, 9-11.

[96]   *Id.* at preamble, art. 1.

[97]   For a more complete history of HRE, see Suarez & Ramirez, *supra* note 61, at 32 (listing major events in HRE history).

NGOs.[98] Nonetheless, this summary highlights three important points. First, the emergence of the international HRE movement has mirrored the burgeoning international human rights movement, taking major leaps forward following the Cold War and into the 2000s.[99] Since 1993, HRE has moved beyond a few NGOs into the mainstream human rights movement and beyond UNESCO to include OHCHR and more recently, the General Assembly's resolution on HRE. Second, there is widespread agreement now that HRE should be included in formal schooling at all levels and in training for teachers, social workers, judicial officers, police officers, prison officials and all other government officials. Third, through the World Programme on HRE, there is coordination at the international level to provide technical assistance, education and training materials, resource collection, and monitoring mechanisms.[100]

Despite considerable progress in implementing HRE over the past several decades,[101] many gaps still remain. Perhaps the most evident is the lack of any serious system of accountability, a gap that the UN human rights mechanisms, including the human rights treaty bodies, should at least partially remedy.

IV.   MILLENNIUM DEVELOPMENT EDUCATION GOALS, TARGETS, AND INDICATORS

The Millennium Declaration, like the UN Charter and the Universal Declaration of Human Rights, links peace and security, development and poverty eradication, and human rights and democracy into a holistic vision for a peaceful, prosperous, and just world.[102] Recognizing that the benefits

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[98] *See generally* Suarez & Ramirez, *supra* note 61. Indeed, some human rights scholars and practitioners view HRE as primarily an international movement of peoples and NGOs. *See, e.g.*, Tibbitts, *supra* note 21 (HRE is an international movement to promote awareness about human rights); Baxi, *supra* note 40, at 143 (comparing the Age of Rights from two perspectives: from the perspective of peoples' struggles for rights and liberation, and from the perspective of national and international actors drafting constitutions, who sit as judges and proclaim rights within the UN system).

[99] The major developments in the human rights, and then later the HRE, movement include a shift from a primarily NGO movement to inclusion of formal participation by intergovernmental organizations and national governments. Suarez & Ramirez, *supra* note 61, at 2. Over the same period there has been a trend toward addressing more marginalized human rights (such as economic, social and cultural rights) and marginalized groups (such as women, migrant workers and persons with disabilities). *Id.* at 2-5, 17-18.

[100] *Human Rights Education and Training*, OHCHR http://www.ohchr.org/EN/Issues/Education/ Training/Pages/HREducationTrainingIndex.aspx (last visited May 16, 2015).

[101] Francisco O. Ramirez, David Suárez, & John W. Meyer, *The Worldwide Rise of Human Rights Education*, in SCHOOL KNOWLEDGE IN COMPARATIVE AND HISTORICAL PERSPECTIVE: CHANGING CURRICULA IN PRIMARY AND SECONDARY EDUCATION 51 (2007) (concluding that human rights education has spread rapidly in recent decades).

[102] U.N. Millennium Declaration, *supra* note 6, at ¶ 1 and passim.

of globalization are distributed very unevenly, the Millennium Declaration calls for "broad and sustained efforts to create a shared future based upon our common humanity in all its diversity" and to ensure globalization is fully inclusive and equitable."[103] To guide these efforts, the Declaration sets out the fundamental values for the twenty-first century: freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility.[104]

The MDGs, drawn from the Millennium Declaration, necessarily narrowed this broad vision in order to create a practical framework for an operational plan. This process translated the aspirational document into a limited number of goals and time-bound targets that could realistically be measured in countries around the world. Table 1 presents the eight MDGs. Twenty-one targets and fifty-eight indicators were established to measure progress toward these eight MDGs.[105] The MDGs have been tremendously successful in focusing energy, expertise, and funding on these specific goals, and substantial progress has been made over the past fifteen years toward the targets. Turning the aspirational Millennium Declaration into measurable indicators and targets, however, understandably resulted in some shortcomings as well.

Table 1: The Millennium Development Goals	
Goal 1	Eradicate extreme poverty and hunger
Goal 2	Achieve universal primary education
Goal 3	Promote gender equality and empower women
Goal 4	Reduce child mortality
Goal 5	Improve maternal health
Goal 6	Combat HIV/AIDS, malaria and other diseases
Goal 7	Ensure environmental sustainability
Goal 8	Develop a global partnership for development

From a human rights perspective, there were many criticisms that cut deeply.[106] For example, under Goal 1 (eradicate extreme poverty and hunger), the target is to halve the proportion of people who suffer from

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[103] *Id.* at ¶ 5.

[104] *Id.* at ¶ 6.

[105] *See* U.N. Statistics Div., Millennium Development Goals Indicators, Official List of Indicators (Jan. 15, 2008), http://mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/OfficialList.htm.

