Best Practices for Human Rights Education in Atlantic Canada

by

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ABSTRACT

The purpose of this thesis is to determine the best practice for human rights education (HRE) in Atlantic Canada. Through secondary data collection and analysis, this thesis also explores if HRE should be implemented in a formal or in-formal setting, what factors should be considered when implementing HRE, and how HRE can contribute to a culture of rights. The central argument of this thesis is that human rights education in Atlantic Canada should be implemented into the formal education curriculum through a carrier subject. The best practices for HRE in to be successful in contributing to a culture of rights in Atlantic Canada include, a participatory approach, teacher training, curriculum development, and evaluation.

LIST OF ABBREVIATIONS USED

HRE	Human rights education
HRC	Human rights commission
NBHRC	New Brunswick Human Right Commission
NFLDHRC	Newfoundland and Labrador Human Rights Commission
NSHRC	Nova Scotia Human Rights Commission
OHCHR	Office of the High Commissioner for Human Rights
PEIHRC	Prince Edward Island Human Rights Commission
UN	United Nations
UDHR	Universal Declaration of Human Rights

ACKNOWLEDMENTS

CHAPTER 1   INTRODUCTION

The central argument of this thesis is that human rights education in Atlantic Canada is best suited to be implemented into the formal public education curriculum through a carrier subject, such as social studies or health. The analyzed data was collected from library and Internet recourses, and is described in detail below. Data includes government and intergovernmental resources, such as United Nations resolutions and reports, provincial education curriculums, and Human Rights Acts. Human rights education is internationally recognized as a tool for the promotion and protection of human rights and for the creation of a culture of rights. Although the Canadian provincial human rights system of Codes and Commissions provides protection from discrimination in day to day life, the roles and responsibilities of the Commissions are often misunderstood due to misleading media representation.

Following the UN Decade for Human Rights Education 1995-2005, human rights topics were incorporated into the Canadian provincial educational curriculums with knowledge of the Universal Declaration of Human Rights as general goal. Based on secondary data and related literature, this study explores the successes and challenges of various international human rights education projects to determine what strategies are best suited to raise awareness of human rights in a local context, that is rights which fall within the jurisdiction of provincial human rights acts and commissions. Human rights education in Atlantic Canada will be defined as education aimed to increase awareness of the rights that are protected by provincial legislation and provincial human rights Commissions. Such education should increase citizens' ability to recognize when the provincial human rights acts are being violated and how to address these violations. This thesis will utilize the Children's Rights Education program in Cape Breton as a model for the success and challenges of implementing human rights education in Atlantic Canada. My thesis also seeks

to explore the Canadian human rights system, its limitations, and the role human rights education could play in enhancing respect for human rights in Canada. The primary research question in this thesis is: What practices of human rights education are best suited for Atlantic Canada?

Sub-questions I will address include:

1) Is human rights education in Atlantic Canada most effective in a formal or non-formal educational setting?

2) What factors need to be considered when implementing a human rights education project?

3) How can human rights education contribute to the creation of a culture of rights?

Human rights are inalienable by virtue of being human, meaning that although rights can be violated, they cannot be denied or renounced (Kelly et al 2008: 3). The term human rights began to gain worldwide attention during the interwar period, at which time the international community started to demand government accountability over the treatment of all people (Cooper 1998: 302). This was the second attempt of world leaders to create an international structure based on peace and consultation.[1] However, at this time, leaders from opposing political ideologies were willing to agree upon the need to protect all individuals with serious commitment and were supported by their governments (Hayes et al., 2011: 61). In 1941, U.S. President Roosevelt delivered a speech to Congress to confirm publically that humans have basic freedoms that cannot be denied and received positive feedback in his wishes to assemble an international governing body (Cooper

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[1] The model of the United Nations is based largely on the League of Nations, which was created by Woodrow Wilson in response to World War I. This was the first attempt at creating an international organization based on peace and collective security. There were sixty-three countries that ratified the League of Nations multilateral treaty, yet it failed to gain support by the US federal government and failed to prevent World War II (Hayes et al. 2011: 62)

1998: 303).[2] Towards the end of the Second World War, the Allies, led by Roosevelt, began official preparations for the creation of an international organization founded on collective security (Cooper 1998: 303).[3] By the end of the War, the international community cooperatively deemed it necessary to establish such an organization, and it was determined that national sovereignty was no longer sufficient for the protection of individual human beings and minority groups (Kelly et al. 2008: 11).[4] Together, international leaders created the United Nations to oversee the implementation of human rights and to hold governments accountable. The Charter of the United Nations was formally established at the San Francisco Conference in 1945 (Fassberder 1998: 531).

The inclusion of human rights in the foundations of the United Nations is considered to have been a direct response to the massacres of the Second World War (Burgers 1992: 448). The UN created a Human Rights Division directed by John Peters Humphrey, which drafted the Universal Declaration of Human Rights (UDHR) (Hobbins 2002: 142). Humphrey, a progressive lawyer working out of Montreal originated from Hampton, New Brunswick, and would become known as a Canadian national icon and champion of human rights (Hobbins 2002: 142). The UDHR was adopted by the United Nations General Assembly in 1948 (Goodhart 2013: 2) and since its ratification there has been a steady increase in human rights law and discourse (Osler and Starkey 2010: 10).[5] In 1966, the International Covenant on Civil and Political Rights and the

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[2] President of the United States, elected in 1932 (Downing and Isaacs 1998: 9).
[3] Collective security is defined as: "A mechanism whereby a group of state undertake not to attack others within a coalition" (Hayes et al. 2011: 702)
[4] Sovereignty was defined during the Peace of Westphalia (1648) as a system of non-interference between nations as "legal or constitutional independence of a territorial state, entailing the rights of govern and control the identified territory and legal and political jurisdiction within their without external interference" (Goodhart 2013: 438)
[5] The General Assembly was established by the UN Charter as a "deliberative body" consisting of all the governments of UN member states. The General Assembly is responsible for the administration of various agencies and committees, the majority of which operate on a rotating basis (Kennedy 2006: 31).

International Covenant on Economic, Social and Cultural Rights were passed by majority vote in the General Assembly, and together with the UDHR form the International Bill of Rights (Kelly et al. 2008: 26). International human rights laws are concerned with the creation of international norms between individuals, and individuals and the state (Moulton 1990: 31). The International Bill of Rights was to be implemented internationally through domestic laws (Akhavan 2016: 332). Goodhart describes the UDHR as "…an abstract and non-binding collection of noble word and sentiments, has engendered a vast and growing body of international law that is challenging the ideal of sovereignty and transforming relations among states." (Goodhard 2013: 2) The UDHR set an international standard that has ignited rights in practice through social movements, legal documents and institutions (Goodhart 2013: 5). Human rights themselves are normative claims that declare freedom and equality for all humans (Goodhart 2013: 5). Since the adoption of the UDHR by the General Assembly, nearly 100 human rights treaties have been drafted (United Nations).[6] A treaty is a written agreement between two of more states that is legally binding (Goodhart 2013: 439). The UDHR itself is soft law, meaning that it is not legally binding, but nevertheless important for standard setting (Goodhart 2013: 439). When a state ratifies an international treaty it is making a commitment to incorporate these rights into their domestic laws (Goodhart 2013: 436). The UN explains that "The domestic legal system, therefore, provides the principle legal protection of human rights guaranteed under international law" (United Nations). Canada is a party to many international treaties, however, they are ratified into domestic laws to varying degrees (Moulton 1990: 32). Moulton explains that treaties which require states to adapt their domestic laws are only binding in front of an international tribunal and are not immediately

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[6] https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx

considered in the domestic legal system (Moulton 1990: 33).[7] Beyond being held accountable at international tribunals, states who have breached international human rights treaties they have ratified may suffer from "naming and shaming" (Goodhart 2013: 434). This tactic is often used by nongovernmental organizations and human rights activists. Naming and shaming announces human rights violations in a public fashion, typically supported by evidence, with the hopes of putting pressure on governments to alter their actions and respect rights (Goodhart 2013: 434).

International human rights laws are incorporated into Canadian domestic laws to varying degrees based on federal and provincial jurisprudence (Moulton 1990: 32). Human rights are typically incorporated into Canadian domestic laws (Moulton 1990 33). Since the inception of human rights laws Canadian provincial human rights institutions have been given responsibility to create and administer provincial human rights acts in accordance with the Constitution Act 1867 section 92(13), which states that provinces have jurisdiction over "property and civil rights" (Moulton 1990: 34). Moulton explains that due to the division of powers between the federal and provincial governments, "it is possible for the federal government to incur international obligations which can only be carried into domestic law by the provinces." (Moulton 1990: 34).

The UDHR mandates all nations to educate their citizens on human rights (Flowers, 2015: 6). In fact, the United Nations has insisted that education is the primary tool for the promotion of human rights; however, human rights education (HRE) was not formally advocated within the UN network until the 1990s (Struthers, 2015: 53). Human rights education is intended to "inform

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[7] There are currently five international tribunals: the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon

people of and to train them in their rights" so that individuals may learn to protect themselves and others from human rights violations (Mihr, 2009: 177).

Human rights education is available in a variety of elective courses throughout Atlantic Canadian high schools, such as political science and law classes. The New Brunswick Law Curriculum, for example, sets knowledge of the NB Human Rights Act as an outcome of the human rights unit (New Brunswick Department of Educational Programs and Services Branch 2005: 70). Despite few examples of local human rights in elective courses, it continues to be absent from the core curriculum in Atlantic Canada in both primary and secondary education. Human rights education is found as a general outcome of the Foundation for the Atlantic Canada Social Studies Curriculum, which was written by regional social studies committees with input from provincial working groups (Foundation for the Atlantic Canada Social Studies Curriculum, i). The documents provide "outcome statements of what students are expected to demonstrate at key stages that graduates in the skills to identify forms of discrimination and examines human rights" (Foundation for the Atlantic Canada Social Sciences, 1).   The curriculum also states that graduates in Atlantic Canada are expected to have the skills to identify forms of discrimination and examine human rights (Foundation for the Atlantic Canada Social Studies Curriculum, 6).

In Canada, provincial Human Rights Commissions have been the leading protectors of rights since the inception of international human rights laws. They will continue to be of significant importance as they expand beyond the mandate of the Canadian Charter of Rights and Freedoms to investigate complaints from both the public and private sectors (Sharpe and Roach 2011: 16). While the Charter provides human rights protection in six key areas, discussed in detail throughout Chapter 3, the provincial human rights system protects Canadians from discrimination in other important aspects of their daily lives, such as relationships with employers and landlords. Although

the Charter of Rights and Freedoms is the highest form of Canadian law, it is limited to protection of rights in the public sector. The Charter ensures the protection of rights identified in the International Bill of Rights (Eliadis 2014: 47). Provincial human rights legislation allows complaints of discrimination to be investigated independently and free of cost for complainants and respondents (Sharpe and Roach 2009: 16). Each province and territory has its own human rights code and commission, yet they all follow a similar investigation process (Szurlej 2015: 180). Commissions are legislated to investigate individual complaints. When filing a complaint of discrimination with a provincial human rights commission, the complainant must be able to identify a ground of discrimination in accordance with their provincial Human Rights Acts and identify how they are being treated differently based on this ground (Reaume 2012: 71). Provincial Commissions are the primary protectors of human rights in Canada, however, the role of the Commission is clearly determined within their respective human rights act, and these institutions are unable to act outside of their predetermined mandate. The current mandates for provincial Commissions limits their ability to provide effective and transformative human rights education. The role of Commissions is limited because they are unable to act outside of their mandated legislation.

HRE is intended to "inform people of and to train them in their human rights" so that individuals may learn to protect themselves and others from human rights violations (Mihr 2009: 177). The United Nations General Assembly defined human rights education in the *United Nations Decade for Human Rights Education and public information activities in the field of human rights* as "…training, dissemination and information efforts aimed at the building of the universal cultural of human rights through the imparting of knowledge and skills and the moulding of attitudes…." (1997: 5).

The definition for HRE was determined by the international community in accordance with the Universal Declaration of Human Rights article 26(b):

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 (1948).

The Plan of Action for the United Nations Decade for Human Rights Education indicates that the decade was intended to promote "awareness and understanding of all the norms, concepts and values enshrined" in the International Bill of Human Rights (p. 5, 1996). Mihr argues that although human rights were increasingly becoming a cultural norm during the 1990s, the United Nations was also forced to respond to various tremendously violent events, such as the genocide in Rwanda and the former Yugoslavia. The United Nations placed increasing pressure on governments to implement both human rights institutions and human rights education as a response to these violent events (2009: 178) Governments are identified as a principle actor in the Decade for Human Rights Education and were expected to implement national action plans for HRE intended to strengthen human rights within existing subject curriculum (General Assembly 1996: 7). The United Nations urged governments to implement nation-wide human rights curriculums based on the understanding that "the society in general can benefit from HRE because it can contribute to the stability of democratic societies" (Mihr 2009: 180).

Following the end of the Decade for Human Rights Education, the United Nations High Commissioner for Human Rights determined that the Decade had been unsuccessful in reaching its goals, suggesting that the international community continue to engage with national plans for HRE, through the establishment of the UN World Program for Human Rights Education in 2010

(Mihr et al. 2008: 116) with the overarching goal of "implementing human rights education programs into all sectors" (UNESCO 2012: 2). The program was divided into three phases beginning in 2004. While all three phases are important for expanding the role of HRE internationally, the first phase was primarily concerned with implementing human rights education in primary and secondary schools (Council of Ministers 2010: I). The second phase of the program focused on implementing HRE into higher education, and the third phase with to train journalists and the media on human rights (OHCHR).

Felisa Tibbitts argues that "every society has human rights problems, and at the national levels we can observe quite difference approaches to the use of human rights education in addressing these challenges" (Tibbitts 2002: 160). Tibbits argues that no matter the society, human rights violations occur and must be addressed. Canada is no exception. Violations of human rights in Canada demonstrate everyday discrimination that contributes to larger social inequalities. Reaume (2012) argues that these protected grounds attempt to alter or halt damaging social patterns:

> The fact that employment, housing, and services are covered is not just a technical legal fact about the scope of legislation. These areas are covered because of their historical implication in social patterns of inequality that have been deep and damaging as well as their ongoing importance in giving people a modicum of control over the shape and quality of their lives. (Reaume 2012: 69)

The Canadian human rights system is strong compared to those of many other countries, yet it remains underutilized due to a lack of awareness among Canadians of their provincial human rights Acts and Commissions. The Canadian human rights system also fails to effectively recognize and uphold the rights of indigenous peoples. The term "rights of indigenous peoples" was created by the United Nations and refers to both aboriginal rights and indigenous rights (Kulchyski 2013:10). Kulchysky explains that aboriginal rights encompass the rights that are specific to indigenous peoples (2013: 10). Human rights are a result of the 18th century

enlightenment thinking that focused on protecting individuals from the state. Human rights were determined by the virtue of being human, and therefore focused primarily on individual rights. By contrast aboriginal rights emerged from indigenous community initiatives and reflect the collective rights of communities and peoples. Within the Canadian human rights system, aboriginal rights are identified in Part II of the Constitution Act of 1982, yet remain separate from the Charter of Rights and Freedoms and the provincial human rights acts (Chartrand 2007: 109). Due to this systematic separation, equality, as identified throughout the Charter, is simply not a reality and unattainable for indigenous peoples in Canada (Eliadis 2014: 5). Eliadis explains that human rights and aboriginal rights in Canada have been kept separate "… in part because Aboriginal law is a distinct branch of law with distinct rights and a unique constitutional foundation…" (Eliadis 2014: 135). The separation between human rights and aboriginal rights allows for systematic human rights abuses at the hands of the government (Eliadis 2014: 135).

Human rights are largely considered to be successful because the probability of their creation was unprecedented (Langlois 2003: 992). Langlois explains that "…the project to get state representatives to sign off on human rights declarations, instrumentalities, protocols and so forth is in itself a tremendous achievement…" (2003: 996). Although the success of human rights is factual, this success is often distorted and inflated by rights discourse (Langlois 2003: 992) As a result, the "universality" of human rights is assumed and taken for granted (Langlois 2003: 993). The creation of human rights was monopolized by international superpowers following the Second World War. Therefore, from the onset, human rights failed to consider the reality of varying social and political contexts (Isa 2014: 725). Dahre argues that human rights discourse centres around their universality, and this idea must be challenged in order to advance human rights. Human rights, as a general concept, exist through discourse and abstract international laws. Human rights

do not exist in a tangible way throughout much of the international community, and simply fail to acknowledge varying social and political context (Dahre 2010: 642).

Human rights fail to acknowledge the social and political reality of indigenous peoples. The failures of human rights to promote and uphold the rights of indigenous peoples causes a divide between human rights laws and social norms. (Dahre 2010: 641).

> "If we wish, human rights should have an effective impact, and be a useful instrument in fighting discrimination of indigenous peoples, the discourse and principles have to be based on concrete social contexts instead of an abstract, free-floating legal-philosophical discourse with relevance for all and therefore no one in particular." (Dahra 2010: 642)

Despite the abstract nature of human rights, they may still be meaningful for producing social change contingent on reshaping rights to be aware of their limited political significance (Dahre 2010: 646). Dahre argues that human rights have the capacity to foster social change if they are implemented within a specific social context (2010: 644). In local contexts, rights are established through constructed laws and institutions to administer these laws (Eliadis 2014: 138). In Atlantic Canada, human rights are established by the provincial human rights acts and administered by the provincial human rights commissions. Human rights, as a universal concept, are abstract in nature and fail to consider political and social realities. They are intangible and unattainable throughout much of the international system. However, in Atlantic Canada, human rights are firmly established through the provincial human rights acts, which provide protection from discrimination in a variety of areas to ensure equality. These laws and institutions, if utilized to their full potential can help to foster social change. It is crucial for Canadians to gain knowledge of their local human rights laws and institutions so that they may speak up against discrimination towards themselves and others, therefore working towards the establishment of culture of rights. Throughout this thesis, I will analyze the role human rights education can play in increasing awareness of human

rights that are protected by provincial human rights acts and commissions. While the universality of rights is limited, rights within a specific social context, such as Atlantic Canada, can help to foster real change. It is important to note that despite this argument, the Canadian human rights system fails to effectively protect indigenous rights. An analysis of the systematic violations of indigenous rights in Canada and how they might be addressed is beyond the scope of this thesis. Although this analysis is specifically concerned with the creation of a culture of rights through human rights education in the context of the provincial human rights acts, such a culture should also foster greater understanding of all human rights violations and what to do about these violations, including indigenous rights. In other words, the already-existing provincial human rights systems offers important, but underutilized, opportunities for advancing human rights and fostering a culture of rights in Canada that could be an important step towards increased respect for indigenous rights as well.

