Educating *About, Through* and *For* Human Rights: An ineffectual obligation?

Alison E C Struthers*

Word count: 12,515

* PhD student, University of Warwick & Project Manager, Warwick Centre for Human Rights in Practice (alison.struthers@warwick.ac.uk). My thanks to James Harrison and Andrew Williams for their helpful comments on earlier drafts of this article.

Abstract

This article seeks to evaluate the efficacy of the specific formulation of Human Rights Education provided by Article 2(2) of the recently adopted UN Declaration on Human Rights Education and Training. Whilst demonstrating the usefulness of Article 2(2) for assessing and comparing state practice in the provision of HRE, this article explores whether the influence of the Declaration's formulation of HRE could be strengthened through improved linkage with relevant provisions in other international instruments together with more detailed guidance or clearer obligations within the Declaration itself. By drawing upon Scotland as a case study, it is suggested that there is enthusiasm for and commitment to HRE at the coalface of formal education, but that what is missing are comprehensive and consistent national strategies in accordance with each of the principal requirements of the international legal framework. It is argued that such national strategies are likely to follow only from more detailed guidance or clearer obligations at the international level.

1. Introduction

> When [teachers] teach about human rights, when they convey to their pupils the notion of their rights, their dignity and their duties as citizens and human beings, then they are complementing wonderfully the work that we have achieved at the highest level – René Cassin[1]

The words of René Cassin, one of the principal drafters of the Universal Declaration of Human Rights over 60 years ago, are as relevant today as ever. Their inspirational tone is reflected in the preamble to that document, with its assertion that education

[1] This quote comes from Osler and Starkey, 'Human Rights, Responsibilities and School Self-Evaluation' in Osler (ed), *Citizenship and Democracy in Schools: Diversity, Identity, Equality* (Great Britain: Trentham Books, 2000) 91 at 93.

must 'promote respect for these rights and freedoms'. Whether his proclamation has been translated into practice is less certain. What is undeniable is that the concept to which he refers has been refined and developed to emerge as a human right in its own regard: the right to Human Rights Education ('HRE').

The development of HRE since 1945 has been a somewhat cumbersome and haphazard process, perhaps best demonstrated by the fact that the human rights landscape is now littered with provisions addressing HRE concepts, dating from the Charter of the United Nations,[2] yet 'HRE did not become the subject of a concerted global campaign until the mid-1990s'.[3] This relatively recent growth in the prominence of HRE and recognition of its importance, not just as an element of the right to education, but also as a stand alone human right, can be attributed to an increase in UN initiatives encouraging states to take stock of their legal obligations in this area.

This article focuses principally upon the most recent significant development: the General Assembly's adoption on 19 December 2011 of the UN Declaration on Human Rights Education and Training ('UNDHRET').[4] The adoption of UNDHRET reflects the increasing prominence of HRE internationally, yet the right remains largely overlooked and under-researched within national human rights law, particularly with regard to HRE in the educational regimes of developed countries. With the instrument calling for state implementation of its provisions and the promotion of 'universal respect and understanding thereof',[5] there is a significant

[2] Article 1, section 3.
[3] Cardenas, 'Constructing Rights? Human Rights Education and the State' (2005) 26(4) *International Political Science Review* 363 at 366.
[4] Adopted without a vote by the 66th Session of the General Assembly.
[5] UN General Assembly, 'United Nations Declaration on Human Rights Education and Training' (2011) (Resolution A/RES/66/137) at 1 & Article 14.

need to explore in detail UNDHRET's specific formulation of HRE and to discover how nations are responding to the obligation to educate in accordance with this.

In this regard, this article explores whether UNDHRET's influence upon state practice could be strengthened through improved linkage with relevant provisions in other international instruments, together with more detailed guidance accompanying UNDHRET or clearer and more comprehensive obligations within the instrument itself. Whilst the article does therefore critically assess the particular formulation of HRE provided by Article 2(2) of UNDHRET, it also demonstrates the usefulness of this formulation for identifying deficiencies in state practice in the provision of HRE.

Scotland is used as a case study to illustrate that even where there is enthusiasm for and commitment to HRE at the coalface of formal primary education, the absence of comprehensive and consistent national strategies that accord with each of the principal requirements of the international legal framework results in fragmented HRE provision at state level. In this regard, Scotland provides a particularly appropriate case study for evaluation. The country's recent major curricular reforms, together with its laudable reputation for high quality and innovative education,[6] means that if HRE under Scotland's Curriculum for Excellence does not comply with the standards required by UNDHRET, there must be concerns that other jurisdictions are equally unlikely to be complying with the instrument's obligations. In order to substantiate this claim, the Scottish case study will be followed by brief comparative analysis of HRE in England, Ireland, the USA and South Africa.

Drawing upon the Scottish experience, and upon the findings from the additional comparative analysis included within this article, it is argued that whilst Article 2(2)

[6] See The Commission on School Reform, 'By Diverse Means: Improving Scottish Education' (2013); & Reform Scotland & CSPP, 'Commission on School Reform' (June 2012).

of UNDHRET provides a useful framework for assessing state practice in the provision of HRE, comprehensive and effective national strategies in this area are likely to follow only from more detailed and consistent obligations at the international level. Whilst certain elements necessary for the provision of effective HRE are present within primary classroom teaching and practices, these currently tend not to be couched in the express terminology of 'human rights'. Furthermore, those elements of HRE that are present within classroom teaching are unlikely to be driven by the national curriculum itself, and are likely to based instead upon the personal teaching preferences and predilections of teachers. It is suggested, therefore, that more detailed and comprehensive guidance within UNDHRET, which in turn would be more likely to translate into effective national policy in this area, could address a number of these deficiencies and facilitate a less fragmented and more effectual HRE regime.

With this in mind, the article is divided into five sections. Section 2 introduces HRE, both as a general concept and as a specific obligation under Article 2(2) of UNDHRET consisting of the three mandatory elements of education *about*, *through* and *for* human rights. Within this section, shortcomings in this formulation of HRE are identified and scope for strengthening the UNDHRET's obligations in this area suggested. The third section then draws upon Scotland as a case study through (i) analysing HRE policy to determine whether the recently implemented curriculum reflects the required elements of HRE under the international framework, and (ii) evaluating HRE in classroom practice by drawing upon relevant empirical research data. These investigations identify the widespread interest in HRE, but equally highlight the fragmented approach both in national HRE policy and at the coalface of teaching in this area, resulting in a lack of depth and substance in current HRE practice. To demonstrate not only that there are comparable shortcomings in the HRE regimes of other states with developed educational systems, but also that analysing

these countries using the tripartite formulation of HRE found within Article 2(2) of UNDHRET is an effective means of identifying widespread deficiencies in HRE provision at state level, section 4 includes brief comparative analysis of HRE in England, Ireland, the USA and South Africa. The article concludes in section 5 by investigating the potential transformative power of more detailed guidance or clearer and more consistent obligations in this area at the international level and by seeking to establish whether greater conformity with such obligations might improve the current deficiencies in national approaches to HRE.

2. What is Human Rights Education?

Despite broad consensus regarding the importance of HRE within formal education, not only as a tool for enabling learners to understand their own rights and to respect the rights of others, but also as the most effective means for promoting and protecting human rights generally, HRE itself has remained, until recently, something of an undefined creature. It has been described by Paula Gerber, a leading legal scholar in the field, as 'a slogan in search of a definition'.[7]

At its most basic level, HRE concerns 'the provision and development of awareness about fundamental rights, freedoms and responsibilities',[8] though most would agree that this formulation is too simplistic and neglects important additional elements. These elements vary according to the nature of the organisation endeavouring to define HRE. For example, the UN, as an international organisation committed to the maintenance of global peace and security, stresses the role of HRE in 'preventing

[7] Gerber, *From Convention to Classroom: The Long Road to Human Rights Education* (Saarbrücken: VDM, 2008), title of chapter 3.
[8] Gearon, *The Human Rights Handbook* (Stoke-on-Trent: Trentham Books, 2003) at 157.

conflict and human rights violations',[9] whilst the activist organisation Amnesty views HRE as a tool for empowering people 'to stand up for their own rights and for the rights of their fellow citizens'.[10]

In the absence of an agreed detailed definition of HRE, it has been for existing international human rights instruments to fill the void. Gerber notes that whilst such instruments vary as to their content and interpretation of HRE, they do nevertheless represent a core set of key HRE provisions.[11] The most recent of these instruments, UNDHRET, has been deemed to surpass existing documents 'due to its specific HRE focus and holistic character',[12] and is the first instrument in which 'international standards for HRE…[are] officially proclaimed by the UN'.[13] It represents a significant progression in the field and can reasonably be viewed as crystallising the meaning of HRE by providing a detailed definition of what the term itself encompasses, thus offering 'educators and policy makers an opportunity to reassess national policies and priorities in the light of international standards.'[14]

UNDHRET was the result of extensive work carried out by the UN Human Rights Council under its mandate to promote HRE. Whilst the status of UNDHRET as non-legally binding soft law is perhaps not the strongest assertion of the importance of the rights it contains, its adoption is nevertheless significant for a number of reasons. Three are particularly noteworthy.

---

[9] United Nations Commission on Human Rights, 'Follow-up to the United Nations Decade for Human Rights Education' (2004) (Resolution 2004/71), preamble.
[10] Murphy & B Ruane, 'Amnesty International and Human Rights Education' (2003) 9(4) *Child Care in Practice* 302 at 302.
[11] Gerber, supra n 7 at para 3.5.
[12] Comment by Dr. Peter Kirchschlaeger during Teachers Without Borders Webinar on 'UN Declaration on Human Rights Education and Training' (8 February 2012).
[13] UN Human Rights Council, 'Joint Written Statement Submitted by CIVICUS – World Alliance for Citizen Participation *et al'* (2011) (A/HRC/16/NGO/116) at 5, para 5.
[14] Email from Human Rights Education Associates Listserv entitled 'UNDHRET – Taking Stock' (received by the author on 22 June 2012).