[106] Numerous commentators have provided detailed critiques of the MDGs from a human perspective. *See, e.g.*, Mac Darrow, *The Millennium Development Goals: Milestones or Millstones? Human Rights Priorities for the Post-2015 Development Agenda*, 15 YALE JOURNAL ON HUMAN RIGHTS AND DEVELOPMENT 55, 59-71 (2011) (summarizing the human rights critiques of the MDGs); Alston, *supra* note 1, at 764-66 (listing human rights-based critiques of the MDGs); Saith, *supra* note 4, at 1197 and passim (criticizing MDG framework as embedded in the neoliberal strategic agenda and narrowly focused on addressing absolute poverty without any attention to broader goals of realizing human rights).

hunger by 2015. Human rights law, however, requires states to ensure a minimum level of all economic and social rights immediately, including the right to food.[107] This target anticipates leaving millions of people in hunger, even after the fifteen-year deadline, and thereby, essentially accepts a continuing violation of the right to food.[108] Goal 7 (ensure environmental sustainability) provides another example as the target—to improve the lives of 100 million slum dwellers—represents only 9 percent of the 1.6 billion slum dwellers worldwide.[109] Moreover, the target date is 2020, rather than the 2015 deadline for most of the other targets.[110] Malcolm Langford, Director of the Socio-Economic Rights Programme at the Norwegian Centre for Human Rights, refers to this as "the most embarrassing" of the targets because it is so terribly unambitious.[111] Many of the other MDGs and targets are also unambitious and fail to reflect the standards established in international human rights law.[112]

Human rights scholars and practitioners, as well as others, have also criticized the process by which the goals and targets were selected,[113] the lack of any focus on equality or marginalized groups,[114] the disconnect

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[107] CESCR, General Comment No 3: The Nature of the Parties Obligations, ¶ 10, U.N. Doc. E/1991/23 (Dec. 14, 1990) ("[A] [s]tate party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant."); CESCR, General Comment No. 12: The Right to Adequate Food, ¶¶ 6-8, U.N. Doc. E/C.12/1999/5 (May 12, 1999) (States have a core obligation to alleviate hunger and ensure adequate food for the dietary needs of individuals even in times of natural or other disasters).

[108] *See* MacNaughton & Frey, *supra* note 4, at 344 ("[E]ven if the MDG targets were achieved by the year 2015, that would still leave one half of those suffering from hunger still in hunger, and one half of those living on less than one dollar per day still living on less than one dollar per day."); Langford, *supra* note 4, at 87 (asking "[s]hould the other 50 percent be expected to wait 15-30 years before they are addressed?"). Thomas Pogge makes a similar argument with respect to the first MDG target of halving the proportion of people living in poverty. *See* Thomas Pogge, *The First United Nations Millennium Development Goal: A Cause for Celebration*?, 5(3) JOURNAL OF HUMAN DEVELOPMENT 377, 387 (2004) ("Why were we not . . . horrified when the world's politicians proposed, in 2000, to reduce extreme poverty so that, 15 years later, the number it affects will have declined from 1094 million to 883.5 million and the annual death toll from 18 million to 14 million?").

[109] Langford, *supra* note 4, at 86 (100 million of the 1.6 million slum dwellers).

[110] Offical List of MDG Indicators, *supra* note 2.

[111] Langford, *supra* note 4, at 86.

[112] *See id.* at 86-87; Darrow, *supra* note 106, at 59-71. See also sources cited in note 4. *But see* Fukuda-Parr, *supra* note 13, at 28, 30 (Goals were intended to be ambitious and to challenge stakeholders, however, some believed them to be over-ambitious, raising unrealistic expectations).

[113] *See* David Hulme, *The Making of the Millennium Development Goals: Human Development Meets Results-Based Management in an Imperfect World*, BROOKS WORLD POVERTY INST. 15 (2007) (a comparison of the MDGs, Millennium Declaration and the International Development Goals (IDGs) proposed by the OECD shows that the IDGs, rather than the Millennium Declaration, were the primary source for the MDGs); OHCHR, Claiming the MDGs, *supra* note 4, at 5 ("Southern Governments have been largely excluded from the goal-setting."); Langford, *supra* note 4, at 84-85 ("Broader participation and greater attention to human rights could have improved the precisions and focus of the targets.").

[114] Langford, *supra* note 4, at 87.

between some targets and the indicators intended to measure progress toward them[115] and the failure to address poverty in high and middle-income countries.[116] As we neared the 2015 end date to achieve many of the MDG targets and many—although unambitious—would not be met, there were also calls for greater accountability.[117] In sum, the MDGs, targets and indicators do not reflect the human rights principles of participation, transparency, equality and nondiscrimination, or accountability.

Consistent with human rights critiques generally, the MDGs, targets, and indicators that are related to education—see Table 2—are particularly problematic. Specifically, Goal 2—to "achieve universal primary education"[118]—has been repeatedly criticized by the human rights community for failing to incorporate the human rights requirement under the UDHR, the ICESCR and the CRC that states ensure free and compulsory universal primary education.[119] It is widely acknowledged that primary education must be both free and compulsory in order to be universal. Numerous studies and reports have documented that enrollments rise when user fees are eliminated and decline when they are imposed.[120] Further, unless education is compulsory, certain groups of children, such as girls, may be prevented from attending in order to meet other family needs.[121] By not recognizing these facts, MDG 2 ignores both the law and evidence relating to primary education.

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[115] MacNaughton & Frey, *supra* note 4, at 341 (explaining that two of the four indicators selected to measure progress toward the target of full employment and decent work for all are difficult to interpret and do not appear to directly measure progress toward the target).

[116] Saith, *supra* note 4, at 1184 (the entire MDG scaffolding is insufficiently global, as it ghettoizes the problem of development in the third world and ignores poverty and deprivation in advanced economies); OHCHR, Claiming the MDGs, *supra* note 4, at 4 (MDGs focus on developing countries while human rights standards apply universally; MDGs shift focus away from poverty that persists in developed countries).

[117] *See, e.g.*, OHCHR & CESR, Who Will Be Accountable?, *supra* note 14, at 50 (calling for greater accountability and noting in particular that "the human rights monitoring system (including the United Nations treaty bodies) has not so far played a prominent role in monitoring the MDG performance of states").

[118] U.N. Statistics Div., *supra* note 105.