Purpose of the Study

The primary purpose of this study is to explore the best practices for human rights education in Atlantic Canada with a special focus on where and how HRE should be implemented for best results. Prior to writing this thesis I graduated from St. Thomas University in Fredericton, New Brunswick with a Bachelor of Arts majoring in Human Rights. While attaining this degree I gained an understanding that although international human rights may be considered common knowledge, most citizens of New Brunswick were unaware of their local human rights protection or institutions. Throughout my undergraduate degree I learned about the various international human rights laws and the protection they provide for individuals and minority groups around the world. However, it appeared to me that emphasis was being placed on the transformative impact of human rights in the Global South, while human rights were rarely discussed in the local context

of New Brunswick. It was not until I began working at the New Brunswick Human Rights Commission in an internship position in 2013 that I gained a deeper understanding of the provincial human rights system in Canada.

While working at the Commission I expanded my knowledge of the public's understanding of human rights. I began to notice through my daily interactions that very few people knew about the Commission or how to contest real or perceived human rights violations, regardless of their economic standing or educational background. In my experience, understanding of human rights normally does not extend beyond vague and general concepts that are rarely associated with local challenges. Evidence indicates that when an individual or group is made aware of their rights, they are more likely to become an active citizen and respect the rights of those around them, which will inadvertently contribute to the creation of a culture of rights (Osler and Starkey 2010: xi). Awareness and education of international human rights is very important because individuals experiencing discrimination in Canada may be unaware that they are protected against such abuses. This is unacceptable. Canada has an established human rights system that is not being utilized to its full potential, largely as a result of a lack of awareness of provincial Human Rights Acts and the role of provincial Human Rights Commissions. While the primary purpose of this study is to identify the best practices of human rights education for Atlantic Canada, in doing so I will be also examine the shortcomings of the Canadian provincial human rights system and how this impacts the effective implementation of human rights education.

This thesis examines and comments on human rights education as a tool to reduce discrimination and create a culture of rights. Culture in this sense, refers to a "means of organizing time, and subjectivity, it refers to forms of economic activity (say, sharing) and forms of political activity…" (Kulchyski 2013: 21). A culture of rights, therefore, refers to a culture that collectively

understands their rights and responsibilities in accordance with international, national, and local rights, when these rights are being violated, and what to do about it.

Research Methods

Research for this thesis was conducted by analyzing secondary data sources, using both library and Internet resources, including international human rights documents and educational curricula. Resources include journal articles, books, new articles, documentaries, and a variety of government documents. Most importantly, the provincial human rights commissions all publish annual reports that highlight financial statistics and responses to inquiries and formal complaints as well as other initiatives to build a culture of rights. For example, the PEI Human Rights Commission Annual Report for 2016-2017 reports that over 300 inquiries were made throughout the year. An inquiry refers to phone calls, emails and walk-ins from individuals and groups looking for more information or clarification about their rights and responsibilities (PEIHRC 2017: 19). The Commission took in 45 new allegations of discrimination, and the majority of these allegations were in the protected ground of disability or sex (PEIHRC 2017: 19). The Nova Scotia Human Rights Commission Annual Report for 2015-2016 indicates that the Commission received 2,326 inquires; however, it only accepted 97 complaints of alleged discrimination, similarly, with the majority of allegations being of violations of the protected grounds of disability, race and sex (NSHRC 2016: 7). The annual report for 2015/2016 for the New Brunswick Human Rights Commission indicates the acceptance of 122 new allegations of discrimination, the majority of which in violation of the protected grounds of disability, sex, and social condition (NBHRC 2016: 16/17). Finally, the 2015/2016 annual report for Newfoundland indicates that the Commission received 814 inquiries about rights and accepted 80 new allegations of discrimination, again with majority being violations on the basis of disability and sex (NFLDHRC 2016: 6/7). While

analyzing the curriculums throughout Atlantic Canada, I was looking for where human rights are included and what elements are currently encompassed in such education. More specifically, I was looking for any inclusion of the provincial human rights codes and commissions and the, if any, guidelines provided to teachers on how to instruct these rights. I relied heavily on a single case study of Children's Rights Education in Cape Breton, simply because it is the only example of human rights education in Atlantic Canada. There are significant limitations to focusing merely on one case study as my findings are less complete and prone to subjectivity that would ideally be eliminated with additional publications of human rights education in Atlantic Canada.

The research conducted in this thesis is applicable through all of Atlantic Canada because both the human rights system and educational curriculums are nearly identical from province to province. Therefore, although both education and human rights are provincial jurisdiction, they can be grouped together in Atlantic Canada. As a graduate from the New Brunswick school system and a former employee of the New Brunswick Human Rights Commissions, I understand the impact HRE could have on improving awareness of local human rights legislation. While working at the Commissions I gained an understanding of its potential to reduce discrimination in an accessible manner and witnessed a general lack of awareness of the commission's role and how human rights are protected in Canadian law. Although the research conducted in this thesis is specific to the context of Atlantic Canada, the provincial human rights system operates similarly with slight variations nationwide, and therefore it can be assumed that the best practices for HRE in Atlantic Canada would also be suitable for all Canadian provinces.

Ethical Considerations and Limitations

This thesis presents few ethical concerns because data collection required no interaction with individuals, nor does it explore particularly sensitive topics. Human Rights throughout this

thesis are discussed in general terms and at no time are specific violations of human rights examined.

Readers may notice that my thesis lacks in detail on how human rights are currently taught in primary and secondary classrooms through Atlantic Canada. Instead, this thesis focuses on provincial curriculum guidelines for HRE. I had originally aimed to interview teachers in New Brunswick to better understand how they implemented human rights education in their classrooms. Nevertheless, my proposed research was met with significant concerns from the New Brunswick school district, as they were hesitant to allow teachers to participate and requested I partake in a lengthy approval process that would have significantly delayed my thesis and expected graduation date.

Chapter Organization

This study is organized into six chapters. Chapter Two will examine the meaning of Human Rights Education and examine its potential to foster a culture of rights. Chapter Three will analyze the Canadian Human Rights system and identify the role of provincial human rights commissions. Chapter Four examines secondary sources on the best practices for human rights education from around the world. Chapter Five then investigates the best practices for HRE in Atlantic Canada. Finally, Chapter Six will provide recommendations for effective implementation of human rights education in Atlantic Canada.

CHAPTER 2   DEFINING HUMAN RIGTHS EDUCATION

Since the early 1990s human rights education has been considered an effective tool to implement national human rights and to build a culture of rights. Celermajer (2016) argues that the development of human rights can be understood in three waves. The first wave is the creation of the UDHR. The second wave is the creation of national, international and local human rights institutions to support the promotion and protection of the rights identified in the UDHR, and the third wave is human rights education and training (Celermajer 2016: 160). In order to create a culture of rights, individuals and groups must understand how their rights are protected at the international, national, and local levels. When an individual understands their rights, they are more likely to speak out against violations and ensure that the rights of those around them are also being respected. Human rights education is considered by many scholars to be necessary to reduce violations and strengthen domestic human rights. Gillian MacNaughton, for example, states that "human rights education will build the capacity of right holders to demand their rights and duty bearers to meet their obligations" (2015: 541). Human rights education will ultimately lead to a reduction in human rights violations because it works to create a culture of rights in which the members of a society understand their own rights and the value of upholding the rights of others (Davies 2016: 464). As stated in Chapter 1, HRE in Atlantic Canada should increase awareness of the rights that are protected by the provincial human rights act and the role of the Commissions as well as the ability to recognize human rights violations and what to do about them.

HRE was not strongly advocated for within the UN human rights network until the end of the Cold War in 1989; however, human rights education has always been encompassed within the right to education.[8] The Cold War impeded serious implementation of human rights internationally

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[8] Multiple human rights intuitions and treaties that operate within the United Nations

because the superpowers each believed "their [own] interpretations of the meaning of human rights and democracy was true" and therefore, they would not support human rights based in different ideologies (Mihr 2009: 178).[9] Article 26 of the UDHR protects the right to education and states that "[e]ducation shall be directed to the full development of the human personality and to strengthen respect for human rights and fundamental freedoms." (MacNaughton 2015: 542). Although human rights education is not explicitly mentioned in the UDHR, Article 26 identifies that education should be used as a tool to improve human rights. It can also be argued that the creation of a culture of rights is a primary goal of the United Nations because the Charter's preamble states the organization's main objective is "to establish conditions under which justice and respect for the obligation arising from treaties and other sources of international law can be maintained and to promote social progress, and better standards of life in larger freedom…" (Charter of the United Nations 1945). MacNaughton argues that human rights education is necessary to achieve the United Nations goals of a culture of rights (MacNaughton 2015: 543), arguing that "HRE is necessary to build a culture in which people respect human rights – indeed, HRE is defined as building a culture of rights" (2015: 545). As briefly discussed in Chapter 1, no society is immune to human rights violations. Although many strong democracies have instated legal equality, racism, sexism and social inequality continue to persist. Osler and Starkey argue that:

> A linked aim is to consider the role of human rights and human rights education in enabling the development of successful multicultural democracies. In many multicultural democracies, the ideal of guaranteeing all members of the society equal access to educational opportunities, employment, justice, and many goods and services is far from being realized. (2010: 18)

Essentially, although human rights are a widely accepted norm among democratic nations, human rights violations continue to persist. Many nations that celebrate human rights internationally and advocate for rights through foreign policy still fail to effectively protect human rights domestically (Mihr and Schmitz 2007: 975). Human rights education can assist in the creation of a local culture of rights in an aim to reduce inequalities.

What is Human Rights Education?

The United Nations generally defines HRE as "education training and information aiming at building a universal culture of rights through sharing knowledge, imparting skills and molding attitudes…" (Bajaj 2011: 484). This definition is significant because it has set international standards and it is the base for the majority of international human rights education action plans and definitions of HRE. Ideally, human rights education works to create a culture of rights by increasing awareness of rights among learners. The United Nations definition was internationally accepted by the General Assembly in 1996 and was largely the definition of HRE used when Member States developed national plans of action for human rights education throughout the Decade (Office of the High Commissioner for Human Rights (OHCHR)). This thesis seeks to better understand the best practices for human rights education in Atlantic Canada with regards to the provincial human rights Codes and Commissions. [10] Therefore, for the purposes of my research, human rights education will be defined as education, both formal and non-formal, that seeks to raise awareness of provincial human rights legislation and institutions with the goal of creating a culture of rights in Atlantic Canada.

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[10] Prince Edward Island Human Rights Act, New Brunswick Human Rights Act, Nova Scotia Human Rights Act, and Newfoundland and Labrador Human Rights Act

The Canadian's Teacher's Federation relies upon the OHCHR definition of human rights education in its guidelines for the implementation of HRE in Canada. The Federation states that HRE must include both human rights "through" education and human rights "for" education (2010: 1). Education for rights involves instructing about rights to increase awareness among learners, whereas human rights through education refers to ensuring that the facilitator and environment in which HRE is being implemented reflects the human rights values being instructed. The Teacher's Federation argues that in order for HRE to be successful, it must be implemented in an environment that encourages the respect of the human rights (2010: 1).

Mihr defines the primary objective of HRE: "educating people in their human rights should empower them to know and use their human rights to protect themselves and others from human rights violations" (2009: 177). This thesis shares the same foundational goals established by Mihr of creating a culture of rights so that individuals are more likely to promote and protect their provincial human rights legislation. Chapter Four examines the core elements of human rights education in detail and provides examples of successful implementation from various contexts. However, it is important to emphasize that human rights education projects are typically implemented using either the values and awareness or the transformational model of human rights education. The values and awareness model is normally implemented in the formal education system and relies on curriculum development to increase awareness of human rights among students. The values and awareness model of HRE seeks to engage students in critical thinking exercises in order to draw connections between violations of human rights, policy, and the promotion of rights. The values and awareness model of human rights education often utilizes the history of human rights to demonstrate their significance and downfalls (Hopkins 2009: 75). The transformational model of human rights education is most commonly used by non-governmental

organizations in non-formal settings and relies on experiential learning techniques. This model of HRE seeks to enhance leadership skills among students through group activities and hands on projects, so that they will become active citizens and stand up against human rights violations (Hopkins 2009: 75). All human rights education programs and projects should include three core elements: a participatory approach, teacher or facilitator training, and evaluation. These elements will be discussed in detail in Chapter 4. Bajaj (2011) concludes that although there are many variations, "most scholars and practitioners agree that HRE must include both *content* and *process* related to human rights" (2011: 482). Tibbitts (2002) expands beyond other scholars to include the overall goal of HRE in her definition. She states that HRE is "not merely about valuing and respecting as we know, but also about advocacy to guarantee these conditions." (2002: 160).

Despite working to achieve the same overall goal, HRE nevertheless differs depending on where it is implemented. For example, in post-conflict societies human rights education would work to develop knowledge of fundamental human rights protected by the International Bill of Human Rights and minority rights, such as women's rights or children's rights. Celermajer argues that:

> "[t]he provision of human rights education and training for communities experiencing or at risk of experiencing human rights violations, for example, is intended to bring about the high level effect by providing the target audience with resources in the form of advocacy tool and problem framings that they can they take up to advocate their existing cause." (2016: 160)

In nations with established democracies, HRE tends to focus on the "national power structure" and is often concerned with specific issues, such as indigenous rights or the rights of refugees (Tibbitts 2002: 161). In Canada, there is a significant lack of human rights education focused on the provincial human rights acts. Providing human rights education to individuals and groups works to build a culture of rights as it "should empower them to know and use their human

rights to protect themselves and others from human rights violations" (Mihr 2009: 177). Many scholars agree that when human rights education is properly implemented, it will foster a broader culture of rights. Although human rights education was briefly discussed at UNESCO's hosted events, the UN did not actively promote HRE until the Vienna Conference 1993, which will be further discussed below. [11]

Towards a Culture of Rights in the Post-Cold War era

"The development of HRE since 1945 has been a somewhat cumbersome and haphazard process, perhaps best demonstrated by the fact that the human rights landscape is now littered with provisions addressing HRE concepts, dating from the Charter of the United Nations (Struthers, 2014: 53)

In the 1990s the United Nations celebrated the 50th anniversary of the Universal Declaration of Human Rights and the international community was given the opportunity to reflect upon the impact of human rights thus far (Lohrencheit 2008; 174). At this time, United Nations Member States were encouraged to assess the achievements and challenges of human rights (Hayes et al. 2011: 73). Despite the enhancement of global governance and human rights laws immediately after the Second World War, the global implementation of human rights stalled due to opposing ideologies between super powers, the United States and the Soviet Union (Hayes et al. 2011: 73). Human rights laws refers to multiple international treaties concerned with the protection of human rights. States that ratify theses treaties are then expected to implement them into domestic laws (OHCHR. MacNaughton argues that human rights education was always

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[11] In 1993 UNESCO hosted the International Congress on Education for Human Rights Democracy in Montreal (MacNaughton 2015: 547). Prior to this, human rights education had been discused at the Congress on the Teaching of Human Rights in 1978 in Austria and the International Congress on Human Rights Teaching, Information and Documentation in 1987 in Malta (UNESCO 1993: 1).

considered to be a valuable approach to develop a culture of rights (2015: 539), yet the Cold War impeded this development due to the "ideological competition between East and West which had long distorted United Nations processes…" (Boyle 1995: p. 79). Western nations were focused on political freedoms, whereas the Eastern Block was concerned with social and economic rights (Goodhart 2013: 65). The international community underwent a significant transformation following the end of the Cold War in the early 1990s that ultimately led to a shift towards liberal democracy in many nations (Mihr 2009: 178). The collapse of the Soviet Union permitted international governments and institutions to overcome the previous polarization of human rights, and explore more effective manners of implementing human rights at the national level (Mihr 2009: 178).

In 1989 the UN General Assembly commemorated the 50th anniversary of the UDHR by hosting an international conference focused exclusively on human rights (Fenney 1993: 218). The Vienna World Conference on Human Rights (Vienna Conference) was held in 1993 to reaffirm the international community's commitment to human rights. The Vienna Conference was important as it was intended to strengthen human rights both internationally and domestically, and set out to determine the future of human rights in the post-Cold War era (Goodhart 2013: 440). The Conference was particularly concerned with the integration of human rights into domestic policies and norms. The Vienna Conference "emphasized the importance of embedding international human rights standards in domestic structures, including legal systems, national human rights institutions, non-governmental organizations and the media" (Goodhart 2013: 440).

Beyond the Vienna Conference, there were other international attempts to address the limitations of human rights. The 1955 Bandung Conference, for example, brought together newly independent states in an effort to create a united front against emerging superpowers and new

challenges in the post-war era (Burke 2006: 948). Of the 29 nations that took part in the Bandung Conference, only eight were present in the San Francisco Conference in 1945 that created the United Nations (Devetak 2016: 362). Devetak et al. explain that the Bandung Conference was intended "…to propose an alternative conception of international society – one where the historical structures and practices of racism, inequality and colonialism no longer inhibited the realization of a society of free and formally equal states." (Devetak et al. 2016: 362). The collective agreements of the Conference ultimately resulted in the creation of the Non-Aligned Movement (Burke 2006: 948). Human rights were discussed and debated heavily throughout the conference (Burke 2006: 950). Leaders at the Bandung Conference were particularly concerned with limitations of the human rights system, and feared that they would serve as a neocolonial tactic to hinder self-determination (Burke 2006: 949). The Conference's Final Communique emphasized seven key issues, including "Human Rights and Self-Determination" (Weber and Winanti 2016: 396). The Bandung Conference resulted in an affirmation of the UDHR and expanded support for human rights through recognition of the rights established in the Charter of the United Nations (Acharya 2016: 350).

In the post-Cold War era, and largely as a result of the Vienna Conference, the promotion of human rights became a primary objective of the United Nations (Therian and Joly 2014: 378). The Vienna Declaration, Section 1 paragraph 33 states:

> The World Conference on Human Rights reaffirms that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms (Vienna Declaration 1993).[12]

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[12] The Vienna Declaration is the result of the collaborative efforts of the international community to reaffirm not only their commitments to human rights, but also the importance of human rights for development and international peace (Goodhart 2013: p. 439).

