



Human Rights  
Commission  
*Te Kāhui Tika Tangata*

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To whom it may concern

## **PROGRESS REPORT ON IMPLEMENTATION OF THE WORLD PROGRAMME FOR HUMAN RIGHTS EDUCATION**

The New Zealand Human Rights Commission (NZHRC) appreciates the opportunity to provide input into this progress report on implementation of the World Programme for Human Rights Education (WPHRE) being developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The extended deadline, enabling the Commission to provide comments by Tuesday 15 May, has been particularly helpful.

### **Phase 1 of the World Programme – compulsory school sector**

As you will be aware, New Zealand's Ministry of Education prepared a national evaluation report on phase one of the WPHRE, by responding to the evaluation questionnaire distributed by the OHCHR. The NZHRC maintained ongoing contact with the Ministry as it prepared that report.

The Commission has a long standing commitment to human rights education. Its approach, in line with that identified by the World Programme<sup>1</sup>, has encompassed both human rights *in* education and human rights *through* education.

In order for school communities to know, promote and live human rights, these internationally agreed rights and responsibilities need to be explicit in legislation, policies and practice. Yet, while human rights is an obligatory part of New Zealand's National Curriculum, there is no nationwide, systematic strategy around human rights education.

In the absence of clear legislation, some early childhood education (ECE) centres and schools are successfully using human rights approaches to tackle barriers that deny children and young people their right to education. These barriers include:

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<sup>1</sup> For example United Nations Human Rights Council (2010) *Draft plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education (A/HRC/15/28)*, p. 10, para 22

- persistent bullying, harassment and discrimination
- high suspension, exclusion and expulsion rates for some groups
- the formal and informal costs of education
- disproportionately low participation and success rates for some groups and
- insufficient access to inclusive education

International evidence shows that in a human rights-based school, children and young people have more self-esteem, understand their responsibilities and the rights of others, are more accepting of diversity and have higher achievement rates. Teachers use more democratic styles of teaching, report better classroom behaviour and are able to spend more time in teaching.<sup>2</sup>

A 2006 Commission-contracted study identified that while ECE services and schools had a general understanding of human rights-based education, this was not articulated as such.<sup>3</sup> The Commission's study also found that specific human rights resources were limited, as was the capacity of the sector to embed human rights into ECE services and schools.

### **Phase 2 of the World Programme**

The NZHRC has unsuccessfully attempted to identify which, if any, government agency is coordinating New Zealand's response to the OHCHR's current progress report on implementation of phase 2 of the WPHRE.

The OHCHR has clarified that a request for information was sent to all Permanent Missions in Geneva. However this has not come to the attention of the human rights team at either the Ministry of Foreign Affairs and Trade or the Ministry of Justice. As at 8 May 2012, the OHCHR had not received a response from the New Zealand government.

The Ministry of Education was alerted to the OHCHR's request by the NZHRC and on 11 May 2012 provided the Commission with some background information about the compulsory and tertiary education sectors, which is attached as Appendix 1.

This letter provides some contextual background information that the Commission hopes will assist OHCHR's Methodology, Education and Training Section in preparing its progress report. The NZHRC's response highlights the need for a comprehensive response from all sectors covered by phase 2 of the WPHRE.

### **Overall national strategy for implementing the plan of action**

The Commission notes the four steps set out in the draft plan of action.<sup>4</sup> These were developed to facilitate the process of national planning, implementation and

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<sup>2</sup> LIFT OFF! Ireland. Accessible online at <http://www.liftoffschools.com>; RRR Initiative: UK. Accessible online at <http://hants.gov.uk/education/hias/childrensrights>; Children's Rights Centre: Canada. Accessible online at <http://discovery.uccb.ns.ca/children>

<sup>3</sup> Human Rights Commission (2006). *Baseline Study: Human Rights education in early childhood centres and schools* (Auckland: HRC)

<sup>4</sup> United Nations Human Rights Council (2010) *Draft plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education (A/HRC/15/28)*, pp. 24 – 26.

evaluation of human rights education. The steps and relevant outputs are set out in the following table.