Firstly, the very existence of a designated legal instrument at UN level will not only increase the profile of HRE generally, but is also likely to 'stimulate increased activity in this area, and cloak those HRE activities with greater authority'.[15] Prior UN initiatives addressing HRE, such as the World Programme for Human Rights Education (2005-ongoing) (the 'World Programme') and the Decade for Human Rights Education (1995-2004) (the 'UN Decade') were formulated as programmes over extensive time periods, accompanied by plans of action, implementation strategies and other guidance documents. Whilst this is not a shortcoming in itself, complying with the requirements of these programmes demanded significant and prolonged state interest; something likely to be offered only by particularly alacritous states. UNDHRET, on the other hand, sets out clearly those state obligations that ought to be immediately implemented.

Secondly, whilst UN declarations are non-legally binding on states, they nevertheless proclaim 'principles, ideals or standards generally accepted by the international community'.[16] For this reason, they are often superseded by binding Conventions addressing the same issue, such as with the Declaration (1959) and Convention (1989) on the Rights of the Child. As Gerber suggests, 'optimists might conclude that the Declaration…brings us one step closer to a binding treaty regarding states' obligations to provide HRE'.[17]

Finally, UNDHRET not only represents a codification of a number of HRE provisions found within existing international human rights instruments, but also expressly reaffirms in its preamble the importance of those instruments with which

[15] Gerber, 'Education About Human Rights: Strengths and Weaknesses of the UN Declaration on Human Rights Education and Training (2011) 36 *Alternative Law Journal* 245 at 246.
[16] Hodgson, 'The International Human Right to Education and Education Concerning Human Rights'(1996) 4 *The International Journal of Children's Rights* 237 at 246.
[17] Gerber, supra n 15 at 246.

states are duty-bound to comply, thus emphasising 'the legal obligations which Member States are already under'.[18]

For example, though the Universal Declaration of Human Rights (1948) ('UDHR') is itself advisory rather than legally binding, it carries significant moral weight for governments by providing 'a single set of fundamental principles and norms intended to inform the laws and constitutions of all states'.[19] Additionally, its provisions have been codified within the 1966 International Covenants on Economic, Social and Cultural Rights ('ICESCR') and Civil and Political Rights, which both carry legally binding treaty status for their ratifying parties.[20] The UDHR and the ICESCR each contain provisions addressing HRE, and the importance of both documents is reaffirmed in the preamble to UNDHRET. As noted by Hugh Starkey, therefore, HRE has the potential to 'command a broad consensus' owing to the fact that it 'can be linked to international treaty obligations'.[21]

A. What is the Standard of HRE Required by UNDHRET?

Critically assessing perhaps the most fundamental provision within UNDHRET, namely the definition of HRE provided by Article 2(2), is useful for demonstrating where there is potential scope for clarifying or strengthening the obligations enshrined within the instrument. Whilst Article 1 mandates that everyone 'should have access to HRE', Article 2(2) details what the right to HRE actually encompasses. It states:

---

[18] UN Human Rights Council, 'Report of the Advisory Committee on its Second Session' (2009) (A/HRC/AC/2/2) at para 10.
[19] Starkey, 'The Universal Declaration of Human Rights and Education for Cosmopolitan Citizenship' in Waldron and Ruane (eds), *Human Rights Education: Reflections on Theory and Practice* (Ireland: The Liffey Press, 2010) 15 at 33.
[20] Vienna Convention on the Law of Treaties (1969), Part III, Section 1.
[21] Starkey, 'Development Education and Human Rights Education' in Osler (ed), *Development Education: Global Perspectives in the Curriculum* (London: Cassell, 1994) 11 at 24.

Human rights education and training encompasses education:

(a) **About** human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;

(b) **Through** human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;

(c) **For** human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

Article 2(2) mandates education *about*, *through* and *for* human rights or, as paraphrased by a leading HRE Non-Governmental Organisation ('NGO'), education concerning respectively what one should learn about human rights, how it should be learned, and why it is important.[22] Whilst previous UN instruments have advanced similar formulations – for example *providing knowledge*, *fostering attitudes* and *developing awareness* about human rights[23] – Article 2(2) represents the most recent, and arguably the most definitive, example of the tripartite framework.

The three elements of the framework are complementary and any single one in isolation would be insufficient for compliance. Thus, learning only *about* human rights is inadequate, for 'facts and fundamentals, even the best selected ones, are not enough to build a culture of human rights'.[24] Equally, however, the building of such a culture by education *through* and *for* human rights cannot occur in the absence of fundamental human rights knowledge. The combination of all three, therefore,

[22] Human Rights Education Associates, 'UN General Assembly Adopts Declaration on Human Rights Education and Training' (2011) (available at: http://www.hrea.org/index.php?base_id=1197&language_id=1).
[23] UNESCO International Congress on Teaching of Human Rights, 'Final Document' (1978) (SS-78/CONF.401/33) at part I, para 3.
[24] Office of the UN High Commissioner for Human Rights, 'ABC: Teaching Human Rights: Practical Activities for Primary and Secondary Schools' (2003) at 20.

represents the holistic approach to HRE that is often expressly advocated within the relevant legislation and literature.

Whilst this article does identify shortcomings in the particular formulation of HRE provided by Article 2(2) of UNDHRET, the categorisation of HRE into education *about, through* and *for* human rights does nevertheless provide a clear and useful framework for states to ensure that their domestic HRE provision corresponds with the standards expected at the international level. As will be shown later in this article, it is also an effectual means for assessing and analysing state practice in the provision of holistic HRE, as well as enabling comparisons to be made between countries with similar educational regimes, and facilitates identification of where there are widespread problems of HRE implementation at state level.

As UNDHRET is so recently adopted there is a scarcity of literature on its interpretation. Because it makes express reference to the importance of existing instruments, however, analysis of their HRE provisions aids construction of Article 2(2). Such analysis also identifies where HRE provisions within these instruments place weightier or more comprehensive obligations upon states, and in this regard they will be drawn upon to both critically assess UNDHRET's formulation of HRE and to suggest where it could in fact be strengthened. Such analysis then forms the basis for suggestion later in this article that express inclusion of clearer and more comprehensive obligations within UNDHRET might in fact remedy a number of the current deficiencies in state practice in this area.

The instruments referred to both in UNDHRET's preamble and main body are indicative of those considered by the drafters to reflect the 'general consensus at the international level as to the content of HRE' and thus correlate with UNDHRET's

aims.[25] It is submitted, therefore, that Article 2(2)'s definition is non-exhaustive, a suggestion supported by the use of the word '*includes*' within each of its subsections, and existing HRE provisions are required to flesh it out. The three elements of education *about*, *through* and *for* human rights will be considered in turn, with existing instruments and relevant literature being drawn upon to critically assess UNDHRET's formulation of HRE and to suggest where it could be expanded and improved upon.

(i) Article 2(2)(a) Education *About* Human Rights

On a purely literal reading of Article 2(2)(a)'s requirement to provide education *about* 'human rights norms and principles, the values that underpin them and the mechanisms for their protection', it would seem reasonable to assume that imparting knowledge about 'the main categories of human rights, duties, obligations and responsibilities',[26] 'the main international declarations and conventions'[27] and 'the institutions established for their implementation'[28] would suffice for compliance. However, these basic formulations are very simplistic and rigid. Existing instruments serve to demonstrate the additional elements that arguably ought to be included within an effective formulation of education *about* human rights.

The World Programme, for example, previously represented the most ambitious HRE initiative and, though non-legally binding, has nevertheless been labelled a 'world-wide educational policy' that places considerable pressure on governments to comply

[25] Gerber, supra n 7 at 89.
[26] Council of Europe, 'Recommendation on Teaching and Learning About Human Rights in Schools' (1985) (Recommendation R(85)7) at 3.1, (i).
[27] Ibid, at 3.1, (iv).
[28] UNESCO, supra n 23 at para 3(ii).

with its provisions.[29] Express reference to state implementation of the World Programme in the preamble to UNDHRET and additional reference to its importance for the development of school curricula within Article 8, indicates that UNDHRET's standards of HRE for formal education should not fall below those prescribed by the World Programme.

The World Programme provides a definition of HRE within formal education 'based on internationally agreed principles'.[30] Part of this definition closely corresponds with the idea of education *about, through* and *for* human rights but uses complementary terminology of 'knowledge and skills; values, attitudes and behaviour; and action'.[31] The category of 'knowledge and skills' is deemed to include contextually relevant analysis of human rights that takes into account the historical and social circumstances of the country at issue, and consideration of 'chronic and emerging human rights problems' with a view to better understanding those solutions that are 'consistent with human rights standards'.[32]

Other instruments are also relevant. Although the provision of basic human rights knowledge underpins nearly all of the legislative provisions, most extend beyond an obligation to provide only factual knowledge and instead prescribe deeper and contextually relevant understandings of human rights. For example, the Vienna Declaration and Programme of Action (1993) ('Vienna Declaration') mandates HRE that addresses the concepts of 'peace, democracy, development and social

[29] Lenhart and Savolainen, 'Human Rights Education as a Field of Practice and of Theoretical Reflection' (2002) 48 *International Review of Education* 145 at 145.
[30] UNESCO and OHCHR, 'Plan of Action: World Programme for Human Rights Education: First Phase' (2006) at 20, para 22.
[31] UN General Assembly, 'Draft Plan of Action for the First Phase (2005-2007) of the Proposed World Programme for Human Rights Education' (2004) (A/59/525) at para 4.
[32] UNESCO and OHCHR, supra n 30 at 14, paras 8(c) & (e).

justice…with a view to strengthening universal commitment to human rights',[33] and the UN Decade stressed the importance of instilling in learners 'the *broadest possible* awareness and understanding of all the norms, concepts and values' related to human rights.[34] It is clear that these requirements entail more than simply learning verbatim a selection of human rights provisions.

