

Bogusława Bednarczyk

**SOME REFLECTIONS ON HUMAN RIGHTS EDUCATION
IN THE XXI CENTURY EUROPE**

Introduction

The subject of human rights raises issues that are neither simple nor clear. Human rights are political by nature and they require political will to implement and public scrutiny to maintain. States have a duty to govern according to the rule of law and to respect the rights and freedoms of individual citizens. Citizens must also be constantly vigilant and insist on transparent and accountable government.

Whose rights come first? Whose needs are more important? Some argue that economic, social and cultural rights should come before civil and political rights; that a person's right to eat is more important than another person's freedom of expression. Others argue the other way that civil and political rights are more important. In fact, all rights depend on each other. Often they involve competing interests that pose problems that call for discussion and sensitivity rather than dogmatic assertion. It is helpful to keep a clear and open mind on the issues. Torture and the denial of the most basic civil and political rights and freedoms are not the result of economic underdevelopment, but the consequence of abuses committed by individuals or groups.

The Charter of the United Nations called for cooperation "in promoting and encouraging respect for human rights and fundamental freedoms". Since the adoption of the Universal Declaration of Human Rights, the UN General Assembly has called on member states and all segments of society to disseminate and edu-

cate about this fundamental document for its mandate for human rights education is evident: one has a human right to know his or her rights. The Preamble to the Universal Declaration of Human Rights encourages “every individual and every organ of society” to “strive by teaching and education to promote respect for these rights and freedoms”. Article 30 of the Declaration declares that one goal of education should be “the strengthening of respect for human rights and fundamental freedoms.” According to the International Covenant on Civil and Political Rights, a government “may not stand in the way of people’s learning about their rights”. The World Conference on Human Rights in Vienna (1993) reaffirmed the importance of human rights education, training and public information declaring it “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.”¹

In an ongoing process the international community has come to recognize and promote human rights and fundamental freedoms through a vast body of international human rights law. Among these rights, the right to education provides an entry point to the enjoyment of all human rights. It includes human rights education, the right to learn about those rights, and the ways and means to protect and promote them in our societies. Within the education system, human rights education promotes a holistic, rights-based approach that includes both “human rights through education”, ensuring that all the components and processes of education – including curricula, materials, methods and training – are conducive to learning about human rights, and “human rights in education”, ensuring that the human rights of all members of certain community are respected. Clearly, many conflicts are fuelled by grievances (caused by the lack of knowledge, information and education) that involve violations of human rights, such as racial and religious discrimination. UN Declaration proclaimed that governments should respect and protect human rights not only because it was the right thing to do, but because if they did not people would be compelled to rebel against tyranny and oppression. But there is no clear and direct link between injustice and violence. Many victims of human rights violations do not threaten violence against their own and other governments but what is clear and must be understood (for that, however, the long-lasting education process is required) to hold consistently and globally, is that respect for human rights is not an obstacle to security and peace but an essential ingredient for their achievement.

Human rights education is one of the concepts that have become intensively current issue on the agenda of all countries in the world during the last decade of the XX century. It was included in basic aims of educational reforms on national level and supported by international and regional organizations and also it was strengthen by the documents signed internationally. In the UN Decade Action Plan on Human Rights Education human rights education was defined as “a life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring

¹ Vienna Declaration and Programme of Action, part I, pars. 33–34 and part II, pars. 78–82.

that respect in all societies”². The Assembly emphasized that the responsibility for human rights education rested with all elements of the society – government, non-governmental organizations, professional associations, and other sectors of civil society as well as individuals.³

Human rights education, together with education for democratic citizenship and education for mutual respect and understanding, is vital for all our societies. It promotes equality, empowerment and participation as well as conflict prevention and resolution. In brief, it is a mean to develop societies where the human rights of all are respected, protected and fulfilled. However, Europe needs new initiatives in human rights education, as well as, encouragement for further implementation of those already in place. Cooperation and partnership already existing among the EU and Council of Europe member states requires further enhancement at all levels. The education in human rights, as requirement for the effective exercise of the same ones is not an easy task to be achieved. It must be projected on the whole of our societies. The term education must be understood in its wider sense, and reach to all strata and social sectors, particularly to those that turn out to be more unprotected. It involves the starting of a vast plan that achieves to present the contents of human rights related with the type of education concerned. That mean, adults’ education, popular education, out-of-school education of specialized groups, education with marginal groups etc.

Knowing about human rights is therefore one way to secure freedom via education. In that sense, learning about human rights is an especially important task. It is crucial in times when, on the one hand, many people do not pay attention to public affairs anymore and engage only in self-interested pursuits and, on the other hand, people all around the world are confronted with political extremism, religious fundamentalism and poverty. At this point it is necessary to explain that the term “human rights education” is often used in numerous resources and documents in a narrow sense as education on a school level. In this paper we will try to use it in a broader sense, in order to include education for democratic citizenship and education for mutual respect and understanding, which are all based on internationally agreed human rights standards. The above mentioned three areas should be looked at as interconnected and essential within educational systems in order to construct active and responsible multicultural societies, able to become caring participants in their communities, as well as at the international and global level.

² General Assembly Resolution 49/184, 23 December 1994.

³ The Plan of Action for the Decade also defined human rights education as “training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and molding of attitude which are directed to: 1. The strengthening of respect for human rights and fundamental freedoms; 2. The full development of human personality and the sense of its dignity; 3. The promotion of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; 4. The enabling of all persons to participate effectively in a free society; 5. The furtherance of the activities of the UN for the maintenance of peace. Plan of Action of the United Nations Decade for Human Rights Education (1995–2004), para. 2.

