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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
ALL FORMS OF DISCRIMINATION**

**COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO
THE DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Report of the regional seminar for South and South-East Asia on:
“Combating racism, racial discrimination, xenophobia and related
intolerance: role of education” (Bangkok), 19-21 September 2005**

Note by the High Commissioner for Human Rights

The United Nations High Commissioner for Human Rights has the honour to transmit to the Commission on Human Rights the report of the regional seminar for South and South-East Asia on: “Combating racism, racial discrimination, xenophobia and related intolerance: role of education” held in Bangkok from 19 to 21 September 2005.

Summary

The present document contains the report on the regional seminar for South and South-East Asia on: “Combating racism, racial discrimination, xenophobia and related intolerance: role of education” held in Bangkok, from 19 to 21 September 2005.

The main objective of the seminar was to identify obstacles and challenges impeding the implementation of the commitments contained in the Durban Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the field of education. The seminar achieved its objectives by promoting discussions on human rights-based strategies to overcoming exclusion and achieving access to primary and secondary education.

The seminar reached several conclusions and adopted various recommendations which confirm the real challenges which lie in the implementation of international standards. The seminar identified good practices at the regional, national and local levels with respect to effective implementation.

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INTRODUCTION

A. Organization of the seminar

1. Consistent with the follow-up process to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a regional Workshop for South and South-East Asia entitled, "Combating racism, racial discrimination, xenophobia and related intolerance: role of education".
2. Held in Bangkok from 19 to 21 September 2005, the seminar provided a forum for exchange of information and discussion on the development and implementation of anti-discrimination policies as they relate to the role of education in combating discrimination by, inter alia, forging multiculturalism and empowering victims to overcome exclusion.
3. The seminar examined how discrimination* has posed obstacles to access to education and how education constitutes an important tool in combating various manifestations of exclusion which continue to plague many societies.
4. The seminar also formulated recommendations designed to assist Governments and civil society in using primary, secondary education, and human rights education to overcome exclusion, racism, racial discrimination, xenophobia and related intolerance consistent with the provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

B. Participation

5. Nine panellists with expertise in the fields of education and/or human rights were invited to present papers analysing the role of education in combating discrimination while focusing on good practices relevant to the region. Presentations by panellists and discussions with participants on the various issues pertaining to the overall theme of the seminar generated practical suggestions as to how education and human rights education can play an important role in eliminating exclusion and discrimination in the region.
6. In addition to panellists and participants member States, intergovernmental organizations, United Nations specialized agencies, national human rights institutions, non-governmental organizations (NGOs) and scholars participated in the seminar.

* The term discrimination throughout the report and documents is intended to embrace the meaning as contained in the Durban Declaration and Programme of Action: racism, racial discrimination, xenophobia and related intolerance.

C. Opening of the seminar

7. Zdzislaw Kedzia, Chief, Research and Right to Development Branch delivered the opening statement of the seminar followed by an address from Piyabutr Cholvijarn, Deputy Minister of Education representing the Ministry of Education of Thailand.
8. Speaking on behalf of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Zdzislaw Kedzia stated that since its adoption, the implementation of the Durban Declaration and Programme of Action had been among the priorities of OHCHR. Towards this end, OHCHR had been engaged in promotional activities, in cooperation with Governments and civil society organizations, and in joint efforts with United Nations specialized agencies and programmes, as well as with regional organizations.
9. Zdzislaw Kedzia asserted that the Declaration and Programme of Action placed strong emphasis on education and contains 61 provisions relating to access to education and human rights education. Accordingly, the mechanisms established for the follow-up to the World Conference had placed education high on their agenda.
10. He further stated that the protection of human rights and education could jointly serve to prevent discriminatory attitudes and behaviours, combat bias and prejudices and promote appreciation for cultural diversity. He concluded by referring to the wise words of Mahatma Gandhi, who developed firm views on education and considered that education not only moulded the new generation, but reflected societies' fundamental assumptions about themselves.
11. Piyabutr Cholvijarn, Deputy Minister of Education began his address by stating that "the melting pot and the peace and stability of Thailand lay in the two pillars of the nation, which are: the Monarchy and Buddhism". Throughout nearly 60 years of his reign, King Bhumipol had devoted his life to the righteousness and happiness of the Thai people regardless of their race, religion or nationality. Piyabutr Cholvijarn stated that Buddhist teaching was built on the importance of education which stressed the virtue of impartiality, equality, compassion, tolerance, moral values, regardless of caste, class, race and rank.
12. The rewards of extending compassion to human beings regardless of religion, nationality and race was demonstrated during the immediate post-tsunami period, when help was dispatched by the Thai to everyone, both Thais and foreigners.
13. The Deputy Minister stated that Thailand had never been colonized and had established strong partnerships with all countries. Explaining that the word "Thai" means "Freedom", he said during the Sukhothai era, almost 700 years ago, King Ramkhamhaeng, who had founded Siam (the old name of Thailand), had carved in stone the principles of freedom and liberty so dear to the Thai people. Piyabutr Cholvijarn added that modern Thailand had come a long way since that time. He stated that the best way to eradicate poverty was to provide quality education to all children.
14. He concluded by stating that, in Thailand, "we believe that all human beings yearn for freedom, equality and dignity. We are doing our utmost to fulfil those dreams".