The Vienna Declaration is significant for the advancement of human rights as it altered human rights bodies within the United Nations to respond to modern challenges. The Office of the High Commissioner for Human Rights and the Human Rights Council were created as a result of the Conference (van Boven 2007: 768). The Human Rights Council replaced the Commission on Human Rights in 2006 and "comprises representatives of forty-seven states elected by the General Assembly" (Hayes et al. 2011: 452).[13] The Human Rights Council is most notably known for implementing the Universal Periodic Review, a system by which member states are held accountable to uphold human rights laws by undergoing a peer-review every four years (Therian and Joly 2014: 394). Prior to 1993, the High Commissioner for Human Rights was tasked with monitoring patterns in human rights violations and policies of racial discrimination (van Boven 2007: 767).[14] Jack Donnelly argues that "the creation at the end of 1993 of a High Commissioner for Human Rights proved to be an important step in expanding both the scope and the depth of multilateral monitoring" (2013: 12). The Office of the High Commissioner for Human Rights (OHCHR) plays a significant role as it was tasked to oversee all UN human rights activities and seeks to set international human rights standards. It was through the OHCHR that the international community was able to explore new tactics for better implementation of human rights. The OHCHR mandate states that the Office "seeks to play an active role in removing obstacles and

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[13] The Commission on Human Rights was a branch of the UN Economic and Social Council from 1946-2006. The Commission was primarily responsible for investigating complaints of human rights violations and was replaced by the Human Rights Council in 2006 (OHCHR).
[14] More specifically, for the first two decades of the United Nations, the High Commissioner for Human Rights was largely symbolic and worked to set international human rights standards. In 1967, the High Commissioner for Human Rights became more impactful by majority General Assembly vote, which allowed the High Commissioner to become a monitoring body (van Boven 2007: 767).

meeting challenges to the full realization of all human rights and in preventing the occurrence or continuing of human rights abuses throughout the world" (Hannum 2006: 8)

The long-term goals of the Vienna Declaration, including human rights education, were implemented into programs administered by the Office of the High Commissioner for Human Rights. The Declaration reflects achievements made during the Vienna Conference itself, and therefore demonstrates an international commitment to provide domestic human rights standards and work towards a culture of rights. The OHCHR was largely responsible for promoting the benefits of HRE during the Decade for Human Rights Education and subsequent World Programmes. The OHCHR has published numerous reports on the successful implementation of human rights education, guidelines for national human rights education action plans, and training materials. For example, the Office of the High Commissioner for Human Rights website provides the Guideline for National Plans of Action for Human Rights Education (1997) and provides all submitted national plans of action from member states (OHCHR). The OHCHR is the main facilitator of human rights education at the international level, in addition to producing supportive guidelines and training materials for national implementation, its definition is most widely accepted by national governments, NGO's, scholars, and educators alike.

The Decade for Human Rights Education and the World Programme for Human Rights Education, which will be discussed further below, called on UN Member States to improve upon their domestic human rights standards and norms. A culture of rights "encourages individuals to demand their own rights and to respect the rights of others." (MacNaughton 2015: 540). Caceres (2000) defined the concept as "… the construction of societies in which the intrinsic dignity of human beings is recognized, along with a notion of justice that tolerates neither impunity nor the extremes of inequality…" (2000: 23). Human rights education contributes to the creation of a

culture of rights as it aims to educate individuals and groups on their rights so that they may not only properly defend themselves against violations, but also so that they will speak up against the violation of the rights of others.

Decade for Human Rights Education

The OHCHR created the UN Decade for Human Rights Education (UNDHRE). The UNDHRE is considered by many to be the greatest achievement of the Vienna Conference's effort to promote domestic human rights (Mihr et al. 2008: 119). Although HRE had previously existed in other UN documents, the UN Decade for HRE was the first international attempt to build "…a universal culture of human rights through education…" (Lapayese 2004: 168).[15] The United Nations General Assembly adopted Resolution 48/127 in December of 1993, which signified an international commitment to human rights education and commenced the UN Decade for Human Rights Education (UNGA 1993). With the signing of Resolution 48/127 "all UN member states agreed to undertake measures and activities to promote and incorporate HRE in formal and non-formal education sectors." (Mihr 2009: 179)

The United Nations, through the Decade, encourages national implementation of human rights education plans because "human rights education is also education in regional and international instruments and mechanisms of protection and procedures for ensuring accountability (Bajaj 2011: 463-464). Essentially, this means that United Nations HRE initiatives emphasize the importance of human rights in local context. The General Assembly December 1996 Report of the United Nations High Commissioner for Human Rights on the Implementation of the Plan of Action for the UNDHRE indicates that the Decade was based on human rights instruments and provisions.

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[15] HRE has previously appeared in the 1974 UNESCO Recommendation concerning human rights education, 1993 UNESCO World Plan of Action on Education for Human Rights and Democracy and the Vienna Declaration (Lapayese 2004: 168).

The Plan of Action identifies five main objectives:

…the assessment of the needs and formulation of strategies: building and strengthening human rights education programmes; developing education material; strengthening the mass media; and the global dissemination of the Universal Declaration of Human Rights. The Plan focuses on stimulation and supporting national and local activities and initiatives and is built upon the idea of a partnership between Governments, international organizations, non-governmental organizations, professional associations, individual and large segments of civil society (General Assembly: 2-3).

The Decade advised "all UN member states to undertake measures and activities to promote and incorporate HRE in formal and non-formal education sectors (Mihr 2009: 179). However, despite the support of many nations for the UN Decade for HRE, many national governments failed to implement national action plans (Mihr 2009: 179). Commitments made by UN member states to implement human rights education were not supported by "effective public awareness initiatives or appropriate professional development opportunities" (Osler and Starkey 2010: 15). The High Commissioner for Human Rights evaluated the Decade in 2004 and concluded that UN member states failed to actively participate in the Decade and were not held accountable for this failure (MacNaughton 2015: 548). MacNaughton states: "Perhaps the most telling part of the evaluation is that only twenty-eight of the 192 UN member states responded to the questionnaires sent out by the Director-General of UNESCO and the Acting High Commissioner for Human Rights in an effort to gather data for the study." (2015: 548)

There was simply not enough data collected to produce substantive information on the impact for the Decade for Human Rights Education. Although some UN Member States successfully created national HRE action plans and HRE was written into some school curriculums internationally, the guidelines provided in these curriculums were generally considered inadequate for changing behaviors (Osler and Starkey, 2010: 17). Mihr suggests that "[o]nly governments can guarantee the full inclusion of HRE in school curricula. State authorities ought to understand that

they themselves and the society in general can benefit from HRE because it can contribute to the stability of democratic societies (Mihr 2009: 180). Canadian efforts to increase national commitment to human rights education will be discussed further in Chapter 3; however, it is important to note here that Canadian engagement with human rights education increased over the course of the UN Decade for Human Rights Education and subsequent World Programme. The Canadian Teacher's Federation produced a report on the results of a survey of teachers to identify if and how human rights were taught in Canadian classrooms. The survey was conducted with nearly 3,000 teachers in 8 of 10 provinces and all three territories (Canadian Teacher's Federation 2013: 6). 52% of teachers reported that human rights education took place in their school through either curricular or extra-curricular activities (Canadian Teacher's Federation 2013: 7).

World Programme for Human Rights Education

Following the end of the Decade for Human Rights Education, the United Nations High Commissioner for Human Rights determined that the Decade had been unsuccessful in reaching its goals. The High Commissioner suggested that the international community continue to engage with national plans for HRE and established the UN World Program for Human Rights Education (Mihr et al., 2008: 116). The World Programme for Human Rights Education was adopted by the General Assembly in December 2005 through Resolution 59/113 (GA, A/Res/59/113: 1). The Resolution "[p]*roclaims* the World Programme for Human Rights Education, structured in consecutive phases, scheduled to begin on 1 January 2005, in order to advance the implementation of human rights education programes in all sectors." (GA, A/res/59/13: 2). Osler and Starkey (2010) explain that:

> The World Decade on Human Rights Education and the subsequent World Programme for Human Rights Education which has been running since 2005 with a focus on the school system have had little political backing at the national level, and resulted in few qualified

examples of increased commitment to human rights education (Osler and Starkey, 2010: xiii)

While all three phases are important for expanding the role of HRE internationally, only the first phase was primarily concerned with human rights education in primary and secondary schools (Council of Ministers, 2010). Louise Arbour, the High Commissioner for Human Rights at the time stated that the first phase "proposes a concrete strategy and practical guidance for implementing human rights education in primary and secondary schools" (OHCHR, 2006). The second phase of the World Programme was administered from 2010-2014 and aimed to "integrate human rights education effectively in the higher education system and in the training of civil servants, law enforcement officials and the military." (OHCHR, 2012). Finally, the third phase began in 2015 and is ongoing. This phase seeks "to further promote human rights training for media professionals and journalists" (OHCHR, 2017). This thesis is primarily concerned with the first phase as it promotes the implementation of HRE into the school system as a method to increase national human rights.

The first phase of the World Programme for Human Rights Education describes the culture of rights that HRE seeks to create. Page 3 of the Plan of Action states:

> Human rights education is widely considered to be integral of every child's right to a quality education, one that not only teaches reading, writing and arithmetic, but also strengthens the child's capacity to enjoy the full range of human rights and promote a culture which is infused by human rights values (OHCHR, 2006: 3).

The Plan of Action identifies five key components for implementing human rights education into primary and secondary schools: educational policies, policy implementation, learning environment, teaching and learning, and education and professional development of school personnel (OHCHR, 2006: 4-5). The Plan also provides a national human rights education

implementation strategy. The strategy determines that each country must set realistic goals for HRE based on their unique "priorities and capacity", and in doing so recognizes that human rights education should vary from nation to nation (OHCHR, 2006: 21).

The Plan of Action requires each nation to provide a report on the state of human rights education and their implementation strategy (GA, 2010, 11). A Report to UNESCO and the UN High Commissioner for Human Rights on Human Rights Education for Canada 2005-2009 written by the Canadian Council of Ministers of Education indicates that:

> [t]he inclusion of human rights education in curricula and standards is accomplished through broad curricular approaches, integration in long-term plans, and specific initiative that address the many students who may be excluded from or failing to thrive in schools. The commitment is to quality education for all, and the development of graduates who respect and value equal eights and diversity." (Council of Ministers, 2010: ii).

The Council of Ministers determines in their Report that human rights education in primary and secondary school meet the requirements put forth in the World Programme Plan of Action (2010: iii). However, human rights education throughout Atlantic Canada remains excessively broad in scope, and fails to effectively promote knowledge of local human rights laws and institutions.

Other advancements in national human rights education

In December 2011, the UN General Assembly adopted the UN Declaration on Human Rights Education and Training (UNDHRET) (MacNaughton 2015: 545). Struthers describes the UNDHRET as the largest achievement in HRE to date because "it is the first instrument in which 'international standards for HRE…[are] officially proclaimed by the UN'" (2014: 54). The UNDHRET is significant for the implementation of national human rights education within an existing school system. Article 2 states:

1. Human rights education and training comprises all educational, training, information, awareness-raining and learning activities aims at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter

alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviors, to empower them to contribute to the building and promotion of a universal culture of human rights.

2. Human rights education and training encompasses:
   a. Education about human rights, which includes providing knowledges and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection:
   b. Education about human rights, which includes learning and teaching in a way that respects the rights of both educators and learners:
   c. Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others. (UNGA, UNDHRET 2011)

The Declaration is also significant because Article 2 provides a concrete definition of human rights education, something that had not previously been included in international law (Gerber 2001: 246). However, it should be noted that the Office of the High Commissioner for Human Rights has been the most successful in the promotion of HRE by significant measure with the engagement of national governments in the Decade for Human Rights Education and the World Programme.

Conclusion

Education has always been considered a strong tool for the implementation of human rights; however, HRE was not formally advocated for within the UN network until the end of the Cold War. Following the Cold War, the international community finally came together to discuss how to further the protection of human rights at the national level. The 50th anniversary of the UDHR was celebrated with an international conference on human rights to discuss the successes of human rights thus far and determine how to overcome challenges. The Vienna World Conference on Human Rights was held in 1993 and was a significant turning point for the progression of human rights education. The Office of the High Commissioner for Human Rights was created as a result of the Conference, with the mandate of setting international standards for

human rights. The OHCHR provided international support for the implementation of human rights education and established the UN Decade for Human Rights Education and subsequent World Programme for Human Rights Education. The Decade for Human Rights Education called for all UN member states to create a national plan of action for the implementation of HRE. The World Programme for HRE was built upon the achievement of the Decade and was divided into three phases.

Many scholars agree that human rights education must involve an increase in awareness and respect for national and local human rights laws and institutions. Overall, human rights education should work to create a culture of rights by increasing awareness of rights. The United Nations defines HRE as "education, training and information aiming at building a universal culture of rights through sharing knowledge, imparting skills and molding attitudes…" (Bajaj 2011: 484). This definition was internationally accepted by the UNGA in 1996 and is significant for the evolution of human rights because it was the base for UN Member States national plans of action during the UN Decade for Human Rights Education. This thesis explores human rights education in the specific region of Atlantic Canada with respect to provincial human rights legislation and institutions. Human rights education for the purposes of this thesis will be defined as education, formal and non-formal, that seeks to raise awareness of provincial human rights legislation and institutions in Atlantic Canada with the overall goal of establishing a culture of rights. The Canadian Federation of Teachers argues that human rights education must be both "through" human rights and "for" human rights. This means that human rights education not only teaches human rights, but that is does so in an environment that respects rights. Human rights education no matter the context in which it is being implemented fundamentally works to

create a culture of rights so that individuals are more likely to respect the rights of those around

them.

CHAPTER 3   THE CANADIAN HUMAN RIGHTS SYSTEM

Human rights in Canada are protected at various levels. All Canadians are protected by the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act and the provincial human rights codes. Human Rights Acts throughout Canada are similar; however, the protected grounds vary from province to province. The grounds protected through Atlantic Canada are discussed in detail below. Prior to the creation of the United Nations and the UDHR, Canada was not particularly concerned with formal human rights laws and discrimination was widespread across all provinces and territories (Howe and Johnson 2000: 4). When Canadians began to speak out against racism during the Second World War massive inequalities in Canadian society were uncovered (Howe and Johnson 2000: 6). This was not unique to Canada, nor was the introduction of human rights into domestic laws after the UDHR was ratified internationally (Howe and Johnson 2000: 4). Once Canada signed the UDHR, activists were able to argue for domestic human rights laws with much better results (Howe and Johnson 2000: 6). It was at this time that Canada began to incorporate human rights protection against some forms of discrimination.

Many consider the 1982 Canadian Charter of Rights and Freedoms to be the largest advancement in Canadian rights because the Charter protects human rights within the constitution (Jeffery 2016: 3). In 1960, the Progressive Conservative government lead by John Diefenbaker passed the Canadian Bill of Rights (Egerton 2004: 2). However, the Canadian Human Rights Commission (CHRC) explains that the Bill of Rights had significant shortcomings. For example, the Bill was not constitutionally entrenched, and therefore did not apply to provincial laws (CHRC). Provincial human rights codes were created at this time to ensure that Canadians are free from discrimination (Sharpe and Roach 2009: 15). The overall goal of the Canadian human rights system is not to punish those responsible for human rights violation, but rather to reduce

discrimination and create a culture of rights (Eliadis 2014: 114). The provincial human rights codes are upheld by provincial commissions that protect against discrimination through a free investigative process (Sharpe and Roach 2009: 16). The provincial human rights commissions are government agencies that administer human rights legislation in the private sector, within provincial and municipal governments, and throughout civil society (Eliadis 2014: 26). They are all established in provincial law and are mandated to investigate complaints of alleged discrimination, provide educational remedies as deemed necessary, and to promote human rights (Sharpe and Roach 2009; 16). Provincial human rights commissions also produce annual reports that highlight the work of the commission, and commissions often publish reports for public consumption. Examples of these reports include "Human Rights in the Workplace" (NSHRC) and "Accommodating Disability at Work" (NBHRC). "Commissions and tribunals are "creatures of statute, meaning that their legal authority is conferred by legislation and they possess only the powers, features, and functions that the law gives them as a part of their statutory rights enterprise" (Eliadis 2014; 34). The provincial human rights system prohibits specific discrimination set out in each provincial human rights act, such as discrimination on the basis of religion, race, and sex (Mumme 2012: 110). While the provincial human rights codes protect against discrimination in the private sector and civil society, the Charter of Rights and Freedoms provides protection against six categories of rights in the public sector that are identified in the International Bill of Rights (Eliadis 2014: 47). Sharpe and Roach identify six categories of the Charter:

1- Fundamental rights: this includes freedom of religion, assembly, and expression

2- Democratic rights: the right to vote

3- Mobility rights

4- Legal rights

5- Right to equality before the law

6- Language rights (Sharpe and Roach 2009: 48).

However, provincial human rights codes worked to reduce discrimination before the Charter was established. Eliadis argues that the Canadian provincial human rights system played a key role in advancing social values and equality in everyday life (Eliadis 2014: 21). The creation of commissions with the sole responsibility to administer provincial human rights codes marks an enormous achievement to protect Canadians against discrimination in the private sector and work to reduce societal inequality.

> When the adoption of a constitutionally entrenched charter of rights – one that would provide protection for citizens from the discriminatory actions of governments – was still considered an unlikely development, the immediate postwar era saw Canadian governments introduce statutory human rights legislation that would protect citizens from discrimination acts on the part of the private sector (Jeffery 2016: 10).

Howe and Johnson explain that following the Second World War relations in the private sector were kept separate from the state. The human rights system at this time worked as an initiative to promote equality among government agencies and institutions (Howe and Johnson 1995: 243). In general, Canadian provincial human rights laws aim to reduce social inequality by focusing on discrimination. Although human rights codes do not provide an official definition for discrimination, in the Canadian human rights system "discrimination involves treating someone differently or unfairly based on a characteristic that's protected by law…" (Eliadis 2014: 34). These characteristics are identified in provincial human rights codes as "protected grounds" and they vary slightly from province to province. Eliadis explains that the introduction of human rights legislation in Canada reflected international optimism of the universality of rights (Eliadia 2014: 73).