The demographic and cultural composition of societies is rapidly changing as a result of greater mobility of peoples and individuals. Ethno-centrism, racism and xenophobia constitute a serious threat to the life and well-being of many societies and to the dignity and worth of human beings. Governments and international organizations, notably the United Nations and the Council of Europe, have repeatedly stated in imperative terms that the speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance is a priority. In this framework the role of intercultural education is of decisive importance and should be promoted by all available means with the aim to fostering tolerance, understanding and respect among peoples, groups and individuals. All members of the society are involved in multiculturalism. That is one of the soundest arguments to confirm the need for intercultural education. There is no doubt that it should be aimed primarily at young people however, as plainly demonstrated by enquiry into ways of giving democratic citizenship its deserved value, the extension to all age groups is equally important.

This paper aims to present the brief overview of human rights education process developed mainly by the Council of Europe initiatives, and to explain why I consider that intercultural dialogue and its religious dimension is necessary for the promotion and protection of fundamental human rights. Religious differences, as an aspect of multiculturalism, raise controversies and challenges in the area of ensuring equality in education tolerance and nondiscrimination. I would like to put an impact on the religious dimension of intercultural education. The religious dimension of intercultural dialogue is linked to the political motivation of promoting intercultural dialogue as a means of strengthening and promoting human rights and democracy in Europe. In my view, allowing individual Europeans to participate in intercultural dialogue plays a central role in educational policies and practice. However, the crucial questions arise here, why, since this solution seems to be so simple and obvious, there still remain so much difficulty in applying into practice mutual understanding and tolerance for the freedom of belief, religion, generally for the “rights of the others”? It is not an easy task to deal with this issue. Nevertheless, I will try to tackle in brief present situation in Europe in advancing intercultural and interfaith dialogue.

It is above any doubts that diversity is a fundamental aspect of all societies that concerns differences between individuals and differences between groups. The existence of multiple identities, values, cultures and faith within a society challenges individuals and groups to cultivate mutual understanding in order to engage in cooperative interaction and experience cultural enrichment. Without mutual understanding, differences may generate conflicts that, when managed with violence, lead to serious violations of fundamental human rights.⁴

⁴ Intercultural education, enclosing the themes of “inclusion and participation” and “learning to live together” provides a means of handling the challenges posed by multiculturalism in a context that promotes democratic standards for conflict resolution. See more P. Batelaan, *Intercultural Education in the 21st Century: Learning to Live Together*, [in:] *Intercultural Education*, vol.3, issue 2&3, London 1993.

Selected issues of Council of Europe endeavors in promoting human rights and intercultural dialogue

I have chosen the Council of Europe engagement in promotion of human rights education mainly, because the Council has been engaged in supporting and developing of human rights and intercultural dialogue practically from its very outset.⁵ The Council of Europe has always been very active in the fight against racism, xenophobia and intolerance. Since 1993 this task has been entrusted to the European Commission against Racism and Intolerance (ECRI), an independent human-rights monitoring mechanism, set up by the Heads of State and Government of the Organization.⁶

For the purpose of this paper only a couple, of the numerous Council's initiatives have been selected. In my opinion, they are the most significant ones. On the Council of Europe forum, the area of education has been treated as a focal point for strengthening democracy, protecting human rights, and promoting unity among its member states. The early projects emphasized the integration of minorities in an effort to ensure equality in education and to encourage intercultural exchange within the broader community.⁷ According to me, special attention requires a project: *The New Challenge of Intercultural Education: Religious Diversity and Dialogue in Europe* launched by the Council of Europe Steering Committee on Education in 2002. The project was based on the idea to make the intercultural and interfaith dialogue one of the major axes of the Council of Europe's development.

The aim of the project was to raise the awareness of decision-makers, educators and teachers about the implications of the religious dimension of intercultural education. It also attempted to draw their attention to examples of positive experiences and of new methods and approaches in intercultural education in general, in both curricular and extra-curricular activities. Thus the project was intended to

⁵ The Council of Europe was the first European political organization, created four years after the United Nations in May 1949 in London. The Statute of the Organization is explicitly founded upon respect for human rights and the pre-eminence of law. Protecting and promoting human rights is central to the role of the Council of Europe.

⁶ Statute of ECRI was adopted by the Committee of Ministers in 2002. In its annual reports ECRI highlights some of the main trends in the field of racism and related intolerance in Europe. It also recommends an approach that does not distinguish between the various forms of racism. This approach is based on the effective application of comprehensive antidiscrimination legislation (including criminal law), specialized organs, awareness-raising and education, informing victims of their rights, and a particular view of integration as a process of mutual recognition.

⁷ The investigation of case studies and a symposium held in L'Aquila, Italy, in May 1982 affirmed that although, religion played a vital role in influencing value systems across cultures, the issue of religion as a "cultural fact" was marginalized in the realm of education. Such findings encouraged the preparation of a comprehensive study on the "Education and Cultural Development of Migrants". Simultaneously the work started on project proposing action areas to combat xenophobia and promote diversity as a source of cultural and societal enrichment. The next significant project, "Democracy, Minority Human Rights" took place from 1992–1997. It called attention to diversity within the contexts of language, history, geography and religion. That undertaking laid the cornerstones for integrating intercultural education with "civic education" and "education for democratic citizenship".

be innovative in its theory, yet with a practical hands-on approach. In 2004, the project has become part of the program “Building stable and cohesive societies” of the Intergovernmental Program of Activities, working hand-in-hand with the projects “Intercultural Dialogue and Conflict Prevention” managed by the Steering Committee of Culture and the project “Youth Building Peace and Intercultural Dialogue” managed by the European Steering Committee for Youth.

The European Ministers of Education Declaration, adopted in 2003, was the next important step forward. The declaration, in affirming “the diversity of our societies in terms of ethnicity, culture, languages, religions, and education” and asserting awareness of the “disturbing persistence in our societies of xenophobic and racist practices, violence and intolerance”, supported the resolution to “make the necessary arrangements to take intercultural education into account as an important component of our education policies” including “appropriate measures at the levels of curricula, school governance and teacher training.”⁸

Since then intercultural education has undergone continual extension to other groups and other aspects. It is out of question that intercultural dialogue is a necessity of our times. More than ever, talking and co-operating across cultural, ethnic, religious, linguistic and national dividing lines is imperative to secure cohesion, human rights and to prevent conflict.