D. Election of the Chairperson-Rapporteur

15. Vitit Muntarbhorn was elected Chairperson-Rapporteur of the seminar by acclamation.

E. Adoption of the agenda

16. The agenda was amended to create two working groups, with each group examining two themes.

II. PRESENTATIONS BY PANELLISTS AND DISCUSSIONS

A. Panel 1: Exchange of views and experiences on the follow-up to the Durban Declaration and Programme of Action

17. Pierre Sob, Acting Coordinator of the Anti-Discrimination Unit, presented a paper in which he addressed the sub-theme entitled, "Achievements and challenges in the implementation of the Durban Declaration and Programme of Action".

18. In his paper Pierre Sob submitted that as a live document, the Durban Declaration and Programme of Action, set a strong platform for the way forward in fighting racism, racial discrimination, xenophobia and related intolerance. Pierre Sob highlighted the fact that the Durban Declaration and Programme of Action contained many provisions addressing the role of education in different contexts, notably on the question of access to education, content, goal, beneficiaries and providers of education.

19. He recalled that the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African descent and the independent eminent experts on the implementation of the Durban Declaration and Programme of Action had continuously stressed the importance of education in combating discrimination, with the first two Working Groups having held thematic panel discussions on the theme and adopted recommendations in this respect (E/CN.4/2004/20 and E/CN.4/2004/21).

20. However, despite the many achievements of the international community in the field of education, much more remained to be done. In order to ensure that the Millennium Development Goal 2 of achieving universal primary education by 2015 were met, the Intergovernmental Working Group called on the independent eminent experts to interact with Governments in mobilizing adequate resources to address the educational needs of the victims of racism.

21. The challenges which must be overcome in combating discrimination in education covered a large spectrum of concerns ranging from economic, social and cultural barriers, lack of commitment and political will on the part of Governments, to difficulties in measuring the impact of implemented policies and measures, given the absence of reliable and operational indicators.

22. Jefferson Plantilla of the Asia-Pacific Human Rights Information Centre (Osaka) introduced the revised draft plan for action for the first phase (2005-2007) of the proposed World Programme for Human Rights Education (General Assembly resolution 59/113 B).

23. Jefferson Plantilla discussed the content of the plan of action. He referred to the various provisions on human rights education as incorporated in many international instruments. Consistent with the content of these instruments, human rights education was defined in the plan of action as “education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to”, inter alia, the strengthening of respect for human rights and fundamental freedoms and the promotion of sustainable development and social justice.

24. Jefferson Plantilla stated that considering that the first phase of the World Programme for Human Rights Education was adopted only very recently, OHCHR and the United Nations Educational, Scientific and Cultural Organization (UNESCO) were only beginning to disseminate relevant information to Governments; it was to be borne in mind that its implementation would require the dedicated involvement of actors at various levels, including that of civil society. The question remains how existing mechanisms could be used to maximize the benefits they can bring.

B. Panel 2: The promotion of equality and non-discrimination through quality education

25. Vernor Muñoz Villalobos, the Special Rapporteur on the right to education, addressed the sub-theme entitled “Understanding human rights education as a process toward securing quality education”.

26. In his presentation, Vernor Muñoz Villalobos asserted that racism, racial discrimination, xenophobia and intolerance were not Western inventions and they have existed in almost all cultures worldwide. In his view, structural imposition of a particular educational system often took advantage of ethnic, religious, gender and caste-based discrimination already present at the local level. It was for this reason that it was necessary to reconsider the foundations of an educational approach which could benefit from the fruit of our multicultural world.

27. Regarding obstacles to the implementation of the human right to education, the Special Rapporteur was of the view that complex intertwined factors impeded the realization of the human right to education and as such, the right to education could not be considered in isolation. Most factors remained deeply grounded in cultural determinants and hindered the implementation of anti-discriminatory laws which, unfortunately, tended not to be included among Government priorities.

28. One of the main obstacles for the implementation of the human right to education was the imposition of school fees in certain educational systems. As such, economic exclusion might be the most important form of deprivation connected to the enjoyment of the right to education.

29. The combination of economic exclusion, racism or xenophobia is a problem that had still not been sufficiently addressed through coherent public policies in the field of education. Moreover, due to lack of reliable indicators it was hard to determine precisely the characteristics of all kinds of exclusion and discrimination, with the attendant difficulties to implement governmental and social measures required to combat them.

30. The Special Rapporteur stated that the lack of sensitized and well-prepared teachers on human rights was certainly another important obstacle which would have to be overcome in realizing the right to education free from discrimination.