When we consult the limited literature on HRE, we can see that a deeper understanding of human rights is also advocated. Nancy Flowers, for instance, provides a list of topics that she suggests ought to be included within education *about* human rights, ranging from basic knowledge of human rights violations to an understanding of how human rights can contribute to the peaceful resolution of conflicts.[35] Claudia Lohrenscheit considers comprehension of the inherent struggles and controversies underpinning the human rights regime to be an integral component of HRE;[36] and both UNESCO and the UN Office of the High Commissioner for Human Rights ('OHCHR') call for HRE to explore the history of the human rights movement and its influence upon local and national history, and to consider the reasons for varied understandings and interpretations of human rights internationally.[37]

It seems reasonable to suggest therefore that a basic understanding of human rights, their governing legal instruments, and their protection mechanisms provide the

[33] UN General Assembly, 'Vienna Declaration and Programme of Action' (1993) (A/CONF.157/23) at Part II, para 80.
[34] UN General Assembly, 'Human Rights Questions, Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms' (1996) (A/51/506/Add.1), appendix at 5, part II, para 3 [emphasis added].
[35] Flowers, 'An Introduction to Human Rights Education', Human Rights Here and Now (available at: http://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-2/HRE-intro.htm).
[36] Lohrenscheit, 'International Approaches in Human Rights Education' (2002) 48 *International Review of Education* 173 at 176.
[37] UNESCO, 'Integrated Framework of Action on Education for Peace, Human Rights and Democracy' (1995) para 17; Office of the UN High Commissioner for Human Rights, supra n 24 at 17-19; & UNESCO, 'Malta Recommendation on Human Rights Teaching, Information and Documentation' (1987) at 51.

foundation upon which additional elements of HRE must be built, for 'in order to be able to defend one's rights, it is necessary to first understand what these rights are'.[38] Similarly, it is only through the acquiring of such knowledge that governments, legal instruments and human rights organisations can be questioned and critiqued. Education *about* human rights is therefore of fundamental importance not only as an enabling tool for facilitating education *through* and *for* human rights, but also for guaranteeing the promotion and protection of human rights more widely.

As emphasised by the relevant legal instruments and literature, however, education *about* human rights cannot consist simply of rote learning of factual human rights information, but should instead place such knowledge within a culturally and contextually relevant setting.[39] HRE needs to be understood as being 'more than just a discussion of legal principles; it should also include cultural and social education'.[40] Relating HRE 'to the 'deep knowledge' of personal reality as well as the 'hard knowledge' of factual content' is fundamental for ensuring that learners view HRE not as 'the discrete, theoretical concepts of some abstraction known as "human rights", but as the integral aspects of their lives'.[41]

It is regrettable, therefore, that UNDHRET does not clearly and expressly articulate these additional requirements in its formulation of education *about* human rights in Article 2(2)(a). Whilst the drafters of UNDHRET clearly envisaged the relevant existing instruments assisting with interpretation of its provisions, it is arguable that

[38] UNESCO, 'Contemporary Issues in Human Rights' (2011) at 52.
[39] Amnesty International, 'Our World, Our Rights: Learning About Human Rights in Primary and Middle Schools' (2010) at 7; UN General Assembly, 'Final Evaluation of the Implementation of the First Phase of the World Programme for Human Rights Education' (2010) (A/65/322) at para 3; & Pauchulo, 'Encountering Breakdowns in Human Rights Education' (2012) 24(1) *Peace Review: A Journal of Social Justice* 14 at 17.
[40] Gerber, *Understanding Human Rights: Educational Challenges for the Future* (Cheltenham, UK: Edward Elgar, 2013) at 150.
[41] Human Rights Resource Centre, 'The Human Rights Resource Centre: Effective Practices for Learning, Action, and Change' (2000) at Part III, Section A; & Stone, 'Human Rights Education and Public Policy in the United States: Mapping the Road Ahead' (2002) 24 *Human Rights Quarterly* 537 at 540.

clear and explicit guidance regarding the need for contextually and culturally relevant education *about* human rights within the instrument itself would be more likely to encourage effective state practice in this area. This will be explored in more detail later.

(ii) Article 2(2)(b): Education *Through* Human Rights

The objective of the second component of HRE within UNDHRET, that of education *through* human rights, is the creation of a learning environment in which learning and teaching 'respects the rights of both educators and learners' and where human rights values such as justice and equality are infused throughout, including within decision making processes and disciplinary procedures.[42] This is often referred to as a 'rights respecting' classroom or school environment and, despite the suggestion that 'effectively little attention has been given to ensuring that children are guaranteed respect in schools',[43] the concept of education *through* human rights has been considered in some detail within the existing international instruments and the relevant academic literature. Both contain important elements of education *through* human rights that are not articulated within Article 2(2)(b).

For example, the idea of education *through* human rights is expressed more broadly in the World Programme than within UNDHRET; the latter framing the concept with a narrow focus on the learning and teaching relationship, and the former including all facets of school life by emphasising a general requirement for 'developing values and reinforcing attitudes and behaviour which uphold human rights'.[44] The World Programme further instructs that HRE should *inter alia*: enable learners to express

[42] UN General Assembly, supra n 5 at para 42.
[43] Verhellen, 'Children's Rights and Education' in Osler, supra n 1, 33 at 40.
[44] UN General Assembly, 'Draft Plan of Action for the First Phase (2005-2007) of the Proposed World Programme for Human Rights Education' (2004) (A/59/525) at para 4(b).

themselves and their opinions freely; foster equal opportunities; and contribute to a learning environment 'characterized by mutual understanding, respect and responsibility'.[45]

This already broad World Programme formulation is supplemented with an additional definition of HRE that complements the 'knowledge, values and action' framework,[46] though a number of elements of this wider definition relevant to education *through* human rights are reflected elsewhere within UNDHRET. The 'promotion of tolerance and equality', for example, is found in Article 4, and the need for HRE that contributes to the 'full development of the human personality and the sense of its dignity' is reiterated in UNDHRET's preamble. The latter requirement echoes the language of the HRE provisions in both the ICESCR[47] and the UDHR,[48] and has been interpreted in this context as referring to 'forming and expressing identity, such as the right to culture,…religious freedom, racial and ethnic rights, gender rights…[and] freedom of expression, association and assembly'.[49]

The literature also reiterates the significance of the development of human personality and dignity within education *through* human rights. For example, Sara Ramey emphasises that 'education's very purpose is to assist students in developing their whole person',[50] and James A Banks suggests that for human rights to contribute effectively to the development of the personalities of young people, they must experience respect for their rights in an educational setting.[51] Gerber has also reiterated that 'HRE must make individuals aware of their own inherent worth, and of

[45] UNESCO and OHCHR, supra n 30 at 3-4 & 43-45.
[46] UN General Assembly, supra n 44 at para 3.
[47] ICESCR, Article 13(1).
[48] UDHR, Article 26(2); see also UN General Assembly, supra n 33 at Part II, para 79.
[49] Ramey, 'Fighting for a Society That Respects Each Person's Dignity' (2012) 24(1) *Peace Review: A Journal of Social Justice* 54 at 56.
[50] Ibid, at 54.
[51] Banks, 'Human Rights, Diversity and Citizenship Education' in Waldron and Ruane, supra n 19, 43 at 44.

the human rights that accrue to them on this basis'.[52] HRE ought, therefore, to be delivered within a human rights framework that upholds the principles of 'non-discrimination, inclusion and accountability',[53] and the rights themselves should be taught as 'universal and indivisible standards belonging to all people'.[54]

As with education *about* human rights, therefore, the existing legislation and relevant literature contain additional elements not included within UNDHRET's formulation of HRE. If this legislation and literature is viewed as aiding interpretation of Article 2(2)(b), then it is reasonable to submit that education *through* human rights denotes the creation of a rights respecting learning environment imbued with human rights values, and in which the full personality and dignity of each learner is developed. In such an environment freedoms including expression, opinion and religion are fostered, discipline is administered in a manner respectful of children's dignity and the rights of everyone are respected, irrespective of their 'racial, ethnic, religious, cultural and linguistic backgrounds'.[55]

Once again, however, because these additional elements in the provision of education *through* human rights are not explicitly included within Article 2(2)(b), it would be easy for states to interpret UNDHRET's obligations in this area as relating simply to formal rights being respected within the classroom setting, as opposed to a fuller and broader necessity for the promotion, protection and development of human rights in the wider learning environment. More explicit and comprehensive instruction within UNDHRET would thus be likely to encourage better state practice in this area.

(iii) Article 2(2)(c): Education *For* Human Rights

[52] Gerber, supra n 40 at 18.
[53] Human Rights Education Associates, 'Response to Preliminary Draft of the UN Declaration on Human Rights Education & Training' (October 2009) at 2.
[54] UNESCO and OHCHR, supra n 30 at 14, para 8(a).
[55] Gerber, supra n 7 at para 3.5.

Finally, education *for* human rights is concerned with fostering awareness of the ways 'by which human rights can be translated into social and political reality'.[56] Whilst this idea might seem excessively idealistic and beyond the scope of teaching at the level of formal primary and secondary education, important fundamental elements of this concept are embedded within most definitions of HRE. UNDHRET phrases this component of HRE as 'empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others'.