In May 2008, Council of Europe Ministers of Foreign Affairs launched a White Paper on intercultural dialogue, titled “Living Together as Equals in Dignity”. In my opinion the crucial value of this document lays in its promotion of a new paradigm of intercultural dialogue. It points out that the promotion of human rights must simultaneously value and exploit diversity and differences in education, and reconcile them with the advancement of democratic society. According to this document two traditional approaches addressing cultural diversity are no longer adequate. The first of these, the notion that members of minority communities should assimilate to the dominant ethos of the state, has proved increasingly difficult to sustain in ever-more diverse societies.⁹ The second notion, developed partly in re-

⁸ In November 2003 in Greece, the 21st session of the Standing Conference of European Ministers of Education adopted a declaration on “Intercultural Education in the New European Context”. The basic document for this declaration was the Secretary’s General of the Council of Europe decision from 2002 “to make intercultural and interfaith dialogue one of the major axes of the Council of Europe’s development”. See: Athens Declaration 2003, 12 November 2003, Council of Europe.

⁹ Additionally, it does not stay easily with recent Council of Europe affirmation of the rights of persons belonging to minority communities, such as the Framework Convention for the Protection of National Minorities and the Charter for Regional or Minority Languages. The Framework Convention, which entered into Force in 1998, is the first treaty designed to protect the rights of persons belonging to national minorities in general. The Convention defines legal standards in the form of principles and provisions constituting a programme to be put into effect. The Convention does not attempt a definition of the concept of national minority. It nevertheless suggests criteria, being aimed only at those minorities which can be identified by religion, language, traditions and cultural heritage. The European Charter for Regional or Minority Languages is a unique international instrument also for promoting intercultural dialogue. The Charter has produced a number of positive developments all linked to the promotion of intercultural dialogue. The Charter was an awareness-raising document, since then minority and language protection or promotion has become a subject of public debate. Additionally, for some languages the ratification instrument was the first official recognition of their minority status in that country, for example of Scots in the United Kingdom.

sponse to the above problems, is that of multiculturalism. It argued that the distinct ethos of minority communities should be politically recognized as being on an equal level with that of “host” majority. But this also turned out to be problematic. It unintentionally led to a sacrifice of the rights of individuals – notably women – within communities. And it tended to reproduce communal stereotypes and lead to segregation and mutual incomprehension.

It is in this context that the new paradigm of intercultural dialogue has emerged. The concept takes from the assimilation the emphasis on the universality of the citizen and his or her equality, allied to the exercise of impartial public authority. The part received from multiculturalism is an appreciation of cultural diversity and its potential for cultural enrichment, mutual understanding, and respect for the human rights of the others. So far, it is not possible to estimate the success of this attitude, however, it shows a new light in the tunnel.

The purpose of the White Paper was to identify how to promote intensified intercultural dialogue with and between societies in Europe and dialogue between Europe and its neighbors.¹⁰ The document is addressed to policy makers and administrators, to educators and the media, and to civil-society organizations, including migrant and religious communities, youth organizations and the social partners. It provides a various orientations for the promotion of intercultural dialogue, mutual respect and understanding based on the core values of the organization.¹¹ It was also desired to become a strategy for how the Council of Europe can promote intercultural dialogue.

In the Council of Europe, intercultural dialogue, in a very broad sense, is seen as a means of promoting awareness, understanding, reconciliation and tolerance, as well as preventing conflicts and ensuring integration and the cohesion of society. In this context, it is necessary to pay attention to the latest developments of the Council of Europe initiatives in this field. Future Programme of Activities launched in 2009 covers years 2010–2014.¹² While several Council of Europe activities in the field of education were coming to an end in 2009, others were formulated in order to continue to support and develop the promotion of the rights and responsibilities of democratic citizenship and with the seemingly contradictory

¹⁰ One of the initiatives, being the consequence of the White Paper programme in the field of inter-faith dialog, was the Recommendation CM/Rec (2008) of the Committee of Ministers to member states of the Council of Europe on the dimension of religions and non-religious convictions within intercultural education.

¹¹ This is the central message: “Intercultural dialogue [...] allows us to prevent ethnic, religious, linguistic and cultural divides. It enables us to move forward together, to deal with our different identities constructively and democratically on the base of shared universal values. Intercultural dialogue can only thrive if certain preconditions are met. To advance intercultural dialogue, [...] the democratic governance of cultural diversity should be adapted in many aspects; democratic citizenship and participation should be strengthen; intercultural competences should be taught and learned; space for intercultural dialogue should be created and widened; and intercultural dialogue should be taken to the international level.” May 7 2008, 118th Session of the Council of Europe Ministers of Foreign Affairs. Council of Europe, *White Paper on Intercultural Dialogue*, Council of Europe, Strasbourg 2008.

¹² Future Programme of Activities (2010–2014) was adopted by the Steering Committee for Education in March 2009.

requirements of the right to both, an inclusive and quality education for all. On the base of previous programmes experience, the overall aim of this programme's education sector is to recognize that access to quality education is crucial for social inclusion. Unlike traditional approaches to intercultural education promoted earlier, methods proposed here do not focus on the link between the dominant culture (e.g. dominant religion) and minority cultures (e.g. minority religions), but instead on learning to live together. The indicated reference is no longer the community and the differences between several cultural communities but on how common issues can be resolved together through e.g. joint projects.