31. On access and content, the Special Rapporteur considered that content of education should be recognized as being as important as access to education in the struggle against all kinds of discrimination. In his view, access on its own did not translate into the realization of the right to education. On the contrary, access to a standardized system could even aggravate the effects of racial discrimination, xenophobia or intolerance.

32. The content of education determined its quality which in turn must rely on an education based in the realization and learning of all human rights of all persons. A human rights-based approach enabled the education system to fulfil its fundamental mission to secure quality education for all.

33. In like manner, the Durban Declaration and Programme of Action provided that quality education, the elimination of illiteracy, as well as access for all, could contribute to more inclusive societies, and therefore, to the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance constituted key factors to be taken into consideration towards humankind achieving progress. The Special Rapporteur believes that human rights education is a prerequisite for quality education, which must be guaranteed if the right to education was to be fully realized.

34. Suthin Nophaket, the head of the National Human Rights Commission of Thailand, addressed the sub-theme entitled, "Formal education: learning tolerance and respect".

35. Suthin Nophaket discussed the importance of collaboration by "joining hands" in combating discrimination. He found that the most important aspect of an education free of discrimination lay in adequate teacher training and sensitization and the reform of school curricula to include human rights teachings.

36. Suthin Nophaket stated that the National Human Rights Commission of Thailand was deploying much effort in encouraging the inclusion of human rights in school curricula but had confronted many difficulties in convincing the parties concerned of the need for change and reform.

37. Suthin Nophaket explained that although he was unsure as to the direction of the policies of the Government of Thailand in matters of human rights education, he believed that in school settings there should be more open discussions with students on issues of racism, racial discrimination, xenophobia and related intolerance.

38. Supang Chantavanich, the Director of the Institute of Asian Studies at Chulalonghorn University, addressed the sub-theme entitled, "Informal education: learning tolerance and respect".

39. Supang Chantavanich began her presentation by giving an overview on the meaning attached to the terms: prejudice, racism and discrimination. In her presentation, Supang Chantavanich examined various types of discrimination that existed in South-East Asia.

40. Regarding ethnic minorities, she presented as examples certain countries of the region in which minorities, especially the Shan, Karen, Karenni and Mon, the Moluku, and hill tribe people suffered from various forms of discrimination.

41. She described the types of discrimination from which various groups in the region suffered. The groups discussed include refugees, asylum-seekers, migrants, migrant workers, displaced persons, and Stateless persons, persons belonging to certain religious groups, women, and commercial sex workers/victims of human trafficking. Supang Chantavanich shared information on various incidents resulting in deaths and mistreatment of individuals on the basis of discrimination

42. Nimalka Fernando, an attorney-at-law in Sri Lanka, addressed the sub-theme entitled “Supporting grass-roots human rights education and role of media”.

43. Nimalka Fernando raised various issues having to do with various activities which could be undertaken to sensitize the public through the media. She considered that there was a need for greater focus on the coordination of activities. Nimalka Fernando raised the issue of context and the Asian reality. Human rights education had a meaning but that meaning needed to be looked at and thought about within context. The challenge was to look critically at the context of implementation. The “Asian reality” was an important consideration in implementing human rights education, as certain Governments might not take the approach seriously.

44. Nimalka Fernando discussed racism, as manifested in history textbooks and the presence of heroes as always being issued from the dominant group. In combating discrimination, she underscored the need to consider the local culture and to examine whose views of culture and history were being promoted. Regarding student-teacher attitudes, she stated that there was a need to revisit history and teach children to respect diversity.

C. Panel 3: The contribution of education as a tool for empowerment in primary and secondary school systems: National experiences

45. Rajeev Dhavan, senior Advocate, Supreme Court of India, was unable to participate in the seminar. However, he sent his presentation which was read by the Secretariat. In his presentation, he addressed the sub-theme entitled “Advocating respect and inclusion through a multicultural approach in the contents of school curricula and materials”.

46. Rajeev Dhavan recalled the story of Eklavya from the famous Indian epic, the “Mahabharata”. Eklavya was a “Nishada” of low-born caste. Ekalavya had dreams of becoming an archer and went to get his professional education from Dronacharya, the greatest archery teacher of the day. Due to the fact that he did not belong to the right caste, tribe or community, Ekalavya was refused by Drona.

47. Through the story, Rajeev Dhavan sought to place Eklavya’s predicament in its contemporary context. In the context of our present-day economies, today’s Eklavya required access to university, professional and technical education in a meaningful way, in the best of institutions and in a secular atmosphere. This might require more rigorous and continuous affirmative action. To teach Eklavya the alphabet and not allow him/her to go any further, disavowed equality to entrench endemic prejudice.

48. He stated that India was a diverse society with a population of over 1 billion people, divided into various ethnic, religious, caste, linguistic and cultural groups which were redefined by huge social and economic differentials which, inevitably, affected the future of these groups (and individuals within them) in a rapidly transforming economy.