Again, however, UNDHRET's formulation of education *for* human rights arguably lacks the depth and express direction of a number of the comparable provisions within existing instruments. For example, the UN Convention on the Rights of the Child ('UNCRC'), which is considered by many to represent the most important legally binding human rights instrument addressing HRE, includes more explicit and detailed obligations regarding education *for* human rights. It is for this reason frequently cited as making the greatest contribution to the 'democratization of education and to the empowerment of all who engage with it'.[57]

It is interesting to note, therefore, that UNDHRET does not explicitly reaffirm the UNCRC in its preamble, despite the fact that the footnotes of its earliest drafts did so.[58] It would seem inconceivable, however, that the UNCRC does not represent one of the 'other human rights instruments' with which states are duty-bound to comply and to which UNDHRET's preamble expressly refers. Indeed, the term 'other human

[56] UNESCO International Congress on the Teaching of Human Rights, 'Principles of the International Congress on the Teaching of Human Rights' (1978) at para 3(iii).
[57] Waldron, 'Introduction: Human Rights Education' in Waldron and Ruane, supra n 19, 1 at 12.
[58] Human Rights Council Advisory Committee, 'Preliminary Draft of the United Nations Declaration on Human Rights Education and Training' (2009) (Annex 2 of A/HRC/AC/3/CRP/.4/Corr.1) at para 3, footnote 2.

rights instruments' echoes the language within the earlier drafts that was footnoted with the relevant reference to the UNCRC.

As the most widely ratified human rights instrument, and with its designation of 'education in human rights the right of every individual',[59] it can only be assumed that reference to the UNCRC was omitted from UNDHRET on the grounds of brevity.[60] Should this not be the case, and in fact the omission was either intentional or the result of 'a lack of coordination and collaboration between the different bodies working on HRE within the UN',[61] it could not be denied that this weakens UNDHRET regarding education *for* human rights, particularly as the UNCRC contains direct and detailed guidance for the provision of efficacious education in this area.

Article 29 of the UNCRC, for example, deals specifically with HRE, and Article 29(d) addresses education *for* human rights. Whilst this provision expresses the concept in the terminology of responsible life in a free society rather than empowerment and activism, the importance of active participation is outlined elsewhere in the UNCRC. Article 12, for example, guarantees children a voice in matters that affect them and decrees that their views must be given due consideration and be acted upon if appropriate to do so. When taken together, Articles 29 and 12 emphasise the importance of active and democratic participation in education, and are indicative of the central role that such concepts ought to take in education *for* human rights.

---

[59] Carter & Osler, 'Human Rights, Identities and Conflict Management: A Study of School Culture through Classroom Relationships' (2000) 30(3) *Cambridge Journal of Education* 335 at 338.

[60] Along with a number of other important HRE provisions, including *inter alia* the Convention on the Elimination of All Forms of Discrimination Against Women (1979), Article 10; & the International Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 7.

[61] Gerber, supra n 40 at 10.

Other relevant instruments similarly contain broader and fuller obligations regarding this component of HRE. For example, the idea of education *for* human rights has a more activist tone within the World Programme than in UNDHRET, encouraging learners to take action 'to defend and promote human rights',[62] rather than simply to 'enjoy and exercise their rights'.[63] The World Programme additionally provides a definition of education *for* human rights that is tailored specifically to formal education and directs learners to organise 'their own activities for representing, mediating and advocating their interests' and to participate in decision-making.[64]

It is made clear within both the existing instruments and the relevant literature in this area that all such exercises of education *for* human rights should be informed by experience, and encourage children to translate human rights knowledge into practice. They should learn to examine real life events, such as bullying or stereotyping, 'through a 'human rights lens'',[65] and the World Programme, Vienna Declaration and Amnesty International all recognise that for this to happen, learners must first acquire the skills required to 'promote, defend and apply' human rights.[66] Such skills include *inter alia* conflict resolution, co-operation, empathy, critical reflection, activism, and the ability to analyse situations in moral terms.

It seems reasonable to suggest, therefore, that the formulation of education *for* human rights in Article 2(2)(c) is weaker than comparable provisions within existing instruments. This suggestion seems particularly pertinent in light of the absence of

[62] UN General Assembly, supra n 44 at para 4(c).
[63] UN General Assembly, supra n 5 at Article 2(2)(c).
[64] UNESCO and OHCHR, supra n 30 at 45, para 15(c).
[65] Flowers & Shiman, 'Teacher Education and the Human Rights Vision' in Andreopoulos & Claude (eds), *Human Rights Education for the 21st Century* (USA: University of Pennsylvania Press, 1997) 161 at 170.
[66] UN General Assembly, supra n 44 at para 4(a); UN General Assembly, supra n 33 at Part I, para 33; & Amnesty International, supra n 39 at 7.

express reference within UNDHRET to the legally weighty obligations concerning empowerment and active participation enshrined in the UNCRC. It is at least arguable that UNDHRET would be likely to have a greater influence on state practice if it mandated that education *for* human rights should not only provide learners with 'the skills necessary for the promotion and protection of human rights…through active and participative learning',[67] but ought also to empower learners to enjoy and exercise their rights and to defend the rights of others.

To accord with the weightier requirements of the existing international law in this area, learners should also learn to translate these skills in active participation and empowerment into activities that further the promotion and defence of human rights more generally. Contributing to the building of a universal culture of human rights represents one of the central goals of HRE,[68] and thus this further step reflecting the translation of human rights knowledge into practice is of fundamental importance. Regrettably, however, this further component of education *for* human rights is seemingly omitted completely from UNDHRET.

(iv) Education *About, Through* and *For* Human Rights under UNDHRET

Whilst Article 2(2) does set out a clear and concise framework that is useful for identifying and analysing deficiencies in state practice in the provision of holistic education *about, through* and *for* human rights, this section has served to highlight where further detail in the article would be constructive. Analysis of the HRE provisions within existing international instruments above has fleshed out the bare

[67] Amnesty International, supra n 39 at 8.
[68] See e.g. Human Rights Education Associates, 'Exploring Facilitators' Beliefs about Human Rights Education: Evidence of Universal and Local Influences', Research in Human Rights Education Papers (2010) at 26; Lohrenscheit, supra n 36 at 177; & UNICEF & UNESCO, 'A Human Rights-Based Approach to Education' (2007) at 12.

bones of the definition of HRE provided by Article 2(2) and, by doing so, has also highlighted the shortcomings of UNDHRET's formulation of HRE.

It is of course true that a number of the instruments that contain clearer and weightier HRE obligations are referred to within UNDHRET's preamble, thus encouraging states to comply with their existing obligations, though it remains at least arguable that these obligations lose a certain degree of influence and significance by virtue of their omission from the main body of the document. It is perhaps regrettable, therefore, that UNDHRET has not been utilised as a means for both codifying and clarifying the obligations already incumbent upon states in the provision of HRE, as well as outlining the new obligations agreed by states during the instrument's drafting.

In the absence of comprehensive, detailed and consistent instruction on the requirements for education *about, through* and *for* human rights, both within UNDHRET itself and at the international level more widely, HRE regimes in states are considerably more likely to be fragmented and lacking in both depth and substance. A short case study of HRE in Scotland, followed by brief comparative analysis of HRE in the educational regimes of four other countries, serves to substantiate this claim. It is to the Scottish experience that we now turn.

3. The Scottish Experience

Despite its aforementioned shortcomings, the formulation of education *about, through* and *for* human rights in Article 2(2) of UNDHRET nevertheless provides an effective means of assessing state practice in the provision of HRE. The tripartite framework is therefore used in this study of policy and practice in Scotland to highlight where there are fundamental gaps in HRE provision within formal

education. An assessment of HRE within the national curriculum and an investigation into HRE in classroom practice in Scotland both demonstrate that elements of education *about, through* and *for* human rights are present within the education system. Both the Scottish policy context and the empirical data on HRE within teaching practice also demonstrate, however, that in the absence of a comprehensive overarching national strategy, the provision of HRE is inconsistent and frequently lacking the depth required by a number of the relevant international provisions.

The analysis of HRE policy and practice in Scotland provided by this article therefore logically leads on to the question of whether more detailed guidance or clearer and more comprehensive obligations at the international level, and in particular within the most recent relevant key document, UNDHRET, would be likely to facilitate more consistent and holistic state practice in this area. This is addressed in the final section of the article, but prior to that, HRE both in the Scottish curriculum and in classroom practice must first be considered.

A. The Curriculum for Excellence

Clear, coherent and comprehensive educational policies can be seen as the bedrock of successful HRE regimes in schools. As reiterated by the World Programme, educational curricula that expressly incorporate HRE serve to 'avoid a gap between policy and practice, rhetoric and reality, as well as situations where practices are happening, if at all, in a dispersed or inconsistent way, or on an ad hoc or voluntary basis'.[69]

[69] UNESCO and OHCHR, supra n 30 at 41.

Reference to inclusion of HRE within school curricula is made twice within UNDHRET, once within the preamble and again as an example of an appropriate forum for introducing HRE in Article 8. The requirement for curricula to reflect HRE principles is also provided within the existing legal instruments.[70] For example, the World Programme advises that states should include in their national curricula 'human rights values, knowledge and attitudes as basic skills and competencies, complementing literacy and numeracy'.[71]

Incorporation of HRE into educational curricula demands more than simply adding an hour of instruction on the topic each week, or including a designated themed week once a year.[72] UNDHRET, with its instruction for education *about*, *through* and *for* human rights, denotes 'a larger and more significant change in formal…education practices'.[73] Does the Curriculum for Excellence ('CfE'), then, provide appropriate scope and guidance for such a holistic approach to HRE?

