

Answering the “What“, the “When“, the “Why“ and the “How“: Philosophy-Based and Law-Based Human Rights Education

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1 Understanding of Human Rights – Starting Point of a Definition of Human Rights Education

Defining human rights education should start with a discussion of the understanding of human rights as its central content. “Rights” are part of a system of norms. This system of norms can be legal or moral and therefore the “rights” can be legal and moral as well. The differences between “legal rights” and “moral rights” are that the first are defined more precisely with regard to their subject and the corresponding duties, they have a higher grade of formalization and they recognize the corresponding means of control and implementation. The second possess a wider horizon, as their sphere of validity (corresponding to the sphere of validity of their system of norms) is universal. Human rights are those rights that belong to everyone as a member of the human race, regardless of skin color, nationality, political convictions or religious persuasion, social standing, gender or age. Human rights protect the essential aspects of human life important for the protection of human dignity and the development of a human person. Every human individual possesses human rights. Therefore they are “subjective rights”.

“Human rights” are rights with a certain complexity because they are at the same time moral, legal, and political rights. Human rights as moral rights are universal, egalitarian, individual, and categorical, and they make legitimate demands with corresponding positive and negative duties.¹ They are “weak rights” because they are not enforceable but appellative and the consequences of their violations are moral sanctions (like public shame) but not legal sanctions. They depend on a moral justification. The moral dimension of human rights is very important because human rights can only be claimed without any limits when there is a justification of human rights independent from legal or political decisions by state actors. This justification must be a moral justification because it must convince everyone in the same way, that is to say, that it needs to be a universal moral justification which legitimates the concept that all men are equal and have the same rights.

Human rights as legal rights are subjective rights of individuals in a legal system such that they can be implemented within the legal system. Human rights are “legal entitlements of individuals against the state or state-like entities guaranteed by international law for the purpose of protecting fundamental needs of the human person and his/her dignity in times of peace and war.”²

Human rights as political rights are an element in public political discussion which cannot lead to legal consequences but can have political significance.

Human rights in their legal dimension depend in their justification on the moral dimension of human rights because their legal justification is mostly limited to the boundaries of a national legal system which can be compensated by the moral dimension of human rights. Vice versa, human rights in their legal dimension cannot justify human rights in their moral dimension due to the limited validity of the first. Human rights in their moral dimension have to find their justification in the moral dimension. Therefore at the end of the day, the justification of human rights can be realized legitimately only in the moral dimension.

E.g. the understanding of human rights with their three dimensions makes obvious how relevant the clarification of the understanding of human rights is for the concept of human rights education as acknowledging the complexity of the three dimensions of human rights has consequences for the human rights education approach.

2 Meeting the Needs as One Element for a Definition of Human Rights Education

A second relevant, but less direct indication to the understanding of human rights education comes from the expectations to human rights education. Some of them are closely related again general idea of human rights, e.g. that human rights education has – based on the understanding of human rights and their universality – a global horizon. As I. Khan points out: “If education empowers people to become active

¹ See Kirchsclaeger P. G., *Begründung* 55-63.

² Kaelin, *Face* 17.

citizens of their own country, human rights education empowers them to take up the challenges of global citizenship, by teaching them about global values. It is not just a question of learning skills and acquiring abilities. Human rights education teaches you to take action, and it empowers you to defend your rights and the rights of others.”³ M. Prindezis puts it similarly: “L’éducation aux droits de l’homme est un acte par lequel on apprend à devenir citoyen éclairé et responsable, un acte par lequel on développe une conscience politique de l’organisation de la vie en société.”⁴ This global horizon of human rights education, though, starts locally - just as human rights do.⁵

N. Pillay, UN-High Commissioner for Human Rights, outlines the crucial expectations to human rights education: “Human Rights Education is essential for the prevention of human rights abuses, the promotion of non-discrimination, equality and sustainable development, and the enhancement of people’s participation in democratic decision making processes.” These kinds of expectations understand human rights education as instrument of the fight against human rights abuses and for the realization of human rights, e.g. the eradication of poverty.⁶ The 1993 Declaration of the World Conference on Human Rights considers in its paragraph 78 “human rights education essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance, and peace.”