49. Providing equal education must be linked to opportunities in the “human resource” market - including access to jobs and professional avenues. Equality of opportunity had to be considered, not just with respect to basic education but to the schools, colleges, professional institutions and research facilities that made Eklavya’s modern hopes possible. This had proved to be an important issue that currently engaged public attention in India.

50. Rajeev Dhavan argued that in order to provide all Eklavyas access to education the government institutions with affirmative action policies might not be enough to allow the opportunity for the Eklavyas to be the best that they could be. What about providing access for discriminated and disadvantaged communities to private schools, colleges, professional institutions and research facilities?

51. Rajeev Dhavan believed that this issue went to the core of the demand for equal opportunities by modern-day Eklavyas. They were capable. The reason there was so much controversy over professional and technical education was that it was directly linked to the market of opportunities. Access to government and government-aided institutions might not be enough when better opportunities were provided by others.

52. Hafid Abbas, Director General of the Human Rights Protection Office at the Ministry of Law and Human Rights of Indonesia, addressed the sub-theme entitled “Priorities in promoting participation and accountability of all groups through education”.

53. In his presentation, Hafid Abbas stated that, following Indonesia’s extraordinary achievement of compulsory six years’ primary education in 1984, universal nine-year basic education could be declared compulsory in 1994. However, due to the economic crises affecting the country, the target had to be postponed to 2009.

54. Investment in primary and secondary education appeared to be the effective strategy for creating a middle class society, one which was more moderate, tolerant and able to combat various manifestations of discriminations in our society. Consistent with the Durban Declaration and Programme of Action, the National Plan of Action in the field of Human Rights 2004-2009, human rights education had been introduced in Indonesia at all levels of education from primary to university. Priority target groups had been identified to promote and protect the rights of vulnerable groups: children, women, the poor, internally displaced persons, and the elderly. He said that basic education and human rights education were mutually reinforced to accelerate Indonesia’s transition to a new democratic and developed society.

55. Hafid Abbas expressed the view that OHCHR might play a significant role by enhancing cooperation and collaboration between and among member countries and other relevant international organizations to strengthen access to basic education and human rights education for all.

56. Steven Gan, a journalist who founded “Malaysiakini”, an independent online news daily addressed the sub-theme entitled “Public awareness-raising as an educational tool in fostering tolerance”.

57. He began his presentation by asserting that the media maintained two cardinal principles when dealing with racism: not to publish racist news and views and to expose racism wherever it appeared. Indeed, the media was often identified as an important solution to racism. But in many cases, it was very much part of the problem.

58. Steven Gan submitted that in Malaysia the Government had a complete monopoly on information until the emergence of the Internet and that “Malaysiakini” (or Malaysia Now) had finally managed to break the Government’s monopoly on truth. The Internet site was launched over five years ago and had 50,000 visitors daily, which placed the site in league with the major newspapers in the country.

59. Steven Gan stated that Malaysia was a multicultural, multilingual and multireligious nation. It billed itself as a model of peaceful coexistence, but despite nearly half a century of nationhood, the ethnic groups that made up its population had never been further apart.

60. Steven Gan asserted that, given this context, “Malaysiakini” has sought to overcome racism in the following ways: to serve as a medium for inter-ethnic dialogue; to enforce an anti-racist editorial policy and to help promote integration. Malaysiakini had a strict anti-racist and anti-sexist editorial policy and would not publish any news and views which were deemed to be derogatory towards a particular ethnic group and gender.

61. Steven Gan concluded that “Malaysiakini” actively sought to help promote integration and to expose the machinations of politicians when dealing with topics such as discrimination in a highly charged racist environment in Malaysia.

D. The working groups

62. Working group I examined the sub-themes entitled: “Mainstreaming the elimination of discrimination* and exclusion as an explicit purpose of education” and “Overcoming discrimination and exclusion through awareness-raising initiatives: role of civil society and cross-cultural cooperation”. The presenters at the session were: the Special Rapporteur on education, Muñoz Vilallobos and Sriprapha Petcharamesree.

63. Working group II examined the sub-themes entitled: “Good practices from the subregion to overcome discrimination and exclusion through the quality of primary and secondary education” and “Education as a vehicle to empower victims of discrimination and exclusion: special measures and positive action”. The presenters at the session were: Nimalka Fernando and Jefferson Plantilla.

64. The two working groups’ work enabled the participants to examine the aforementioned key issues in greater depth. Their conclusions and recommendations were presented to the plenary for discussion and adoption.

E. UNESCO: International Coalition of Cities against Racism and Discrimination in Asia and the Pacific

65. In his presentation entitled “Call for a coalition of cities against racism and discrimination in Asia and the Pacific” Darryl Macer, Regional Adviser in Social and Human Rights Sciences in Asia and the Pacific at UNESCO introduced the International Coalition of Cities against Racism project as an initiative launched by UNESCO in 2004 to establish a network of cities interested in sharing experiences in order to improve their policies and strategies to counter racism, racial discrimination, xenophobia and related intolerance for a greater urban social inclusion.

