

Introduction

IN THE HISTORY of Asian and Pacific initiatives on human rights education (in whatever form), one important component is education on domestic legislations. Laws have always been considered an important part of solving problems or fulfilling certain needs.

Legal education has been used for at least four decades as an approach to the empowerment of grassroots communities. Its evolution includes the incorporation of international human rights standards in the learning and analysis of laws that affect issues faced by communities, particularly of the poor, marginalized and disadvantaged peoples.

For a long time, legal education has been dominated by non-governmental organizations (NGOs) such as those engaged in community organizing, implementation of social and economic programs for the poor, delivery of legal aid or assistance, protection of natural resources and the people dependent on them, advocacy for legal and policy reform, and also the so-called “human rights work.”

Paralegals (at one time called legal facilitators by an Asian NGO) personify the idea behind legal education. Paralegals are seen as proof of the capacity of “ordinary” people to use law without having to have formal education on law. They are seen as partners of the legal professionals (lawyers mainly) in addressing legal issues affecting grassroots communities. Paralegal training therefore has become a regular component of many legal education programs targeting groups or communities of peasants, fisherfolk, indigenous peoples, women, urban poor, workers, etc.

Legal education, however, is not necessarily human rights education. While a most natural facility for human rights education, many legal education programs fail to relate to the international human rights standards. Some NGOs have to consciously incorporate the international human rights standards into their legal education curriculums. Others use the international human rights standards in critiquing domestic laws, and thus understand the laws from the human rights perspective.

However, with the increasing number of domestic legislations that support ratified human rights instruments (particularly on children, workers, women, indigenous peoples, and persons with disabilities), the use of international human rights standards on issue-based legal education programs has become easier.

Corollarily, government staff training programs increasingly include the international human rights standards in learning how related laws should be implemented. During the last few years, judicial training in Asia and the Pacific seems to be incorporating the international human rights standards in its curriculum.

But there are still many challenges to face before human rights education becomes fully mainstreamed into the existing legal education programs of both NGO and government education programs.

The availability of educators who have training on human rights and human rights education remains a big challenge for the government staff training programs, and those for grassroots communities.

Equally challenging is the task of translating the international human rights standards into local contexts and domestic legal concepts. Presented as mere international concepts, human rights can be seen as disconnected from domestic issues and sometimes considered irrelevant. A search for local “roots” of human rights is a need. There can be domestic laws, and their corresponding governmental policies and program, that refer to ratified international human rights instruments. There can be decisions of the highest court of the country that recognize, explain and apply the international human rights standards. There can also be local expressions of human rights (current formal declarations, or historical documents or accounts) such as those that promote freedom, justice, equality, right to life and personal security, etc. “Domesticating” the international human rights standards is key to addressing this problem. But it can also be “rediscovering” or “retrieving” domestic ideas akin to the international human rights standards that have to be given prominence in human rights education programs at least as starting point of the discussion.

Crossing the “human rights” boundaries is also a challenge. In the past, human rights were considered to be mainly civil and political rights. Political repression had also been related in many cases to acts that violate civil and political rights. Human rights (defined as civil and political rights) work has therefore been equated with acts that invite political repression. As a consequence, many other issues were not discussed in human rights terms. Many NGOs likewise avoided identifying themselves as organizations working on human rights issues.

Finally, the linking of human rights with local values, cultures, and systems remains a huge challenge for those working at the ground level.

Resistance to human rights in local communities is largely due to the perception that human rights would destroy the local values, cultures, and systems. In many instances, human rights are seen simply as European or American ideas that are being imposed on communities.

As the present collection of articles show, these challenges are being addressed albeit not without problems. Legal education with human rights content is no longer the domain of NGOs nor meant only for grassroots communities. It is being mainstreamed into the training of government officials and also of lawyers, magistrates and judges.

Even law schools are now offering special masteral programs on human rights, while graduate programs in other faculties include human rights too.

It is important to note the emphasis on multi-disciplinary approach in these graduate programs. They are not limited to the legal perspective but to many other social science perspectives.

In general, current human rights education programs present human rights “holistically”—not confined to law (domestic or international) and to civil and political rights but extended to other disciplines and a variety of human rights issues in society.

Many human rights education programs are also offered to people with varied occupations and work backgrounds. This is true for local education programs as well as for graduate programs and regional training programs.

The institutions that support human rights education programs are also now equally varied. At the national level, in addition to NGOs, human rights centers, national human rights institutions, government agencies and judicial academies also undertake human rights education. In a number of cases, they partner with international agencies such as the International Labour Organization, United Nations Development Programme, United Nations Office of the High Commissioner for Human Rights, World Health Organization, United Nations Office on Drugs and Crime, United Nations Organization on Educational, Scientific and Cultural Organization, and United Nations Children’s Fund. Reports on human rights education of these international organizations are included in this volume as well as in the first volume of this publication.

A final point is on the objectives of these human rights education programs. Legal education, particularly those of the NGOs or the so-called legal resources groups, is aimed at solving specific problems of specific target group. Paralegal training is meant to ensure that there are people who can act on the legal problems in the local community even in the absence of

lawyers. This is also true of what is considered to be human rights education in its varied forms.

Knowledge is important but application of knowledge is even more important. Thus human rights education is generally an education for action, rather than an academic exercise.

Diversity of human rights issues requires diversity of action to address the issues. This explains the variety of forms and objectives of human rights education. Human rights are applied to a wide range of actions - from solving community problems, to acting to prevent torture, to implementing a livelihood project, to campaigning legislative bodies, to training members of the police and military, and to teaching human rights at the university. In whatever form, the action aimed at by human rights education is meant to promote, protect and realize human rights.

Again, the articles in this volume provide good examples on how human rights education has been designed to facilitate action on human rights issues.

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