Step	Output
1. Analysis of the current situation of human rights education in higher education and human rights training for civil servants, law enforcement officials and the military	– Preparation of the national baseline studies and wide dissemination of the results nationally to facilitate work on a national implementation strategy
2. Setting priorities and developing a national implementation strategy, identifying objectives and priorities and foreseeing implementation activities (at least for the period 2010-2014)	– A national implementation strategy
3. Implementing and monitoring	– Progress reports with regard to the national implementation strategy
4. Evaluation	<ul style="list-style-type: none"> <li>– National report(s) on the outcomes of the national implementation strategy</li> <li>– Recommendations for future actions based on lessons learned</li> </ul>

As these steps indicate, national baseline data is a crucial initial step. The NZHRC is not aware of any such analysis being coordinated by government officials in this country. This could involve, for example:

- collating existing policies, legislation, good practice resources and tools
- identifying existing human rights education initiatives and
- considering how to build on lessons learned and respond to current limitations.

Without such baseline data, it is very difficult to set priorities, develop a national implementation strategy, identify objectives and priorities, or plan specific implementation activities.

The Commission's concerns reinforce those raised in the evaluation of phase 1 of the World Programme, namely that:

A systematic approach, however, starting with a comprehensive analysis of the state of human rights education in all areas of the plan of action, including policies, curricula and textbooks, teacher training, teaching methods and the school environment, as well as an assessment of remaining needs and the establishment of specific objectives and priorities, is rarely in place.<sup>5</sup>

Such shortfalls are likely to be exacerbated in phase 2, because of the greater need for co-ordination across a range of sectors. On the other hand, the current policy environment in New Zealand emphasises the importance of developing cross-

<sup>5</sup> United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System (2010) *Final evaluation of the implementation of the first phase of the World Programme for Human Rights Education*, (A/65/322) para 41. New York: United Nations.

sectoral responses to pressing issues. Human rights education should be integral to such an approach.

The NZHRC has worked with a number of government agencies on human rights education, including with managers and staff from the police and prison services, and with schools and the Ministry of Education. The Commission's experiences echo the reservation noted in the evaluation of phase 1 of the World Programme about the limited effectiveness of one-off training, even when applied to the specific roles of those attending. In contrast, the Commission's work with the New Zealand Police has attempted to imbed human rights within induction, ongoing training and competency assessments undertaken by the Police themselves.

### **NGO survey on UNCROC education and training**

In the absence of baseline information on human rights education, the Commission welcomes recent research undertaken by UNICEF New Zealand.<sup>6</sup> This was developed in response to the following 2011 recommendation from the Committee on the Rights of the Child:

CRC/C/15/Add.2.16:para19

The Committee recommends that the State party:

- a) undertake public awareness campaigns, including through the mass media, on children's rights aimed at the general public and specifically at children
- b) carry out systematic education and training on the principles and provisions of the Convention for all professionals working with and for children, in particular teachers, judges, parliamentarians, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, health personnel, including psychologists and social workers.

UNICEF's report provides baseline information on the level of education and training about the UN Convention on the Rights to the Child (UNCROC) that is provided to professionals working with and for children. While human rights education is clearly not limited to education about international human rights standards, the Commission supports the priority the Committee on the Rights of the Child has given to this work. It is particularly valuable as the Commission attempts to ensure that the legislative and policy proposals prioritise the best interests of the child.

Given its mandate, the scope of human rights education analysed in UNICEF's work is limited to UNCROC. However the groups targeted for this research are very similar to those covered by this second phase of the World Programme. UNICEF's questionnaire was completed by government agencies including those responsible for education, law enforcement and the military and by some tertiary education institutions. It is concerning that UNICEF's research highlights very

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<sup>6</sup> This unpublished September 2011 report is available from UNICEF NZ.

limited training on UNCROC across the broad range of agencies covered by phase 2 of the World Programme.

The UNICEF report concludes:

Our enquiry confirms previous findings that there is a low level of UNCROC education and training among public service professionals. It reinforces the view that there is a need for comprehensive investment in the UNCROC.

We found that, within departments, formal training is not provided for those working *for* children and only limited specific training is provided for those working *with* children. While some professionals receive on-the-job training, this is inconsistent and irregular, and often limited to the specific function of the organisation. Some external training is available both online and face-to-face but professionals are largely not aware of it, and rarely access it.

Examples provided in UNICEF's report suggest that the decentralised nature of both the education and health sectors in New Zealand raises particular challenges to developing a coordinated national strategy.