66. Darryl Macer stated that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance provided a forum for examining questions crucial not only to the protection of fundamental human rights but also to the promotion of understanding, coexistence and cooperation among individuals and peoples. The initiative of creating an International Coalition of Cities against Racism was born within the context of the Durban Declaration and Programme of Action follow-up activities.

67. The ultimate objective of the initiative was to involve interested cities in a common struggle against racism through an international Coalition. During the first phase of the initiative, regional coalitions are being created in Africa, North America, Latin America and the Caribbean, Arab States, Europe and Asia and the Pacific. The objective is to take into account the specificities and priorities of each region. Under the coordination of a “Lead City” which was to be identified, each regional coalition would have its own plan of action. The cities that became signatories to the Coalition agreed to integrate the plan of action into their municipal strategies and policies. An International Coalition federating six regional coalitions would be finally launched during 2006/2007.

68. The European Coalition of Cities against Racism was launched in December 2004 in Nuremberg, which acted as the Lead City for Europe. As for Asia and the Pacific, the Bangkok Municipal Authority (BMA) had accepted to play the role of the lead city for the region. The regional expert meeting “Commitment of cities against discrimination: defining a Ten-Point Plan of Action for an Inclusive Urban Society in Asia and the Pacific” would take place on 27-29 October 2005 under the auspices of BMA and UNESCO. The Coalition for Asia and the Pacific would be officially launched in May/June 2006.

III. SUMMARY OF DISCUSSION

69. The main objective of the seminar was to identify obstacles and challenges impeding the implementation of the commitments contained in the Durban Declaration and Programme of Action in the field of education. The seminar was intended to promote discussion on human rights-based strategies to overcoming exclusion and achieving access to primary and secondary education; consider the need to support programmes designed for the training of teachers, and trainers with regard to informal education, on promoting tolerance and respect for others and countering racism, xenophobia and related intolerance; and identify and share good practices applicable to countries of South and South-East Asia in integrating human rights, and non-discrimination in particular, in the development and implementation of policies and national plans of action in the field of education.

70. Several speakers noted the variety of human rights instruments and documents providing the framework for combating racism, racial discrimination, xenophobia and related intolerance, from the angle of education. These included: the Durban Declaration and Programme of Action; key human rights treaties, in particular the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the 2005 Summit Documents adopted by the Heads of Government; the World Programme of Action for Human Rights Education and its international Plan of Action; and the OHCHR Plan of Action: Protection and Empowerment.

71. These international instruments and documents were complemented at the national level by legislations and human rights action plans and education plans.

72. Many comments from the participants confirmed that while there was an overarching international framework to guide actions, the real challenge lies in the implementation of international standards. In this context, there was a need to promote and identify good practices at the regional, national and local levels with respect to effective implementation.

73. Implementation efforts could be enhanced by additional accessions by Asian countries to human rights instruments, as several countries had not yet become parties thereto. On an encouraging note, there was mention of the positive impact of the Durban Declaration and Programme of Action in guiding the peace process in Aceh, inspired by the notion of inclusiveness and non-discrimination. Yet, the Durban Declaration and Programme of Action still needed to be translated and disseminated more broadly in national, local and other languages.

74. The seminar revealed that several strategic elements have an important impact on designing and implementation programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance through education.

75. Education requires more than schooling while human rights education requires more than a general educational process. Human rights education entails: education about human rights in regard to the content and processes of human rights; education for human rights aimed at promoting human rights as a whole, and education in human rights implying an educational environment conducive to human rights. These elements are linked to the right to education and education about other aspects of society such as peace, democracy and development.

76. The seminar identified the important need to move from regarding education as a service to considering education as a right carrying a correlative responsibility on the part of States and other actors to fulfil the obligation.

77. While “access” to education is important, it does not fully satisfy human rights requirements since access depends on “content” that respects human rights. This is contingent upon an understanding that human rights education is not merely about knowledge but also skills, values and behaviour respectful of human rights.

A. Context

78. Human rights education does not exist in a vacuum and is shaped by certain critical factors, including the following: historical antecedents, at times leading to distortions; “mono-focal” versions of history, lacking in appreciation of a diversity of sources; social exclusion of vulnerable groups of populations; racially based political parties and policies, giving rise to institutional racism; cultural anomalies and patriarchy, resulting in racial, gender and other forms of discrimination; multiple forms of discrimination and unsettled debate on the meaning of discrimination; class, community or immigration status based on denial of access to education; increasing exclusion and marginalization of affected groups; reticence towards multiculturalism and respect for diversity in the spirit of human rights; lack of implementation of the Durban Programme of Action; and lack of political will among some Governments and NGOs regarding the issue of racism, racial discrimination, xenophobia and related intolerance.