Other indications to the understanding of human rights education start from the expectations based on challenges of today’s global society. The heterogeneity of today’s society which is the result of the presence of different cultures and the contact with them, builds a challenge for every individual. Human rights education can support the handling of heterogeneity and encourages exploring heterogeneity as a chance. It enables to open the horizon from the local, national, international to the global dimension.⁷ The demographic development of today’s society, the prognoses of migration and the overall perspective of the development of world population indicate that the heterogeneity will intensify and a qualitative handling of it will be a key criterion of the human quality and of the living conditions of next generations.

Reflecting differences between individuals and communities leads to the awareness of different grades of implementation of human rights although every human individual has the same rights and the acceptance of the necessity to change inequality. Discussing inequalities leads to the reflection of basic elements of the coexistence of a society which show that human rights are minimal standards of human life, therefore a reality which has not become true as a whole.

A basic question of today’s society is the search for an understanding of itself and self-confidence. Human rights education can treat this demand, provide a frame work for it and contribute to a respectful societal behavior and create an atmosphere of acceptance and peaceful together of a society. E. Decaux, member of the Advisory Committee of the UN Human Rights Council underlines this societal outreach: “De fait une véritable formation aux droits de l’homme ne relève pas seulement de l’Etat mais de tous les ,organes de la société.”

3 What is Human Rights Education? – An Attempt of Definition

An attempt of a definition of human rights education starts, of course, from an understanding of “human rights” as discussed above. The three dimensions of human rights – moral, legal and political rights – and the three categories of human rights – subjective freedom rights, rights to political participation and rights to social participation – have to be considered within the following analysis of human rights education. The consideration of the development of the fundamental ideas, of the different sources and models of justification and of the process of the steadily growing realization and implementation of human rights builds another essential characteristic of human rights education. Only by being aware of the reasons for and the history of human rights, is one able to get to know, understand, share and live for human rights.

N. Flowers states that actors of human rights education educate for and about human rights only on the strength of feelings and the courage of convictions and admits that this is not convincing.⁸ As discussed above, the moral dimension of human rights plays a main role in the understanding of human rights but also

³ Khan, Education 38.

⁴ Prindezis, Education 269.

⁵ In 1958 E. Roosevelt said, on the occasion of the tenth anniversary of the Universal Declaration of Human Rights of 1948: “Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

⁶ See the Submission of Amnesty International to the UN Office of the High Commissioner for Human Rights: Second Phase of the World Programme for Human Rights Education of July 2009 (Amnesty International, Submission 5).

⁷ So Irene Khan, Secretary General of Amnesty International, at the 3rd International Human Rights Forum Lucerne (IHRF) 2006, documented in: Khan, Education 35-41.

⁸ See Flowers, Education 123.

for a definition of human rights education. Human rights are therefore first of all a philosophical issue. Human rights are the results of a historical process – a process of a genesis of ideas, reasons, arguments, compromises and consensus. These ideas and reasons come from somebody and somewhere. Therefore, for a full understanding of human rights it is important to know something about the philosophers and the philosophical schools (e.g. T. Hobbes, J. Locke, J.-J. Rousseau, I. Kant, ...) behind these ideas and reasons. This consensus is based on reasons which have to be unified into a justification. This may seem self-evident. The analysis of the communication of values, though, shows that a person tends to assume her/his own values and to see them as given without critical reflection of the reasons for them.⁹ Similarly, one does not doubt what seems to be intuitively correct, even if there is no reason for this attitude. In the context of human rights education there is a tendency to see human rights simply as an overall concept without asking the reasons for their validity and justification.¹⁰ But human rights did not fall from heaven. They are not the “absolute truth”. Human rights need to be justified to everyone concerned with human rights.¹¹ As discussed above, human rights can constrain anyone who wants to serve the protection of freedom and liberty – in the understanding of “positive liberty” by I. Berlin: “I wish to be an instrument of my own, not other men’s acts of will, I wish to be a subject, not an object (...) deciding, not being decided for, self-directed and not acted upon by external nature or by other men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them.”¹² Therefore the justification of human rights is of essential importance for the cause of human rights¹³ and needs to be of relevance for and part of human rights education as well. Human rights education has to discuss the reasons for human rights to be convincing and effective. Therefore human rights education has to be philosophy-based.