Even where human rights education currently exists it is often restricted to particular issues. For example, UNICEF reiterates concerns raised in the plan of action that human rights education for military personnel is largely limited to the international law of armed conflict. This misses the opportunity to apply international human rights standards to the military's civil policing duties, the maintenance of order and public safety under states of emergency, and international peacekeeping operations. New Zealand's recent experience of civil emergencies in response to the Canterbury earthquakes highlights the importance of developing a human rights framework for both immediate and longer term responses to such emergencies.

UNICEF recommends:

- the development of a national strategy for the implementation of UNCROC education and training and
- that Ministers strengthen the requirements for departmental reporting and professional practice on the principles and provisions of the UNCROC

It also recommends that the Ministry of Social Development, as New Zealand's lead agency responsible for the implementation of UNCROC:

- works with others to develop and promote New Zealand-specific educational resources for professionals on the UNCROC and
- seeks agreement from Ministers to a national strategy that would ensure the coordinated delivery of training for professionals and would advance the progressive realisation of the UNCROC.

The Commission understands that UNICEF has subsequently drafted a proposal to the Ministry of Social Development around actioning these recommendations.

### **Broader human rights education**

The NZHRC welcomes the focus the UNICEF report and recommendations give to human rights education in relation to UNCROC and this potential opportunity to make some initial progress around the rights of children. This is timely given that three of the 10 'challenging results' or targets that the New Zealand Prime Minister has set for the public sector are about supporting vulnerable children.<sup>7</sup> Specifically these focus on increasing both participation in early childhood education and infant immunisation rates and reducing the incidence of rheumatic fever and the number of assaults on children. Other targets, such as those underpinning current welfare reforms, will impact disproportionately on vulnerable children and their families.

These priorities heighten the importance of ensuring that those developing and implementing such policies understand New Zealand's obligations under *all* relevant international human rights standards and obligations. A sole focus on UNCROC is not sufficient even when responding to legislative and policy proposals primarily about outcomes for children and young people.

The NZHRC has advocated for such a broader human rights approach in its recent submissions on a Green Paper for Vulnerable Children, a Select Committee Inquiry into determinants of wellbeing for Māori children and welfare reforms targeted at young people including teen parents.<sup>8</sup> These submissions have drawn extensively from UNCROC, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The NZHRC shares the conviction expressed in article 1(2) of the *UN Declaration on Human Rights Education and Training* that "human rights education and training is essential for the promotion of universal respect for and observance of all human rights". It strongly welcomes and supports the OHCHR's review of progress on the World Programme for human rights education, encompassing the full range of rights set out in the international instruments and documents identified in paragraph 2 of the action plan.

The coordinated approach to human rights education proposed in the action plan is timely. The NZHRC's December 2010 *Review of Human Rights 2010* identified

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<sup>7</sup> Released 15 March 2012 and accessible online at: [http://www.engagenz.co.nz/wp-content/uploads/The\\_Prime\\_Ministers\\_results\\_for\\_New\\_Zealanders1.pdf](http://www.engagenz.co.nz/wp-content/uploads/The_Prime_Ministers_results_for_New_Zealanders1.pdf)

<sup>8</sup> Human Rights Commission (February 2012) *Submission on the Green Paper for Vulnerable Children*, accessible online at: <http://www.hrc.co.nz/2012/children-consulted-for-submission-on-green-paper-for-vulnerable-children>; Human Rights Commission (March 2012) *Submission on the Inquiry into the determinants of wellbeing for Māori children*, accessible online at [http://www.parliament.nz/NR/rdonlyres/FE373045-775A-44E0-8ACB-4DBA54E0ED38/211395/50SCMA\\_EVI\\_00DBSCH\\_INQ\\_11080\\_1\\_A226259\\_HumanRights.pdf](http://www.parliament.nz/NR/rdonlyres/FE373045-775A-44E0-8ACB-4DBA54E0ED38/211395/50SCMA_EVI_00DBSCH_INQ_11080_1_A226259_HumanRights.pdf) and Human Rights Commission (April 2012) *Submission on the Social Security (Youth Support and Work Focus) Amendment Bill 2012*, accessible online at: <http://www.hrc.co.nz/2012/submission-on-social-security-youth-support-and-work-focus-amendment-bill>;

four areas for action to better ensure that New Zealand domestic legislation and policies advance its international human rights commitments.<sup>9</sup> These were:

- *Domestic legislation* - fully incorporating ratified international human rights standards in domestic legislation, policy development and in public-sector professional development and training
- *Parliament* - strengthening Parliament's human rights responsibilities by the establishment of a Human Rights Select Committee and by tabling in Parliament New Zealand's reports on implementation of human rights covenants and conventions and subsequent treaty-body recommendations as well as those of the Human Rights Commission
- *Civil society* - ensuring wider and more active civil-society participation in international human rights mechanisms by advocating for a range of mechanisms, including establishment of a fund to support civil society to more effectively engage with the international treaty processes and
- *Constitutional arrangements* - identifying opportunities to give greater effect in New Zealand's constitutional arrangements to the Treaty of Waitangi and human rights protections generally.

Human rights education plays a fundamental role not only in these areas but in the building of a universal culture of human rights. In view of the disappointing progress generally in phase 1 of the World Programme, the NZHRC hopes that OHCHR will take every practicable opportunity to remind states of their obligations to provide human rights education. This might include, for example, the OHCHR urging treaty bodies and Universal Periodic Review troikas to give particular attention to this responsibility during their reviews of State parties' progress in implementing these human rights commitments.

Thank you again for the opportunity to contribute to this important progress report. If you have any questions about the material provided or require further details please feel free to contact the NZHRC's Senior Policy Analyst, Jack Byrne, on [jackb@hrc.co.nz](mailto:jackb@hrc.co.nz).

Yours sincerely



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Te Amokapua

<sup>9</sup> Human Rights Commission (2010) *Human Rights in New Zealand 2010*, p. 24, accessible online at [http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/Human\\_Rights\\_Review\\_2010\\_Full.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/Human_Rights_Review_2010_Full.pdf)

## Appendix 1 Information supplied by the Ministry of Education

*The New Zealand Curriculum* forms the basis for teaching and learning in relation to Human Rights education in the schooling sector.

*The New Zealand Curriculum* was launched on 6 November 2007 and came into effect in February 2010. The curriculum:

- establishes direction for learning and assessment in New Zealand schools;
- fosters achievement and success for all students, and at each level clearly defined the achievement objectives against which students' progress can be measured;
- provides for flexibility, enabling schools and teachers to design programmes which are appropriate to the learning needs of their students;
- ensures that learning progresses coherently throughout schooling;
- encourages students to become independent and lifelong learners;
- provides all students with equal educational opportunities;
- recognises the significance of the Treaty of Waitangi;
- reflects the multicultural nature of New Zealand society; and
- relates learning to the wider world.

The principles of *The New Zealand Curriculum* include high expectations, Treaty of Waitangi, cultural diversity, inclusion, learning to learn, community engagement, coherence, future focus and cultural diversity. Specific curriculum elements that support Human Rights education are:

- the curriculum is non-sexist, non-racist, and non-discriminatory
- it ensures that students' identities, languages, abilities, and talents are recognised and affirmed and that their learning needs are addressed
- the values: *diversity*, as found in our different cultures, languages, and heritages; *equity*, through fairness and social justice; *community* participation for the common good; *integrity*, which involves being honest, responsible, and accountable and acting ethically
- the learning area, social sciences, through which learners explore how societies work and how they themselves can participate and take action as critical, informed, and responsible citizens.

Teacher education programmes are required to include NZ Curriculum document in their course content. Graduating teacher standards also includes a requirement for teachers to know what to teach and:

- a) have content knowledge appropriate to the learners and learning areas of their programme
- b) have pedagogical content knowledge appropriate to the learners and learning areas of their programme
- c) have knowledge of the relevant curriculum documents of Aotearoa New Zealand
- d) have content and pedagogical content knowledge for supporting English as an Additional Language (EAL) learners to succeed in the curriculum.



**Tertiary education**

The content of programmes provided in tertiary education is a matter for the providers, subject to the requirements of their quality assurance body (NZQA or Universities NZ) that are detailed in the following web-site:

<http://www.nzqa.govt.nz/studying-in-new-zealand/quality-assurance-of-education-in-new-zealand>