79. Other factors compound the problem, including the following: economic and other deprivations, and inequitable development patterns at the international and national levels; lack of democracy; conflict situations and post-conflict revival; negative impacts of globalization and the increasing commercialization of education; inconsistency between some educational systems/environment and international human rights standards; increasing human insecurity, excessive nationalism, terrorism and reactions against terrorism; natural disasters, especially the impact of the tsunami in the Asian region; precarious cross-border relations, such as the relationship between source, transit and destination countries in relation to migration.

80. There were considerable discussions and a diversity of opinions among the participants on the issue of “caste” discrimination and its impact on education. Both the Committee on the Elimination of Racial Discrimination and the Sub-Commission on the Promotion and Protection of Human Rights have been considering means to combat discrimination, based on work and descent, including “caste” discrimination. A view was expressed that caste discrimination does not constitute racial discrimination.

81. Some participants also expressed the view that in some situations, despite efforts of Governments and civil society organizations millions of victims of caste-based discrimination who are excluded from the mainstream of civil society are yet to get the desired momentum for liberation and justice.

B. Target groups: “Who learns?” “Who teaches?”

82. A major concern remains that of identifying the two most important groups in the educational process, namely the learner and the teacher. While it is important to teach children throughout the educational system, an equally important challenge is to inform or at least influence those in power to promote and protect human rights. The latter includes politicians, religious leaders, the business sector, community leaders and their families, and law enforcers, including the police and immigration officers. It is essential to engage with ministries of education and institutions of higher education to undertake human rights education. Treasury institutions should be encouraged to include human rights in teachings and academic requirements.

83. While teachers are an essential target group for capacity-building, human rights teaching depends on the involvement of a broader range of educators. Indeed, everyone has the capacity to be an educator given the mutual relationship between educators and educated.

84. A major challenge is to train the trainer. A critical factor is the presence of teachers at the primary, secondary and tertiary levels. There remains the key concern regarding the qualification and quality of teachers and their potential for teaching human rights, in addition to teacher-student ratio. Examining this problem requires bearing in mind the fact that teachers often feel overburdened with existing courses and fear that integrating human rights into their work will create more chores for them. They may also feel uncomfortable about a situation wherein their power is being questioned by an approach that is oriented to human rights.

85. Non-formal and informal education, including by NGOs and the media, can play an important role in countering racism, xenophobia and related intolerance. While recognizing the crucial roles of formal education and teachers, other stakeholders, such as members of civil society, national human rights institutions, as well as relevant professions are to be considered important actors to support human rights education.

86. At the seminar a diversity of opinions emerged concerning whether the media itself is willing to take up a more human rights-oriented approach. Some of the issues facing the media on this front include: credibility and ethical standards; financial sustainability; unbiased reporting and exposure to action against racism; repressive laws constraining media freedoms; lack of democratic space and the rise of the Internet; media ownership and the threat of silencing the media through corporate control close to the Government.

87. Finally, the family plays an essential role in the promotion of tolerance and mutual respect. Programmes, methodological tools and campaigns developed by educational authorities and civil society organizations, including religious groups, should support the family in this regard.

C. The “access or content” dichotomy: the issue of quality

88. Access to compulsory and free education is important as a stepping stone for human rights, but human rights education demands more than access, as the Special Rapporteur on the right to education, Muñoz Villalobos, has noted.

89. The World Programme of Action for Human Rights Education currently emphasizes capacity-building of primary and secondary education to promote human rights. As a whole, the quest for human rights-sensitive content is essential and is also related to the quality factor. A human rights-based approach is a precondition for quality education and includes the following features:

(a) Inclusive education, enabling different groups to participate in a pluralistic manner;

(b) Aiming for primary, secondary and other levels of education, as well as non-formal and informal education as an empowering process;

- (c) Not merely academic content but practical responses and relevancy to local situations;
- (d) Tolerance and respect for marginalized groups and their rights;
- (e) Non-violence in the school environment;
- (f) Nurturing of values and mindset founded on respect for human rights;
- (g) Behaviour sensitive to the rights of others;
- (h) Knowledge of human rights standards;
- (i) Curriculum that reflects human rights;
- (j) Monitoring of the education process for some quality control;
- (k) Making adjustments to respond to needed reforms;
- (l) Special emphasis on access and content in regard to women, girls and their rights.

90. The development of cognitive skills and the construction of values in the educational spheres require a human rights approach as a condition for quality education. Quality cannot be reduced to the matter of quantifiable efficiency. It has to do with the coordinated and balanced realization of many educational processes, linked with learning and teaching competences. Quality needs to be fully determined by the conditions and determinants of its complete inclusion in schools and community life.