The CfE is the Scottish national curriculum for learners aged between 3 and 18, and was introduced into primary schools in 2009.[74] Though it is not a prescribed national curriculum, schools are expected to follow national guidelines and design their teaching to conform to the government drafted Experiences and Outcomes. The Experiences and Outcomes are broad and aim to foster the development of pupils in four capacities: as successful learners, confident individuals, effective contributors

[70] For example, UN General Assembly, supra n 33 at para 79; & UN Committee on the Rights of the Child, 'General Comment No.5: General Measures of Implementation of the Convention on the Rights of the Child' (2003) (CRC/GC/2003/5) at paras 53 & 68; see also the relevant literature, including Amnesty International, 'Comment on the Preliminary Draft of the UN Declaration on Human Rights Education & Training' (November 2009) at 5; Howe & Covell, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (Canada: University of Toronto Press, 2005) at 12; & UNICEF & UNESCO, supra n 68 at 33.
[71] UNESCO and OHCHR, supra n 30 at 39, para (e)(ii).
[72] Jennings, 'Human Rights Education Standards for Teachers and Teacher Education' (2006) 17 *Teaching Education* 287 at 290.
[73] Black and Ethnic Minority Infrastructure in Scotland, 'Human Rights Education: Theory and Practices' (2011) at 7.
[74] It was introduced in secondary schools in August 2010.

and responsible citizens. As drafted, therefore, the CfE is designed to be flexible, with a strong focus on outcomes. An examination of its contents demonstrates that elements of human rights are present to a certain extent across the three CfE teaching areas of (i) interdisciplinary learning; (ii) freestanding subjects; and (iii) themes across learning.

Relating to (i), for example, though HRE does not feature in the interdisciplinary subjects of Literacy or Numeracy, its presence within Health and Wellbeing is noteworthy. Whilst there is no express requirement to educate *about* human rights, a few of its Experiences and Outcomes reflect key ideas in education both *through* and *for* human rights under Article 2(2). In this regard, learners are instructed to exercise their rights responsibly and respect the rights of others, in accordance with education *through* human rights, and teachers are instructed to ensure that learners' views are taken into account and that they learn to contribute to and participate in society, as per education *for* human rights.

Regarding (ii), whilst HRE values and principles are alluded to in a number of freestanding subject areas, such as references to deepening understandings of the wider world in the Expressive Arts and developing a global dimension to active citizenship within Modern Languages, they are not generally couched in the express terminology of human rights. The Experiences and Outcomes in Social Studies do make explicit reference to 'rights and responsibilities', though this relates predominantly to understanding the features of a democracy and to the rights and responsibilities specifically affecting Scottish citizens. Consideration of wider human rights issues is, therefore, unlikely to feature in this subject area.

Numerous references are made within Religious and Moral Education ('RME') to ideas consistent with education both *through* and *for* human rights, such as

developing respect for others, and counteracting prejudice and intolerance. Perhaps of the greatest significance, however, is RME's express reference to 'human rights' – the only one within any freestanding curriculum subject – in an Experience and Outcome requiring learners to develop views about values such as fairness, equality and human rights.

Finally, concerning (iii), Global Citizenship represents, along with Enterprise Education, one of the 'themes across learning' within the CfE. As a 'theme across learning', it must not consist of a simple add-on to any subject area but instead should provide a context in which to deliver all of the relevant curriculum outcomes. By embedding the 'themes across learning' throughout all curriculum areas, the Scottish government believes that learners will acquire the 'knowledge, skills, values and attitudes' necessary for full and active participation in society.[75]

It is of considerable significance, therefore, that the clearest presence of HRE in the CfE is within Global Citizenship. Reference is made in the curriculum guidance to learners developing an understanding of 'equality and human rights issues',[76] and this idea is continued and developed in Global Citizenship's subsidiary strands. Education for Citizenship, for example, addresses issues including 'human rights,…social equality and appreciation of diversity',[77] and International Education prepares learners for 'active participation in a global, multi-cultural society'.[78]

(i) Education *About, Through* and *For* Human Rights within the CfE

[75] Learning and Teaching Scotland, 'Developing Global Citizens Within Curriculum for Excellence' (2011) at 8.
[76] Ibid, at 14.
[77] 'Education for Citizenship', Education Scotland website (available at http://www.educationscotland.gov.uk/learningteachingandassessment/learningacrossthecurriculum/themesacrosslearning/globalcitizenship/about/educationforcitizenship/index.asp).
[78] Learning and Teaching Scotland, supra n 75 at 11.

It is apparent from this analysis that whilst elements of HRE are present in the interdisciplinary topic of Health and Wellbeing, in freestanding subjects such as RME, and under the Global Citizenship 'theme across learning', they are nevertheless sparse and lack the detail and guidance likely to encourage teachers to embrace HRE holistically. For example, although the CfE directs learners to exercise their rights responsibly in conformity with education *through* human rights, and participate actively as per education *for* human rights, the fundamentals of HRE, particularly in relation to education *about* human rights, are lacking. Nowhere is there a curriculum outcome requiring learners to demonstrate even a basic understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection.

Although the CfE arguably does therefore provide scope for the provision of education *about*, *through* and *for* human rights, teachers are not expressly or systematically directed to include these components in their teaching, with the Scottish Government defending their position on the basis that 'human rights are embedded in the curriculum'.[79] This, however, appears to be in direct contravention of the World Programme's instruction that guidance should be provided regarding the specific teaching requirements for the satisfaction of each curricular outcome that touches upon HRE.[80] The danger is therefore that human rights may be embedded in the Scottish curriculum to the point of invisibility.

Teachers may thus be likely to interpret HRE as 'a matter of perspective rather than of specific teaching content',[81] with the consequent danger that it becomes 'incidental

[79] Scottish Government, 'National Report to the Office of the United Nations High Commissioner for Human Rights Regarding Implementation of the First Phase of the United Nations World Programme for Human Rights Education' (2010) at 8 & 10.
[80] UNESCO and OHCHR, supra n 30 at 46, para 19(a)(i).
[81] Hornberg, 'Human Rights Education as an Integral Part of General Education' (2002) 48 *International Review of Education* 187 at 193.

to the curriculum rather than proactively integrated into it'.[82] Those teachers interested in HRE would be able to justify their teaching practices with reference to the CfE, but equally teachers with no interest would be able to point to the absence of specific HRE guidance to justify their inaction. This then is likely to lead to a fragmented and inconsistent approach to the provision of HRE at the coalface of formal education. It is to the teaching of human rights in classrooms that we now turn.

B. Human Rights in Classroom Practice

The state of HRE in formal education in Scotland remained, until very recently, largely unknown. Knowledge in this area has improved considerably, however, through a qualitative research project conducted by the author in Edinburgh and through data gathered by the Black and Ethnic Minority Infrastructure in Scotland ('BEMIS') in a mapping exercise conducted in 2012 into HRE within formal education in Scotland – a project in which the author was a lead researcher.[83] The small-scale empirical research conducted in Edinburgh complements the work carried out in the subsequent BEMIS project. This article will provide a brief overview of the findings from both studies in order to demonstrate current classroom and school practices concerning education *about, through* and *for* human rights. The aim is not to engage in comprehensive analysis of the data.

The findings from both studies contribute significantly towards determining more accurately 'how extensively human rights are integrated…and how much actual time

[82] Ibid, at 193; & Waldron *et al*, 'Teacher, Human Rights and Human Rights Education: Knowledge, Perspectives and Practices of Primary School Teachers in Ireland', Dublin: The Centre for Human Rights and Citizenship Education (2011) at 54.
[83] BEMIS, 'A Review of Human Rights Education in Schools in Scotland' (2013).

is spent on human rights' in Scottish classrooms.[84] Both research projects demonstrate that whilst there is widespread enthusiasm for HRE, and a largely positive attitude towards its inclusion within formal education, a number of barriers are currently precluding its greater presence within classroom teaching. In particular, the absence of comprehensive and detailed instruction on teaching HRE seemingly leads many teachers to believe that it is not an area upon which they should be focusing in their teaching practice.

(i) Methodology

The BEMIS mapping exercise involved an initial scoping survey to investigate the extent of teachers' knowledge of HRE and their experience in incorporating this into classroom teaching at both primary and secondary level. 351 teachers from across Scotland responded to this survey. Teachers then had the option to leave contact details if they wished to participate in a follow-up interview. These interviews were used to supplement the information provided in the survey with more detailed information and participant opinions.

The qualitative empirical research carried out by the author in Edinburgh involved deeper analysis with a smaller number of teachers at primary level. It consisted of one-on-one semi-structured interviews with teachers of final year primary school pupils in 8 schools across Edinburgh and the Lothians,[85] with the objective of determining (i) the extent to which teachers incorporate education *about, through* and *for* human rights into their classroom teaching, and (ii) their reasons for either doing so or omitting to do so.

[84] UN General Assembly, supra n 39 at para 26.
[85] This included: 1 school in City of Edinburgh, 1 in Midlothian, 2 in East Lothian, and 4 in West Lothian. One primary teacher was interviewed per school.

(ii) Research Findings: Education *About* Human Rights

Both the BEMIS survey responses and the more detailed qualitative interview data obtained from the Edinburgh project indicated that teachers are incorporating aspects of education *about* human rights into their classroom teaching. A number of teachers in both research projects reported, for example, that they linked their teaching explicitly to the rights in the UNCRC. This is a positive finding, though it is of note that links being made to other human rights instruments within teaching practice was mentioned by only a small handful of teachers across both projects.

Whilst a regime of education *about* human rights couched only in the terminology of the UNCRC may be better than no HRE at all, it is nevertheless inconsistent with the standard of human rights knowledge required by UNDHRET and other relevant international HRE provisions. No teacher within the research conducted in Edinburgh, and only a handful of respondents to the BEMIS survey, made reference to any additional human rights instruments in which HRE provisions are present, and none mentioned imparting knowledge about human rights values or the mechanisms for their protection in accordance with the basic express requirements of Article 2(2)(a) of UNDHRET.