[119] *See, e.g.*, OHCHR, Claiming the MDGs, *supra* note 4, at 4; Langford, *supra* note 4, at 86; Darrow, *supra* note 106, at 12.

[120] *See, e.g.*, Darrow, *supra* note 106, at 67-70 (omission of the legal requirement that primary education be free flies in the face of previous summit commitments and the overwhelming empirical evidence that formal and informal school fees reduce school attendance and completion rates); *see generally* Katarina Tomasevski, *School Fees as Hindrance to Universalizing Primary Education*, UNESCO (2003), http://unesdoc.unesco.org/images/0014/001469/146984e.pdf (last visited June 14, 2015); THE WORLD BANK, ABOLISHING SCHOOL FEES IN AFRICA: LESSONS FROM ETHIOPIA, GHANA, KENYA, MALAWI AND MOZAMBIQUE (2009).

[121] UNICEF, THE STATE OF THE WORLD'S CHILDREN 2004: GIRL'S EDUCATION AND DEVELOPMENT 88 (2003).

Moreover, Article 14 of the ICESCR requires states that do not provide free and compulsory universal education "within a reasonable number of years" after becoming a party to the Covenant to submit a plan to do so.[122] Langford contends that fifteen years is certainly not a reasonable number of years to comply with this immediate legal obligation.[123] Finally, MDG 2 fails to address the content of primary education, including human rights education, as required by Article 13(1) of the ICESCR, leaving both the aim and quality of education beyond measuring and monitoring by the MDG institutional arrangements.

MDG 3, which aims to "promote gender equality and empower women" was captured in a single education target to "eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels no later than 2015."[124] Human rights scholars and practitioners have criticized this goal and its single target because it reduces a goal of gender equality and empowerment to an education enrollment target with indicators for gender ratios in education, share of women in wage nonagricultural employment, and proportion of seats held by women in parliament.[125] Importantly, gender inequality reaches many other arenas, particularly in the private sphere.[126] Clearly, measuring the achievement of gender equality requires much more than measuring equality in education enrollment, nonagricultural employment, and participation in parliament. Table 2 sets out the two education-related goals and their targets and indicators.

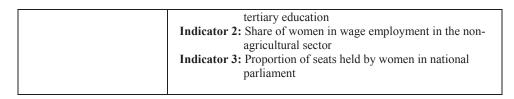| Table 2: MDG Education Goals, Targets and Indicators	
Goal 2: Achieve Universal Primary Education	**Target**: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling **Indicator 1**: Net enrollment ratio in primary education **Indicator 2**: Proportion of pupils starting grade 1 who reach the last grade of primary school **Indicator 3**: Literacy rate of 15-24 year-olds, women and men
Goal 3: Promote Gender Equality and Empower Women	**Target:** Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels no later than 2015 **Indicator 1:** Ratio of girls to boys in primary, secondary and

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[122] ICESCR, *supra* note 31, at art. 14.

[123] Langford, *supra* note 4, at 86.

[124] U.N. Statistics Div., *supra* note 105.

[125] Darrow, *supra* note 106, at 67.

[126] *Id.*

	tertiary education **Indicator 2:** Share of women in wage employment in the non-agricultural sector **Indicator 3:** Proportion of seats held by women in national parliament

The 2014 UN MDG Report found mixed success in achievement of the education targets. The Report identified substantial gains made in gender parity at every level of education in all regions of the world.[127] Additionally, by 2012 all developing regions had achieved or were close to achieving gender equity in primary education. Nonetheless, this was a goal that was set to be achieved by 2005.[128] The report also indicated that between 2000 and 2012, the net enrollment rate increased from 83 percent to 90 percent of children.[129] Although this number appears positive, one in every ten school-age children is not enrolled in school and progress has been stagnant since 2007.[130] By 2012, the latest year with complete statistics, there were still 58 million children out of school.[131] Additionally, "[m]ore than one in four children in developing regions entering primary schools is likely to drop out."[132] Thus, primary school completion might have been a more appropriate target to measure achievements in education and to be consistent with human rights standards.

For methodological reasons, it is not possible to determine the impact of the MDG agenda on education.[133] Notably, however, the international Education For All ("EFA") initiative has six targets in all, and only two of these targets—universal free and compulsory primary education and eliminating gender disparities in primary and secondary education—were incorporated (with some modification) into the MDG framework.[134] Significantly, there has been relatively little progress on the four EFA targets—including improving the quality of education—that were not selected to be MDG targets.[135] Thus, it appears that targets selected for the

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[127] *The Millennium Development Goals Report 2014*, U.N. DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS at 6 (2014), http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2014/English 2014.pdf (last visited May 14, 2015) [hereinafter *2014 MDG Report*].

[128] Official List of MDG Indicators, *supra* note 2.

[129] *2014 MDG Report*, *supra* note 127, at 17.

[130] *Id.*

[131] *Id.* at 17.

[132] *Id.* at 16.

[133] Burnett & Felsman, *supra* note 12, at 2.

[134] *Id.*

[135] *Id.* The other four targets were 1) expanding and improving early childhood care and education, 2) ensuring the learning needs of all young people and adults are met through learning and life skills

MDG framework are more likely to be achieved. Moreover, experts contend that "there has been an impact on international resource transfers and probably on domestic spending for primary education."[136]

Overall, it appears that the MDGs have played a positive role education with respect to the selected targets. For this reason, it is important to consider carefully, the new education goals and targets for the post-2015 international agenda.