The next, and the most recent example of the Council of Europe activities in the field of human rights education is the Recommendation on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education adopted by the Ministers for Foreign Affairs in May 2010.¹³ The Charter – which was developed over a period of several years with wide consultations – is a more weighty document than those previously adopted in the field. It will be an important reference point for all of Europe, leading the path for future action addressing all stakeholders involved in education. In brief, it should be a means to develop societies where the human rights of all are respected and fulfilled. This document ought to inspire new initiatives in human rights education, encourage further implementation of those adopted early, and enhance co-operation and partnership at all levels.

As it was already mentioned above, intercultural education and education for democratic citizenship have always been priorities¹⁴ for the Council of Europe. Apart from the numerous campaigns, declarations, resolutions, research programmes and other documents, the framework in which intercultural dialogue can advance is provided by the universal human rights and freedoms.¹⁵ As regards its interfaith dimension, the principles of mutual autonomy between religion and state,

¹³ On May 11 2010, the Ministers for Foreign Affairs and representatives of the 47 member states of the Council of Europe adopted Recommendation CM/Rec. (2010) 7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

¹⁴ See for instance: Recommendation R (84) 18 on the training of teachers in education for intercultural understanding and Recommendation Rec (2002) 12 on education for democratic citizenship.

¹⁵ The European Convention for the Protection of Human Rights and Fundamental Freedoms, known simply as the European Convention on Human Rights (ECHR), was the Council of Europe first legal treaty to protect human rights and fundamental freedoms, as well as the first international human right treaty with enforceable mechanisms. It was inspired by the United Nations' Universal Declaration of Human Rights (1948). It was signed in Rome in 1950 and entered into force in 1953. Only member states of the Council of Europe can become a party to the ECHR. Originally signed by the twelve states, the Convention has now been ratified by most European states. After 1989 demise of communism in Central and Eastern Europe its territorial scope has been extended considerably. Thus, at present moment, all forty seven member states of the Council of Europe have ratified the Convention. It covers with its various Protocols mainly civil and political rights. Economic and social rights are covered in the European Social Charter (1961). A new version of the Charter (revised in 1996) came into force in 1999. The Convention has proved to be a very successful treaty, 'a constitutional instrument of European public order in the field of human rights'. See: J. Polakiewicz, V. Jacob-Foltzer, *The European Rights Convention in Domestic Law: The Impact of Strasbourg Case-Law in States where Direct Effects is Given to the Convention*, "Human Right Law Journal" 1991, Vol. 12, No. 65.

equal rights and responsibilities of everyone regardless of religion or belief, and the freedom of thought, conscience and religion are fundamental requirements for a dialogue among equals. “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.”¹⁶

Legal texts and political declarations, however, are not sufficient to uphold this right. In order to fully guarantee the right to freedom of thought, conscience and religion, education for human rights and dialogue are required. In contemporary Europe the states’ obligations in managing intercultural education encounter a discernible increase in awareness of human rights in their societies. In addition, individuals are not satisfied with mainly theoretical guarantees of their rights and freedoms. They want their rights to be upheld in practice. This concern in relation to fundamental rights¹⁷ is closely linked to a concept of citizenship which requires states to take the necessary steps to ensure that each citizen feels his or her dignity is respected and to promote social integration and participation.

Council of Europe has already gained a lot of experience and expertise in encouraging intercultural exchange within the framework of democratic principles. Its actions and programmes give the visible proof that the organisation is well aware of the fact, that promoting social cohesion and turning cultural diversity into an asset (and not a threat) requires more than just accepting unwillingly the fact of diversity – it requires the readiness and ability to enter into a true dialogue and cooperation.

In most of the Council of Europe member states, religion diversity has always had an impact on educational policy. Religious diversity is an important feature of cultural diversity and – as a consequence – of intellectual education. Issues related to religious diversity have become increasingly important for the Europeans. Although, this topic has been comparatively less visible and rarely addressed in the work of the Council of Europe than other issues connected with the broadly understood education, it is an important component of the global subject of human rights education.¹⁸ Because of that, growing globalisation requires particular impact to be put on the issue of freedom of religion and belief. Additionally attention paid to the religious dimension of intercultural education can make a significant contribution to peace, openness to other cultures, tolerance and respect for human rights in Europe, for a simple reason that religious differences continue all too often to be a source of tension, conflict and discrimination in contemporary Europe.

¹⁶ Article 9 paragraph 1 of the European Convention of Human Rights; similarly Article 19 of the UN Universal Declaration of Human Rights. See: Human Rights Handbooks, No. 9: *Freedom of Thought, Conscience and Religion: A Guide to Implementation of Article 9 of the European Convention on Human Rights*, ed. J. Murdoch, Council of Europe, Strasbourg 2007.

¹⁷ Freedom of conscience and religion, freedom of expression, equality for everyone, etc.

¹⁸ See more: *Wimberley, Education for Intercultural and Interfaith Dialogue: a New Initiative by the Council of Europe*, “Prospects” 2003, Vol. 33, No. 2, p. 199–209.

As previously mentioned, democratic states are expected to guarantee the paramount educational interests, predominantly of young people¹⁹. A key dimension of human rights education is a young person right to be fully prepared for life as a citizen within a democratic and pluralist society. Citizens, (young and adults as well) however, must “live together” despite their moral, ideological and religious differences. Education, therefore, should focus on developing abilities and attitudes which in a manner of speaking, are the tools needed for the full exercise of citizenship. States need to encourage greater intercultural understanding and tolerance. Here the question arises: what contribution can intercultural and interfaith education add to this?