In the absence of this foundational knowledge, teachers in Scotland simply cannot be educating *about* human rights in a deeper and more contextually relevant manner. Whilst some respondents to the BEMIS survey did indicate that they are currently using learning contexts that incorporate human rights, a large number of these responses in fact made reference only to broad learning concepts and contexts, such

as ‘equality and social inclusion’, ‘fair treatment of others’, ‘prevention of discrimination’ and ‘pupil voice’.[86]

Knowledge concerning, for example, the history and controversies of the human rights movement; chronic and emerging human rights problems and their possible solutions; the potential role of learners in the promotion and protection of human rights; and the reasons for varied global understandings of human rights did not, therefore, feature in the classrooms of the teachers participating in either research project. In other words, the ‘human rights’ in HRE was seemingly being interpreted predominantly as a reference to educating about the UNCRC.

(iii) Research Findings: Education *Through* Human Rights

Though teachers were not questioned directly on rights respecting learning environments within the BEMIS scoping exercise, some of the survey responses are nevertheless relevant to this component of HRE. A few respondents made reference to classroom and school charters, for example, with many of these linking explicitly to relevant rights within the UNCRC, such as freedom of belief, expression and religion. Some others, however, referred instead to behaviour management in their classrooms, including to rewards such as Golden Time and to sanctions and disciplinary measures, believing this to constitute respect for rights in the learning environment.

Classroom practice regarding education *through* human rights for those teachers interviewed as part of the Edinburgh project was similarly divergent. Some schools not only explicitly adopted and maintained a whole-school approach to HRE, but also implemented class charters guaranteeing that fundamental rights, such as free

[86] BEMIS, supra n 83 at 44.

expression, equality, mutual respect and dignity, were infused throughout the classroom. In other schools, however, teachers once again misunderstood the basic idea of rights respecting learning environments. HRE linked to a system of rewards and sanctions is fundamentally at odds with the idea of respect for the development of personality and dignity, and the erroneous impression of some teachers that education *through* human rights relates predominantly to behaviour management is cause for concern.

(iv) Research Findings: Education *For* Human Rights

It was apparent from the responses of the teachers interviewed as part of the research in Edinburgh that each of them was facilitating education *for* human rights to some extent. Specific activities for fostering active participation that were expressly referenced by teachers included peer mediation and an Equality Committee, restorative practice, eco-councils, a Fair Trade Group, and holding mock Parliamentary debates. Every school also fostered active participation through its pupil council and, although the additional mechanisms for educating *for* human rights varied considerably between schools, to some extent they all provided children with a voice in decision-making that both related to their own lives and experiences and instilled and honed those skills relevant to empowerment and activism.

Although there was no specific question on active participation in the BEMIS mapping exercise, and thus it did not constitute an explicit research focus within the project, some of the responses to the other survey questions do provide further evidence that education *for* human rights is present within current classroom practice. Teachers indicated, for example, that ‘HRE was principally concerned with involving

children in relevant decision making',[87] and that HRE is used as a vehicle to empower children by 'using the language of rights with each other'.[88]

The problem with the practice of education *for* human rights, evident from both research projects, however, is that it currently provides no focus on the defence and promotion of human rights more generally. Although one school that featured in the Edinburgh project did organise a scheme for older children to mentor younger members of the school to stand up against prejudice and intolerance, no school incorporated a more specific human rights approach through, for example, providing learners with opportunities to organise their own human rights advocacy activities.

It is suggested, therefore, that through active and participative learning schools are providing learners with the skills required to promote and protect human rights, but that they are not progressing to the next stage of translating that into focused human rights action. Perhaps noteworthy in this regard is that none of the teachers within either study explicitly referenced the Global Citizenship 'theme across learning' as a CfE area under which they felt compelled to provide education *for* human rights. This in turn is arguably attributable to common misunderstandings of how HRE fits within the Global Citizenship umbrella.

Academic literature in the area has advised, for example, that Global Citizenship and HRE are in fact fundamentally distinct concepts, and whilst they do share common characteristics, such as active participation and the promotion of tolerance,[89] at their

[87] Ibid, at 45.
[88] Ibid, at 50.
[89] Council of Europe, 'Charter on Education for Democratic Citizenship and Human Rights Education' (2010) (Recommendation CM/Rec(2010)7) at 8.

most basic levels they can differ markedly.[90] Global Citizenship is deemed to provide learners with the ability to formulate and express their opinions on complex global issues,[91] and to foster understanding of and attachment to the wider community.[92] Even within this global context, however, focus often remains predominantly on the idea of inclusive citizenship, reinforcing the concept of 'nationalism' rather than 'humanism'.[93] HRE, on the other hand, has a broad and aspirational focus on knowledge, promotion, defence and application of human rights values and principles, and should empower learners to recognise and stand up for universal human rights by holding governments to account for insufficiencies in their human rights regimes.[94]

Given these fundamental differences, therefore, addressing HRE through Global Citizenship requires a delicate balance between the citizenship and HRE elements. HRE ideas must permeate the teaching of Global Citizenship, and provide the opportunity for learners to explore the rights and responsibilities of all citizens under international human rights law.[95] Schools cannot focus simply upon rights and responsibilities between individuals and neglect consideration of the human rights obligations upon states themselves. Nor can they rely upon the Global Citizenship mandate to 'engage with distant places and different cultures'[96] as justification for teaching in a way that propagates an inappropriate 'them' and 'us' belief that Western societies have rights and non-Western societies do not. The HRE aspects must emphasise the universality and indivisibility of international human rights.

---

[90] Bowring, 'Human Rights and Public Education' (2012) 42(1) *Cambridge Journal of Education* 53 at 56; & Kiwan, 'Human Rights and Citizenship: an Unjustifiable Conflation?' (2005) 39(1) *Journal of Philosophy of Education* 37 at 47-48.
[91] Oxfam, 'Oxfam in Scotland Manifesto 2007' (2007).
[92] Oxfam, 'Global Citizenship Guides: Getting Started with Global Citizenship: A Guide for New Teachers' (2008) at 4.
[93] Stone, supra n 41 at 541.
[94] Osler & Starkey, *Teachers & Human Rights Education* (Stoke-on-Trent: Trentham Books, 2010) at 16.
[95] Stone, supra n 41 at 541.
[96] Oxfam, supra n 92 at 17.

It is suggested, however, that the findings from both the Edinburgh study and the BEMIS research indicate that teachers may in fact be educating *for* human rights in a manner more in keeping with interpretations of Global Citizenship as relating principally to inclusive citizenship and learning how to be an active national, as opposed to global, citizen. This would explain the tendency of the teachers in both studies to interpret Global Citizenship as mandating either sporadic charitable giving or learning only about the human rights of children in other countries. Whilst one teacher interviewed in Edinburgh did recognise that Global Citizenship involved 'talking about the world generally', not a single teacher referred to the universality of human rights and the need for their defence and promotion when discussing their teaching requirements in this area.

One representative from a HRE organisation has deemed such misconceptions of Global Citizenship to be the result of it 'being thrust into the CfE without any background or context'[97] and consequently teachers often fail to link the concepts of Global Citizenship and HRE, despite the latter supposedly representing a fundamental component of the former under the CfE guidance. The absence of focused human rights action within classrooms is therefore perhaps unsurprising given the paucity of express human rights ideas and terminology within the curriculum.

(v) Education *About, Through* and *For* Human Rights in Practice in Scotland

In her research into HRE in the USA and Australia, Gerber noted that those teachers who incorporated elements of HRE into their classrooms did not do so to comply with government or curriculum guidance, and certainly were not doing so in the belief that

[97] Information obtained through informal discussion between the present researcher and a representative from ScotDEC on 1 March 2012.

they were giving effect to international legal obligations.[98] Instead, they addressed HRE 'because of their own personal background and experience'.[99]

A similar situation seems apparent both with regard to the teachers participating in the Edinburgh project and within the mapping exercise conducted by BEMIS; the latter expressly acknowledging that 'educators in Scotland in general are supportive of and interested in HRE'.[100] Elements of HRE were present in the classrooms of each teacher interviewed in Edinburgh and of a large proportion of the respondents to the BEMIS scoping survey, with a number of teachers in Edinburgh viewing the CfE's inherent flexibility as conducive to teaching HRE, for as 'the outcomes…are so waffly, you have more scope with what to teach, and you can link HRE to anything if you want to'.[101]

The converse of this, of course, is that teachers can avoid linking HRE to particular curriculum areas, and could conceivably avoid linking it to anything at all if they so desired. Though there is apparent interest in HRE, teacher interpretations of what practice in this area encompasses could nevertheless differ markedly, resulting in varied degrees of HRE incorporation across classroom teaching. The findings from the Scottish studies lend weight to this particular suggestion, with aspects of HRE being fundamentally misunderstood owing, it would seem, to the lack of direction within the curriculum. A common perception that education *through* human rights relates only to behaviour management, and widespread misconceptions of Global Citizenship leading to education *for* human rights occurring in the absence of discussions about the universality of human rights and the need for their widespread

[98] Gerber, supra n 7 at 260-261.
[99] Gerber, 'The 4th R – Human Rights Education', paper presented at Monash University in 2006 (available at http://www.law.monash.edu.au/castancentre/events/2006/conf-06-gerber-paper.html).
[100] BEMIS, supra n 83 at 61.
[101] Quote from a teacher in West Lothian, Scotland.

defence and promotion, are just two examples. When combined with the absence of a strong foundation of contextually and culturally relevant education *about* human rights, it seems that the messages filtering down from the state are not clear enough for teachers to be able educate effectively in this area.

