



FACULTY OF LAW
Lund University

Petra Kalenská

Human Rights Education at Primary Schools : a Case Study of the Czech Republic

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Supervisor: Göran Melander

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Summary

Human rights education has gained more and more attention during the last two decades. International and regional organizations, governments, commissions and committees suggest and promote human rights education as a tool to prevent human rights violations.

Human rights education has been suggested as a means to prevent racial discrimination. In the Czech Republic the Roma minority faces discrimination in education, housing, employment, health care etc. As the Czech Republic is a state party to many international human rights conventions the Czech government has an obligation to prevent racial discrimination. Human rights education is a necessary part of this prevention.

Human rights education at primary schools is a perfect place for such a nation-wide issue. However it is not enough to provide any kind of human rights education at primary schools. This education must be sufficient and directed to problems that the specific country suffers from. The minimum requirements for human rights education are established in the United Nations Declaration on Human Rights Education and Training (2011).

The Czech Republic is aware of the obligation to provide human rights education at primary schools. The Czech Framework Educational Programme for Basic Schools, a national document prescribing obligatory subjects and content for primary schools, establishes foundations for human rights education. However, it is far from being perfect. This is obvious from the examination of the three school educational programmes of schools in a small town in the Czech Republic (Jilemnice).

This small-scale study reveals many problems of contemporary human rights education at primary schools in the Czech Republic. Several recommendations are made to improve this situation.

Abbreviations

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)
ECRI	European Commission against Racism and Intolerance
FEP	Framework Educational Programme for Basic Education
HRE	human rights education
HRET	human rights education and training
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NGO	non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
SEP	School Educational Programme
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

1 Introduction

Human rights are important for our society. Their significance is shown in the international law where human rights constitute a whole branch called international human rights law. Human rights are also relevant in domestic law in which they usually stand above general legal norms in penal law, labour law, family law and other branches of law. In many states human rights have the same force as the constitutions.

Many people believe that human rights are an ideology through which the world can finally find peace. This sentence sounds very simple but from many international documents it is clear that human rights signify something like justice in the world. However, human rights are still violated in every state in the world. Some people think that the situation is caused by the lack of enforcement of human rights,¹ some that this is a problem of the lack of awareness. Knowledge and awareness about human rights has gained a lot of attention in the last twenty years which has led to the creation of a new human rights field – human rights education.

Human rights education (HRE) since its beginning has evolved and developed in a rather rich field with thousands of documents, action plans, declarations etc. Even though there are plenty of documents there is a lot that has to be done. Human rights violations still occur on a wide scale.² If human rights education is going to change anything we must be very cautious and critical about its practice. We cannot just admire any practice with a HRE label.

This paper is about human rights education. It is about a new field which still evolves and we have to start think critically about what we want from this field. Human rights education is not just a theoretical idea but it is also a practical human rights tool to deal with real life problems and as such we need to get as much as we can to use its potential. It is now the time to focus on its practice and analyse it because human rights education became relevant and states recognized its existence. The General Assembly of the United Nations adopted the Declaration on Human Rights Education and Training (2011)³ (the Declaration on HRET) and this way the General Assembly declared that “[h]uman rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all.”⁴ With regard to the fact that one

1 For example Mark Gibney in M. GIBNEY, *International Human Rights Law : Returning to Universal Principles*. Second Edition (Rowman and Littlefield, Lanham, 2016).

2 This statement is supported by numerous reports concerning human rights in the world. For example Human Rights Watch, *World Report 2016: Events of 2015*. 2016 <www.hrw.org/world-report/2016> visited on 9 July 2016.

3 General Assembly, *United Nations Declaration on Human Rights Education and Training*, resolution 66/137, (16 February 2012, A/RES/66/137) Resolution adopted by the General Assembly on 19 December 2011.

4 *Ibid.*, article 1(2).

of the purposes of the United Nations (the UN) is to “achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all”⁵ it seems that human rights education has become a part of international law.

Today the HRE has an international attention and if we are serious about it we should use this attention to do it right.