V.   UNIVERSAL HUMAN RIGHTS EDUCATION AS A POST-2015 GOAL

A.   *Discussions on Post-2015 Agenda*

Over the past decade, the human rights community has repeatedly called for integrating human rights into the MDG agenda.[137] In 2002, the Committee on Economic, Social and Cultural Rights ("CESCR"), along with the Special Rapporteurs on Economic, Social and Cultural Rights, issued a Statement on the MDGs recognizing that 190 states had "committed in the Millennium Declaration to the realization of human rights, the promotion of sustained development and the elimination of extreme poverty" and that these commitments were "interdependent and mutually reinforcing." [138] Further, they maintained, "[w]e strongly believe that chances for attaining the Millennium Development Goals will improve if all UN agencies and governments adopt a comprehensive human rights approach to realizing the MDGs, including the formulation of the corresponding indicators."[139] The CESCR and the Special Rapporteurs then offered to assist in the UN endeavor to operationalize the MDGs.[140]

Despite calls from the UN human rights mechanisms for a human rights-based approach to the MDGs, in 2005, Philip Alston described the development and human rights communities as "ships passing in the night," noting that it was a "major missed opportunity" not to integrate human rights into the MDGs, as the two communities have common interests and their

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programs, 3) achieving 50 percent improvement in adult literacy by 2015, and 4) improving all aspects of the quality of education. *Id.*

[136] *Id.*

[137] *See, e.g.*, Alston, *supra* note 1; Langford, *supra* note 4; OHCHR, Claiming the MDGs, *supra* note 4; Joint Statement by CESCR and the U.N. Commission on Human Rights' Special Rapporteurs on Economic, Social and Cultural Rights, THE MILLENNIUM DEVELOPMENT GOALS AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS (Nov. 29, 2002) [hereinafter Joint Statement on MDGs and ESCR]; Chairpersons of the UN Human Rights Treaty Bodies, Joint Statement on the Post-2015 Development Agenda (May 2013) [hereinafter Joint Statement of Chairpersons].

[138] *Id.* at 3, ¶ 13.

[139] *Id*. at 1, ¶ 3.

[140] *Id.* at 3, ¶ 14.

agendas could mutually reinforce one another.[141] Similarly, in 2008, Louise Arbour, then UN High Commissioner for Human Rights, questioned the extent to which the MDGs could be successful if they remained disconnected to the human rights framework set out in the Millennium Declaration.[142] By 2010, discussions on the MDGs and human rights also began to address the post-2015 development agenda and the need to integrate human rights into the new scheme in an effort to address key failings of the MDG framework.[143] As the 2015 deadline for achieving most of the MDGs drew near, the human rights community has urged the leaders of the SDG process to "ground development priorities in human rights."[144]

Importantly, human rights have been at the center of broad-based global discussions on the post-2015 development agenda. In 2012, the United Nations Conference on Sustainable Development reaffirmed that policies for sustainable development should be consistent with international law and promote respect for all human rights.[145] In 2013, twenty-seven people appointed by the UN Secretary-General delivered the Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda.[146] Noting the unprecedented progress in reducing poverty (MDG 1), as well as toward achieving other MDGs, the panel stated:

> Given this remarkable success, it would be a mistake to simply tear up the MDGs and start from scratch. As world leaders agreed at Rio in 2012, new goals and targets need to be grounded in respect for universal human rights, and finish the job that the MDGs started. Central to this is eradicating extreme poverty from the face of the earth by 2030. This is something that leaders have promised time and again throughout history. Today, it can actually be done.[147]

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[141] Alston, *supra* note 1, at 761 (documenting numerous human rights critiques of the MDGs, including, among others, that 1) the MDG process was "top-down rather than a grassroots effort," 2) the MDGs settle for unacceptable outcomes, such as halving poverty rather than eliminating it, 3) the definition of poverty is too narrow, and 4) the MDGs are not tailored to individual countries).

[142] OHCHR, Claiming the MDGs, supra note 4, at iii (foreword by Lousie Arbour, UN High Commissioner for Human Rights).

[143] *See, e.g.*, Robinson, *supra* note 3; Langford, *supra* note 4; Darrow, *supra* note 106.

[144] Statement by 17 Special Procedures, *supra* note 11, at 1; *see also* U.N. Task Team on the Post-2015 U.N. Development Agenda, *Towards Freedom from Fear and Want: Human Rights in the Post-2015 Agenda*, Thematic Think Piece (by OHCHR), (May 2012).

[145] G.A. Res. 66/288, ¶ 58, U.N. Doc A/RES/66/288 (Sept. 11, 2012).

[146] *Report of the High-Level Panel*, *supra* note 11.

[147] *Id*. at Executive Summary.

Just as the High-Level Panel put respect for human rights at the center of the post-2015 development agenda, the Secretary-General has repeatedly emphasized that human rights are central to development. In his 2013 report, *A Life of Dignity for All*, he presented guidelines for a post-2015 agenda based on four building blocks: 1) a vision of the future based firmly on human rights and universally-accepted values, 2) a set of priorities defined in terms of goals and targets, 3) a global partnership to mobilize the means for implementation, and 4) a framework for participatory monitoring and accountability mechanisms.[148] Similarly, in his 2014 report, *The Road to Dignity by 2030*, he stated, "[w]e must invest in the unfinished work of the MDGs, and use them as a springboard into the future we want – a future free from poverty and built on human rights, equality and sustainability."[149]

Civil society has also called for human rights to form the normative basis of all the post-2015 goals and to frame all goals and targets in line with state obligations for economic and social rights.[150] As expressed in a joint statement endorsed by over 300 civil society organizations:

> At its essence, a post-2015 framework anchored in human rights moves from a model of charity to one of justice based on the inherent dignity of people as human rights-holders, domestic governments as primary duty bearers, and all development actors sharing common but differentiated responsibilities.[151]

One key to integrating human rights into the post-2015 framework is to ensure that the means of implementation is linked to national mechanisms

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[148] U.N. Secretary-General, *A Life of Dignity for All: Accelerating Progress Towards the Millennium Development Goals and Advancing the United Nations Development Agenda Beyond 2015*, ¶¶ 74-75 U.N. Doc. A/68/202 (July 26, 2013) [hereinafter *A Life of Dignity for All*].