Thus, whilst HRE was not overlooked or disregarded completely by any of the teachers participating in the research projects, no teacher was incorporating education *about, through* and *for* human rights holistically to a standard in conformity with Article 2(2) of UNDHRET. Elements of education *through* and *for* human rights do seem to be punctuating classroom practice in a number of schools, though this is occurring in the absence of a solid foundation of contextually relevant education *about* human rights extending beyond the rights in the UNCRC only.

4. Are these Findings Unique to Scotland?

Whilst space constraints limit the scope for full comparative analysis of HRE in school policy and practice, it is worth exploring whether the evaluation of the Scottish experience provided by this article appears to correlate in general with the findings from studies conducted in four other countries with similarly developed education regimes. These countries are: England, Ireland, the USA and South Africa.

With the exception of the author's current project in England, research into HRE in these countries has not been carried out using the specific formulation of education *about, through* and *for* human rights provided by Article 2(2) of UNDHRET. It is submitted, however, that adopting this framework is useful for assessing and analysing HRE provision at state level. The framework not only enables clear comparisons to be drawn between countries, but also highlights the most obvious and widespread deficiencies in the domestic provision of HRE. In this regard, it is

submitted that specific shortcomings in HRE identified in national studies carried out in England, Ireland, the USA and South Africa could all be categorised under the headings of education *about*, *through* or *for* human rights, and that viewing them in this way enables the current problems in state provision of HRE to be clearly identified.

This section thus demonstrates that by analysing state HRE implementation through Article 2(2)'s tripartite framework, it becomes apparent that the fundamental issue is comparable in each of the countries considered: namely, that there is a failing in one or more of the categories of education *about*, *through* and *for* human rights. This in turn facilitates identification of where more detailed guidance and clearer obligations may be required at the international level.

A. England

Within the last year, England has undertaken a major reform of its educational regime and, as of September 2014, maintained schools have followed the new National Curriculum. In contrast to the Scottish CfE, however, this extensive reform of the English curriculum has not been utilised as a means of seeking to increase the extent and scope of HRE provision within classroom practice. The new curriculum guidance contains no express reference to human rights at primary level, and only a fleeting reference to pupils being taught about 'human rights and international law' in the final stage of secondary education.[102]

The deemed intention of the new curriculum is instead to minimise prescription in both content and teaching methods, but simultaneously to emphasise more strongly

[102] Department for Education, 'The National Curriculum in England: Framework Document' (2013) at 203.

'the fundamentals of core academic subjects and allocate them substantial time'.[103] Whilst the new curriculum does, therefore, provide a greater degree of flexibility for teachers beyond the prescribed core academic material, the absence of any guidance suggesting that HRE should feature within this flexible curriculum time is likely to generate the same problem that currently plagues HRE practice under the Scottish CfE: that there is space and capacity within the curriculum for the provision of HRE, but a lack of crucial direction and guidance results in only those teachers with an existing interest in the area incorporating it into their teaching practice.

The extent to which HRE is currently included in classroom practice at the coalface of English primary education forms part of research currently being undertaken by the author. This further research project has gathered quantitative survey data and qualitative interview data with the aim of ascertaining not only the degree to which teachers in England are currently incorporating elements of education *about*, *through* and *for* human rights into their classroom practice, but also to obtain their views on, and concerns with, teaching in this area.

Whilst still at a preliminary stage, *ex ante* analysis of the research findings indicates that, as with Scotland, teachers are incorporating HRE to a certain extent within their teaching. In particular, most teachers consider both (i) education *through* human rights, by way of fostering rights respecting learning environments and encouraging pupil voice in the classroom, and (ii) education *for* human rights, through active participation and involvement in decision-making in the school more widely, to be facilitated to a great extent within the classroom and school environments.

[103] Department for Education, 'Reform of the National Curriculum in England' (2013) at paras 1.6 & 1.17.

On the other hand, whilst the majority of teachers who responded to the scoping survey advised they do teach pupils expressly about human rights,[104] the qualitative interview data suggests that such teaching is in fact unlikely to refer to the specific rights, instruments and enforcement machinery of the UN framework. In other words, education *through* and *for* human rights is seemingly fostered in English primary classrooms in the absence of the fundamental knowledge about human rights that enables learners to understand the broader significance and universality of the human rights framework.

As with the position in Scotland, therefore, the provision of education *through* and *for* human rights is included in educational practice without the solid foundation of contextually relevant education *about* human rights. Owing to the inadequate direction and guidance filtering down from state or supra-national level, the provision of HRE in England remains almost entirely dependent upon the autonomy of particular teachers and their interest in facilitating the teaching of HRE within their classrooms. With no mention of human rights at all within the new National Curriculum, reliance on the enthusiasm of teachers at the coalface of primary education in England is simply not sufficient for ensuring that the provision of education *about, through* and *for* human rights conforms to the holistic requirements of the international legal framework.

B. Ireland

Ireland has a laudable reputation for the extent and depth of its HRE provision within formal education and has conducted a number of research projects to assess the

[104] 378 teachers from across England responded to the scoping survey.

efficacy of its HRE regime.[105] In 2011, for example, the Centre for Human Rights and Citizenship Education published a comprehensive study into HRE within primary education. A scoping survey was distributed with the aim of ascertaining 'the level of awareness of and attitudes towards human rights and HRE among primary teachers in Ireland [and] to assess the extent to which HRE is implemented in primary schools'.[106]

The report indicated that although teachers had an interest in and enthusiasm for teaching HRE, they were ill equipped with the requisite knowledge and understanding necessary for providing HRE to an extent compliant with the demands of the international human rights framework. Thus, whilst most teachers believed that they were incorporating HRE into their teaching practice, the inadequacy of their own knowledge and training resulted in HRE that was not couched in the terminology of human rights. As with the findings from Scotland, therefore, HRE in Irish primary classrooms was only loosely engaging with human rights through the use of broad rights respecting concepts and language.[107]

In the same year, the Irish Human Rights Commission also published their detailed report on HRE in Ireland, which highlighted that whilst elements of HRE can be identified within formal primary education, its provision is fragmented and incomplete.[108] The Commission acknowledged that there is a low level of awareness and understanding of HRE amongst teachers and though concepts related to HRE do feature to a limited extent within the curriculum, express teaching on human rights is unlikely to feature within the primary education sector.

---

[105] See e.g. The Cross Border Primary Human Rights Education Initiative, 'An Evaluation of 'Lift Off'' (2006); Waldron *et al*, supra n 82; & Irish Human Rights Commission, 'Human Rights Education in Ireland' (2011).
[106] Waldron *et al*, supra n 82 at 4.
[107] Ibid, at 53.
[108] Irish Human Rights Commission, 'Human Rights Education in Ireland' (2011) at 9.

If these findings are analysed using the framework of HRE provided by Article 2(2) of UNDHRET, it becomes apparent that in the absence of relevant personal knowledge concerning the human rights regime and protection mechanisms, teachers in Ireland cannot be educating *about* human rights in any systematic or detailed way. Additionally, and once again comparable to the Scottish position, whilst education both *through* and *for* human rights is shown to be fostered in classrooms, the provision of each remains limited. The Commission identifies, for example, that teachers in Ireland need more support and training in the facilitation and fostering of rights respecting learning environments, in accordance with education *through* human rights.[109] They also advise that whilst pupil councils are a common means of encouraging active participation, in the spirit of education *for* human rights, school council activity is unlikely to involve express reference to, or engagement with, human rights language or concepts.[110]

It is perhaps unsurprising, therefore, that in its concluding section of the report dealing with HRE in primary education, the Commission advises that:

> Without a co-ordinated commitment to HRE…there is a likelihood that HRE will remain dependent on the individual will and capacity of a committed teacher or principal for its implementation in Irish primary schools.[111]

By analysing the Irish HRE regime through the lens of education *about, through* and *for* human rights, it becomes apparent that the deficiencies in the country's HRE provision are comparable to both Scotland and England. HRE research in Ireland has demonstrated, for example, that whilst elements of education *through* and *for* human

[109] Ibid, at 110.
[110] Ibid, at 100.
[111] Ibid, at 127.

rights do feed into classroom practice, teachers lack the basic knowledge to provide pupils with the solid bedrock of education *about* human rights necessary for educating in accordance with the holistic demands of the international framework.

C. USA

In 2000, Dennis Banks reported on the results of the National Survey of Human Rights Education across the USA following the conclusion of the UN Decade.[112] Banks gathered survey data on HRE activity within each US state and, whilst the findings indicated that 40% of states included HRE within their curricula, conflicting terminology and understandings of HRE meant that standards were not consistent across these states. He advised that in fact most people in the US receive no formal or informal education on human rights, and proceeded to emphasise the need for HRE couched in the express terminology of human rights.

Almost a decade later – and as mentioned earlier in this article – Gerber conducted research into HRE in Boston, USA and Melbourne, Australia. She found that many teachers were incorporating aspects of HRE into their classroom practice, but were not doing so because of any deemed obligation at state or supra-national level. Instead, their teaching in this area was related to their own preferences and predilections for HRE and, as a result, its inclusion within classroom practice was ad hoc and facilitated only by those teachers who had a personal interest in its furtherance.[113] Based upon these findings, she cautioned that:

[112] D N Banks, 'Promises to Keep: Results of the National Survey of Human Rights Education 2000' (2002) University of Minnesota Human Rights Resource Center (available at: http://hrusa.org/education/PromisestoKeep.htm)
[113] Gerber, supra n 99.