The first anti-discrimination legislation in Canada was the 1944 Racial Discrimination Act (RDA) in Ontario and was based on a model from New York State (Jeffery 2016: 10). Eliadis explains that the Racial Discrimination Act "…prohibited newspaper and radio stations from publishing or displaying notices, signs, symbols, emblems, or other representations indicating racial discrimination, a term that was understood to cover both race and creed." (Eliadis 2014: 66). The RDA was not considered to be successful in reducing discrimination as it relied on criminal prosecution and did not promote human rights in public discourse (Eliadis 2014: 67). Shortly after this, Saskatchewan passed the Saskatchewan Bill of Rights Act in 1947 and was "the first major piece of anti-discrimination legislation in Canada, it provided protection against discrimination in a wide range of areas, including employment, housing, the workplace, land transactions, and education." (Howe and Johnson 2000: 7). Brooke Jefferies explains that the Bill of Rights Act in 1947 and the Racial Discrimination Act of 1944 were created out of growing social consciousness in Ontario (2016: 9). These advancements may seem small based on today's standards, but they were monumental in fostering a wave of rights throughout the country (Clements 2016: 66).

The Canadian human rights system continued to evolve throughout the 1950s and 1960s with various provincial anti-discrimination laws. Clements argues that at this time Canada underwent a rights revolution (2016: 77). Clements explains that "[u]p until the war there was little legal recognition of the rights of minorities, but within fifty years a massive human rights program was initiated by federal and provincial governments in Canada…" (Clements 2008: 25). Although a detailed account of the progression is beyond the scope of this thesis, it is important to recognize that when the provincial human rights systems was established they were primarily concerned with discrimination in employment, housing and services, and the grounds of discrimination were

limited to race and religion (Howe and Johnson 2000: 7/8).[16] The first Canadian provincial human rights commission was enacted in 1961 in Ontario. The commission was mandated to administer the Ontario Human Rights Act (Howe and Johnson 2000: 9).

Once Ontario set an example with the creation of a human rights commission and the transformation of their fair practice laws into a human right code in 1962, all other provinces were quick to follow. Clements explains that "The Human Rights Code represented a new approach to addressing discrimination. Instead of defining discrimination as the product of prejudiced individuals, human rights lawyers were premised on the belief that prejudice could be unspoken and systematic" (2016: 77). Therefore, the Ontario Human Rights Act altered the discourse within the country through its understanding that there was systemic social inequality within Canada. By the end of the 1970s each individual province and territory had established their own human rights code and commission (Howe and Johnson 2000: 12). [17]

Canadian Human Rights System

The Canadian human rights system mirrors the structure of similar systems in other Commonwealth nations. The Canadian system is divided into fourteen different bodies based on provincial and federal jurisdiction (Eliadis 2014: 30).[18] Pearl Eliadis describes the Canadian human rights system stating that each level has "… important historical, legal and structural features but they also have important and substantive differences that affect people's rights and the ability to access those rights" (Eliadis 2014: 25/26). Human rights are protected within the federal

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[16] Human rights system can be defined as "collection of institutions with the specific statutory rights enterprises of protecting and promoting human rights" (Eliadis 2014: 25).

[17] Notably, Clements suggests that when the Human Rights Code was passed in British Columbia in 1947 it was among the most progressive human rights laws internationally because it included reasonable cause for discrimination within its mandate (Clement 2016: 93). The concept of 'reasonable cause' needs to be explained.

[18] Namely Australia, Britain, Ireland and New Zealand (Eliadis 2014: 30).

government by the Canadian Human Rights Act (1977) and the Canadian Charter of Rights and Freedoms (1982). The Canadian Human Rights Commission was created to administer the Human Rights Act and operates in a nearly identical manner to the provincial human rights commissions (Yalden 1993: 21). The CHRA, although equally important, is limited in scope as it solely protects discrimination against Indigenous peoples, those who work for the federal government, and private companies (Canadian Human Rights Commission).

The Canadian Charter of Rights and Freedoms was passed on April 17, 1982. The Charter is the highest form of law in Canada because it is entrenched in the Canadian constitution. The Charter protects Canadians differently than provincial human rights codes because it is not limited to discrimination. The Charter provides protective rights such as "freedom of expression" and the right to use either of Canada's official languages. Violations of the Charter can be taken to the Canadian Human Rights Commission (CHRC). Although the CHRC plays many roles, such as research and information programs, the primary role of the Commission is to investigate alleged violations of the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act (Hucker 1997: 552). Hucker explains that "The CHRC receives its funding from the federal treasury but acts independently of the government and indeed is frequently a party to litigation brought against the government." (Hucker 1997: 552). Simply due to the nature of their legislation, provincial human rights codes protect against discrimination in the daily lives of Canadians. Although the provincial human rights system is not a part of the constitutionally protected rights in Canada, the Supreme Court has determined that human rights play a special role because they exist above all other laws (Eliadis 2014: 34).

The federal and provincial human rights systems remain independent, yet continuously operate together in order to protect a wide variety of threats to the rights of Canadians. Hucker

explains that the Charter "… applies only to federal and provincial governments, not to the private sector where much discrimination continues to occur" (Hucker 1997: 552).

Provincial Human Rights Commissions

Following the creation of provincial human rights legislation all Canadian provinces created a human rights commission, all of which originally operated in very similar ways (Jeffery 2016: 10). Eliadis explains that human rights commissions across the country were originally intended to both "promote and protect" domestic human rights (Eliadis 2014: 35).[19] The incorporation of domestic laws that promote and protect human rights is now required by the Paris Principles of 1991; however, the Canadian human rights system preceded this requirement with established institutions to administer human rights legislation. Hucker explains the value of human rights commissions, stating that:

> The theory behind the creation of a human rights commission is that through the use of relatively informal procedures and a gradual accretion of expertise it will ensure the availability of a prompt and inexpensive remedy for victims of discrimination. In particular, commissions are expected to be more accessible than the courts, whose formalism and cost can deter all but the most intrepid (or affluent) from initiating proceedings (1997: 558).

The integration of human rights legislation at the provincial level is argued to reduce social inequality because it forces subsequent laws to be respectful of human rights. Jeffery argues that integration of provincial human rights codes signified the beginning of a human rights movement in Canada wherein both the federal and provincial governments began taking serious measures to promote and protect human rights (2016: 10).

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[19] The Paris Principles were a part of the United Nations initiatives to improve national human rights in the 1990's. The Principles (1991) recommend that all countries have national human rights institutions. The General Assembly recognized the Paris Principles in 1993, and since then obligations to have national human rights institutions has appeared in various international treaties (Linos and Pegram 2016: 1109-1110).

Some provinces have introduced new elements to their protection of human rights codes. Ontario, for example, has a human rights system based on three separate institutions. The Ontario Human Rights Commission has evolved beyond its original role to also promote social equality through a tribunal. The Ontario Human Rights Tribunal investigates alleged cases of discrimination and identifies the best course of action. The Tribunal investigation process differs from that of the commissions, which is described in detail below. The Human Rights Legal Support Centre is the third institution in the Ontario system. The Centre provides legal support and representation to those going through the Tribunal process (OHRC). In Alberta, the human rights system has also evolved beyond the original commission. The Alberta Human Rights Tribunal was established to step in when a complaint of discrimination could not otherwise be resolved (AHRC). Other provinces have also incorporated a tribunal into their human rights system; however, there are variations in their legislation and operation. Despite changes in human rights systems from province to province, the individual systems in Atlantic Canada operate and investigate allegations of human rights violations in the same way.

Provincial Human Rights in Atlantic Canada

Each province in Atlantic Canada has a commission established to promote and protect their respective human rights code. Brooke Jeffery provides an excellent summary of the Commissions' role in addressing violations:

> An aggrieved individual would lay a complaint and the appropriate commission would first determine whether there were grounds to proceed. If so, the most common approach was conciliation, followed only if necessary by adjudication and, ultimately, legal measures such as financial compensation orders, penal sanctions, or injustices. (Jeffery 2016: 10)

Provincial human rights commissions follow steps to investigate alleged complaints of discrimination, these steps are referred to as the *complaint process*. The complaint process of human rights commissions throughout Atlantic Canada are identical, although there are substantial

differences in the forms of discrimination that are recognized by the four Codes. Table 3.1 identifies the grounds protected in each provincial human rights code for the Atlantic Provinces. It should be noted that "national origin" is protected in PEI and Newfoundland, this ground refers to an individual's country of origin outside of Canada and in other provinces, which has been altered to "place of origin". The Human Rights Act of Newfoundland and Labrador also provides protection for discrimination against "social origin" (2009 :19) A document produced by the Newfoundland and Labrador Federation of Labour titled "Newfoundland and Labrador Human Rights Code Review" explains that social origin "…can certainly be useful in combating negative stereotyping of low income women and men, but it could also be used as a tool to address women's material inequality." (2009: 19) Some provinces offer protection for the same grounds, yet the wording is slightly altered. For example, Newfoundland's Human Rights Act protects 'disability' as a single ground, yet specifies that this includes both mental and physical disability. Whereas in New Brunswick, the Human Rights Act separates mental and physical disability into separate protected grounds.

Table 3.1 – Grounds protected under provincial human rights acts in Atlantic Canada

	PEI	New Brunswick	Nova Scotia	Newfoundland and Labrador
Race	x	x	x	x
Age	x	x	x	x
Colour	x	x	x	x
National Origin	x			x
Ancestry		x		
Place of Origin		x		
Religion or Creed	x	x	x	x

Physical Disability	x	x	x	x
Mental Disability	x	x	x	x
Martial Status	x	x	x	
Sex	x	x	x	x
Sexual Orientation	x	x		x
Gender Identity	x	x	x	x
Gender Expression	x		x	x
Social Condition		x		
Political Belief or Activity	x	x	x	
Source of Income	x		x	
Irrational fear of contracting an illness or disease			x	
Association	x		x	
Having filed a complaint or given evidence	x			
Disfigurement				x
Ethnic Origin				x
Social Origin				x
Criminal Conviction	x			
Source of income	x			
Family status			x	

(New Brusnwick Human Rights Act, Nova Scotia Human Rights Act, Prince Edward Island Human Rights Act, Newfoundland and Labrador Human Rights Acts).

The commissions are legally mandated to remain neutral and confidential throughout the investigation process. Legislation dictates that complaints must be filed within one year of the

alleged discrimination, unless the complainant receives an approved extension from the commission.[20] Complaints of alleged discrimination are submitted to the respective commissions through a written application form. Each application must name the Respondent, as well as indicate both the area of discrimination and prohibited ground (PEIHRC, 2017). A Respondent may be "…an individual, a business, an organization or an association…" (PEIHRC, 2017).

Depending on the details provided in the application form, the commission staff may suggest early intervention to resolve the dispute. If early intervention fails or if it is not suggestion by the commission, then the Complainant will be sent a "complaint kit" containing a Complaint Form, wherein the Complainant will be asked to provide additional information. The commission will then provide the Respondent with the completed Complaint Form and are asked to provide their interpretation of the events at hand (NBHRC, 2017). The New Brunswick Human Rights Commission provides the following examples of discrimination that would fall within provincial jurisdiction: "[a]n employer refuses to adjust the duties of a disabled employee, even though this would create only a minor disruption; An employee sexually harasses a client; A landlord refuses to rent to any income assistance recipients." (NBHRC, 2017).

After the Commission has received the Respondent's Response, they will suggest mediation to quickly resolves the dispute.[21] If mediation is refused or fails, then the Commission will begin an investigation. The average investigation takes 11 months to process. At this stage, the Commission will begin collecting additional information from both the Complainant and the Respondent. If there is not adequate information to merit a full investigation, then the Complaint will be closed. Otherwise, the staff of the Commission will begin to conduct interviews with the

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[20] A Complainant may be approved for an extension if they were unable to access the commission due to extenuating circumstances, such as if they were incarcerated or hospitalized.
[21] Most the Complainant and the Respondent must agree to undergo the mediation process.

Complainant, Respondent, and any needed witnesses. Once the investigation has been completed, the staff will produce a report, indicate the investigation details, and provide a recommendation to the Commission members. The Commission staff will recommend to either dismiss the Complaint or to move the Complaint forward and have a public panel hearing. At this time, the Complaint is no longer confidential. The panel is entirely separate from the Commission and the Commission continues to be separate from the Complainant (NBHRC).[22] The provincial commissions provide a free service to individual complaints of discrimination, and an attempt to resolve the dispute through mediation is made. If the complaint cannot be resolved through mediation at the Commission, and it is determined through the investigation process that discrimination occurred, then the complaint is referred to a board of inquiry. The board of inquiry operates similarly to a court, explores fact and law, and can ultimately provide remedies (Sharpe and Roach 2009: 16). If a complainant is referred to a board of inquiry, then the commission is no longer involved in the process, and the Complaint is no longer confidential. The Complaint Process is described below in Figure 3.2. If the Commission determines that there is a human rights violation or injustice outside of provincial jurisdiction, then the officer will refer the Complainant to the correct institution. In many cases this is another government institution, such as the labour and employment board or the Canadian human rights commission.

Challenges

Pearl Eliadis argues that human rights commissions have always been publicly contested and criticized in Canada. Eliadis argues that there is a general misunderstanding among Canadians that provincial human rights legislation is a part of the criminal justice system (Eliadis 2014: 113). This misunderstanding is largely a result of the language used to describe human rights violations,

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[22] The decision of both the Commission and the panel can be reviewed in court (NBHRC 2017)

often describing those "accused" of violations or "convicted" for violating rights (Eliadis 2014: 113). However, on a fundamental level, the primary objective of the Canadian human rights system, both provincial and federal, is to reduce discrimination, rather than to "prosecute people or even punish them" (Eliadis 2014: 114). Eliadis argues that Canadian human rights commissions have also been frequently accused of being "kangroo courts" that make decisions based on hearsay rather than evidence (Eliadis 2014: 120). Likewise, they are accused of not taking intent into consideration and of offering special support to claimants. None of these accusations are accurate (Eliadis 2014: 121).

Figure 3.2 – Complaint Process

Complaint is submitted in writing

Complaint is determined to be within the Commissions jurisdiction.

The Commission attempts mediation

If mediation is unsuccessful, then the Commission staff will begin gathering additional informationa and launch an investigation

A recommendation will be provided to the Commissioners through a report that indicates whethee the Complaint should be dismissed or go to a public panel hearing

The provincial human rights commissions are independent institutions that are mandated to administer their respective human rights acts. The functions of the provincial human rights commissions are determined by their respective human rights act (NSHRC 2015: 4) Establishing the commissions as a government agency was strategic upon their creation, but has resulted in several management struggles (Howe and Johnson 1995: 38). In the early 1990s financial restraints hindered much of Canada's public services, and the human rights commissions were no exception. Howe and Johnson state that since the creation of the provincial human rights system government pressure has increased the workloads of commission, yet funding has not increased (Howe and Johnson 1995: 96). Due to budget cuts, the Commissions were forced to dismiss Complaints they may have otherwise investigated, and reduce their relationships with other civil society organizations (Elaidis 2014: 84). Howe and Johnson argue that although there is government support for human rights through policy, financial support for effective implementation is often limited (Howe and Johnson 1995: 249). Howe and Johnson also determine that the fiscal restraints placed on the human rights commissions is largely due to ideology because some political parties and leaders are more likely to provide adequate support to the commissions (Howe and Johnson 1999: 73/73). An increase in funding would not necessarily result in a reduction in discrimination, but would at least afford the commissions with the capacity to promote and protect rights (Howe and Johnson 1995: 249/250). Howe and Johnson argue that effective education, and subsequent training materials, require adequate funding that goes beyond the commissions' investigative services (1995: 250). Provincial human rights commissions continue to struggle to achieve their mandate due to financial restraints.

As mentioned above, the provincial human rights commissions throughout Atlantic Canada were created through legislation to a government agency that enforced bodies of each

provinces respective human rights acts. The provincial human right act for Nova Scotia, New Brunswick and PEI state:

The Commission shall:

(a) Administer the act

(b) Develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to (prohibited grounds as determined in the provincial human rights act) (New Brunswick Human Rights Act, Nova Scotia Human Rights Act, Prince Edward Island Human Rights Acts)

Likewise, the human rights act for Newfoundland and Labrador states that the Commission:

(a) Promote the principle that every person in equal dignity and rights without regard to a prohibited ground of discrimination (Newfoundland and Labrador Human Rights Act).

These functions demonstrate the intension of the commissions to promote human rights through education to create a culture in which each person understands their rights under the provincial human rights act. In a 2008 newspaper article, the New Brunswick Human Rights Commission Chair, then Gordon Porter, explained that "more resources are needed to clear human rights complaints as quickly and efficiently as possible, and do the educational work to prevent discrimination in the first place" (Canadian Press 2008: 1). He explained that in 2008 the commission operated with 13 staff and an annual budget of $883,000, and that the commission required a 10 to 15 percent increase in order to effectively educate the public (Canadian Press 2008: 1). He also argued that the Commission should operate as an independent agency to be most effective. "… the commission should be an independent entity like the ombudsman or the official languages commissioner and report directly to the legislature. The commission reports to the

Department Post-Secondary Education, Training and Labour." (The Canadian Press 2008: 1). Since the creation of the commissions there has been a steady increase in their workloads. While the commission's caseloads increased, the commissions also began to receive an increased number of inquiries and public education responsibilities (Howe and Johnson 1995: 76; Eliadis 2014: 203). Fiscal restraints prevent human rights commissions from hiring the staff needed to successfully complete their workload (Howe and Johnson 1995: 78). Eliadis describes that "[h]uman rights commissions and tribunals are created from statues and can only do what their statutes say that can do." (Eliadis 2014: 203). Commissions are simply unable to engage in effective human rights education because they do not have the adequate funding or resources.

Building a Culture of Rights in Atlantic Canada

Eliadis explains that commissions aim to promote a culture in with all persons understand their rights in relation to the provincial rights act, stating "…commissions have a social mission to build a culture of rights and by undertaking education, policy development, and providing advice and assistance to governments…" (2014: 26). Human rights codes were created to reduce social inequalities by prohibiting discrimination actions and provided institutions legally mandated to investigate alleged violations of human rights codes. The role of provincial human rights commissions also encompasses the creation of a culture of rights within their respective provinces through education.