D. Human rights-sensitive methodology: “The how”

91. A key issue remains the extent to which it is possible to promote human rights education in non-democratic settings and in conflict situations. At times, this may be possible by using “literacy” programmes and “civic” education. Generally, the preferred methods include the following:

- (a) A democratic classroom and participatory process;
- (b) Lively communications, such as through audio-visual materials, films and songs;
- (c) Learning by doing - through activities that foster a humane nature;
- (d) Reading of books that question stereotypes and reject discrimination;
- (e) Case studies of life situations;
- (f) Human rights-sensitive use of the media, including the Internet;
- (g) Plurality of sources, based on cultural diversity;

- (h) Setting up of substantive courses on human rights and or infusing/mainstreaming of human rights through other courses;
- (i) Promotion of critical analysis;
- (j) Nurturing of not only material but non-material understanding of human rights;
- (k) Translation of key human rights standards/instruments into national and local languages, including the Durban Declaration and Programme of Action;
- (l) Empowerment of affected groups, taking also into account the past and the impact of exclusion on their rights and livelihood;
- (m) Use of a process that promotes participation and decentralization.

Resources

92. There is a need to ensure equitable expenditure on education in general and human rights education in particular. However, such resources are not limited to the financial as they can include non-material inputs, such as goodwill and voluntary assistance.

Evaluation

93. The educational system and all agencies involved at all levels of education need to be monitored and evaluated consistently to ensure quality responsive to human rights. This may involve the following:

- (a) Use of a variety of monitoring tools and processes;
- (b) Data collection on both the access and content factors;
- (c) Evaluation of teachers and impact assessment;
- (d) Development of indicators as a measurement of progress;
- (e) Follow-up of needed adjustments.

Cooperation and networking

94. More partnership building is required, bearing in mind political realities, with regard to the following parties:

- (a) Ministry of education, related political actors and ministers, including central and municipal governments;
- (b) NGOs and other civil society organizations; community groups and related actors, including religious leaders, and all groups affected by racial discrimination and xenophobia;
- (c) United Nations Country Teams;

- (d) National human rights institutions;
- (e) Universities and academic institutions;
- (f) The business sector;
- (g) The media.

95. While a primary actor in the process is the ministry of education, other actors, such as national human rights institutions, can help to bridge, build and exert constructive influence to promote a human rights-sensitive approach and mainstream human rights into the educational process.

IV. CONCLUSIONS

96. Key challenges identified particularly by the general discussions and working groups include the following:

(a) Hierarchical social structures and inequality play crucial roles in the attribution of power, social roles and opportunities and directly contribute to perpetuation of exclusion and discrimination;

(b) Hostility to human rights education from certain segments of society and educational institutions combined with lack of political will to overcome existing cultural models amount to major obstacles to building societies based on tolerance, mutual respect, participation and inclusiveness;

(c) Most often, school curricula do not sufficiently integrate human rights education, both with regard to economic, social and cultural rights and civil and political rights.

(d) Poverty deprives millions of people of quality education and as such, is an essential obstacle in educating people in the spirit of tolerance and respect for other people's cultures, traditions and beliefs;

(e) Lack of resources and infrastructure, in addition to lack of qualified and well-equipped teachers, often undermines the potential of human rights education. Absence of appropriate monitoring and evaluation mechanism for the implementation of the right to education and human rights education aggravates the situation in terms of access to and quality of education;

(f) Commercialization of education may contribute to the maintenance of unequal access to education.

(g) Counterproductive results in education may occur due either to contentious relationship between State-managed education and education run by civil society, or the lack of linkage and coordination between them;

(h) The tendency to homogenize society through imposed assimilation at the expense of the identification of groups (e.g. indigenous, minorities) in the name of nation-building, social harmony and national security serves to narrow the space required for diversity in society;

(i) Xenophobia, chauvinism and attacks against religious beliefs are in some cases sources of exclusiveness, hostile attitudes, tensions and internal conflicts in affected societies;

(j) Intersectional discrimination is a frequent source of exclusion of people with disabilities and HIV/AIDS;

(k) Impunity of perpetrators of discriminatory acts does not only contradict the principle of justice but also undermines preventive efforts;

(l) Lack of access of indigenous children to a multilingual education system, embracing local languages may prevent them from benefiting from the right to education;

(m) Denial of the existence of discrimination, in particular in some official circles, prevents the full recognition of existing problems;

(n) Lack of information about good practices prevents societies from benefiting from the experience of others in countering discrimination and exclusion effectively.

97. Good initiatives drawn from the region include:

(a) Translation of human rights instruments and documents in local languages, including the translation of the Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action;

(b) Integration of students from different social, economic, ethnic backgrounds in the framework of educational institutions;

(c) Creation of indigenous schools;

(d) Adoption and implementation of special measures to encourage school attendance e.g. food for education;

(e) Special programmes of national human rights institutions to increase public awareness on discrimination;

(f) Networking, advocacy and lobbying and the building of solidarity to combat discrimination;

(g) Education of migrant workers, including human rights training for migrants;

(h) Establishment of a judicial academy and involvement of victims of discrimination as teachers (e.g. Nepal);

(i) Education for people with disabilities (e.g. Cambodia);

- (j) Establishment of institutional mechanisms for the socially excluded (e.g. Nepal - Dalit Commission);
- (k) Special measures to encourage education of girls (e.g. Bangladesh);
- (l) Application of good practices such as the South-East Asia Project on Human Rights Education in Schools;
- (m) Awareness-raising conducted by civil society on women's and child rights, in addition to community education (Thailand, Philippines);
- (n) Encouragement of intercultural dialogue between different communities;
- (o) Access by children to primary and secondary education, irrespective of their immigration status (Thailand, Japan).