The necessity of a philosophy-based human rights education – with a focus on the moral justification of human rights – is also provoked by the different forms of relativism which human rights are facing. Human rights and their essential claim of universality are doubted in the actual philosophical discussion about human rights after G. Lohmann in three ways: 1. a cultural-relativistic way: Its core message is expressed controversially by Lee Kuan Yew, former prime minister of Singapore: “I find parts of [the American system] totally unacceptable: guns, drugs, violent crime, vagrancy, unbecoming behavior in public – in some the breakdown of civil society. The expansion of the right of the individual to behave or misbehave as he pleases has come at the expense of orderly society. In the East the main object is to have a well-ordered society so that everybody can have maximum enjoyment of his freedoms. This freedom can only exist in an ordered state and not in a natural state of contention.”¹⁴ 2. a specific cultural-relativistic way which “hält die besondere und einseitige, inhaltliche Auszeichnung der individuellen Freiheitsrechte für in Widerspruch stehend mit dem universellen Anspruch” of human rights¹⁵; 3. a critical relativism based on skepticism related to the small potential of realization of human rights and differences within this potential between the three categories of human rights. These cultural-relativistic criticisms on human rights and related theoretical approaches like J. Maritain’s “overlapping consensus”¹⁶ (further developed by J. Rawls¹⁷), its critical reflection by J. Taylor¹⁸, A. A. An-Na’im’s approach of “cultural mediation”¹⁹, Y. Onuma’s “intercivilizational approach”²⁰ and the “cross-cultural approach” by J. Prabhu²¹ and reactions and alternatives to those approaches like the one of O. Hoeffe²² have to be discussed accurately to establish a human rights culture.

Besides this sense of philosophy-based human rights education, the philosophical understanding *of* human rights – understanding of the term “human rights” – and the philosophical understanding *for* human rights – the discussion of the justification of human rights – philosophy-based human rights education emphasizes

⁹ See Kirchsclaeger P. G./Franco, Wertekommunikation 75-103.

¹⁰ See e.g. KOMPASS 281.

¹¹ R. Alexy recognizes that the existence of human rights depends exclusively on the possibility of their justification (see Alexy, Institutionalisation 244-264). The link between the idea of human rights and the idea of the justification is shown by G. Lohmann as well: „Wir hätten gar keine Menschenrechte, würden wir Menschen als Träger von Rechten nicht so verstehen, dass sie für alles, was ihre subjektiven Freiheiten legitimerweise einschränkt, Begründungen verlangen können“ (Lohmann, Universalismus 9-10). A man as a subject of human rights understands herself/himself as understanding herself/himself and therefore wants to know, why his autonomy should be limited, which leads to the subjective claim: “Begründe, was du mir antust!” (Lohmann, Universalismus 10).

¹² Berlin, Essays 131.

¹³ See about the justification Kirchsclaeger P. G., Begründung 55-63.

¹⁴ Zakaria, Culture 111.

¹⁵ Lohmann, Verständigung 50.

¹⁶ See Taylor, Conditions 124.

¹⁷ Rawls, Liberalism, lecture IV.

¹⁸ Taylor, Conditions 124-144.

¹⁹ An-Na’im, Mediation 147-168.

²⁰ Onuma, Approach 21-81.

²¹ Prabhu, Rights 15-16.