Theoretically, in the future there would be no need for human rights institutions because the commissions would have succeeded at the creation of a culture of rights and discrimination would fall out of practice because it would be understood as inherently wrong. However, much of Canada's discrimination continues to be systematic. For example, each year commissions and tribunals nation-wide accept numerous complaints of discrimination against pregnancy in

employment due to women being dismissed from their jobs after becoming pregnant (Day 2014: 37). Day argues that these kinds of human rights complaints result from systemic issues. "Pregnancy complaints are systematic in the sense that the complaints arise because of deeply entrenched, lasting models of "the worker" as being male, unencumbered by the exigencies of reproductive labour." (Day 2014: 37) It can be argued that the resolution of each individual complaint may not alter the experience of those dealing with specific human rights violations in the future; however, Day also argues that "[t]he resolution of each individual complaint matters; it has a systematic dimension since it is about an act that happens to a person because of their membership to a group, and because the complaints and the resolution of them give effect to the public policy that there will be no sex discrimination in employment." (Day 2014: 37). With this in mind, we can begin to better understand the impact of human rights education to help build a culture of rights and reduce the systematic violations that take place in Canada. However, more needs to be done because the role of provincial human rights commissions is largely misunderstood, and undervalued as a result. Since the creation of human rights commissions discrimination has become less prevalent in Canada, but this does not mean that discrimination has been eradicated entirely. Creating a culture of rights in Canada does not mean that discrimination will be eliminated, but rather that individuals will have the ability to recognize when discrimination has occurred and what procedures to follow should discrimination take place (Eliadis 2014: 109. Eliadis explains that a culture of rights does not mean that human rights commissions become obsolete, in fact it might mean that they become more significant because there will be an increase of awareness (Eliadia 2014: 113).

<u>Conclusion</u>

The Canadian provincial human rights system consists of legislative rights in the form of human rights codes. All provincial codes protect against discrimination and are similar in their protected grounds, with only slight variations. Each province also has a provincial human rights commission tasked with administering the human rights code. Some provincial institutions have continued to evolve and now utilize a human rights tribunal, an institution that monitors the human rights act, but operates differently than the commissions. In Atlantic Canada, each province continues to use the original commission system.

The provincial human rights codes and commissions provide valuable protection from discrimination in the public sector and are essential for the elimination of social inequalities. Commissions work to achieve this protection by providing free and neutral investigative services to those who have undergone real or perceived discrimination. [23] The provincial human rights codes and commissions must work within the confinements of their legal mandate, as determined by the provincial human rights code. This mandate requests that provincial commissions also work to build a culture of rights. Commissions, in addition to providing mediation and investigation services, are intended to foster social change through education and policy development. As discussed in Chapter 2, human rights education is an important tool for the creation of a culture of rights. Largely because when individuals are aware of their rights, they are more likely to recognize and stand up against violations of human rights. In the subsequent chapters, the best practices for human rights education will be analysed and considered in the specific context of the Atlantic Canadian provinces. Day argues that for human rights commissions to create a culture of rights,

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[23] The provincial commissions investigate complaints of discrimination, but this does not necessary mean that discrimination has occurred.

they must "…engage in a lively public discourse…" and increase the public's knowledge of human rights issues and remedies in Canada (Day 2014: 36). The following chapters will argue that this can be achieved through human rights education.

**CHAPTER 4   BEST PRACTICES FOR HUMAN RIGHTS EDUCATION
INTERANTIONALLY**

Introduction

Since the United Nations Decade for Human Rights Education, which officially began on

January 1, 1995, numerous efforts have been made to increase HRE by governments and non-

governmental organizations alike. Research indicates that both the right to education and human

rights education are required for proper implementation of human rights in terms of the UDHR

which also applies to regional human rights systems, laws, and institutions (OHCHR). Although

human rights education is often discussed at the international level in terms of the UDHR, many

scholars agree that in order for HRE to be successful it must be specifically designed for the local

context in which it is being implemented. Felisa Tibbitts argues that

> "[i]n developing countries, human rights education is often linked to economic and
> community development, and women's rights. In post-totalitarian or authoritarian
> countries, human rights education is commonly associated with the development of civil
> society and the infrastructure related to the rule of law and protection of individual and
> minority rights. In older democracies, human rights education is often conjoined
> favourably with the national power structure but geared towards reform in specific areas,
> such as penal reform, economic rights and refugee issues." (Tibbitts 2002: 160).

The work of Tibbitts is referenced heavily throughout this chapter. She is the co-founder

of the *Human Rights Education Association* and has worked as a faculty member of the Harvard

Graduate School of Education, the Colombia Teacher's College and the UN University of Peace.

Tibbitts is a prominent researcher in the field of human rights and is quoted extensively in scholarly

work that discusses HRE (HREA). Tibbitts suggests that "all HRE is ultimately about binding

human rights cultures in our own communities, and that such programming must be evaluated in

part on its ability to contribute to this general goal." (Tibbitts 2002:161). Although human rights

education is often discussed in terms of the UDHR, Tibbitts suggests that in order for HRE to be

truly effective, it must focus on the human rights that are most relevant to the particular local context.

The purpose of this chapter is to identify the best practices for human rights education and to then determine how these practices could be implemented in Atlantic Canada. In order to identify the best practices for human rights education, I analyzed various scholarly resources that explored the successes and challenges of multiple international human rights education programs. For the purposes of identifying the best practices for HRE in Atlantic Canada, I relied heavily on the successes and challenges faced while human rights education was being implemented in the Cape Breton school system. Additionally, I investigated various scholarly sources that provided insight to the foundations of human rights education and identified the elements required to effectively implement HRE. This chapter will investigate what scholars understand to be the most effective methods to administer human rights education, and which tools are most helpful when doing so. This chapter also will explore the opinions of various experts to determine what are considered to be the best practices for human rights education in both non-formal and formal educational settings. Examples demonstrate how HRE must be adapted to a local context and the various ways of doing so. Although the examples provided come from diverse environments, they fundamentally have the same overall goal to establish a culture of rights.

Foundations of Human Rights Education

For human rights education to be successful, it must be well planned and evaluated regularly. Prior to the implementation of HRE various decisions must be made to ensure that the education is effective. The Council of Europe states in *Compass: Manual for Human Rights Education with Young People* that although effective human rights education must be specifically designed for the context in which it is being implemented, there are certain elements of both formal

and non-formal education that can be generalized. Formal education is defined as "a structured education system that runs from primary (and in some countries from nursery) school to university" and "often comprises an assessment of the learner's acquired learning or competences and is based on a programme or curriculum," (Council of Europe 2012: 31). Non-formal education "is what happens in places such as youth organizations, sports clubs and drama and community groups where young people meet, for example, to undertake projects together, play games, discuss, go camping or even make music and drama." (Council of Europe 2012: 31). Karen Hopkins argues that HRE should consider three factors: "leadership skills, awareness, and empowerment." (Hopkins 2011: 71). Empowerment in this sense can be defined as "the process of gaining power on the part of the individual by understanding the nature of one's own needs and the cause and effects of political and social structures which prevent their realization." (Lohrenscheit 2002: 177).

Nancy Flowers, a prominent scholar of HRE, explains in *The Human Rights Education Handbook* that "…effective human rights education has two essential objectives: learning about human rights and learning for human rights." (2000: 10). Learning about human rights fosters an increased knowledge of human rights instruments, documents and history (Flowers 2000: 10). Whereas learning for human rights aims to build a culture in which individuals understand the benefits of rights and the need to respect them (Flowers 2000: 13). Flowers explains that "this more personal objective includes values clarification, attitude change, development or solidarity, and the skills for advocacy and action, such as analyzing situations in human rights terms and strategizing appropriate response to injustice." (Flowers 2000: 13). The Council of Europe echoes Flowers' support of learning, for, about, and through human rights. The Council argues that human rights education should work transitionally through these types of learning and has worked since 1993 to implement HRE throughout Europe. The Council has created the Charter on Education

and Democratic Citizenship and Human Rights Education, and argues that HRE must become a fundamental right because of its potential to raise awareness of rights and combat human rights violations (Council of Europe). HRE, according to the Council, should begin by addressing what the individual learner already knows about rights and what types of violations they may have already encountered. Discussions should be curated so that participants learn from each other, and the material should be transformed into actions that each individual can take in their own lives to foster a culture of rights (Council of Europe 2012: 36). Concrete examples of human rights education activities are provided below.

Felisa Tibbitts argues that HRE must combine education with "effective change strategies" (Tibbitts 2002: 161). Tibbitts identifies three frameworks of social change: fostering and enhancing leadership, coalition and alliance development, and personal empowerment. Each framework is beneficial for a specific target group. Fostering and enhancing leadership is ideal for "a group of participants who not only want to change things but who are also politically aware enough to see "the big picture"" (Tibbitts 2002: 16). Whereas "[c]oaltion and alliance development helps human rights activism to recognize how their mutual effects can be successful in achieving social change goals." (Tibbitts 2002: 162). Finally, personal empowerment aims initially at individual learning which then contributes to "the development of community, and then social transformation." (Tibbitts 2002: 162). Social change is a large concept that must be further reduced into a tangible goal. Equitas, a human rights education non-governmental organization based in Montreal, defines social change within human rights education as three separate things dependent on who the audience of human rights education is: individual, organization, or the broader community. Each activity of human rights education must identify a target group, and from there it can define specific goals of social change (Equitas 2011: 11).

Tibbitts identifies various models in which HRE can be implemented. She explains that the "values and awareness model" of human rights education is primarily intended to increase awareness of human rights issues through curriculum based human rights education and public campaigns. "Human rights topics that would apply to this model include a history of human rights, information about key human rights instruments and mechanisms of protection, and international human rights concerns. (Tibbitts 2002: 163) This model may use either formal or in-formal education. However, Fernekes argues that the values and awareness model is best suited for students in a formal education setting as it largely depends on curriculum-based education (Fernekes 2016: 46). The awareness model uses critical thinking to increase awareness of human rights and draws on a historical perspective. The content of HRE in an awareness model is generally the history of human rights, general human rights theory, NGO's, institutions, and violations (Fernekes 2016: 46).

The transformational model of human rights relies strictly on non-formal experiential learning (Hopkins 2011: 74). The transformational model works to build leadership skills while taking part in human rights activities. (Hopkins 2011: 75). Participants in a transformational model of human rights education are typically "vulnerable populations, victims of abuse and trauma and post-conflict societies" (Tibbitts 2002: 166). This model works to make a connection between personal experiences and human rights violations in a group setting. (Tibbitts 2002: 166). Neither model is considered to be stronger nor more effective than its counterpart, and they are often strongest when applied together. Based on the information provided above, prior to the implementation of human rights education the anticipated outcome must be determined. From here, the facilitator can then determine the best target audience suited the reach this goal and which

model of human rights education is most appropriate. The model will then serve as a guideline for the project.

Elements of HRE to consider

When a human rights education project is implemented there are many fundamental elements to examine. The following section provides a brief analysis of what to consider when implementing an effective human rights education project.

Participatory Approach

To begin, human rights education must be executed in a participatory manner.

"The focus of human rights education is not just outward on external issues and events but also inward on personal values, attitudes and behaviours. To affect behaviour and inspire a sense of responsibility for human rights, human rights education uses participatory methodologies that emphasize independent research, analysis and critical thinking." (OHCRH 2004: 21).

Throughout the 1980s Equitas trained law students on human rights issues, and provided training for human rights defenders throughout the 1990s. Since the late 1990s, Equitas has expanded its scope to administer human rights education internationally through partner organizations in non-formal settings (Equitas). Within Canada, Equitas has three primary focuses: children and youth, young women, and new arrivals, including refugees. The organization has been utilizing a participatory approach to human rights education since its inception. Nazzari, McAdams and Roy explain that "[t]he CHRF believes that human rights education will succeed only when participants are engaged in all aspects of the learning process and are challenged to consider whether their values and attitudes of the learning process and lying principles of human rights…" (Nazzari, McAdams and Roy 2005: 172). Equitas promotes a participatory approach towards HRE

that "promotes and values sharing of personal knowledge and experience of human rights, and encourages critical reflection on individual beliefs and values." (Equitas 2011: 11). The Council of Europe determines that participatory human rights education ensures that learners aid in the determination of how they wish to learn about human rights and what specific topics they wish to learn about (Council of Europe 2015: 33). Participatory human rights education begins with learners sharing their own experiences with human rights (Equiatas 2011: 13). Learners can then determine patterns in their common knowledge and also begin to complement this knowledge with new information from the instructor (Equitas 2011: 13). Both Equitas and the United Nations provide examples of human rights education activities that are participatory in nature, can be adapted to meet the requirements of individualized HRE, and can be incorporated into both formal and non-formal settings. Although HRE sample activities are typically concerned solely with the UDHR or the Convention on the Rights of the Child, they can easily be adapted for the instruction of local human rights legislation.

Equitas provides a toolkit, *Play it Fair,* which includes 63 participatory human rights education activities for children of varying ages. This resource is available online and at no cost to instructors.[24] The activity *Draw it Right* asks instructors to divide students into small groups and to provide them with blank paper and writing materials. The students are given a list of rights, and they must work together to draw pictures that reflect their understanding of these rights. Group members must then guess which rights are being identified based on the images drawn. This activity asks students to reflect on their understanding of rights, and then reflect and expand upon this understanding as a group (Equitas 2009: Activity 45). Similarly, an activity from the United Nations asks instructors to provide students with blank paper and identify specific human rights

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[24] https://equitas.org/wp-content/uploads/2011/03/Equitas_Pocket-Toolkit_ENG_2011.pdf

legislation, students must then list the rights they believe to be protected by this legislation. Students must describe their responsibility to uphold these rights for others. Students are then placed in a larger group to discuss the difference and commonalities in their responses. Finally, as a large group the instructor will then examine the rights and responsibilities of the legislation being instructed (Fountain 1995: 166/167). The Office of the High Commissioner for Human Rights provides a data base for Human Rights Education and Training with ample instructor resources, including various activities (OHCHR http://hre.ohchr.org/hret/Intro.aspx?Lng=en)

Scholars agree that when participants share their own personal experiences with human rights, they are able to make an emotional and personal connection with the subject matter (Equitas 2011: 11). The following example of non-formal human rights education in Senegal was participatory in nature and reached a vast number of people. Gillespie and Melching examine the case of Tostan, a NGO based in Senegal which implemented human rights education in a non-formal adult education program. Throughout the 1980s and 1990s Tostan provided literacy-based non-formal education for adults in local languages that were not taught within the public school system (Gillespie and Melching 2010: 478).[25] In the non-formal education established by Tostan facilitators and educators are from the local community. Many of them were past participants of the program and teach in their first language (Gillespie and Melching 2010: 484).

Gillespie and Melching explain that the experiential learning program was originally created to teach rural women who had less access to education then men (2010: 478). Human rights education was not implemented into the educational program, but arose naturally as participants became comfortable in their learning environment (Gillespie and Melching 2010: 478). "As

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[25] At this time French was the only language taught in the public school system in Senegal. (Gillespie and Melching 2010: 478).

participants raised questions about democracy, human rights and health care, Toastan became co-investigators with them as they researched problematic situations in their communities. Participants then responded to that information and those responses led the organization to create new learning materials and opportunities." (Gillespie and Melching 2010: 478). In response, Tostan began to incorporate human rights education into their curriculum in 1995. Tostan now works to intertwine human rights education into the local culture through traditional poems and songs (Gillespie and Melching 2010: 489). The human rights education presented by Toastan is interesting because it was not the original intention of the organization's educational program. However, as the adult learners became comfortable in their learning environment they began to ask bigger questions about inequalities in their society and worked to answers their questions together. From there, participants shared their learning with local community members and the HRE was able to expand far beyond its original audience. Gillespie and Melching conclude that Tostan "… did not confine learning to the traditional classroom. As the classroom became an active site for promoting democracy and human rights in interactions among different social groups..." (Gillespie and Melching 2010: 494).

<u>Teacher Training</u>

The Office of the High Commissioner for Human Rights considers teachers to be the "key person" of human rights education in both formal and non-formal education (OHCHR 2004: 18). UNESCO argues that teachers are responsible for creating an environment in which HRE can flourish: "… the teacher, as a role model, should be a committed educator with respect for the professions and human dignity, and an understanding for the different aptitudes, attitudes and aspirations of the pupils, and should allow for cultural, political and racial differences." (UNESCO 1996: 39). The Council of Europe determines that human rights education must be participatory in

nature for optimal success, and that participatory HRE requires an environment that supports learners to be actively engaged. Instructors must be transparent with their students about the limits of participation and clearly articulate what content must be taught (Council of Europe 2007: 33). In order to successfully teach human rights, teachers themselves must become familiar with the human rights laws and institutions they are instructing (Jennings 2006: 294). In the case of Atlantic Canada, teachers must be knowledgeable of their provincial Human Rights Act and how the Commissions operate. Jennings explains that the United Nations provides several resources which aid teachers to create an environment in which human rights education can flourish (Jennings 2006: 290) The Office of the High Commissioner for Human Rights provides a variety of web resources for human rights education. Such material includes a film, several guidebooks, and HRE activities (OHCHR).

The Council of Europe argues that many human rights education frameworks and policies are generally adequate, but they are not implemented in an effective manner due to a lack of professional development for teachers. The Council, like UNESCO, deems the success of an HRE project to be dependent on the teacher because "[i]t is they who introduce and explain new concepts and values to learners, facilitate the development of new skills and competences in their everyday lives at home, in school and in the local community." (Council of Europe, 2007: 11).