[149] U.N. Secretary-General, *The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet, Synthesis Report of the Secretary-General On the Post-2015 Agenda*, ¶ 18 (advanced unedited version Dec. 4, 2014). The report continues, "All voices have called for a people-centered and planet-sensitive agenda to ensure human dignity, equality, environmental stewardship, healthy economies, freedom from want and fear, and a renewed global partnership for sustainable development. Tackling climate change and fostering sustainable development agendas are two mutually reinforcing sides of the same coin. To achieve these ends, all have called for a transformational and universal post-2015 agenda, buttressed by science and evidence, and built on the principles of human rights and the rule of law, equality and sustainability." *Id.* at ¶ 49.

[150] *See* Gabriele Köhler, Thomas Pogge, & Mitu Sengpta, *Big Holes in the SDG Draft*, CROP POLICY BRIEF 1 (2014); CESR, A MATTER OF JUSTICE: SECURING HUMAN RIGHTS IN THE POST-2015 SUSTAINABLE DEVELOPMENT AGENDA i (2013); *see also* JOINT STATEMENT: HUMAN RIGHTS FOR ALL POST-2015 (2013), https://sustainabledevelopment.un.org/content/documents/5123joint.statement.dec10.pdf (endorsed by over 300 civil society organizations) [hereinafter Joint Statement 2013].

[151] Joint Statement 2013, *supra* note 150, at 1.

of accountability and backed up by regional and international human rights mechanisms, including the treaty bodies and the Universal Periodic Review.[152] Additionally, civil society has advocated for goals that would respond to the MDG's shortcomings, maintaining that the goals should: 1) apply universally to all countries, as poverty exists in high and middle-income countries as well as low-income countries; 2) give greater attention to equality for women and girls, people with disabilities, and indigenous peoples; and 3) ensure broad participation by the people the goals aim to affect.[153]

Given the widespread support for a human rights-based approach to the post-2015 development agenda, the seventeen goals proposed by the Open Working Group of the General Assembly on the Sustainable Development Goals (SDGs) in July 2013—which form the basis for the negotiations between states on the final SDGs—are underwhelming.[154] Beyond 2015, a global civil society campaign consisting of over 1,000 civil society organizations in over 130 countries, declared the Open Working Group's proposal to be "a good starting point" but that "the goals must do more to express key values of participation, human rights, environmental sustainability, and the content of the goals on climate change, inequality and inclusive societies must be strengthened."[155] As the organization "Beyond 2015" notes, the chapeau of the Open Working Group's report recognizes that the 2012 United Nations Conference on Sustainable Development's outcome document reaffirms the importance of respect for human rights and international law.[156] Nonetheless, the report does not frame the goals and targets in terms of human rights or otherwise take a human rights-based approach.[157] Indeed, "human rights" appears only once in the content of the proposed SDGs. It is under the education goal as part of the knowledge and skill base for learners to acquire.[158]

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[152] *Id.* at 2.

[153] CESR, A MATTER OF JUSTICE, *supra* note 150, at ii.

[154] Report of the Open Working Group of the General Assembly on Sustainable Development Goals, U.N. Doc. No. A/68/970 (Aug. 12, 2014) [hereinafter Report of the Open Working Group].

[155] BEYOND 2015, KEY COMMENTS: BEYOND 2015 REACTION TO THE OUTCOME DOCUMENT OF THE OPEN WORKING GROUP ON SUSTAINABLE DEVELOPMENT GOALS at 2, (2014) *available at* http://www.beyond2015.org/sites/default/files/FINAL%20Beyond%202015%20Key%20Comments%20to %20the%20OWG%20SDG%20outcome%20document.pdf (last visited May 15, 2015) [hereinafter KEY COMMENTS OF BEYOND 2015].

[156] *Id.*

[157] *Id.*

[158] Report of the Open Working Group, *supra* note 154, at 13 (Goal 4, target 4.7 listed in text below). There are, however, also at least two other relevant references in the Open Working Group's report, one to sexual and reproductive rights and another to labor rights. *Id.* at 14 (Goal 5, target 5.6 on reproductive rights) and 16 (Goal 8, target 8.8 on labor rights).

B. The Proposed Post-2015 Education Goals and Targets

With respect to education, there is widespread acknowledgement that there has been significant progress toward universal primary education since 2000.[159] The number of out-of-school children decreased from 100 million in the early 2000s to 60 million by 2007.[160] Nonetheless, there is also recognition that progress has stagnated and the global community will not meet its goal by 2015.[161] While continuing to work toward the MDG of universal primary education, SDG discussions have focused on three additional key issues in education: 1) lack of quality education, 2) inequality and exclusion, and 3) the narrow focus on primary education.[162]

First, there has been a strong concern about the quality of education. The targets for MDG 2 measured only school enrollment based on registration, not actual attendance or learning.[163] Moreover, as enrollments grew in response to this focus, classes grew in size. This increase the student-teacher ratio and inequalities—based on gender, language and socio-economic status—became more apparent.[164] Making matters worse, the International Monetary Fund (IMF) imposed restrictions in many countries on increasing budgets for education, which prevented states from hiring and training additional teachers.[165] With pressure from international organizations to both increase the number of children in school and to lower spending on education, it is not surprising that class sizes soared and the quality of education suffered. In response to this crisis, Education International, a federation representing 30 million education employees, has proposed the post-2015 goal "Ensure Universal Free Quality Education," with targets for free quality primary and secondary education as well as for equitable access to quality post-secondary education.[166] Similarly, the Secretary General's High-Level Panel of Eminent Persons proposed the

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[159] YUSUF SAYED, MAKING EDUCATION A PRIORITY IN THE POST-2015 DEVELOPMENT AGENDA: REPORT OF THE GLOBAL THEMATIC CONSULTATION ON EDUCATION IN THE POST-2015 DEVELOPMENT AGENDA 6 (2013).