Learning to live together should be one of the main aims of intercultural education and promotion for protection of human rights. The reality is that our societies are diverse in terms of identities, cultures and interests. The diversity of beliefs and values and of identity-related claims based on religious affiliations, and the increasingly sensitive nature of freedom of conscience and religion, concern all democratic societies that are interested in forming citizens capable of reflection and democratic participation. In practice, the religious dimension is expressed through a number of social and political appearances. There the religious references of individuals play an important role: identity-based claims, conflicts of standards between freedom of conscience and religion and certain democratic values, such as gender equality. Therefore, regardless of the way in which religious dimension of life is reflected in the workings of the society, it reminds us that the erosion of the political role of the religions does not mean the end of the personal and social function of religious beliefs. Even they no longer determine the way the state is run, they nonetheless continue to play a key role which is not limited only to the private sphere. Confined with the private life, religion is still connected with the public area. Moral and religious convictions underline the motivation behind, and the nature of, social action. Moreover, moral and religious differences come to the fore precisely when they come into conflict with the values of other citizens in the political sphere. In order to develop social cohesion two qualities have to be learned: tolerance and understanding. Individuals in a democratic, multicultural society must be guided and taught how to participate peacefully in public life with those who do not share their convictions. For that reason, states have an interest in educating, first of all, young people. Young generation will have to live together in a given political context with (or despite) the differences in their religious ideological and moral outlooks. There is no doubt, that young people should be the first target of education on universal human rights, which enhances understanding of the diversity of human societies, including religious, ethnic and cultural aspects. Inter-cultural and inter-faith respect should also be promoted at the same time. The

¹⁹ In fact most of the Human Rights Education Programmes have been desired for children. There is no doubt that this is the correct and far reaching way of implementing human rights ideas into societies. However, I would argue that it is also of utmost importance to have adults within human rights education politics.

process of learning about human rights and respect for others should enhance the ability to build societies that will value tolerance and respect.²⁰

According to me, it is in this way that the religious dimension has to be taken into account in the context of intercultural education. Any democratic state, even in highly secular society, should take a position *vis-à-vis* religious diversity. It has to handle its relations with the dominant faith communities, give consideration to minority groups anxious to preserve their traditions and also be able to deal appropriately with the diversity of the many and varied group of individual demands regarding the public expression of freedom of conscience and religion. Religion, somehow or another, is a cultural fact that cannot be ignored. It would be difficult to live together (and in fact it is difficult already) in a multicultural society when issues of fundamental importance, relating to the values that groups and individuals embrace are ignored or violated. Learning to live together implies respect for the other people human rights and respect implies that the “other” person’s spiritual and intellectual motivations are taken seriously.

European Union in the field of human rights education and intercultural dialogue

Although, the main point of these considerations has been the Council of Europe’s activity in the field of human rights education, it is necessary to take a short glance at the European Union engagement in approaching this issue. One has to keep in mind that the European Union was not designed to be a human rights organization.²¹ Subsequently the human rights issues were confirmed by the Member States in the preamble to the Single European Act in 1986. That document represented the first major revision to the European Economic Community Treaty. The considerable

²⁰ The interesting example: During the Slovenian Chairmanship of the OSCE in 2005, Slovenia initiated a Pilot Rights Education called “Our Rights”, based on the convention on the Rights of Children Slovenian experts designed, initiated and led the implementation of the pilot project, which involved a number of governments of the OSCE participating states, NGOs, individual experts, ombudsman’s offices, field offices of international organizations and other stakeholders. The experience with the “Our Rights” project shows that there are both great opportunity and needs in the field. Such projects, as well as, other numerous efforts by international organizations, nongovernmental organizations and government institutions are necessary.

²¹ Quite often we encounter opinions that the original EC Treaty of 1957 contained no provisions of fundamental rights. This issue was left to the Council of Europe and the European Court of Human Rights. Nevertheless, liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, are founding principles of the European Union and an indispensable prerequisite for the Union’s legitimacy. In fact, the clauses of the UN Charter are among the guiding principles of the Union of its founding Treaty of Rome. Since then the EU has taken a constantly growing interest in the global task of the promotion and protection of all human rights and fundamental freedoms as laid down in the Universal Declaration on Human Rights and the complementary core human rights conventions. These include: The International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; Convention on the Rights of Child; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Racial Discrimination. For texts of these instruments, please visit: www.unhcr.ch/html/inlist.htm.

step forward in integrating human rights and democratic principles into European Community's policies was taken with the entry into force of the Treaty on European Union in 1993. This step represented a significant strengthening of human rights as a priority issue for the EU in its internal²² as well as external policies²³.

In the lead up to and preparation for the Maastricht Treaty, the European Commission and the Council of Ministers identified the objectives for the development of education in human rights together with introducing the new dimension in citizenship education. The crucial objectives were "the promotion of a 'multicultural Europe' to develop a sense of belonging and to encourage a distinct European identity which could be inclusive of cultural and citizenship elements".²⁴ The concept of citizenship was central to the Maastricht project. Together with the education policy in human rights, the European Union has become a significant vehicle for the promotion of a post Cold War order in Europe. From this point onwards the EU introduced a single educational entity with its strong human rights dimension.

The climate changed even more significantly with the Treaty of Amsterdam, which came into force in 1999. The treaty marked another weighty progression in integrating human rights into EU's legal order.²⁵ It also paved the way for legislation to struggle with discrimination on various grounds.²⁶ In this manner the Amsterdam Treaty provided the European Community with new powers to tackle discrimination. From this point onwards a package of measures has been put into

²² With regard to internal policies, Article 2 of the TEU stipulates that the objective of the Union is "to strengthen the protection of the rights and interests of the nationals of its Member States" and to "maintain and develop the Union as an area of freedom, security and justice". Additionally, Article 6 (2) states that the Union is bound to respect "fundamental rights, as guaranteed by the [...] Convention [of the Council of Europe] for the Protection of Human Rights and Fundamental Freedoms [...] and as they result from the constitutional conditions common to the Member States, as general principles of the Community Law". The latter article is applied by the European Court of Justice with regard to actions by the institutions of the EU insofar as the Court has jurisdiction over these issues. In addition, Article 7 of the TEU introduces a mechanism designed to punish serious and persistent violations of human rights by Member States in the form of suspension of rights enshrined in the TEU. This mechanism was further strengthened by the Treaty of Nice in 2000, and Lisbon Treaty in 2007.