1.1 Aim of the Paper

This paper will analyse how human rights education is provided in a democratic state such as the Czech Republic. This paper is written with an effort to prove that even a small scale research can reveal many problems of HRE at primary schools today. Even though a country have a political will to provide sufficient HRE it is very easy to make big mistakes that can have a huge impact on the human rights situation in the relevant country. The aim of this paper is to examine a practice of HRE in one of the European countries and how it can be improved.

1.2 Structure of the Paper

The paper starts with an examination of the human rights education field, what it is (definitions), what are the general problems and theories and what are the most important documents and treaties in international human rights law concerning the obligation to provide human rights education. This part should help the reader to become familiar with the most important facts of HRE.

The second part (third chapter) explores one of the most serious human rights problems in the Czech Republic – racial discrimination. International human rights law prohibits this kind of discrimination (among others) and committees and other bodies recommend actions to prevent and eliminate prohibited behaviour. The Czech Republic has also received some concrete recommendations. The third chapter ends with a brief description of the Czech system of education and what kind of obligation it has towards human rights education.

⁵ Charter of the United Nations, 24 October 1945, 1 UNTS XVI., article 1(3).

The fourth chapter analyses human rights education at primary schools stage two in the Czech Republic. This is the main part of the paper. This part should show whether the Czech Republic that has some international obligations provides human rights education as it is incorporated in the Declaration on HRET. The analysis will focus on a national document prescribing the content of the curricula for primary schools in the Czech Republic. Then three more documents will be examined to show how this national document is incorporated at individual schools.

The fifth chapter highlights the most important problems of the examined documents and how they should be dealt with to improve effectiveness of human rights education at primary schools.

1.3 Choice of Materials – Method of Work

The choice of materials depends on the examined subject and field in which this paper is written. This paper is mainly an analysis of the legal materials connected to human rights education in the specific country. For the legislative analysis of the human rights education framework international treaties and UN documents have been examined. Also academic articles were used as a source of a theoretical approach to HRE.

For the examination of the human rights situation in the Czech Republic, the recent years' recommendations from the human rights treaty bodies has been used. Also international treaties and general recommendations of human rights committees helped to display the human rights approach to racial discrimination.

The legislative analysis of human rights education in the Czech Republic at primary schools includes a study of the official curricula at Czech schools. The Framework Education Programme for Basic Education informs schools and teachers of what subjects and topics they are to teach their pupils. The analysis of this document reveals the scope and method by which teachers have an obligation to provide human rights education.⁶

6 This method is similar to the method used by the Danish Institute for Human Rights in the study about human rights education at Danish primary and lower secondary schools. In The Danish Institute for Human Rights. C. Decara *Mapping of Human Rights Education in Danish Schools*. 2013. <www.humanrights.dk/publications/mapping-human-rights-education-danish-schools> visited on 23 May 2016. p. 25.

1.4 Limitations

Human rights education field is a huge field. It covers all types of trainings, education and programmes even slightly touching an idea of human rights. Therefore, it is necessary to limit the scope of examination for the purposes of this paper.

Firstly, the paper is limited to human rights education provided by governments. No initiatives of other actors such as non-governmental organizations (NGOs), international organizations, private individuals, national human rights institutes and similar will be considered or examined. To be able to examine human rights education in a more profound way, one country has been chosen for a detailed analysis. This country is the Czech Republic. The knowledge of the Czech Republic by the author provided a useful start for the thoughts about proper human rights education in a specific country with a certain culture and history.

Secondly, the paper is limited to human rights education provided in schools. This means that HRE of legal personnel, medical personnel, law enforcement personnel, employees is not relevant for this paper.

Thirdly, only primary schools, specifically the stage two (the special system of education in the Czech Republic)⁷ is analysed. The reason for this limitation is that the State Parties to the International Covenant on Economic, Social and Cultural Rights (1966)⁸ (ICESCR) has an international legal obligation to provide compulsory primary education.⁹ Every child in the country must attend. Primary education is therefore a perfect tool to educate a whole society about human rights. Furthermore, the topic is limited to the stage two of primary schools (students between 11 and 15 years old) when students have higher potential to understand human rights.