In a case study of HRE in India, Monisah Bajaj examines the efforts of one Indian non-governmental organization to develop HRE in the southern Indian state of Tamil Nadu since the 1990s. Bajaj explains "…IHRE's first educational activities resulted from teachers attending a community training on human rights awareness." (Bajaj 2012: 73). Although there has been a general shift in India towards the implementation of human rights education in the school system at the policy level, the incorporation of HRE into the curriculum has been limited and local NGOs,

such as the Institute of Human Rights Education, have worked to fill in the gaps through teacher training. The IHRE has also worked to create a human rights course outside of the school system. Bajaj explains that "Since the late 1990s, IHRE has offered more than 300,000 students a three-year course in human rights education and has expanded to 18 states across India working through partner institutions and organizations." (Bajaj 2012: 74). In the state of Tamil Nadu, IHRE has implemented human rights education in the collaboration with the school system, largely in low income communities. IHRE developed a three year long human rights education based largely on social inequalities in the local communities. The course takes place in 18 states and in more than 3,000 schools (Bajaj 2012: 74). In the formal education system, the teachers selected to implement human rights education are sent to multi-day training (Bajaj 2012: 75). Teachers also play a large role in the evaluation process and are able to report to IHRE the strengths and weaknesses of a program. "Trainings consist of sessions by curriculum and human rights experts who seek to convince teachers about the importance of human rights and enlist their support for the program." (Bajaj 2012: 75). Burridge and Chodkiewicz express the need for professional development to not only explain the content of human rights education, but to also validate the importance of such HRE among teachers (2016: 456). Teachers should be made aware of the transformative nature of HRE and the overall goal of the individualized rights education program (Burridge and Chodkiewicz 2016: 456). Bajaj argues that teacher training should express to instructors the important of administrating HRE in an effect manner and provide resources to do so (Bajaj 2011: 211).

Evaluation

Equitas argues that although many educators may lack the ambition or knowledge to conduct effective evaluation, it is crucial for the success of current and future human rights

education projects. Equitas explains that human rights education projects must be evaluated so that the impact of human rights education can be determined and educational strategies can be improved (Equitas 2011: 17). Evaluation also demonstrates the successes and challenges of a HRE project from the perspective of both students and teachers. Evaluation for accountability is also important because it provides project stakeholders with follow up information on a project's outcome so that they may invest in future instalments or projects. There are four primary reasons to conduct evaluations: "improve our effectiveness, be accountable, share experiences, and find motivation." Equitas argues further that when conducting evaluations, we must also keep in mind the information we are seeking so that we are not distracted by unnecessary data (Equitas 2011: 20). Equitas provides detailed instructions for evaluation activities, tactics to analyze this data, and helpful resources in *Evaluating Human Rights Training Activities: A Handbook for Human Rights Educators.*

Formal and informal approaches to human rights education

Despite an argument from many international campaigns, such as the United Nations Decade for Human Rights Education, that HRE should be incorporated into the school system through an established curriculum, efforts to do so can generate significant challenges depending on the region and context in which HRE is being implemented. Challenges may include reluctance from teachers and policy makers. In many instances where the implementation of human rights education into the school system is not a possibility, NGOs can provide valuable teaching of human rights through non-formal methods. Howe argues that there is often resistance towards the implementation of human rights education because it presents new responsibilities for educators (Howe 2005: 83) Covell, Howe, and McNeil also describe various challenges that arise due to teachers being inadequately trained to administer effect HRE. Although HRE can be implemented

into the curriculum at the policy level, it is often unsuccessful due to reluctance from teachers, and as a result often ranks poorly in evaluation (Covell, Howe and McNeil 2010: 121). Canadian teachers may be ambivalent towards changes in the curriculum that appear to increase their workload. Canadian teachers are often strained due to large class sizes, budget cuts, and limited resources. Therefore, in addition to the implementation of human rights education into the curriculum, teachers must be trained in effective ways to deliver such education (Covell 2007: 254). In Cape Breton, teachers responsible for human rights education were trained through a workshop and provided with a handbook developed to aid them in the administration of the new curriculum (Howe 2005: 83). I argue that providing support for teachers engaging in human rights education throughout Atlantic Canada can be simplified by relying on existing resources from the United Nations and Equitas.

> "Teachers may not only lack knowledge in the pedagogy necessary for rights-based education, for example the use of cooperative learning and role-playing, but also specific training on how to listen to children, how to help students express their learning needs, and how to respect the participation of rights of the child," (Covell, Howe and McNeil 2010: 121)

Howe also expresses challenges to the implementation of human rights education to the curriculum at the departmental level. In Cape Breton, it was determined based on the success of the year long pilot project to incorporate Children's Rights Education into the curriculum permanently. However, due to financial restraints, the Department of Education was slow to alter the curriculum (Howe 2005: 86).

Human rights education in a non-formal setting does not adequately replace HRE in public school systems. However, it can be an important compliment when HRE in the school system is not possible or ineffective. Tibbits argues that "investigated evidence of national initiative in human rights education in schools found that despite the fact that national legislation provides a

basis for human rights education in many countries, this legislation is not specific and there is little guidance at the formal policy level in relation of NGOs in the development of HRE in school due to inadequate government financial allocation and decentralized systems of education." (Kirchschleager and Tibbitts 2010: 7). Human rights education in the formal education system can be difficult to effectively administer for a variety of reasons, therefore non-formal education is an efficient companion to introduce HRE to a community. Because human rights education programs and initiatives often struggle to gain government funding and support, NGOs have played a part in its advancement through non-formal educational approaches (Kirchschleager and Tibbitts 2010: 7).

Formal human rights education, as identified above, is education that takes place within a pre-established school system and is largely dependent on curriculum development to include human rights. The *Curriculum Development Review for Democratic Citizenship and Human Rights Education* is a guidebook prepared by Felisa Tibbitts for UNESCO and the Council of Europe. The book states that although human right education must be developed for the specific context in which it is being implemented, "it is [however] possible to identify key steps in the development of curriculum and planning for implementation (Tibbitts: 7). Human rights education can be incorporated into an existing curriculum in a variety of ways. For example, specific courses can be developed, HRE can be incorporated into a "carrier" subject or be integrated into all themes within a curriculum (Tibbitts: 11). Tibbitts suggests that before a curriculum can be developed additional support must also be produced "such as textbooks and learning resources, teaching guides and assessment tools." (Tibbitts: 11). The implementation of HRE into a pre-established curriculum is easier to accomplish in states with national educational systems; however, doing so is still possible in "decentralized" system such as Canada, where education is a provincial

responsibility. HRE incorporated into a curriculum in a public-school system is dependent on individual teachers because schools in this case "have freedom to build portions of their learning programme." (Tibbitts: 12). Although HRE could be mandated within the educational curriculum, its effectiveness is dependent on how teachers instruct rights. Teacher training can aid in the administration of effective human rights education in a transparent and participatory manner, as described above. When human rights education is integrated into a formal education system it "…should be developed with due attention to the developmental stage of children and their social and cultural contexts in order to make human rights principles meaningful to them." (OHCHR 2004: 18).

Tibbitts identifies four different approaches to educational curriculums; content driven, objectives-driven, process-based and competence-based. Tibbitts states that "[a] competence-based curriculum takes a "whole child" approach, with leaner outcomes including knowledge, attitudes and skills as influenced by values and motives." (Tibbitts: 13) Competence based curriculums are not limited to learners attainment of human rights knowledge, but also aim to alter the attitude of the learner. Tibbitt's resources on curriculum development "is oriented towards a competence-based approach to EDC/HRE, reflecting the notion that knowledge, skills and attitudes are all important aspects of learning and necessary for young people to develop capacities to apply EDC/HRE principles in their lives." (Tibbitts: 13).[26]

Teaching Human Rights is a guidebook published by the Office of the High Commissioner for Human Rights. It states that human rights education incorporated into a formal education system should include:

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[26] EDC refers to education for democracy and citizenship. EDC is regularly implemented and discussed by the Council of Europe, however it is essentially a specific form of human rights education specific individualised for the European context.

- "The incorporation of human rights education in national legislation regulation education in schools;

- The revision of curricula and textbooks;

- Preservice and inservice training for teaching to include training on human rights and human rights education methodologies;

- The organization of extracurricular activities, both based on the schools and reaching out to the family and the community;

- The development of educational materials;

- The establishment of support networks of teachers and other professionals (from human rights groups, teachers' unions, non-governmental organizations or professional associations) and so on." (OHCHR 2004: 16)

As described in previous chapters, the Decade for Human Rights Education asked all UN member states to create a national plan of action for human rights education. However, many states failed to do so or created vague plans to incorporate HRE. During the Decade for Human Rights Education, Japan was one of few nations to submit a national action plan (Lapayese 2004: 170). "At the national level, the Japanese government created an office for the promotion of the UN Decade in December 1995 to ensure synchronization and collaboration among relevant administrative agencies and to promote comprehensive and effect measures for the UN Decade" (Lapayese 2004: 171). The Japanese national human rights action plan facilitates training, educational activities for schools and teachers, and public information sessions (Lapayese 2004: 172). Sachiko Takeda indicates that the national action plan for HRE is "based on the Japanese Constitution, international human rights statues, and the Convention on the Rights of the Child."

(2011: 88). Local Japanese governments created their own action plans for human rights education and implemented HRE into curriculums of the secondary school system (Lapayese 2004: 172).

Human rights education was introduced into the Japanese school curriculums in the 1990s. Prior to this, Japan included "moral education" in their formal education which focused on "Confucian virtues of loyalty, obedience, filial piety, and harmonious human rights relationships, with special emphasis on loyalty to the emperor" in the pre-war era and "harmony and human relationships" in the post-war era (Takeda 2011: 90). When HRE was introduced as a response to the Decade, it was largely based on the existing model of moral education (Takeda 2011: 90). Human rights education in Japan emphasizes the duties and responsibilities of each citizen (Takeda 2011: 91). Takeda explains that "strong emphasis on the maintenance of harmonious human relationships, in combination with a lack of imparting human rights knowledge, reinforces the collectivistic norm prevalent in Japanese society that one has to consider…" (Takeda 2011: 9). Human rights education in Japan reflects efforts to ensure that HRE was shaped to be successful for the local context in which it is being implemented.

In 1997 human rights education was incorporated into elementary schools throughout Cape Breton in the province of Nova Scotia. "The initiative was inspired by the UN Convention on the Rights of the Child and by the concept of educating children about their rights as a means of promoting citizenship and democracy" (Howe 2005: 81). Implementing human rights into the Cape Breton school system was supported by the Children's Human Rights Centre when they "began discussions with Cape Breton-Victoria School Board in 1997 about the need for children's rights education in the local schools" (Howe 2005: 82). The school board agreed to implement HRE into the grade 6 school curriculum as a pilot project. The project ran during the 1997/1998 school year, taught 175 students, and was funded by Canadian Heritage (Howe 2005: 82). "The

objective was to involve Cape Breton teachers and students in the design of the curriculum, to make the curriculum relevant and engaging, and to do a formal evaluation of its impact at the end of the school year." (Howe 2005: 82). "The decision was made to fit the program into the existing health curriculum since this curriculum spanned the school year and since there was a good match between health themes and children's rights topics." (Howe 2005: 83) At the end of the school year, the program was evaluated by interviews with all participating students (Howe 2005: 83). "Based on feedback from both the teachers and the children, the content of the curriculum was modified for the following year to include more case studies and more general discussion questions." (Howe 2005: 84). During the following year, human rights education in Grade 6 was improved upon based on the feedback provided from students and HRE was implemented into the Grade 8 curriculum as well. The Grade 8 curriculum was received with positive feedback upon its evaluation (Howe 2005: 34).

Due to the success of the pilot projects, the Children's Human Rights Centre then met with the Cape Breton - Victoria School Board in 1997 and pushed for an incorporation of HRE into the provincial curriculum (Howe 2005: 85). The School Board was interested in the proposition; however, they did pose some technical and substantive concerns. Technically, the School Board wanted human rights education to "conform to a provincial learning outcomes framework" and "make greater use of inclusive language in accordance with Department standards" (Howe 2005: 85). For substantive concerns, the School Board was worried that there was not enough focus the responsibilities or duties that accompany human rights (Howe 2005: 85).[27]   After much consultation it was agreed that human rights education, with a particular focus on children's rights,

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[27] The work the of the Children's Right Centre in Cape Breton focused largely on the Convention of the Rights of the Child as its focus of human rights education, therefore this was at the core of the curriculum presented to the Nova Scotia School Board in 1998.

would be adopted into the Nova Scotia school curriculum for health and social studies from kindergarden to Grade 6. Due to financial restrictions, HRE was not incorporated until 2001. "It was not as extensive a part of the provincial curriculum as hoped for by the Centre but it was an important for step." (Howe 2005: 26). The limited HRE in Nova Scotia will be explored further in Chapter 5 in terms of curriculum details, challenges and evaluation. However, the HRE pilot project in Cape Breton was considered to be largely successful because evaluation of teachers indicated that students were both interested in the content and demonstrated a better understanding of their rights and responsibilities under the Convention of the Rights of the Child. HRE in Cape Breton was continued as a result of its success. HRE in the form of children's rights will provide a strong foundation for incorporating human rights education in Atlantic Canada.

As mentioned above, human rights education in the formal school system can be difficult to administer effectively for a variety of reasons, therefore, when implemented strategically non-formal education operates as a worthy technique to introduce HRE to a community or to accompany formal HRE (Kirchschleager and Tibbits 2010: 7). Human rights education projects administered by NGOs can also work to support HRE in the formal education system by providing teacher training and instructional material. Non-formal human rights education is considered to be complementary to HRE in the formal education system, especially in regions where formal human rights education is simply an impossibility due to lack of government support. Although non-formal human rights education is effective in supporting HRE in the formal setting, it is significantly smaller in scale then if such education was being implemented through the school system.

Nazzari, McAdams and Roy explore the training programs the Canadian Human Rights Foundation (now Equitas), which focused on non-formal human rights education. Its annual

International Human Rights Training Program (IHRTP https://equitas.org/training/international-human-rights-training-program/) educates activists and teachers in effective methods of HRE and is funded in part by Global Affairs Canada. The Program has been taking place since 2008 and annually brings together 120 teachers and activists for an intensive three week long experiential training program focused on organizations and their ability to foster human rights education activities within their local context. Participants must work for an organization or national institution that engages with human rights education and must have committed "their organization to engage in follow-up activities" (Nazzari, McAdams and Roy 2005: 173). The participants engage in experiential and participatory group activities (Nazzari, McAdams and Roy 2005: 175 and 176). The program is truly participatory because the delegates create the curriculum together, with support from Equitas (Nazzari, McAdams and Roy 2005: 175/176). Following the program Equitas continues to provide support to participants administering HRE in their local communities (Nazzari, McAdams and Roy 2005: 176). Through their program of non-formal human rights education and training, Equitas is able to reach a variety of educators, who will then incorporate HRE into their local context. The training program established by Equitas is noteworthy because it provides training to instructors of human rights education internationally that they might not otherwise have access too. However, it is important that note that although training programs such as this are important for the successful implementation of impactful HRE, they are limited in their scope and are not nearly as far reaching as curriculum-based human rights education in the public school system.

Amnesty International is another NGO that supports human rights education and 'has put pressure on governments to make Human Rights Education a part of every child's schooling." (Murphy and Ruane 2003: 302). Throughout Ireland and Northern Ireland Amnesty facilitates

human rights education through youth groups. These groups are typically created by a teacher or a student in the secondary school system. Murphy and Ruane explain that "The groups run autonomously from the AI office and get involved in many exciting and educational projects." (2003: 303). Many activities organized by the group are carried out school wide in the form of workshops or assembly to engage a large audience. In the United States, Amnesty International created the Summer Institute on Human Rights, combining both class room-based learning and experiential learning for graduate student and undergraduate students (Marling-Bennett 2002: 387). The institute is divided into academic modules and skills-based modules, these are often internships with reflective assignments (Marling-Bennet 2002: 387). "Overall, student evaluations of the program have been extremely positive. Both quantitative and narrow evaluations showed students' overall high level of satisfaction." (Marking-Bennet 2002: 389). Belise and Sullivan echo this point stating that "Working in both the classroom and the "field" established a crucial link between the content of curriculum learned in school and the various realities that exist in the world." (2007). Although these experiential learning programs for undergraduates does provide an excellent learning opportunity for a unique group of students, programs such as this are small reaching in comparison to curriculum based HRE. Extracurricular human rights education programs such as this fit within the larger spectrum of HRE because they increase awareness. Marlin-Bennett suggests course work must be complimented with experiential learning activities for human rights education to have a long-lasting impact (Marlin-Bennett 2002: 385). Experiential learning is an education theory that believes learning to be "a continuous process grounded in experience and opportunities to reflect on those experiences." (Andrus, Hunt and Radford 2015: 467). This type of education is understood to produce long lasting engagement and positively impacts an individual's ability to understand difficult concepts (Andrus, Hunt and Radford 2015:
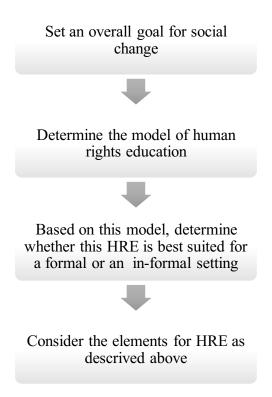
468). In the chapter to follow, I will make an argument for the inclusion of experiential learning activities in the classroom. NGO programs of human rights education play an important role in providing teachers with the skill and resources that they require to successful administer HRE in the classroom and can play a part in engaging students with experiential learning activities in the classroom.

Conclusion

This chapter has identified the foundations to consider for successful human rights education campaigns. In order for human rights education to be successful it must first set an overall goal of social change. Once this has been done, it will be possible to determine the best approaches for implementing HRE. Human rights education has an overarching goal of creating a culture of rights by altering the attitudes of learners (Flowers 2000: 10). Therefore, despite the need for individualized human rights education to be successful, each program can be established in a similar way based on the fundamentals determined in this chapter. The examples of human rights education implemented internationally throughout this Chapter demonstrate what elements need to be considered when implementing human rights education. Although human rights education should focus on a local context in order to be most effective, the elements to consider remain the same. Equitas, a Canadian NGO and leader in HRE argues that in order for such education to have an impact on learners it must be participatory in nature. Equitas provides a variety of HRE activities which invite participants to incorporate their own experiences into their work and learn from the experiences of other participants. When building a human rights education project, formal or non-formal, one must first decide what social change the project hopes to create overall and place this as the centre goal of the project. From here, the model of human rights education can be chosen, either the values and awareness model or the transformational model. Beyond this, the

overall goal will also help to determine the most appropriate target audience and setting. Once this has been determined, the human rights education project itself can take shape. Teacher training is another crucial element to consider when implementing a human rights education project. Teachers must be made aware of the value of human rights education, and must have the ability to create a learning environment in which students feel comfortable to share their own experiences with human rights. For the most part, scholars agree that HRE is more effective when it is implemented into a school-based curriculum; however, challenges to doing so are evident and in many cases NGO's are able to administer HRE and support the school system in their efforts to teach rights in the classroom. Once a human rights education program has been administered, it is crucial to conduct evaluations that demonstrate the successes and challenges of the program in order to learn how to better implement HRE in the future.