²³ **On the external policies of the EU, Article 11 of the TEU states that efforts to "develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms" are among the objectives of the Common Foreign and Security Policy of the EU.**

²⁴ EC Commission (1989), *Education and Training in the EC; Guidelines for the Medium Term 1989–1992*, COM (1989), p. 236.

²⁵ **A new Article 6 was inserted into the Treaty on European Union. It reaffirmed that the EU "is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms".** This article lists the principles common to the member states: liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. The individual is at the very center of the European integration. Every citizen is recognized irrespective of the social or cultural differences linked to national identity, Article 7 TEU (introduced by Amsterdam Treaty and subsequently amended at Nice) and article 309 of the EC Treaty, provide the Union institution with means of ensuring that all Member States respect the common values. Unlike the Amsterdam Treaty which allowed only remedial action after the serious and persistent breach had already occurred, the Nice Treaty (Article 7 TEU) gave the Union the capacity to act preventively in the event of a clear threat of a serious breach of the common values, thus greatly enhancing the operational character of the means already available for the EU.

²⁶ In addition to the principle of non-discrimination on grounds of nationality already enshrined in the EC Treaty, the Treaty of Amsterdam extended this principle by making it possible for the Council to take action "to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" (Article 12 and 13 of the EC Treaty).

place to combat discrimination, comprising *inter alia* two Directives and a Community Action Programme (2001–2006).²⁷ Both directives were created from the Treaty provisions providing comprehensive legal protection from discrimination. However, the directives failed to cover some important areas. Protection against religious discrimination was only covered under ‘The Employment Equality Directive’ but was not extended to other areas and ‘The Race Equality Directive’ did not cover national discrimination which means that third country nationals were not protected under this Directive.

Despite these efforts to prevent racism and discrimination, gaps remained in the EU’ protection framework and concern has been raised about the protection of persons belonging to minorities and often being subjects to multiple discrimination. Core concerns of minorities can be identified as participation in economic life, full enjoyment of social rights, religion and education. In 2003, in order to improve their opportunities, the European Commission launched an information campaign “For Diversity. Against Discrimination” to raise awareness of discrimination and to provide information about the new EU rules aimed at combating discrimination.²⁸ Although, it has been mostly “theoretical” engagement, one cannot deny that on the whole it serves introducing various implementation activities, including funding for specific information and assistance programs.²⁹

European Union education policy and programmes during the first decade of the XXI century continue to contribute to the fight against any form of discrimination. Education, training and youth programmes aim to promote intercultural learning and tolerance by bringing together mostly young people from different background. In reality, however, there is still lack of visible coordinated approach or exchange in addressing issues of education and race equality. In my opinion, a key barrier is a high level of resistance among member states to common objectives and

²⁷ First, the Racial Equality Directive (2000/43/EC) prohibits racial and ethnic discrimination; contains definitions of direct and indirect discrimination; gives victims of discrimination the right to complain through a judicial or administrative procedure; and provide for the establishment in each member state of an organization to promote equal treatment and provide independent assistance to victims of racial discrimination. Second, the Employment Equality Directive (2000/78/EC) implements the principle of equal treatment in the areas of employment and training irrespective of religion or belief, disability, age and sexual orientation. Third, the EU’s legislative framework is backed up by the Community Action Programme FOR 2001-2006 (Council Decision 2000/750. OJ 2000 L 303/23) to combat discrimination, which aims at improving the understanding of issues related to discrimination, developing the capacity to tackle discrimination effectively and promoting the values underlying the fight against discrimination. Under this programme, a number of initiatives have been supported which directly impact on the fight against racism and xenophobia. Active cooperation between member states, the Commission and civil society groups lay at the heart of the programme. This was replaced in 2007 by the Progress Community Programme which aimed to establish common principles to combat discrimination.

²⁸ EC Commission, *Citizenship Education at School in Europe*, 2005, EC, Brussels.

²⁹ In this context, it is worth noting the establishment by the European Commission In September 2002 of a Network of experts on fundamental rights aimed at improving information and analysis as regards the situation In each of the member states of the EU. The European Parliament had recommended the creation of this network both In its report on the situation of fundamental rights In the EU in 2000 (2000/2231 INI) and in its Resolution of 5th July 2001. The network was mandated to report on the situation of fundamental rights in the EU and assist the development of EU policy in this respect.

approaches in education generally, and particularly in the area of defining/tackling educational disadvantage on race and ethnicity grounds. There are some attempts at creating appropriate bodies, and launching in 2007 a European Union Agency for Fundamental Rights (FRA) is a very good example of this mode of action.³⁰ As the EU has been expanding its policy and activity areas, there has been a growing need for specific agency to advise institutions and member states on the fundamental rights implications of new policies. Key functions of the FRA include promoting dialogue with civil society and raising public awareness of fundamental rights. To ensure close cooperation between the FRA and civil society organizations, the Fundamental Rights Platform has been created.³¹ As regards positive recent developments, FRA has taken an interesting initiative to open Work Programme 2010, which aims to develop methods and structures to ensure promotion and protection of fundamental rights at all levels with the EU states as systematic implementation of human rights. One of the elements of this project is “education for religious tolerance” based upon a ‘critical multiculturalism’, which acknowledges the diverse nature of religious and cultural expression. It is an important counter to the policies of states who see multiculturalism one-dimensionally, as the affirmation of separate, clear and distinct cultures within one society. Participants of this project have already declared that they recognize the need for the development of more sophisticated ways of analyzing different approaches to religious education in the context of plurality. Since understanding plurality is a main condition for overcoming stereotypes, and dialogue is a key theme here, this programme may be extremely valuable to provide a scheme for religious education as a field for the exploration of human values in relation to the religion and subsequently become a platform for human rights and inter-faith education. In my opinion it is a positive step forward taken by the FRA with the support of the Church and Society Commission (CSC) of the Conference of European Churches³² a member of the European Union Fundamental Rights Platform.