²² See Hoeffe, Tausch 29-47. See also Kirchsclaeger P. G., Begründung 55-63.

the philosophical understanding *through* human rights as well. The latest considers that human rights philosophy (e.g. the philosophical conception of a human being, of human dignity,...) can further philosophical understanding.

Human rights education is generally “not lessons for the classroom but lessons for life – of immediate relevance to our daily life and experience. In this sense, human rights education means not only teaching and learning *about* human rights, but also *for human rights*: its fundamental role is to empower individuals to defend their own rights and those of others. This empowerment constitutes an important investment for the future, aimed at achieving a just society in which all human rights of all persons are valued and respected.”²³ The idea of “empowerment” means the capability to determine one’s own present and future with self confidence and awareness of one’s own rights and to participate actively in the political decision process. Human rights build the basis of the idea of “empowerment” as they state the rights necessary for the realization of dignity, freedom and autonomy. This aspect of “empowerment” is emphasized by the human rights education. T. Hammarberg emphasizes: “Educating citizens in their human rights creates an informed society which in turn strengthens democracy.”²⁴ I. Khan underlines this point: “The best antidote to those who seek to erode human rights is our own voices. It’s not just the responsibility of governments to uphold human rights – it’s the concern of people everywhere. Human rights education empowers people to take up that responsibility and to call on their governments and others to do the same.”²⁵

This approach of human rights education can be further developed: Human rights education can be seen as “learning *about, through and for* human rights”²⁶ as well. Firstly, human rights education is *learning about human rights*: human rights education imparts knowledge about human rights, about their history, about their origin, about their philosophical and terminological development, about their content, about the national, regional and international mechanisms of implementation and realization. Secondly, human rights education means *learning from human rights*: human rights education supports the development and reinforcement of values, attitudes and behavior which respect and further human rights. Thirdly, human rights education is *learning for human rights*: human rights education furthers the perception of options for actions for oneself and the willingness to act concretely and actively in favor of human rights.²⁷ The three dimensions of learning which constitute human rights education can also be attributed symbolically to “head”, “heart” and “hands”.

Continuative is the definition of human rights education by the “UN Decade for Human Rights Education” as “training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes and directed to:

- (a) the strengthening of respect for human rights and fundamental freedoms;
- (b) the full development of the human personality and the sense of its dignity;
- (c) the promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups.
- (d) the enabling of all persons to participate effectively in a free society;
- (e) the furtherance of the activities of the United Nations for the maintenance of peace.”²⁸

Among other issues, human dignity, rights, responsibilities, freedom, justice, equality, non-discrimination, democracy, universality, individuality, interdependence and solidarity are key conceptions that need to be debated in detail within human rights education. The “World Programme for Human Rights Education” understands Human Rights Education as “education, training, information which aims to build a universal culture of human rights. It not only provides knowledge about human rights and the mechanisms that protect them, but also creates a human rights friendly environment and nurtures the skills needed to promote, defend and apply human rights in daily life. (...) Both what is learnt and the way in which it is learnt should reflect human rights values, encourage participation and foster a learning environment.”²⁹

N. Flowers, differentiating interestingly and helpfully the various attempts of defining human rights education by governmental bodies, NGOs and educationalists, points out the diverging definitions by those different author-groups of definitions. She sees a direct link between the role an actor plays within society and its understanding of human rights education, as e.g. governmental actors emphasize the harmonizing

²³ De Mello, Foreword 3.

²⁴ Hammarberg, Viewpoint 6. 10. 2008.

²⁵ Khan, Education 41.

²⁶ See Lohrenscheit, Recht 279-282.

²⁷ See Ippoliti, Efforts 327-337.

²⁸ See UN document A/51/506/Add.1, appendix, para. 2.