Figure 4.1 – Best practices for implementing human rights education

Set an overall goal for social change

Determine the model of human rights education

Based on this model, determine whether this HRE is best suited for a formal or an in-formal setting

Consider the elements for HRE as descrived above

In the following chapter, I will assess the best practices for human rights education in Atlantic Canada, keeping in mind the benefits and challenges of both formal and non-formal education. Once the specific goals of social change for Atlantic Canada are determine then the requirements of HRE can be decided.

CHAPTER 5   **BEST PRACTICES FOR HUMAN RIGHTS EDUCATION IN ATLANTIC CANADA**

Introduction

The previous chapter identified key considerations for the effective implementation of human rights education. As described in Chapter 1, the United Nations considers all human rights education to have the same principle goal to build "…a universal culture of rights through sharing knowledge, imparting skills and molding attitudes…" (Bajaj 2011: 484). Beyond this general goal, human rights education must be further defined for the local context in which it is being implemented. Although the majority of scholarly research identifies human rights education as an effective tool for expanding awareness of the UDHR, HRE is considered by some to be most effective for improving awareness of regional and local human rights. The UN Decade for Human Rights Education, for example, advised UN Member States to create a national action plan to assist with the implementation of HRE at the national level because they consider such education to be an effective method of promoting and protecting local human rights. Local human rights in this sense does not only refer to the Canadian Charter of Rights and Freedoms, but particularly to the human rights codes of each province and the how local human rights institutions operate. The incorporation of human rights education into the provincial human rights acts in Atlantic Canada would assist the commissions in meeting their mandate to create a culture of rights.

Chapter 3 explained that many Canadians misunderstand the role and functions of the provincial human rights system. The provincial human rights system is an exceptional mechanism to protect Canadians from discrimination in their everyday lives. While the Charter of Rights and Freedoms protects Canadians against discrimination from government, the provincial human rights system is intended to protect Canadians against discrimination from all institutions and

individuals they interact with on a daily basis, such as their landlord or employer. Through the investigation of alleged discrimination in the public and private sector, the provincial human rights commissions reduce social inequality in a systematic way. The Canadian human rights system is generally considered to be successful in its role of administering the human rights codes; however, in Atlantic Canada, human rights commissions are unable to work outside of their mandated legislation which limits their ability to support the incorporation of human rights education into the curriculum through provincial Departments of Education. Eliadis explains that "(h)uman rights commissions and tribunals are creatures of statues and can only do what their statues say they can do." (Eliadis 2014: 203) Despite being mandated to educate the public on the role and functions of their provincial Human Rights Acts, Commissions are unable to advocate for the implementation of human rights education in the school system.

This chapter will identify a variety of elements to consider for the development of human rights education in Atlantic Canada. To begin, I will identify the overall goal of HRE and explore why it should be a primary tool for creating a culture of rights in Atlantic Canada. From there, I will identify the human rights education framework based on ideas and strategies examined in Chapter 4. Then I will pinpoint the details of the best practices for successful implement of human rights education, and how this can be achieved in Atlantic Canada. Finally, I will provide my recommendation for human rights education in Atlantic Canada.

Goals of HRE in Atlantic Canada

My primary objective is to suggest how human rights education can be successfully implemented in Atlantic Canada based on the best practices as determined by existing models of HRE. The overall goal of HRE is to increase knowledge of provincial human rights laws and institutions among Atlantic Canadians and to foster a culture of rights. The Canadian provincial

human rights system provides protection from discrimination and works to reduce social inequalities. The primary function of Commissions is to investigate and mediate allegations of discrimination, however they are also mandated to create a culture of rights through public education.

Public knowledge of provincial human rights laws and institutions is often informed by sources that do not adequately represent the role of the Commissions (Jeffery 2016: 10). As mentioned in Chapter 3, Commissions must remain neutral and confidential throughout the investigation process, and therefore are unable to respond to the media (Eliasis 2014: 153). Because Commissions are unable to respond to the media, their role and mandate is often misunderstood by the general public. As a result, the Commissions are often understood as being a part of the criminal justice system and are often labeled as "kangaroo" courts and biased towards the Complainant. In the Toronto Sun article *Human rights judge done, kangaroo courts* remain by Ezra Levant refers to commissioners as "the kangaroo court fake-judges who issue increasingly bizarre rulings" (2014). Likewise, the National Post article *Jesse Klein on human rights commissions: people need to settle their own disputes* the author argues that "[h]uman rights commissions make it really easy for anyone with a chip on his shoulder to lodge a frivolous complaint" (2016).

Public knowledge of provincial human rights codes and commissions is also reduced because commissions struggle to meet their mandate of public education as a result of fiscal restraints. The PEIHRC explains that the Human Rights Act requires the Commission "…to develop a program of public information and education about human rights." (PEIHRC). Likewise, the New Brunswick Human Rights Act states that the Commission's objective is to promote an understanding of the NB Human Rights Act and to development "educational programs designed

to eliminate discriminatory practices" related to the protected grounds (New Brunswick Human Rights Act: 13). All Human Rights Act throughout Atlantic Canada include a similar, if not identical, objectives. As discussed in Chapter 3, the functions of the provincial human rights commissions are determined by their corresponding human rights act. Although the acts throughout Atlantic Canada require commissions to develop programs of education to ensure that all Canadians are aware of their rights, fiscal restraints prevent commissions from successfully completing their mandate. Howe and Johnson explain that the workloads of the commissions have yet to meet the required resources or financial backing (Howe and Johnson 1995: 96). The assumptions made by Canadians about the provincial human Commissions and their limited resources reduces their ability to foster a culture of rights.

Human rights education in Atlantic Canada is best suited within the formal public education system because its primary goal is to expand knowledge of human rights laws (Covell 2010: 16). HRE in the formal school system relies on the curriculum as a guide and allows for such education to be specific for the context in which it is being implemented (Tibbitts: 7). The *Foundation of Social Sciences* document provides a framework for social studies from Kindergarten to Grade 12 in all Atlantic Provinces (Foundation for the Atlantic Canada Social Studies Curriculum, 1). The *Foundations for Social Science* curriculum for Atlantic Canada determines the learning outcomes for students in the public-school system. These are the knowledge and skills each student graduating from the public-school system should possess. The curriculum determines that graduates should have the ability to "examine human rights and recognize forms of discrimination" (Foundation for the Atlantic Canada Social Studies Curriculum, p.6). Students are also expected to have the ability to understand the principles of human rights (Foundations for the Atlantic Canada Social Sciences Curriculum, p. 7). Finally,

students are expected to understand universal rights and understand global issues surrounding rights (Foundations of Social Sciences Curriculum, p. 22). Human rights are also found within the Atlantic Canadian grade eight curriculum for social sciences; however, the focus is exclusively on international human rights and the impact of international trade on human rights abuses, with no attention to local rights legislation or instiutions (Atlantic Canada Social Studies Curriculum: Social Studies 8 2006: p. 135). Because human rights education previously exists, although ambiguously, within the foundational curriculums throughout Atlantic Canada it seems logical to extend this to include a more detailed framework of local human rights within the existing curriculum. Hopkins argues that any human rights education with the goal of expanding awareness of specific human rights laws is best suited within the curriculum of a formal education system (Hopkins 2011: 73). As briefly discussed in Chapter 4, human rights education that is incorporated into a formal education system falls under what Tibbitts describes as the values and awareness model (Hopkins 2011: 73). Hopkins explains that "The model is characterized by curriculum-based approaches designed to teach critical thinking about rights and the connection between human rights and national or international policies." (2011: 73/74). The awareness model of human rights education differs from the transformational model, which seeks to transform the attitudes of learners to become active global citizens who push for equality and social change (Hopkins 2011: 74). Although the values and awareness model of human rights education may seem more restrictive then the transformational model, it is best suited for the formal education system because it is largely reliant on a curriculum as a guide (Fernekes 2016: 46).

The Children's Rights Education program in Cape Breton will serve as a model for my recommendations for HRE in the rest of Atlantic Canada. Cape Breton successfully incorporated HRE in the form of Children's Rights Education into the middle school health curriculum in the

late 1990s. Although this project focused specifically on the Convention of the Rights of the Child, the strategies used and lessons learned are extremely valuable for human rights education throughout the region. The Children's Rights Education initiative was instigated by Cape Breton University's Children's Rights Centre and introduced into the Cape-Breton Victoria School Board with funding from Canadian Heritage (Covell 2007: 247).

<u>Challenges</u>

One of the central lessons from the experience of implementing human rights education in the formal school system in Cape Breton is that there were many challenges that slowed down the process. Because there might be significant challenges in adapting the curriculum to include specific human rights education concerning the provincial human rights codes and commissions, non-formal types of education can be used to support HRE in the interim. Covell argues that the implementation of human rights education in Canada is complex because education falls within provincial jurisdiction (Covell 2007: 244). "There is a strong tradition of jurisdictional autonomy in education as well as significant variations among provinces and territories in curricula." (Covell 2007: 245). As a result, despite Canada's agreements and support of the Decade for Human Rights Education, the federal government cannot require provincial governments to include HRE in the education system (Covell 2007: 245). In Canada, efforts to increase human rights education have been made by the federal government and non-governmental organizations; however, these efforts have little weight in incorporating HRE systematically unless there is also support from individual provinces (Covell 2007: 247). Atlantic Canada is in a unique position to overcome this challenge because the education curriculum for social sciences is identical throughout all of the Atlantic provinces. Therefore, if the Foundations for Social Sciences curriculum is expanded to include a useful framework for teachers to instruct human rights in terms of local provincial commissions

and acts, then this would take place in all four provinces. The implementation of human rights education in the Atlantic Canadian school curriculum is not an easy task and will likely bet met with challenges (Covell, Howe and McNeil 2010: 121). Challenges for implementing HRE into the classroom often stem from reluctance from teachers and a lack of resources. However, there are other methods of human rights education that can be achieved prior to curriculum development. Teacher training can be important for encouraging teachers to implement human rights into the classroom, even if the curriculum has not yet evolved to include HRE. The Cape Breton University Children's Rights Centre website indicates that human rights can be incorporated into the classroom through various activities, such as creating a display on local human rights. In this activity students may participate in the creation of the display as an experiential learning exercises.

Best Practices for HRE in Atlantic Canada

Model of Human Rights Education

As mentioned in Chapter 4, once the overall goal of a human rights education project has been determined, then the model of HRE it follows can be chosen. Human rights education typically falls under either the values and awareness model or the transformational model. Chapter 4 explains that the functions of the provincial commissions are determined by their respective human rights acts. Commissions throughout Atlantic Canada are mandated to educate the public so that they become aware of their rights. HRE in the formal education system can aid provincial human rights commissions to reach their mandate through the values and awareness model because it encourages students to think critically about their rights and responsibilities. The values and awareness model of human rights education seeks to raise critical awareness of human rights laws (Tibbitts 2002: 164). Hopkins argues that "Tibbitt's transformational model of HRE is to develop

the abilities of youth leaders and community leaders who push for changes in policy at the local, national and international level." (Hopkins 2011: 74).

I suggest that although the contents of human rights education in Atlantic Canada is best suited within the curriculum under the values and awareness model, transformational learning can be nevertheless achieved with specific classroom activities. Brantefors and Quennerstedt argue that the creation of such social behaviour can be accomplished by teaching both rights and responsibilities together (2006: 11). The transformational model typically operates through co-operative and experiential activities; however, this style of learning can also be incorporated into the values and awareness model. The Council of Europe explains "Learning through experience or discovery learning is the corner stone of HRE because core human rights skills and values as communication, critical thinking, advocacy, tolerance and respect cannot be taught; they have to be learned through experience and practised." (Council of Europe 2015: 33). There are several activities that can be implemented into the classroom that achieve the goals of both the awareness model and the transformational model. Role-playing and skits, for example, can be a useful tool within the school system to teach students the consequences of human rights violations and discrimination (Covell, Howe and McNeil 2010: 120). Fountain explains that "Role play exercises increase students' ability to take other perspectives, and develop problem-solving or conflict resolution skills." (Fountain 1995: 20). Arts and creative expression can also be used as a tool from the transformational model of human rights education within the classroom. The Office of the High Commissioner for Human Rights argues "The arts can help to make concepts more concrete, personalized abstractions and affect attitudes by involving emotional as well as intellectual responses to human rights." (OHCHR 2004: 26). Experiential learning activities in the classroom can increase awareness of specific human rights laws, while also altering attitudes. It is my

recommendation that human rights education in Atlantic Canada incorporate both the awareness model and the transformational model to increase knowledge of local human rights laws and institutions, while also adjusting the attitudes of learners to reflect on the impacts of human rights violations.

<u>Teacher Training</u>

In Chapter 4, it was determined that teachers are the primary stakeholders for successful human rights education. Teachers in Cape Breton underwent training workshops prior to the implementation of HRE and parents were provided with a handbook on the conventions of the Rights of the Child (Covell 2007: 47). Teaching human rights education will require new roles and responsibility for educators, and workshops can help them prepare for teaching both human rights and the role of the provincial commissions that they have not previously taught (Covell 2010: 17/18). Training can demonstrate to teachers the importance of children's voices in the classroom and the importance of non-traditional approaches for learning about human rights with the transformational model, such as discussions of social issues and theatre (Covell 2007: 254). "Cooperative learning implies the organization of group work in the classroom in order to achieve academic and social goals at the same time" (Navarro-Pablo and Gallardo – Saborido 2015: 402). When children are engaged in group work, they have the opportunity to learn from the experiences of their peers (Alonso 2016: 438). Fountain adds to this by arguing that small group work allows students to share their perspective while also working as a team (Foutain 1995: 18). Covell explains that "when teachers have not been trained in how to organize and facilitate effective groups, there can be individualistic learning or competition within a group…" (Covell 2007: 254).

Covell argues that for effective human rights education teachers should be trained in democratic classroom management (Covell 2010: 18). "When teachers model and teach about

rights in democratic ways, they are transmitting attitudes about the importance of the respecting other's rights…" (Covell 2010: 17). In order for teachers to be able to teach rights, they themselves must be well trained in the rights they are teaching (Covell 2010: 18). Principles and department heads must also be supportive of teaching rights and encourage teachers to do so (Covell, Howe and McNeil 2010: 127). For HRE to be successful in Atlantic Canada, teachers must undergo training on the contents of the curriculum and their role, such training should include methods to incorporate experiential learning into the classroom.

Curriculum Development

Curriculum development for human rights education is important because it determines the lessons and activities taught in the classroom. Tibbitts identifies five stages of developing a curriculum for human rights education: visioning, writing and planning support system, implementation, monitoring and evaluation, and review and analysis (Tibbitts: 14). Prior to any curriculum development for human rights education, the key stake holders must be determined and the educational authorities, typically a government body, must agree with the project. Tibbitts identifies eight primary stakeholders for human rights education in the formal education system: the board of education, regional educational authorities, teachers, students, curriculum developers, principals, experts, donors, and non-governmental organizations (Tibbitts: 17/18). Within Atlantic Canada, I would also include the provincial human rights Commissions as a primary stakeholder. The visioning stage of curriculum development determines the expected outcomes of the education and the strategies for implementation (Tibbitts: 15). When developing the human rights education curriculum in the form of children's rights education, the Children's Rights Centre predicted potential obstacles they would need to overcome. They understood that the inclusion of HRE into the school system curriculum may appear as a burden to teachers and that there may be resistance

from both parents and teachers to students learning about rights (Covell and Howe 1999: 172). Teachers resisted expanding the curriculum due to lack of resources and being overwhelmed in the classroom (Covell and Howe 1999: 172).

In order to overcome these obstacles, Covell and Howe chose to incorporate human rights education into an existing provincial curriculum. "In particular, it was designed to fit into the existing six major subsections of the Grade Five and Grade Six health curriculum which span the school year." (Covell and Howe 1999: 172). The Cape Breton program was specifically designed for children in Grade Six because "research indicates that children around age eleven have an increased capacity to understanding abstract concepts such as rights" (Covell 2007: p.247). The Office of the High Commissioner for Human Rights identifies children aged 11 and 12 as being able to grasp specific human rights concepts (OHCHR 2004: 17). It is typically easier to introduce HRE within a carrier subject, such as social studies or health. Although human rights education can be incorporated into a curriculum in a variety of ways, HRE in Atlantic Canada should be introduced through the Social Studies or Health curriculum. As described above, human rights education is found throughout the Foundational Curriculums for Social Sciences in Atlantic Canada, however the curriculum focuses merely on the UDHR. Therefore, it is reasonable to expand upon this to include specific exercises aimed at increasing awareness of local human rights. The human rights education curriculum in Cape Breton included case studies that explored the individual articles of the Convention on the Rights of the Child (Covell and Howe 1999: 172). All case studies in the Cape Breton human rights education program connected to childhood so that students could directly relate. Each activity was followed by thought provoking discussion questions that made students consider the impact of human rights violations (Covell and Howe: 199: 173). The curriculum also included helpful resources for teachers such as books and videos.

(Covell and Howe 1999: 173). "For additional support, we developed a web site that included information for teachers, resources for help, and links to other relevant website." (Covell and Howe 1999: 173). Similar activities could be incorporated into the Foundations for the Atlantic Canada Social Studies Curriculum that examine the protected grounds of discrimination in Atlantic Canada and provide real examples of local discrimination that relate to lives of students.

Evaluation

As identified in Chapter 4, evaluation is required for the success of future human rights education projects. Human rights education in Cape Breton was evaluated through interviews with students at the end of school year when teachers were available. An evaluation of the teacher's experiences was also conducted. Teachers in the program were interviewed over the phone to discuss their responses to the curriculum and submitted a survey at the end of the year (Covell and Howe 1999: 176). The evaluations indicated that the students were interested in the content of the curriculum. "Teachers believed that the children were becoming more optimistic about their futures and finding it easier to verbalise their feelings." (Covell and Howe 1999: 177). Teachers responded that they had some difficulty implementing the new curriculum (Covell and Howe 1999: 177). "The Nova Scotia teachers who have used the rights curricula have consistently reported improved classroom environments and improved student behaviours." (Covell 2010: 19). It is my recommendation that a human rights education project in Atlantic Canada follow the same initial timeline as Children's Rights Education in Cape Breton. The project should be initially implemented for a one year trial period, with evaluation taking place in the final month.