Having the above in mind, it is correct to indicate that human rights education in the sphere of nondiscrimination based on freedom of religion and freedom of thought and belief, goes beyond cognitive learning and includes the ethnic,

³⁰ On 15 February 2007, the European Council adopted Regulation (CE) No 168/2007 establishing a European Union Agency for Fundamental Rights (FRA). The launch of the Agency took place 1 march 2007 in Vienna. OJ I53/1. The FRA replaced and was build on the work of the European Monitoring Centre on Racism and Xenophobia. There are three main objects of activity of the Agency: collecting information and data, providing advice to the European Union and its member states and promoting dialogue with civil society to raise public awareness of fundamental rights.

³¹ In order to strengthen the dialogue with civil society, in 2008 the FRA launched the Fundamental Rights Platform (FRP) – a network for cooperation and information exchange, set as the main channel for FRA to engage civil society and to ensure a close cooperation between the Agency and relevant stakeholder.

³² The Conference of European Churches (CEC) is an ecumenical organization with 125 Anglican, Orthodox, Old Catholic and protestant churches, and 40 European church-related organizations in membership. It’s main objective is to strive for the unity of churches and to strengthen the common witness of its members in church and society. In the field of human rights, CEC present priorities include: antidiscrimination, religious freedom, human rights and human security.

social and emotional development of those involved in the learning (particularly religious minorities) and teaching (in a very broad sense teaching or rather educating staff) process. Human rights education should aim at developing a culture of human rights where human rights, nondiscrimination and equality are practiced and lived within the multicultural society and through interaction with wide surrounding community.

Nevertheless, despite the visible progress in applying into practice important measures against discrimination (eg. Frame Convention about Minorities) discrimination against ethnic and religious minorities brings about serious problems and social and political threat in contemporary Europe. This is bound up with the existence of stereotypes, prejudice and rejection of “otherness” and diversity, it follows that to eliminate discrimination in its various forms it is necessary to develop human rights culture, broadly defined to embrace not only knowledge and certain system of protection but also shaping of attitudes and behavior. This means a campaign requiring the participation not only of schools, the media and the world of culture but also the whole of civil society: parties, institutions, churches, non-governmental organizations.³³

The entering into force of the Lisbon Treaty on 1 December 2009 presented an opportunity for the EU to forward greater coherence between existing human rights instrument and mechanisms, and to exert increased political and economic leverage. Additionally the Treaty clarifies the issue of values and the objectives which support the framework of the Union. Article 2 of the Treaty calls human dignity, freedom, democracy, equality, the rule of law and the respect for human rights as essential EU values to be incorporated into all areas of policy making. Furthermore this Article adds respect for the ‘rights of persons belonging to minorities’ as a key EU principle, reaffirming the EU’s commitment to the protection of minority rights at European level.³⁴ Although the principles of equality and nondiscrimination feature are prominent and repeated in the Treaty’s core provisions, the document fails, for the most part, to create new mechanisms for implementation of these principles. There is one exception in the area of civil society for which the Treaty creates new ways of ensuring for increased representative and participatory democracy. On the base of Article 11³⁵ which adopts the ‘principle of participatory

³³ Such action was envisaged in the UN Plan Decade for Human Rights Education (1995–2004). It covered education in and outside the school system, including instruction in human rights in the armed, police and penitentiary service, which included the role of these professional groups and the abuses pinpointed by the treaty organs, was a matter of crucial importance.

³⁴ Article 2 states: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”. Europa, *Treaty of Lisbon: Treaty at a Glance*, available at www.europa.eu/Lisbon_treaty/glance/index_en.htm.

³⁵ Article 11 states: “1. The institutions shall by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. 3. The European Commission shall carry out broad consultations with parties concerned in order to ensure

democracy, NGO's as well as other organizations could have a much stronger voice in EU policy and a direct voice in the legislative process.

Further possibility for the monitoring and enforcement of human rights and support for open, transparent and regular interfaith dialogue stipulates Article 17.³⁶ This provision places interfaith and intercultural dialogue alongside general aim of the human rights provisions of the Treaty- combating any forms of discrimination.

It is clearly seen that the Treaty takes visible steps to improving antiracism and antidiscrimination provisions by incorporating the EU Charter of Fundamental Rights.³⁷ Although it is still a separate document, Article 6 of the Lisbon Treaty refers to the Charter and makes it legally binding in the EU.³⁸ That also allows the Charter to be used as a more general reference for fundamental rights protection both in a European and in an international context. Although the Charter does not extend the competences of the European Union, for the first time, it sets out all existing rights from which persons residing in the EU can benefit in one document. While it does not intend to create new rights, the “fact that the rights in the Charter will have the same legal values at the EU treaties is significant because it will allow them to be recognized or interpreted in new ways that could bring positive benefits to individuals.”³⁹ The Charter provides for a progressive and all-inclusive protection of human rights in the European Union. In terms of nondiscrimination,

that the Union's actions are coherent and transparent. 4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. Europa, *Treaty of Lisbon: The Treaty at Glance*, available at www.europa.eu/lisbon_treaty/glance/index_en.htm.

36 Article 17 states that: “1. The Union respects and does not prejudice the status under national law of churches and religious association or communities in the member States. 2. The Union equally respects the status under national law of philosophical and non-confessional organizations. 3. Recognising their identity and their specific contribution, the union shall maintain an open, transparent and regular dialogue with churches and organizations”. Europa, *Treaty of Lisbon: The Treaty at Glance*, available at www.europa.eu/lisbon_treaty/glance/index_en.htm.

³⁷ The Charter of Fundamental Rights of the European Union was first drafted in June 1999 with the goal of covering all rights pertaining to the EU's citizens including those rights based in the European Convention on Human Rights and Social Charter two treaties of the Council of Europe. According to the Charter's Preamble, its aim is “to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter”. European Union, *Charter of Fundamental Rights of European Union*, available at www.ec.europa.eu/justice_home/unit/charte/index_en.html.