²⁹ See World Programme for Human Rights Education www.ohchr.org/english/issues/education/training/programme.htm.

function of human rights education and deny the critical potential of human rights education, contrary definitions of human rights education by NGOs tend to be transformative.³⁰ Flowers searches further answers in interviewing practitioners and comes to similar key points:

- Human rights education must be explicitly grounded in human rights principles as expressed in the UN Charter, UDHR, and subsequent human rights documents. Human rights education differs from moral education, citizenship education, or other related educational endeavors precisely because it takes its authority and its relevance from these universal values.
- The methods used to teach human rights must be consistent with human rights values, respecting individual and cultural differences while affirming universal principles.
- Human rights education must be more than knowledge about human rights documents. It must involve the whole person and address skills and attitudes as well.
- Human rights education must lead to action, both in individual lives and in the local and global communities.”³¹

From all these three definitions the explicit and direct referral of human rights education to legal dimension of human rights must be emphasized. Human rights education differs from other educational approaches and theories as it is law-based. It is a success story that these philosophical concepts are not “just” theories and ideas but legal rights. This existence of a legal fundament is strength of human rights education as it is strength of human rights in their moral dimension in comparison to other moral rights. Besides that, as a consequence of it, human rights education can start with positive achievements and developments due to an important conceptual element of human rights education, to start with the positive, still keeping the critical attitude to see what still has to change.

Human rights are legal reality in all parts of the world. An approach to this legal dimension starting on a local level enables to begin within the context of the addressees, enabling them to approach human rights from their real-life experience and from their understanding of justice, freedom and equity – considering always the universal dimension of human rights.

Law-based human rights education benefits from the fact as well that human rights can be claimed: “I have a right to this. It is not just what I want, or need. It is my right. There is a responsibility to be met.’ But rights stand upon the reasons given for them and the reasons must be good ones. Unless people have the chance to work out such reasons for themselves (...), they will not claim their rights when they are withheld or taken away, or feel responsibility to defend the rights of others.”³²

Human rights education is part of the Right to Education,³³ stated in the Universal Declaration of Human Rights of 1948, Article 26: “1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. *Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.* It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”³⁴ The second part of Article 26 constitutes a description of the kind of education every individual has a right to. Aware of the fact that this part is interpreted as some of the aims of the education every individual has a right to, it must be stated that even in that case human rights education must be part of this education to achieve this aim. Therefore human rights education is definitely not a “nice to have” but a “must have” for today’s education programs: Everyone has the right to learn *about, from and for* human rights!

C. Lohrenscheit understands the “right to education” as an “empowerment right”: „It is a right on its own and also a tool for claiming one’s own rights as well as – in solidarity – the rights of others.”³⁵ Every individual needs to know her/his human rights so that the implementation of human rights becomes a realistic task.³⁶ The focus must therefore include vulnerable and marginalized individuals, groups and populations.

The implementation of this right to human rights education is crucial as human rights can only become reality if everyone knows about her/his rights. Only when people know about their rights, does the possibility exist that men and women will stand up for their rights and, in solidarity, for the rights of others. Only when they know about their rights, will they feel empowered to act in favor of the protection, the

³⁰ Flowers, Education 107-118.

³¹ Flowers, Education 121.

³² UN, ABC 21.

³³ See Kirchsclaeger P. G./Kirchsclaeger T. et al., Bildung.

³⁴ See Res. GA. 217 A (III). See also Res. 2106 A (XX); Res. GA. 2200 A (XXI); Res. GA. 34/180; Res. GA. 44/25.

³⁵ Lohrenscheit, Rights 147.