Human rights education can have a million forms. It can be education providing information about specific human rights treaties, about protective mechanisms, about case-law, about each human right. Or it can be education not providing all these information but focused on creating respect for human rights. This difference is seen in international human rights conventions. Some conventions establish obligation to educate towards respect of human rights, some conventions establish obligation to inform about specific human rights norms or rules.¹⁰ This paper uses human rights education as is defined in the Declaration on HRET. That means education about, through

7 More information about this system is provided in the chapter three.

8 International Covenant on Economic, Social and Cultural Rights, adopted 16 December 1966, entry into force 3 January 1976, 993 UNTS 3.

9 *Ibid.*, article 13.

10 The detailed examination of these differences is covered by chapter two.

and for human rights.¹¹ That also answers the question whether human rights education is only about information or about thinking in compliance with human rights values. It is both.

Also it is important to point out that this paper does not examine the human right to education as is established in article 13 of the ICESCR. This paper is therefore not about access to education or general quality of education. It is only focused on human rights education at primary schools and its quality.

Finally, this paper examines HRE as a part of international human rights law. Therefore it is not concerned with human rights education established in other branches of international law, specifically in international humanitarian law.

One more comment. Because of the limited space and time the application of the national document establishing the content of primary education is studied only in three schools in one town. The choice of the town is irrelevant for the conclusion of this paper. It was important to study some documents of primary schools in the Czech Republic.

¹¹ The detailed information of this declaration is in the chapter two.

2 Human Rights Education – Definitions, Theories, Obligations

Today, human rights education includes thousands of documents. It is impossible to mention all of them. Therefore this chapter presents only the most important documents about human rights education that define HRE, describe the content of HRE and that incorporate HRE in international human rights law. The structure is based on the time of creation of individual documents in the first part. Second part is focused on theories of HRE. Third part summarizes international human rights conventions and whether and how they incorporate human rights education.

2.1 Definition and Content of HRE

Content and definition of the human rights education differ depending on the author of the definition and the aim of the human rights education. For example international organizations' definitions differ from the non-governmental organizations' definitions.¹² The United Nations has taken the agenda of human rights education under its wings so the main focus will be on the documents adopted by its agencies and bodies.

With a proper kind of definition of HRE we can find its roots in documents since 1945. But to focus on documents dealing with more contemporary understanding of human rights education we should not start with nothing preceding Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.¹³ This Recommendation was adopted in 1974 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (the UNESCO). Not surprisingly the

12 A. E. C. Struthers, 'Human Rights Education: Educating About, Through and For Human Rights', 19:1 *International Journal of Human Rights* (2015), p. 55.

In Struthers we read that: "At its most basic level, HRE concerns the provision and development of awareness about fundamental rights, freedoms and responsibilities, though most would agree that this formulation is too simplistic and neglects important additional elements. These elements vary according to the nature of the organization endeavouring to define HRE. For example, the UN, as an international organisation committed to the maintenance of global peace and security, stresses the role of HRE in preventing conflict and human rights violations, whilst the activist organisation Amnesty views HRE as a tool for empowering people to stand up for their own rights and for the rights of their fellow citizens."

13 UNESCO. *Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms*. 19 November 1974.

UNESCO has been the pioneer in the promotion of human rights education in the UN. As was already mentioned there is plenty of documents about human rights education. Therefore we start with a more detailed description of documents adopted in and after 1993. The first document that will be discussed is the World Plan of Action on Education for Human Rights and Democracy.