> The extent of HRE will remain extremely limited if it is only addressed by teachers who, because of their background, have some deep personal commitment to human rights[114]

The scoping survey distributed as part of the project showed that although a surprisingly large proportion of teachers are teaching about HRE, much of this teaching relates to education about America's prominent domestic rights legislation; in particular the Bill of Rights and Declaration of Independence. Analysing this using Article 2(2)'s tripartite framework would highlight that, whilst contextual and culturally relevant education specifically addressing the content of national human rights documents is a key component of effectual HRE, it comprises insufficient education *about* human rights in accordance with the relevant international standards.

Very few teachers within the study made reference to HRE in the wider context of the relevant instruments or machinery of the UN framework, and Gerber attributed this in part to the lack of awareness and understanding of teachers regarding human rights and HRE. Banks' emphatic advice on the necessity for education that explicitly addresses human rights had therefore seemingly gone unheeded during the intervening decade. Gerber identified, for example, that 'it is difficult to have widespread HRE if the very people entrusted with delivering it do not understand the fundamental principle of the universality of human rights'.[115] Through the lens of Article 2(2) of UNDHRET, therefore, in the absence of such basic understanding of education *about* human rights, efficacious provision of education *through* and *for* human rights becomes an arduous task.

[114] Gerber, supra n 7 at 261.
[115] Ibid, at 244.

Teachers did view HRE as about fostering equality and non-discrimination in the school environment, in accordance with education *through* human rights, and about empowering learners to believe they have the power to make a difference, as per education *for* human rights. However, as with the findings from Scotland, when teachers themselves are not versed in the language and terminology of human rights, they cannot in turn educate *about*, *through* and *for* human rights in a holistic manner that accords with the requirements of the international legal framework.

D. South Africa

Through analysing the national research projects carried out in England, Ireland and the USA using Article 2(2)'s framework of education *about*, *through* and *for* human rights, it can be observed that the deficiencies in state provision of HRE are largely a result of the paucity of education *about* human rights within formal education. Under the tripartite framework, however, the South African education system is shown to experience a different, though comparable, problem.

This problem stems from the fact that the country adopts a fundamentally different approach to the inclusion of HRE within formal education. Two of the leading academics in the field from an educational perspective, Andre Keet and Nazir Carrim, published an article in 2005 on South Africa's approach of infusing HRE throughout the conventionally fixed disciplines of the Revised National Curriculum Statement ('RNCS').[116] They argue, however, that the integration of HRE into the curriculum using this method amounts to what can be described as 'minimum infusion' within the RNCS as a whole, meaning that human rights issues and concerns are not wholly

[116] Keet & Carrim, 'Infusing Human Rights into the Curriculum: The Case of the South African Revised National Curriculum Statement' (2005) 23(2) *Perspectives in Education* 99.

integrated within many of the conventional subjects areas in the curriculum, and are often merely referenced indirectly.[117]

The authors also highlight the lack of clear assessment criteria for the human rights elements of the RNCS. Each learning area within the curriculum leads to a specified learning outcome, which is then to be assessed against a set of fixed criteria. When this rigid construction is applied to HRE, however, it overlooks the fact that teaching in this area is not simply about knowledge, but also about values, attitudes and behaviour. In other words, to use the language of Article 2(2) of UNDHRET, the curriculum aims to infuse education *about* human rights by emphasising basic applications of human rights knowledge, without simultaneously fostering the holistic provision of education *through* and *for* human rights.[118] Such human rights knowledge in the context of the RNCS comprises teaching on 'what human rights are, their constitutional and legal definitions and provisions, and how to legally access such rights'.[119]

In a subsequent article, Keet and Karim draw upon prior research conducted by Jonathan Jansen regarding South African educational policy more generally.[120] In his 2002 article, Jansen presents the theory that formulation of educational policy in South Africa is meaningless when it is, as is all too often the case, accompanied by a lack of practical implementation strategies.[121] Keet and Carrim suggest that this argument is equally applicable to HRE policy in South Africa. Whilst the curriculum directs teachers to infuse human rights throughout the disciplines of the RNCS, little guidance is provided on exactly how such infusion is to be achieved.

---

[117] Ibid, at 101.
[118] Ibid, at 101.
[119] Ibid, at 102.
[120] Keet & Carrim, 'Human Rights Education and Curricular Reform in South Africa' (2006) 5(1) Journal of Social Science Education 87.
[121] Jansen, 'Political Symbolism as Policy Craft: Explaining Non-Reform in South African Education after Apartheid' (2002) 17(2) *Journal of Education Policy* 199.

It is for the above reasons that the provision of HRE within classroom practice in South Africa cannot be said to be comprehensive, with Keet and Carrim advising that 'a systematic, integrated and coherent approach to HRE in the schooling sector is still far from being realised'.[122] In contrast to the position within formal education in England, Ireland and the USA, however, when the South African position is analysed using the tripartite framework, its HRE deficiencies can be attributed to an emphasis on education *about* human rights and a corresponding insufficiency in direction and guidance relating to the provision of effective education *though* and *for* human rights.

As reiterated previously, the three elements of education *about*, *through* and *for* human rights are complementary, and in isolation their effect is at best limited. Thus, the fundamental problem with HRE in South Africa is comparable to the other countries featured in this study: that the provision of HRE is hampered by insufficient and ineffectual direction and guidance within the curriculum, resulting in a HRE regime that is neither comprehensive, nor holistically educating *about, through* and *for* human rights in accordance with the international human rights framework.

5. Concluding Remarks and Wider Implications

The analysis within this article has shown that the formulation of HRE provided by Article 2(2) of UNDHRET not only goes some way towards equipping states with the relevant guidance for the required content of HRE at the national level, but also provides a useful framework for analysing and comparing deficiencies in state practice in this area. By assessing conformity with international HRE standards using the tripartite framework of education *about, through* and *for* human rights, for example, the empirical research from Scotland demonstrates clearly where the policy

[122] Keet & Carrim, supra n 120 at 101.

and practice of HRE is fundamentally failing to meet the requirements of the international framework.

Similarly, analysing the existing national research carried out in England, Ireland, the USA and South Africa through the lens of Article 2(2)'s tripartite framework not only enables clearer comparison to be made between the educational regimes, but also facilitates identification of the most prevalent and fundamental deficiencies in the provision of HRE in each country. These comparative studies show that there is widespread teacher enthusiasm for educating in this area, but, as with the position in Scotland, there is a fundamental absence of concrete curricular direction and guidance for effective implementation of education *about, through* and *for* human rights.

The tripartite formulation thus offers states a useful means of identifying and addressing the most obvious and problematic gaps in their HRE provision. For states to acquire the impetus to engage in such evaluation and modification of their current practices, however, it is suggested that clearer messages need to filter down from the supra-national level. The analysis within this article has demonstrated that Article 2(2) does not provide the necessary detail for education *about, through* and *for* human rights to be systematically included within national educational policy and practice.

Whilst there has been academic suggestion that the creation of a designated HRE Convention with its own Treaty Monitoring Body at UN level would provide an effective means of alleviating the problem of ineffectual translation of international obligations into state practice,[123] it is submitted that in the absence of any concrete plans for this to happen, smaller changes may nonetheless improve HRE provision at the domestic level. In this regard, detailed guidance accompanying UNDHRET on the specific requirements for educating *about, through* and *for* human rights, or

[123] Gerber, supra n 40 at 188-190.

clearer and more comprehensive obligations within the main text of the instrument itself may serve to address the current issues pertaining to fragmented national approaches to HRE.

The findings from Scotland outlined in this article lend weight to this particular proposition. It seems not unreasonable to suggest, for example, that the paucity of HRE, and in particular of education *about* human rights, within formal education in Scotland is largely attributable to the absence of concrete guidance or direction on teaching HRE within the curriculum. Teachers appeared on the whole to be enthusiastic about and committed to HRE, but the lack of a coherent and consistent approach within the curriculum resulted in pockets of HRE activity that did not accord with the requirements of the relevant international instruments. Thus, whilst Scotland represents a state willing and able to embrace HRE as a central component of its formal education regime, the current international legal framework, including the recently adopted UNDHRET, remains insufficiently detailed and persuasive even for such states that are disposed towards HRE.

It is of course the case that further research is necessary in this area to establish the benefits of strict compliance with the requirements of the relevant international legal instruments, and this is currently the focus of further research being undertaken by the author. However, even in the absence of such deeper analysis in this area, it is at least arguable that an international framework that does not assist and encourage states, through detailed guidance and clear obligations consistent with those outlined in prior relevant instruments, to implement comprehensive HRE regimes cannot be considered to be effective.

It is submitted that UNDHRET does have the potential to improve state practice in this area. As the first designated instrument at UN level to exclusively address HRE,

it has the capacity to effect real change on the ground both for states already willing and able to incorporate HRE into their educational regimes and for states not yet disposed towards HRE. Regarding the former, explicit and detailed guidance outlining the measures necessary for the provision of effectual holistic education *about, through* and *for* human rights may lead to improved state practices. For the latter, it is likely that clearer and more consistent obligations within UNDHRET would be necessary in order to compel states to educate in accordance with the spirit and aims of the instrument.

Regrettably, however, UNDHRET falls short of achieving these aims. Setting aside the non-binding nature of the instrument and the inherent problems of implementation and compliance that this raises, the obligations themselves could be refined and strengthened simply through the use of clearer and more detailed language, and through better linkage with existing HRE provisions. Reiteration of the existing obligations upon states in the main body of the text, together with detailed guidance on the measures necessary for effective implementation of UNDHRET's obligations either within or accompanying the instrument, would clarify state responsibilities in this area. This would be likely to result in more comprehensive national strategies for HRE, which in turn may filter down into classroom practice and place the enthusiasm and commitment of teachers in the provision of HRE on a more formal and less ad hoc basis.