³⁶ Kirchsclaeger P. G./Tettenborn, Rechte 19-21.

respect and the realization of human rights. Only when they know about their rights, will human rights cease to be merely ideals and become reality.³⁷

But human rights education is part of the right to education in other senses as well. Education is only possible if the basic needs of a student are met. Without the satisfaction of the basic needs protected by human rights, the right to education cannot be implemented. "There is one basic requirement for any cognitive, emotional and social education of all children – physical wellbeing. The provision of food, clothing, a home, protection against violence and abuse, as well as help when they have experienced violence or are ill, contribute to their wellbeing. The less this provisioning and help are possible in keeping with the child's age, the less education will be possible. This is why the right to education fundamentally also depends on children's physical condition."³⁸ The protection and guarantee of the satisfaction of these basic needs by human rights can be realized only if human rights education provides everyone with the knowledge in the three dimensions of human rights mentioned above. To be able to understand better what kind of basic needs are meant in this context, the capabilities approach of M. C. Nussbaum can indicate the direction, although she is speaking on purpose about "capabilities" and not about "needs".³⁹

K. P. Fritzsche warns that human rights education needs to address the entirety of human rights and not just a part of them – e.g. only the rights which are unproblematic in the own actual context – because that would mean a "human rights education light" without its critical, egalitarian and practical spike.⁴⁰ Even if the focus lies on certain human rights, the entirety of human rights has to be present as well.

Coherent to its own content, human rights education should put into practice an inclusive approach to societal diversity.⁴¹

Methodologically, human rights education needs to respect the three dimensions mentioned above in the choice of methods, instruments and materials as well: "Educational activities should be practical – relating human rights to learners' real-life experience and enabling them to build on human rights principles found in their own cultural context. Through such activities, learners are empowered to identify and address their human rights needs and to seek solutions consistent with human rights standards. Human rights education should make use of interactive pedagogical techniques, in order to secure the active involvement of the audience; such techniques would include for instance working groups, brainstorming, role plays, panel discussions, field trips and so on."⁴²

It is crucial for the success of human rights education that its methods, instruments and materials correspond to human rights: "Dans la pratique éducative, il faut aussi que les règles soient explicitement connues et légitimes. Le fonctionnement d'une communauté éducative, la classe ou l'école, doit reposer sur des règles clairement connues, une certaine transparence et des garanties. L'éducation aux droits de l'homme repose donc sur un certain nombre de conditions à réunir au nombre desquelles se trouve:

- en premier lieu, des pédagogies qui visent à développer l'esprit critique, le sens de l'action, la prise en charge de son milieu et la construction de rapports solidaires.

- en deuxième lieu, la volonté d'instaurer des rapports démocratiques au sein même du processus éducatif.

Dans cette perspective, elle se fonde en quelque sorte avec la pédagogie elle-même en rappelant que les droits de l'homme peuvent être – ou doivent être – vécus d'abord dans la relation qu'établit l'enseignant avec ses élèves et les élèves entre eux. Cette finalité appelle à une transformation du sujet en acteur."⁴³ Human rights education leads to positive results when students learn about human rights in a learning environment that models human rights.

This learning environment can be *formal*, *non-formal* and *informal*. Human rights education within a structured education system, e.g. primary, secondary and tertiary school, technical and professional education programs, is defined as "formal human rights education". "*Non-formal human rights education*", though, describes any voluntary, intentional and planned programs of human rights education like e.g. out-of-school activities, extra-curricular activities in schools, leisure centers, summer camps. "Non-formal human rights education" benefits from the free choice of the program by the participants and the corresponding high motivation grade. In general, the potential of the integration of a participative approach of learning is larger than within a formal learning context. As an addition to the "formal human rights education", these three elements characterize the relevance of the non-formal learning setting for an effective and successful human rights education due to the fact that "non-formal human rights education"

³⁷ See Kirchsclaeger P. G., Schulen 8-10.

³⁸ Prengel/Overwien, Children 104.

³⁹ See Nussbaum, Capabilities 61-104.

⁴⁰ Fritzsche, Menschenrechte 167.

⁴¹ See Mahler/Mihr/Toivanen, Decade.

⁴² Ippoliti, Efforts 330.

⁴³ Prindevizis, Education 270.

has the advantage of being very authentic and coherent to its own content. We still suggest understanding “non-formal human rights education” as an addition to “formal human rights education” because human rights education is not a matter of our spare time but of our normal daily life, as human rights are an essential part of it. Addressing human rights only and exclusively in our spare time would not represent adequately the relevance of human rights for our today’s society.⁴⁴ Nevertheless, “non-formal human rights education” possesses an enormous potential for the communication and realization of human rights.