[160] *2014 MDG Report*, *supra* note 127, at 17.

[161] *Id*.

[162] SAYED, *supra* note 159, at 8-11.

[163] Elaine Unterhalter, Education Targets, Indicators and a Post-2015 Development Agenda: Education for All, the MDGs, and Human Development, at 5 (2015), *available at* http://fxb.harvard.edu/wp-content/uploads/sites/5/2013/09/Education-MDGs-Draft-4_Working-Paper.pdf.

[164] *Id*. at 16, 19.

[165] *Id*. at 20.

[166] *Education in the Post-2015 Global Development Framework*, EDUCATION INTERNATIONAL, http://www.ei-ie.org/en/websections/content_detail/7226.

SDG: "Provide Quality Education and Lifelong Learning" with indicators that focus on learning standards and outcomes.[167]

Second, there remain great inequalities within countries among specific populations. Although the gender gap has narrowed over the past fifteen years, many countries still do not provide equal access to education for girls.[168] Moreover, gender-based violence in schools, poor sexual and reproductive education (and thus unwanted pregnancy) and the absence of sanitation facilities push girls into dropping out of school, especially once they reach puberty.[169] Other marginalized groups that experience inequality in access to education include children living in rural areas, children with disabilities, and children in minority groups.[170] Large educational disparities according to socio-economic status also persist.[171] In discussions on the post-2015 agenda, there is an emphasis on reaching all the goals for all populations. This is a transformative shift which the High-Level Panel frames as "Leave No One Behind."[172]

Third, the narrow focus of the MDGs on primary education effectively deprioritized early education, as well as secondary and higher education, and adult literacy.[173] The lack of public early education has the greatest impact on marginalized groups who may then be ill-prepared to start primary education. At the same time, deprioritizing secondary and higher education often leaves young people without the skills necessary to get a decent job.[174] An educated population is also necessary to build capacity in government, healthcare, and education and to support economic innovation and growth.[175] The lack of adult literacy also has a gender dimension, as women constitute two-thirds of illiterate people globally.[176] Thus, discussions on the post-2015 agenda have called for broader education goals to address all levels of education from early childhood education to adult literacy in order to reach all people.

The proposal of the Open Working Group on the SDGs presented in July of 2014 sets out one multi-faceted goal for education: "Ensure inclusive and equitable quality education and promote lifelong learning and

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[167] *Report of the High-Level Panel*, *supra* note 11, at 36.
[168] SAYED, *supra* note 159, at 10.
[169] *Id.*
[170] *Id.* at 11.
[171] *Id.*
[172] *Report of the High-Level Panel*, *supra* note 11, at 7.
[173] *Id.* at 8.
[174] *Id.* at 37.
[175] *Id.*; SAYED, *supra* note 159, at 8.
[176] Unterhalter, *supra* note 163, at 20.

opportunities for all."[177]   Table 3 lists the ten corresponding education targets proposed by the Open Working Group.

Table 3: Proposed Post-2015 Education Goal and Targets

Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning and opportunities for all

> **Target 4.1**: By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.
>
> **Target 4.2**: By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.
>
> **Target 4.3**: By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.
>
> **Target 4.4**: By 2030, increase by [x] percent the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.
>
> **Target 4.5**: By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.
>
> **Target 4.6**: By 2030, ensure that all youth and at least [x] percent of adults, both men and women, achieve literacy and numeracy.
>
> **Target 4.7**: By 2030, ensure that all learners acquire knowledge and skills needed to promote sustainable development, including among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.
>
> **Target 4.a**: Build and upgrade education facilities that are child, disability, and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.
>
> **Target 4.b**. By 2020, expand by [x] percent globally the number of scholarships available to developing countries, in particular least developed countries, small island developing states and African countries, for enrollment in higher education, including vocational training and information and communication technology, technical, engineering and scientific programs, in developed countries and other developing countries.
>
> **Target 4.c**. By 2030, increase by [x] percent the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially in the least developed countries and small island developing states.

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[177] Report of the Open Working Group, *supra* note 154, at 13.

The proposed goal and targets address key concerns about the education MDGs by expanding their focus to include early education, secondary education and higher education. The targets also address adult literacy, skills for decent work and the need for more qualified teachers. As the Global Thematic Consultation on Education in the Post-2015 Development Agenda concluded, this overarching goal focuses "on expanded access and quality, with a strong focus on equity."[178] Nonetheless, none of the targets are framed in terms of human rights standards.

Notably, target 4.7 of the Open Working Group's proposal calls for ensuring, by 2030, "that all learners acquire knowledge and skills needed to promote sustainable development, including among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development." While the proposal mentions human rights, this single reference in a long list of educational content does not rise to making human rights one of the four building blocks of the post-2015 development agenda as recommended by the Secretary-General in his 2013 report: *A Life of Dignity for All*.[179] Further, it fails to respond to the demands of civil society for a human rights-based approach to the post-2015 development agenda. It is merely, as Beyond 2015 declared, a good start.[180]

C.   *A Proposal for Universal Human Rights Education as a Post-2015 Goal*

The promotion and protection of human rights is one of the main goals of the United Nations as set forth in the Charter,[181] as well as a legal obligation of all the member states.[182] Moreover, civil society demands that a human rights-based approach to sustainable development be integrated into the SDGs.[183]   Numerous leaders in the UN, including the Secretary-

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[178] SAYED, *supra* note 159, at 39.