Conclusion

Human rights education in Atlantic Canada should aim to not only increase awareness of local human rights laws, but also work to transform the attitudes of learners to create a culture of

rights. Therefore, it is most appropriate to incorporate HRE into the formal education system in Atlantic Canada. Human rights education in Atlantic Canada falls within the values and awareness model of HRE because it wishes to increase knowledge of the provincial human rights codes in the formal education system, utilizing the curriculum as a framework for teachers. This model typically relies on the inclusion of human rights education in the curriculum to foster critical thinking about the consequences of violating human rights. Experiential and cooperative learning techniques can be implemented into the school system through role-playing exercises, and arts and crafts. Through the use of both the values and awareness model and the transformational model of human rights education, HRE can be utilized to create a culture of rights in Atlantic Canada. In order to successfully include experiential learning in the curriculum teachers must be trained in cooperative classroom management. In order to overcome challenges in curriculum development, human rights education should be included in a carrier subject. In Cape Breton, Children's Rights Education was added to the middle school health curriculum. Because HRE in terms of the Universal Declaration of Human Rights is already present in the Foundations of Social Sciences, I recommend that this be adapted to include specific experiential learning experiences intended to increase awareness of the provincial human rights codes and commissions. When human rights education is incorporated into the provincial social studies curriculum throughout Atlantic Canada following both the transformational and awareness model of human rights education it will raise awareness of local human rights among Atlantic Canada's with the hope of creating a culture of rights. The program should be evaluated regularly to ensure that it is meeting its targets, and should be alter appropriately.

CHAPTER 6   CONCLUSION

This thesis has explored the best practices for human rights education in Atlantic Canada. I determined that the best practices for a human rights education project or program needs to include a participatory approach, teacher training, curriculum development and evaluation. Human rights education typically falls within the values and awareness model or the transformational model. Once the overall goal of a human rights education project has been determined, then the administrator can determine which model to follow and how to best implement HRE. In Atlantic Canada, the primary goal of HRE is to increase awareness and knowledge of local human rights laws and institutions. Although human rights education currently exists within the Atlantic Canadian *Foundation Social Studies* curriculum, such education focuses primarily on the UDHR and is not concerned with local human rights legislation and institutions. With this as the overall objective, it can be determined that human rights education in Atlantic Canada should follow the values and awareness model of HRE and should be implemented into the formal education system with the curriculum serving as a guideline for teachers.

Since the inauguration of the UDHR, education has been considered as the primary tool for the promotion and protection of rights (Struthers 2014: 53). Nevertheless, human rights education, that is education that teaches through and for human rights, was not actively promoted within the UN until after the Vienna Conference of 1993 (Bajaj 2011: 484). At the Vienna Conference, UN Member States reaffirmed their commitment to human rights and explored methods to ensure that rights were effectively implemented at the national level (Fenney 1993: 218). The Vienna Conference and subsequent Declaration are significant because they allowed UN Member States to consider the future of human rights as an international community without restrictions from Cold War politics (van Boven 2007: 768). The Conference called for a

restructuring of the United Nations human rights institutions, and as a result the Office of the High Commissioner for Human Rights was created with the intention to oversee all UN human rights activities and set international standards (Hannum 2006: 8). The Vienna Conference also reaffirmed international recognition of education as the primary tool for the promotion and protection of rights. Therefore, the OHCHR began administering human rights education initiatives at the international level to promote national action plans for HRE (Lapayese 2004: 168).

In 1993, the UN General Assembly adopted the Decade for Human Rights Education through Resolution 48/127 (Mihr 2009: 179). The Decade requested all UN Member States engage in both formal and non-formal methods of human rights education (Mihr 2009: 179). Very little data was collected on the impact of the Decade and most Member States failed to create or implement a national action plan for human rights education. Nevertheless, the Decade did leave a lasting influence. As discussed in Chapter 2, the Decade was important because it provided international standards for human rights education, in terms of both content and practice (Rosmann 2003: 463). Moreover, the Decade supported the use of human rights education to increase the effectiveness of local and regional human rights laws, and worked as an important starting point for future HRE projects and programs (Bajaj 2011: 463-464).

After the UN Decade for Human Rights Education, the OHCHR began the World Programme for Human Rights Education, with the goal to reach the targets that the Decade had failed to achieve. The World Programme was divided into three phases. The first phase was committed to the implementation of human rights education into primary and secondary schools (Council of Ministers 2010). The second phase worked to incorporate HRE into the higher education system (OHCHR 2012). Finally, the third and last phase of the UN World Programme

for Human Rights Education, began in 2015, and focuses on human rights education training for journalists and the media (OHCHR 2017). The first phase of the World Programme for Human Rights Education is significant for this thesis because it established strategies to implement HRE in the school system and is the starting point for a significant body of research and guidebooks. The Programme determined that in order for HRE to be successful it must set attainable goals for the context in which it being administered (OHCHR 2006: 21). The Programme's Plan of Action requires all UN member states to report on the measures taken to implement human rights education nationally (OHCRH 2006: 21). The Canadian report indicates that HRE is broadly included in the curriculum (Council of Ministers 2010: ii). The report also indicates that human rights education in Canada meets the requirements established by the World Programme (Council of Ministers 2010: ii). Although human rights education is found within the foundational curriculums for Atlantic Canada, such education is described in vague terms and is concerned with human rights in only terms of the UDHR without specifying the local contexts in which human rights are most likely to be relevant to Atlantic Canadians. As described in Chapter 1, the UDHR is important for setting standards for international human rights; however, it is local human rights legislation that protects individuals from discrimination in their day to day lives. Therefore, in order for to achieve a culture of rights, individuals must be aware of the local human rights legislation that protects them, when this legislation is being violated, and what to do about these violations. In the case of Atlantic Canada, individuals must be made aware of their provincial human rights act, the grounds that are protected under the Act, and what to do should the Act be violated.

The Canadian human rights system is particularly strong because it protects citizens from violations and discrimination in a variety of ways. Canadians are protected by the Canadian

Charter of Rights and Freedoms, the Canadian Human Rights Act, and the provincial human rights system. Canada, like much of the international community, worked to implement national human rights after the creation of the Universal Declaration of Human Rights (Howe and Johnson 2006: 6). Although the implementation of the Canadian Charter of Rights of Freedoms was a significant advancement for the Constitutional protection of human rights in Canada in 1982, prior to this the provincial human rights system was intended to protect against discrimination in everyday life (Eliadis 2014: 20). It is important to note that the creation of this system does not indicate a decrease in discrimination, but rather was a response to the failure of the judiciary system to provide remedies (Eliadis 2014: 109). Canadian human rights commissions and tribunals collectively receive nearly ten thousand allegations of discrimination annually (Eliadis 2014: 110). The general lack of awareness of the role of the human rights commissions is a significant limitation to the human rights system itself, as many instances of discrimination go unreported due to a misunderstanding of the system. Additionally, the provincial human rights system in Canada is limited due to a lack of funding and the need for Commissions to operated strictly within their mandate. Although Commissions are mandated to engage in public education on rights, they are unable to speak out against systematic violations. The creation of a Constitutionally protected bill of rights was not possible in the post-war period; however, provincial governments were able to provide protection from discrimination to their residents through the introduction of human rights legislation and institutions (Jeffery 2016: 10).[28] As discussed in Chapter 3, human rights codes and commissions were established in Atlantic Canada throughout the 1960s and 1970s (Howe and Johnson 2000: 12).

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[28] As noted above, prior to the Charter of Rights and Freedoms, Canadians were protected by the Canadian Bill of Rights, however this legislation was not constitutionally entrenched.

Throughout Atlantic Canada, human rights Codes vary slightly from province to province, yet the local institutions operate nearly identically in their complaint process. The process, as described in detail in Chapter 3, begins with complaints of alleged discrimination being submitted to the human rights commissions through written form (PERIHRC, 2017). For an alleged compliant of discrimination to be accepted by the human rights commission it must have taken place within the last year, unless the Complainant proves that they are eligible for an extension (PEIHRC, 2017). Once the Complaint form is received, the Commission may determine to dismiss the complaint, engage in early intervention to resolve the complaint, or being to collect more information from both the Complainant and Respondent (NBHRC, 2017). The Commission will recommend that the Complainant and Respondent mediate the Complaint. If mediation is rejected or fails, then the Commission will begin an investigation (NBHRC, 2017). At the end of the investigation process the Commission staff will either recommend that the Complaint be dismissed or that it go forward to a public hearing (NBHRC 2017).

Despite the human rights commissions playing a large role in the reduction of discrimination among Canadians, they continue to be contested and criticized (Eliadis: 113). There is a general misunderstanding that human rights commissions are a part of the criminal justice system, largely due to the language that is used to describe human rights in Canada (Eliadis: 113). The wrongful assumptions about the provincial human rights commissions undermines their ability to effectively foster a culture of rights. Additionally, media interpretation of human rights complainants is often inaccureate due to the Commissions legal mandate of confidentiality. The confidentially of the Commissions means that they cannot refute inaccurate reporting and misrepresentation of the roles of the Commissions by the media (Moon 2010: 122). These challenges hinder the capacity of the Commissions to create a culture of rights (Eliadis 2014: 203).

The functions of provincial human rights commission are determined by their respective Act. In addition to providing mediation and investigation services, the provincial human rights commissions are also mandated to create a culture of rights through education and policy development (Eliadis 2014: 26). As discussed in Chapter 3, education is an important tool for the expansion of a culture of rights because HRE works to raise awareness of rights and the consequences of discrimination (Howe and Johnson 1995: 249/250). However, despite government support for human rights in terms of policy, Howe and Johnson argue that financial support for human rights institutions is not adequate for commissions accomplish their mandate (Howe and Johnson 1995: 249). In Atlantic Canada, the primary goal of HRE is to increase knowledge of provincial human rights laws and institutions and to foster a culture of rights.

Numerous efforts have been made internationally to implement national action plans of human rights education since the UN Decade of Human Rights Education. For example, based on significant research on the implementation of human rights education as the co-founder of the *Human Rights Education Association,* Tibbitts argues that human rights education is most effective when implemented specifically for a local context (Tibbitts 2002: 161). While Flowers argues that HRE must teach for and about human rights, meaning that HRE must increase knowledge of human rights instruments, documents, and history (Flowers 2000: 10). Learning for human rights works to build a culture in which individuals understand the value of respecting human rights and the impact of violations (Flowers 2000: 13). The Council of Europe argues that HRE should begin by examining what students already know about human rights and what types of violations they may have encounter. HRE should then transition into discussion of what an individual can do to contribute to culture of rights (Council of Europe 2010: 36).

Tibbitts identifies two models for human rights education, the values and awareness model and the transformational model. The values and awareness model of human rights works to increase knowledge of human rights, while the transformational model of works to transform the attitudes of learners (Tibbitts 2002: 163/166). As described in Chapter 4, neither model is better nor more effective than the other, and they are considered strongest when applied together (Tibbitts 2002: 167). The values and awareness model of human rights education is typically implemented into the formal school system as it is normally dependent on an educational curriculum (Fernekes 2016: 46). The values and awareness model of human rights education relies on critical thinking to increase awareness of human rights laws and institutions. This model relies on a historical perspective and general theory of human rights (Fernekes 2016: 46). The transformational model draws connections between personal experiences and human rights violations in a group setting with experiential learning activities (Tibbitts 2002: 166). Before a human rights education project is established, the project leaders must first determine the overall goal and from both there the target age group may be determined and the model of HRE to follow for implementation (Equitas 2011: 11). As determined in Chapter 5, human rights education in Atlantic Canada with the objective of increasing awareness of local human rights laws and intuitions is best suited for the formal education system utilizing the curriculum as a guideline.

The primary research question of this thesis sought to discover the best practices for human rights education in Atlantic Canada. I have determined that in order for HRE to be successful, the following practices should be followed: participatory approaches, teacher training, curriculum development, and evaluation. Human rights education must be implemented in a participatory manner, and must rely on personal experiences to encourage critical reflection (Equitas 2011: 11). Successful human rights education does not indicate that there will be a reduction in

discrimination, but rather that Atlantic Canadians will have the knowledge to recognize when their rights are being violated and what to do about these violations. Human rights education should also aid individuals in recognizing the value of upholding the rights of others and the limitations of the human rights system. Such education must be implemented in an effective manner. My second sub-question sought to explore which factors need to be addressed when implementing a HRE project. Through secondary data collection and analysis, I have determined that participatory learning, teaching training, and evaluation must be considered. A project must also identify which model of human rights education to follow depending on the perceived outcome of the HRE. Once the model of HRE is selected, the facilitators can then determine if such education is best suited for informal education or formal education. The Council of Europe states that human rights education activities cannot be effective without proper teacher training (Council of Europe 2007: 11). Teacher training must demonstrate the value of children's voices in the classroom and the importance on non-traditional approaches for learning about rights. Teachers must be adequately prepared to instruct about human rights in a manner that is most effective for their students. Curriculum development is equally important for HRE in the formal school system because the curriculum works as a framework for teachers to follow. Finally, evaluation explores whether or not a human rights education system has met its goals, and allows for constructive improvement for future HRE projects.

Human rights education was implemented in to the school system in Cape Breton in the form of Children's Rights Education. Supported by the Children's Rights Centre based out of Cape Breton University, this project worked to incorporate HRE into the grade 6 health curriculum for the 1997/1998 school year. Originally, there were 175 students who went through the program (Howe 2005: 83). The project sought out to create a curriculum that was both relevant and

engaging. The project was evaluated at the end of the school year based on the experience of both teachers and students (Howe 2005: 83). Based on the responses during evaluation, the program was altered the following year and also implemented into the grade 8 health curriculum (Howe 2005: 83). Evaluation determined that the project was successful in raising awareness of Children's Rights among students. HRE in Cape Breton relied on the values and awareness model of human rights education because it aimed to increase aware of the Convention on the Rights of the Child and used curriculum development to do so.

As discussed in Chapter 4, coursework from the values and awareness model should be complimented with experiential learning to have a bigger impact on students (Marlin-Bennett 2002: 385). In Atlantic Canada, human rights education can assist in spreading awareness of the local human rights legislation and institutions. The provincial human rights system throughout Canada contributes significantly to the strength of the overall system (Eliadis 2014: 20). My third question address how HRE could contribute to the creation of a culture of rights. Based on my analysis I have determined that human rights education can help contribute to the creation of a culture of rights because its primary goal is to create common social behaviour by simultaneously teaching rights and responsibilities (Brantefors and Quennerstedt 2016: 11). In response to my first sub-question, human rights education in Atlantic Canada is best suited for the formal education system, utilizing the values and awareness model of HRE as it seeks to raise awareness of local human rights legislation (Tibbitts 2002: 164). In order to accomplish its overall goal, human rights education in Atlantic Canada should follow both the values and awareness model of human rights education while considering elements from the transformational model. Covell, Howe and McNeil argue that experiential learning activities do not have to rely on non-formal education, but that it can also be incorporated into the formal school system as well through the curriculum. Scholars

identify activities that can be administered in the classroom which utilize experiential learning techniques, such as role-playing skits and fine arts (OHCHR 2004: 26). I recommend that human rights education in Atlantic Canada be implemented utilizing the values and awareness model so that it both raises awareness of local human rights legislation and institutions while also transforming the attitudes of learners to be respectful of human rights. Teachers must also be made aware of their role in facilitating experiential learning activities in the classroom as a best practice for human rights education (Covell, Howe and McNail 2010: 121). Training must demonstrate to teachers the importance of cooperative learning for human rights education and how to foster participatory discussion (Covell 2007: 254). Scholars also argue that human rights education in the classroom should be administered through small group work so that students are able to learn from their peers (Fountain 1995: 18). When teachers are trained in administering group activities, they are able to unsure that students are working together in a democratic fashion (Fountain 1995: 18).

Education curriculums work as a guideline for teachers engaging with human rights education because it determines classroom goals and lessons. In Chapter 5, the stages of curriculum development are identified in detail. Tibbitts argues that when a curriculum is being developed, project administrators must first identify the expected outcomes of the project and the strategies to meet these outcomes. The creation of an independent human rights education curriculum can be met with significant challenges, and therefore it is often easier to expand an existing curriculum, typically health or social studies. Children's Rights Education in Cape Breton was originally implemented into the middle school health curriculum because it was most in line with teaching the Convention on the Rights of the Child (Covell and Howe 1999: 172). It is my recommendation that human rights education in Atlantic Canada be implemented into the formal

education curriculum with social studies as a carrier curriculum. The Foundations of Social Sciences curriculum for Atlantic Canada presently includes human rights education with the intention to raise awareness of the Universal Declaration of Human Rights (Foundation for the Atlantic Canada Social Studies Curriculum, 1). It is, therefore, my recommendation that human rights education that is focused on local human rights legislation and institutions be implemented in the curriculum as an expansion of the HRE that previously exists. In Cape Breton, Children's Rights Education relied on the instruction of each Article as a case study (Covell and Howe 1999: 172). Human rights education throughout Atlantic Canada could follow this example, but focus instead on the protected grounds of discrimination or look at examples of past Complaints from the provincial human rights commissions. Based on the evaluation cycle of the HRE project in Cape Breton, it is my recommendation that a human rights education program in Atlantic Canada be evaluated after a year of implementation from the perspective of both the students and teachers.

The provincial human rights system is an incredible resource for the protection of rights in day to day life. In order for this system to be effective, individuals must be aware of their local human rights legislation, and the role of the Commission. When Canadians gain knowledge of their provincial human rights act, they will be able to recognize and speak out against discrimination. Throughout this thesis I relied on secondary data analysis to determine how human rights education can be most effective in raising awareness of local human rights legislation to create a culture of rights. While education concerning the UDHR is included in the Atlantic Canadian *Foundations of Social Science* curriculum, these rights are considered soft law, and do not provide tangible protect from discrimination. The provincial human rights system provides protection from discrimination and an accessible resource to seek remedies should a violation occur, but does not work to its full potential due to a general lack of awareness. Human rights

education in the formal education system can aid in the creation of a culture of rights in which individuals are aware of the rights that protect them in their local context with the ultimate goal of creating a culture of rights.

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