Another addition to “formal human rights education” is “*informal human rights education*”. “Informal human rights education” – understood as unintentional lifelong learning process whereby a person acquires attitudes, values, skills and knowledge from the educational influences and resources in her/his context and from daily experience (e.g. family, neighbors, library, mass media, school, work, play, ...) – can complement “formal human rights education” with its specific form. Above all, its intuitive, voluntary and mainly unconscious way of learning makes “informal human rights education” of value besides “formal human rights education” and “non-formal human rights education”.

“Non-formal human rights education” and “informal human rights education” cannot replace, but they complement “formal human rights education” with their specific characteristics and thereby reinforce the learning process.

K. P. Fritzsche explains that the individual process of learning of human rights education has to be similar to the historical process of learning until the creation, declaration and acceptance of human rights, the struggle for their existence and for their justification.⁴⁵

Concluding the attempt of defining human rights education we suggest – according to the discussed approaches – an understanding of human rights education focusing on knowledge and skills, on values, attitudes and behavior and on action, and – adding to this “learning *about, through and for* human rights-approach” – the inclusion of the “when” (duration of the learning process”) the “why” and the “how” in the definition of human rights education.

Regarding the “when”, we recognize human rights education as “lifelong-learning process” which can never be concluded completely. This echoes the understanding of human rights whose realization is always ongoing task and whose character is very dynamic as new elements and spheres of human rights protection can be explored or developed. Human rights education is not a subject which can be taught, learned, and tested and which will then be followed by another subject. Instead, it will be recognized as an aspect which accompanies the process of learning beyond the boundaries of individual subjects. It will play the role of a leitmotif for teaching of subject matter.

Regarding the “why”, we understand human rights education as “learning *to* human rights” (a philosophy-based learning process aiming an understanding of the idea, the concept and, in front of all, a profound examination of the justification of human rights respecting the reflected autonomy of every individual as coherent to the idea of human rights⁴⁶, acknowledging cultural diversity, diversity of religions, diversity of traditions, diversity of world views, ... and emphasizing the critical maturity of every individual supported by the helpful framework of critical questioning – human rights).

Regarding the “how”, “learning *in* human rights” means that the methods, instruments, tools, context (which can be formal, non-formal and informal as discussed above) and process of human rights education must be in coherence with human rights as well, e.g. they must outstand in their participatory mode.⁴⁷

In this new definition of human rights education as “lifelong and formal, non-formal, informal learning *to, in, about, through and for* human rights”, the single elements are interrelating and complementary, e.g. the “learning *to*” is crucial for the “*learning for*” human rights as human rights theory in general – corresponding to human rights practice – is a necessary fundament for human rights practice: “Die Menschenrechte sind eine soziale Konstruktion, die theoriegeleitet ist. Unter einer Menschenrechtspraxis werden gemeinhin Aktionen verstanden, in denen wir uns für den Schutz der Menschenrechte einsetzen (...) Ein faktisches soziales Handeln und Verhalten, in dem wir die Menschenrechte beachten, für ihren Schutz uns einsetzen, gegen ihre Verletzung protestieren, Aktionen organisieren oder Institutionen schaffen, die die Menschenrechte verwirklichen und schützen, bleibt dabei von theoretischen Überlegungen geleitet. Freilich, die Theorie darf hier nicht Selbstzweck werden, es gibt so etwas wie ein Selbstbefriedigungsverbot für Menschenrechtstheorie. Aber eine Praxis, die auf theoretische Überlegungen

⁴⁴ See Kirchsclaeger P. G., Schulen 8-10; Kirchsclaeger P. G./Kirchsclaeger T., Freizeitbeschäftigung 3-5.

⁴⁵ See Fritzsche, Menschenrechte 165.

⁴⁶ See Forst, Recht 66-105.