[179] *A Life of Dignity for All*, *supra* note 148, at 12, ¶ 75.

[180] KEY COMMENTS OF BEYOND 2015, supra note 155, unpaginated (Open Working Group's proposal is "a good starting point"). Moreover, the proposed indicators for the proposed SDG 4 on education do not include any reference whatsoever to human rights. *See* SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK: A GLOBAL INITIATIVE FOR THE UNITED NATIONS, INDICATORS AND MONITORING FRAMEWORK FOR THE SUSTAINABLE DEVELOPMENT GOALS: LAUNCHING A DATA REVOLUTION FOR THE SDGS, A report by the Leadership Council of the Sustainable Development Solutions Network 117-23 (Revised working draft – version 6, Feb. 18, 2015).

[181] U.N. Charter, art. 1.

[182] *Id.* at arts. 55-56.

[183] KEY COMMENTS OF BEYOND 2015, *supra* note 155.

General[184] and national governments (as represented on the High-Level Panel)[185] also recognize that human rights must be a core component of the SDGs. With respect to education, the Global Thematic Consultation on Education in the Post-2015 Development Agenda echoed the commitments in the Millennium Declaration to strengthening respect for human rights as set forth in the Universal Declaration of Human Rights and the international human rights treaties.[186] The consultation also reaffirmed the need for a human rights-based framing of the post-2015 agenda; this was one of the strongest themes that emerged from the discussions.[187]

In this context, this article proposes universal HRE during the compulsory years of schooling as a post-2015 international development goal. While there is a strong consensus that integrating human rights into all of the goals and targets is a necessary foundation for the SDG framework, the framework would ideally include a stand-alone human rights goal as well. There is no reason to jettison a stand-alone human rights goal for integration of human rights when both approaches have merit. A human rights goal brings focus to many of the missing elements in the MDGs—such as universality, equality, participation and accountability—and ensures that human rights are not lost in the implementation phase of the SDGs as was the case with the transformation of the Millennium Declaration into the MDGs. A human rights goal ensures that human rights remain on the agenda from adoption of the SDGs, through to selection of indicators, implementation of programming, monitoring and accountability phases.

More specifically, universal HRE as an SDG would serve as an education goal that addresses the concerns for quality education, inclusion of marginalized and lower socio-economic groups, and education across the lifespan.[188] Universal HRE would also provide a method for integrating human rights more broadly into the post-2015 development agenda as it

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[184] *A Life of Dignity for All*, *supra* note 148, at 12, ¶ 75; *The Road to Dignity by 2030: supra* note 149, at ¶ 36 (Advance unedited Dec. 4, 2014) (reiterating recommendation in *A Life of Dignity for All* of "the development of a universal, integrated and human rights-based agenda for sustainable development").

[185] *Report of the High-Level Panel*, *supra* note 11, at 65 (High-Level Panel of Eminent Persons to consist of 26 eminent persons, including representatives of governments, the private sector, academia, civil society and youth).

[186] SAYED, *supra* note 159, at 15.

[187] *Id.*

[188] *See, e.g.*, ICESCR, *supra* note 31, at art. 13(2) (indicating that the right to education, which strengthens respect for human rights, encompasses primary, secondary, higher education and fundamental education for adults); CESCR Gen. Cmt. 13 Right to Education, *supra* note 46, at ¶6(b)-(c) (right to education requires education to be nondiscriminatory and of good quality); Katarina Tomasevski, *Annual Report to the Commission on Human Rights: The Right to Education*, ¶48 U.N. Doc E/CN.4/2004/45 (Jan. 15, 2004) (noting that quality education must include human rights education and encompass the processes of teaching, learning and socialization).

aims to ensure that everyone is involved in building a culture of human rights locally and globally.

Table 4 sets out the proposed SDG: "Achieve Universal Human Rights Education," with the single target to "[e]nsure that by 2020, children everywhere receive comprehensive human rights education—as defined by the World Programme on Human Rights Education—during every year of their compulsory schooling." At this stage in the post-2015 agenda discussions, it may be too late for a stand-alone human rights goal on universal HRE to become one of the SDGs, as the inclination now is to reduce the number of goals from seventeen, rather than expand it. There is no reason, however, that a specific target on universal HRE during all the compulsory years of schooling cannot be adopted under the current proposed SDG 4: "Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning and Opportunities For All." This specific HRE target would go a long way to addressing the human rights shortfalls of the MDG framework generally, as well as the specific concerns about the adverse impacts that MDG 2 had on the quality and equality of primary and secondary education.

Table 4 also identifies three illustrative indicators for the target of universal HRE during all the compulsory school years. These indicators are based on the framework for indicators developed by the Office of the High Commissioner for Human Rights, which calls for three types of indicators: structural, process, and outcome indicators.[189] Structural indicators measure the commitment of the state to implement measures to fulfill its human rights obligations,[190] such as adoption of a law or policy requiring universal human rights education. Process indicators measure the efforts of the state to transform its human rights commitments into the desired results.[191] One illustrative process indicator proposed by the OHCHR is "[p]roportion of education institutions at all levels teaching human rights and promoting understanding among population groups (i.e. ethnic groups)."[192] Outcome indicators measure the results of state efforts and assess the extent of the enjoyment of human rights.[193] An illustration of an outcome indicator is the proportion of children attending compulsory schooling this year who received comprehensive HRE. This framework for indicators—structural,

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[189] OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation 34-38 (2012), http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf (last visited May 15, 2015).