V. RECOMMENDATIONS

98. **In close cooperation, Governments, OHCHR, UNESCO, other intergovernmental organizations and civil society, as appropriate, should take effective actions in relation to the following:**

- (a) **Adopting clear policies against discrimination and for the promotion of social cohesion between different communities;**
- (b) **Ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights treaties; popularization of the aforementioned treaties in addition to the Durban Declaration and Programme of Action through their translation in local languages;**
- (c) **Engaging in a systematic way in the implementation of the aforementioned treaties and the Durban Declaration and Programme of Action, specifically its provisions that address education in general and human rights education in particular;**
- (d) **Disseminating and implementing the World Programme for Human Rights Education that supports the understanding of human rights education in schools and reflects:**
 - (i) **Educational policies, legislation and strategies that contain human rights principles, as well as appropriate organizational measures to implement those policies, with the involvement of all stakeholders;**
 - (ii) **Teaching and learning processes and tools - including for instance the content and objectives of the curriculum, teaching practices and methodologies as well as materials, including textbooks - that are based on and incorporate human rights principles;**

- (iii) **Learning environments in which human rights are respected and upheld. All school actors (students, teachers, staff and administrators and parents) should practise human rights and children should be able to participate fully in school life;**
- (iv) **A teaching profession and school leadership which have the necessary knowledge, understanding, skills and competencies to facilitate the learning and practise of human rights in schools, as well as with appropriate working conditions and status.**
- (e) **Developing in a participatory process national strategies to implement the World Programme for Human Rights Education;**
- (f) **Reviewing with all segments of society how history is written and taught at the national level to ensure more pluralistic analysis responsive to cultural diversity;**
- (g) **Mainstreaming the elimination of discrimination and exclusion as an explicit purpose of education curricula and processes;**
- (h) **Overcoming discrimination and exclusion through awareness-raising initiatives, involving the roles of civil society and cross-cultural cooperation;**
- (i) **Providing forums for discussion on the plight of the socially excluded, including the Dalit and Buraku;**
- (j) **Developing research, documentation and information sharing to promote and popularize good practices on human rights education, in particular with regard to countering racism, racial discrimination, xenophobia and related intolerance;**
- (k) **Providing human rights training, based on core human rights instruments, for teachers, other professionals, youth, business leaders, and other professions and segments of society supported by incentives for effective participation;**
- (l) **Including a human rights component in the curricula for the training of judges and other legal professionals;**
- (m) **Promoting child-friendly education, schools and environments that are inclusive to eradicate biases against affected groups;**
- (n) **Providing effective response to children with special needs;**
- (o) **Promoting the concept of bringing education to communities and maintaining the use of local wisdom;**
- (p) **Strengthening the role of the family in the promotion of tolerance and mutual respect;**
- (q) **Promoting good practices and addressing malpractices bearing in mind international human rights standards;**

- (r) Nurturing a human rights-sensitive mindset through community-oriented activities addressing the entire society from a young age;**
- (s) Improving access not only to primary but also other levels of education as a lifelong process; region-wide adoption of the policy of free and compulsory education;**
- (t) Promoting quota systems for disadvantaged communities in schools, academic and training institutions, in the public and private sector;**
- (u) Placing emphasis not only on access to education but also quality of education geared to the prevention and elimination of discrimination;**
- (v) Promoting multiculturalism in education, including the use of multilingual publications;**
- (w) Fostering alternative media, including indigenous media, that is accessible and sensitive to human rights and that can act as a bridge for inter-ethnic dialogue;**
- (x) Using, recognizing or setting up community radio stations and other media to promote tolerance and respect for others;**
- (y) Promoting access to information technology and overcoming the information divide within societies and at the international level;**
- (z) Strengthening networking among all stakeholders of human rights education and awareness-raising programmes related to discrimination; coordination between institutions involved in countering racial discrimination and xenophobia, and human rights education at the national level;**
- (aa) Strengthening civil society by opening democratic space for cooperation on human rights education;**
- (bb) Mobilizing additional resources to help Governments and NGOs implement the Durban Programme of Action, including translation into national and other languages;**
- (cc) Promoting cross-cultural dialogue within countries and across borders and understanding that discrimination goes beyond racism;**
- (dd) Requesting OHCHR to undertake in two years a review of the implementation of the recommendations adopted by this Seminar.**