⁴⁷ See Kirchsclaeger T., Kinderrechte 28-31.

verzichtet, wird, wie sonst auch, blind und gerät in Gefahr, sich zu verlaufen oder etwas Falsches zu tun.”⁴⁸
This reciprocal relationship between the theory and practice of human rights is understood and discussed by philosophy-based human rights education. “Die Menschenrechte sind also in Theorie und Praxis zu beachten, und zwar auch in dem Sinne, dass die Theorie auf Praxis ausgerichtet bleibt, sowie die Praxis theoriegeleitet sein muss.”⁴⁹

The addition of two learning dimension means in the other so far conceptual setting “head”, “heart” and “hands” the addendum of “reflected autonomy” (*to*) and of “senses” (*in*), in the other so far conceptual frame work “knowledge and skills”, “values, attitudes and behavior” and “action”, the new contribution is “critical reflection and reasoning” (*to*) and “impressions and feelings” (*in*).

4 Philosophy-Based and Law-Based Human Rights Education in Action – A Short Draft

Starting from a concrete situation of human rights relevance – in the best case a real-life experience of one of the addressees – the legal mechanisms, based on the Universal Declaration of Human Rights of 1948, can be explored, e.g. with a role play. The concrete real-life experience of the addressees can be brought in relation to each other with the presentation of the major international instruments that exist to implement the protection of human rights – e.g. the Universal Declaration of Human Rights of 1948 and the following UN Human Rights Conventions, the UN Human Rights Council⁵⁰, local, national, international bodies, non-governmental organizations (e.g. Amnesty International, Human Rights Watch, ...), individuals working to support and protect human rights, ... The encounter with cultural plurality and the variety of individuals gives the chance to learn that everyone – however different we are – has the same rights, but that these rights are not a matter of course but have to be argued and struggled for; they have to be justified with good reasons as they may be at odds with other traditions (cultural, religious, etc.) which have the potential to discriminate and to exclude. This encounter offers the opportunity to get to know the conception of “law” and to explore the reality of human rights (and to stop regarding them as utopia).⁵¹ The reality of human rights depends on everyone’s demand for her/his own rights and the rights of others. While discussing this legal dimension and taking the perspective of the counterpart as well or creating a situation of conflicting rights, the question can be raised why every individual has human rights. Human rights education can benefit from the examination of different ways of viewing and experiencing human rights in different societies, different groups within the same society, and the various sources of legitimacy – including religious, moral and legal sources and their value. In this context, the analysis of the main social changes, historical events and reasons leading to the recognition of human rights can create the necessary awareness of the historical contingency of the development of human rights without claiming the end of the validity of their claim of universality. Opening this discussion, a debate of the philosophical and historical background of human rights, of their three dimensions and of their idea and their concept can lead to a reflection of moral justification models of human rights. This philosophical discussion leads to an awareness of the constant challenge of a legal and a political reality which does not realize and does not respect human rights completely and its relation to the moral obligation and responsibility of oneself to enhance the implementation of the human rights of every individual in one’s sphere of influence. The theory leads to practice... Concrete options of actions for the furthering of human rights have to be designed, to be created and to be introduced. Human rights education should not leave its addressees in the state of powerlessness.

This may sound difficult and the status quo of human rights worldwide does not only give hope. After having given a “status quo” of the implementation of human rights, B. Ramcharan points out: “One cannot throw up one’s hand in despair. The times are hard but the cause is just. In the end, I am convinced that the quest for justice and human rights will win because young people the world over wish them to win. It is the young people of the world who will vindicate the protection of human rights. This is why it is so important to increase our efforts to provide information and education about human rights to the young people of the world.”⁵²

⁴⁸ Lohmann, Theorie 307.

⁴⁹ Lohmann, Theorie 309.

⁵⁰ See Mueller, Days.

⁵¹ Kaelin/Müller/Wytenbach, Face 14-37.

⁵² Ramcharan, Rights 93.

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