[190] Id. at 34.

[191] Id. at 36.

[192] Id. at 100 (illustrative indicators on the right to non-discrimination and equality).

[193] Id. at 37-38.

process, and outcome—aids in monitoring the state's achievements in fulfilling its human rights obligations over time.

To fully integrate human rights into the post-2015 development agenda, the indicators proposed in Table 4 measure the state's commitment and effort to respect, protect, and fulfill its obligation for HRE as well as people's actual enjoyment of the right to HRE. They also illustrate that adopting a human rights-based approach to development involves more than mentioning human rights in the chapeau of the proposed SDGs or in a long list of the content of quality of education. It means integrating human rights into all elements of the agenda, including, for example, the process for selection of targets as well as the framework for selection of indicators.

Table 4: A Human Rights Education Goal for Post-2015 Development	
Goal: Achieve Universal Human Rights Education	**Target:** Ensure that by 2020, children everywhere receive comprehensive human rights education – as defined by the World Programme on Human Rights Education – during every year of their compulsory schooling
	Structural indicator: Proportion of schools providing compulsory education that have a policy requiring human rights education – as defined by the World Programme for Human Rights Education – to be taught in each grade **Process indicator:** Proportion of schools providing compulsory education that teach human rights – as defined by the World Programme for Human Rights Education – in every grade **Outcome indicator:** Proportion of youth 15-18 who have completed at least three years of human rights education – as defined by the World Programme on Human Rights Education

Universal HRE—as a post-2015 goal or a target—addresses the calls for a human rights-based approach to the SDGs. Indeed, as noted in the introduction to this article, HRE is one strategy for applying human rights to development theory, policy, and practice.[194] In essence, HRE is a human rights-based approach to development.

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[194] *See* Tibbitts, *supra* note 21 ("Human rights education (HRE) is an international movement to promote awareness about the rights accorded by the Universal Declaration of Human Rights and related human rights conventions, and the procedures that exist for the redress of violations of these rights.").

In 2003, the UN Inter-Agency Common Understanding of a Human Rights-Based Approach to Development Cooperation confirmed the UN commitment to a human rights-based approach to development.[195]   It also set out a three-part framework for this approach. First, in a human rights-based approach, "all programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments."[196] In other words, development programming must further human rights goals. HRE as an SDG certainly fulfills this requirement aiming to ensure that all children learn about their human rights and the mechanisms to enforce them, develop values and behaviors that respect human rights, and take action to promote respect for human rights.[197]

Second, a human rights-based approach requires that all development programming be guided by human rights standards, including universality, equality and nondiscrimination, participation and accountability, among others.[198] HRE as an SDG promotes universality within nations and between them. Within nations, the goal demands HRE during compulsory years of school, aiming to ensure that every child receives HRE. Moreover, HRE is a universal goal in the sense that it is required in high and middle-income states as well as in low-income states, addressing the concern that the MDGs set targets to be met only by developing countries.[199] HRE also promotes equality and nondiscrimination as it teaches understanding and practice of these core human rights principles. Finally, HRE teaches students that they have the right to participate in decision-making and to require that the state, and other duty-bearers, be held accountable.

In this way, HRE also meets the third criterion for a human rights-based approach as it "contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights."[200] As HRE teaches students about their rights, it increases their capacity to claim their rights and to understand their duties as well, which is particularly important for those who later assume positions in the public sector. In addition, HRE during compulsory school years will build the capacity of teachers (who are both 'rights-holders' and 'duty-bearers') and of principals and other education administrators, and instructors in teachers' colleges. Indeed, HRE will build the capacity of an entire nation to

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[195] *U.N. Common Understanding*, *supra* note 16.
[196] *Id.*
[197] *See* Draft Plan of Action, *supra* note 89, at ¶¶ 1-3.
[198] *U.N. Common Understanding*, *supra* note 16.
[199] *See, e.g.*, SAYED, *supra* note 159, at 15.
[200] *U.N. Common Understanding*, *supra* note 16.

understand both their rights and duties, thereby building a culture of respect for human rights. HRE as an SDG is more than a goal for improving access to and quality of education; it is a method for fully integrating human rights into the SDGs and the global development agenda.

VI. CONCLUSION

The goal of universal HRE for the post-2015 development agenda responds to many concerns voiced during discussions on the post-2015 agenda. First, it is important that the post-2015 goals and targets align with international human rights laws, and ideally they should measure progress in realizing human rights. HRE is explicitly a human rights goal and the proposed universal HRE target would measure progress toward realizing human rights. Second, HRE will integrate human rights into the post-2015 development agenda, addressing one of the key criticisms of the MDGs, which were delinked from the human rights goals in the Millennium Declaration and the Secretary-General's *Road Map Toward Implementation of the Declaration*.[201] Third, universal HRE responds to several critiques of the MDGs, including the desirability of targets that are applicable to all countries, the promotion of participation by those whom the goals intend to benefit, and the promotion of equality and nondiscrimination in schools and societies at large. Finally, it is important to have one stand-alone goal that aims to promote human rights as a strategy for development and contributes to building a global human rights culture. For this purpose, the goal of universal HRE is entirely suitable.

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[201] *See* Millennium Declaration, *supra* note 6, at ¶¶ 24-25; Millennium Declaration Road Map, *supra* note 7, at ¶¶ 195-224.