³⁸ Article 6 states that: „1. The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal values as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties. The rights, freedoms and Principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions. 2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties. 3. Fundamental rights, as guaranteed by the European Convention for the Protection of human Rights and Fundamental Freedoms and as they result from the constitutional tradition common to the member states, shall constitute general principles of the Union's law.

³⁹ The Law Society, *The Guide to the Treaty of Lisbon*, January 2008, p. 17.

the Charter is progressive in scope and language. It directly prohibits discrimination, going above the wording of the Treaty itself.⁴⁰ Charter's implications for the fight against xenophobia and discrimination seem to be wide-reaching. In my opinion, the existence of certain types of rights at the Union level, including rights to nondiscrimination and equality, can have significant effects on the effectiveness of intercultural and human rights education across Europe in the long term.

Finally, my view is that it is time for the EU to take a careful look at the way it deals with membership and fundamental rights. In an expanding EU, if all member states are not committed to the same exemplary standards of fundamental rights to pushing forward the rights agenda in Europe, the EU will fail its citizens. Tough decisions need to be taken regarding not only each accession process to ensure that membership of the EU is a hallmark of a high standard of human rights protection in practice. The same should apply to the old members in case of violation of minorities' rights. Those decisions need to be based on objective evidence of those standards, not on prejudice or on political opportunism. Even more importantly, the EU needs to be prepared to stand up for its collective principles by suspending the rights of membership of member states that fail to abide by them. There is no room for complacency about human rights in Europe in the 21 century.

Having the above in mind, it is correct to indicate that the above review of the strengths and weaknesses of different models of integration and raising educational attainment leads us to important conclusion that equality in education is not only a human right but an economic imperative essential to maximizing the competitiveness of the EU. Urgent action is required to make the rights and values enshrined in EU laws and policy a living reality that enhance every individual life and the social and economic prosperity of the European Community as a whole. The EU and all its education partners should rise to the challenges of promoting equality and inclusion in education, without which there is a little hope of realizing the Lisbon goals of making the Union more democratic and more transparent.

Conclusions

Human rights education is a never-ending process which must be a part of life-long learning for all citizens in all countries, regardless of age and level of education. The ultimate goal is to form attitudes and provide knowledge which lead to good practices of human rights for all. One should never forget that the highest value of education is certainly tolerance and common apprehension. Mutual understanding

⁴⁰ Article 21 of the Charter states that: „any discrimination on any grounds such as sex, race, ethnic or social origin, genetic feature, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation” is prohibited. Article 19 of the Treaty provides a legal base to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. In comparison with the Charter it does not directly prohibit discrimination. Instead it enables the Council to adopt measures to combat such discrimination.

and acceptance is perhaps the main challenge of modern society. Diversity is undoubtedly an asset, but cohabiting with people of different backgrounds and ideas calls for a new ethic of responsible intercultural relations in Europe and elsewhere. Intercultural education is not truly intercultural without an eye to diversities both inside and outside the country. Religious education, as a contributor to intercultural education for tolerance, needs to be in close dialogue with education for world peace, which can never be achieved by a single state. In particular, inter-faith dialogue is an important tool to build understanding, tolerance and peaceful co-existence. Special support should be devoted to the activities undertaken by churches and other religious groups, and their important role in contribution to encourage more productive dialogue to reduce tensions among religious communities. Europe is culturally and religiously multifaceted. Intercultural and inter-religious dialogue are therefore of paramount importance in order to build bridges among Europeans.

Furthermore, human rights education is essential to the realization of human right and fundamental freedoms and contributes significantly to promoting quality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, sex, language, religion, political or other opinion, national or social origin, property, or other status.

At this point, it is important to emphasize that human rights education is not simply one option among many: it is a practical necessity. It must be seen as a world-wide movement, rather than principally one located in a few nation-states. The current emphasis on human rights education reflects a growing understanding of the individual as a member of a global society rather than as mainly a national citizen. Cultural and political globalization all work as important motors in this process, generating standardized educational models of human competences, and of national progress. The enactment of these models results in increasing uniformities across nation-states over many educational domains, including the domain of human rights education. Over and above economic changes, cultural and political globalization generate a worldwide movement that: a) emphasizes human rights over and above citizenship rights; b) assigns centrality to the individual person over and above nation-states; and c) creates extraordinary rates of educational expansion throughout the world. Despite indisputable progress in human rights education worldwide, introduction of special courses at different levels of education, preparation of textbooks and teaching aid for schools and pursuance of educational activities by non-governmental organizations, there is a lot to be done in order to improve the conditions of respecting fundamental human rights.

Integration is a process that involves society as a whole and gives us all an opportunity to learn from and about each other. A dialogue among religious is one of the ways of helping to support and promote human rights and combat stereotypes and discrimination. Interfaith dialogue is becoming an important mechanism

for building understanding and resolving conflicts. European Union, Council of Europe as well as educational establishments and media have all important and responsible roles to play in countering xenophobia and discrimination. They should further strengthen their educational programmes on the most important aspects of intercultural and interreligious dialogue and cooperation, and reinforce their support for civil society organizations in this field. In this context, specific responsibility lays on civil society as a whole. While monitoring the situation in various states, it should participate actively in disseminating more information about defending human rights, and facilitate interfaith activities that promote tolerance and understanding among people of different backgrounds. Wide spread public discourse seems to be an essential approach to counter and overcome mutual prejudice and the self-fulfilling prophecy of the “clash of civilization”. In White Paper on Intercultural Dialogue the Council of Europe put it very clearly that the purpose of intercultural dialogue is “to learn to live together peacefully and constructively in a multicultural world and to develop a sense of community and belonging”.