2.1.1 World Plan of Action on Education for Human Rights and Democracy (1993)

The World Plan of Action on Education for Human Rights and Democracy¹⁴ (the Montreal World Plan) was adopted at the International Congress on Education for Human Rights and Democracy in Montreal in 1993. The World Plan proclaimed education for human rights and democracy to be a human right itself. The World Plan does not define human rights education. In the section What? the Plan “calls for a global mobilization of energies and resources ... to educate individuals and groups about human rights so that the conduct leading to a denial of rights will be changed, all rights will be respected and civil society will be transformed into a peaceful and participatory model.”¹⁵ Human rights are understood in a broad sense to include for example solidarity or “the importance of building mutual respect and understanding.”¹⁶ In section Why? the World Plan states that education for human rights should be empowering and aimed at “preventing the outbreak of violent conflicts and the related human rights violations.”¹⁷ “Incremental changes”¹⁸ are no longer seen as satisfactory. The World Plan proposes seven major strategies that include for example the establishment of a follow-up committee that will “disseminate the Plan, receive relevant communications and follow-up and monitor the implementation of the Plan.”¹⁹ Also the possibility of the establishment of a world-wide television under the auspices of the UN is suggested.²⁰ Levels of action propose a teaching of human rights in the curricula at all levels of the school system including primary schools.²¹ The World Plan is also concerned with education for human rights and democracy in a non-formal setting. It argues that not all people attend school or

14 International Congress on Education for Human Rights and Democracy. World Plan of Action on Education for Human Rights and Democracy. (March 1993, Montreal)

15 *Ibid.*, part What?

16 *Ibid.*

17 *Ibid.*, part Why?

18 *Ibid.*

19 *Ibid.*, part How?(7).

20 *Ibid.*

21 *Ibid.*, part Levels of action.

they have already finished. Therefore it is necessary to focus HRE on groups such as unions, professional associations, religious organizations and so on.²²

This document is called Plan of Action therefore it does not describe the human rights education (education for human rights and democracy) in detail but it provides recommendations how the international community should start in fostering human rights education worldwide. The interesting part of the Montreal World Plan concerns anticipated obstacles that will be needed to overcome.

These are: the absence of political will of certain partners, the dangers of marginalization of the process internationally as well as intranationally, the absence of target group involvement in the development and use of material, processes and policies, the potential use of unsuitable methodologies, the lack of training of many participants, the insufficiency of co-ordination and co-operation between the national, regional and international levels, the occasional tendency to confine human rights education to the legal profession, the lack of multidisciplinary approach, the resistance to change provoked by new relationships based on human rights.²³

We will see whether these obstacles are real in the chapter four where the examination of human rights education at primary schools in the Czech Republic will be carried out.

A couple of months after the adoption of the Montreal World Plan the World Conference on Human Rights took place. And HRE has been discussed there also.

2.1.2 Vienna Declaration and Programme of Action (1993)

The famous Vienna Declaration and Programme of Action²⁴ was adopted at the end of the World Conference on Human Rights in 1993. In this document the international community recognized the important role of the education on human rights in the promotion and respect of human rights²⁵ and expressed the idea that the human rights education “should be integrated in the education policies at the national as well as international levels.”²⁶ In the Action Plan there is a whole section (Part D)²⁷ focused on human rights education. Human rights education is connected to the fostering of “mutual understanding, tolerance and peace;”²⁸ with fight against illiteracy, “full

22 *Ibid.*

23 *Ibid.*, part Obstacles to overcome.

24 General Assembly, *Vienna Declaration and Programme of Action* (12 July 1993, A/CONF.157/23).

25 *Ibid.*, para. 33.

26 *Ibid.*

27 *Ibid.*, part II D. Human rights education, paras. 78-82.

28 *Ibid.*, para. 78.

development of the human personality,”²⁹ and “peace, democracy, development and social justice.”³⁰ The Action Plan calls for raising awareness of human rights and mutual tolerance by HRE³¹ and there is also a mention of the incorporation of “human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.”³²

The Action Plan connected to the Vienna Declaration called for the proclamation of a UN decade for human rights education. A couple of months later the UN Decade for HRE was proclaimed.

2.1.3 UN Decade for Human Rights Education (1995-2004)

The ten-year period beginning on 1 January 1995 was proclaimed the United Nations Decade for Human Rights Education by the resolution of the UN General Assembly.³³ The General Assembly expressed an opinion that HRE “should be more than the provision of information.”³⁴ HRE is also according to the General Assembly “an important vehicle for the elimination of gender-based discrimination.”³⁵ The Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004: Human rights education – lessons for life³⁶ has been transmitted to the UN General Assembly as the addendum to the report of the UN High Commissioner for Human Rights (OHCHR).

In the Plan of Action there is a definition of the HRE for the purposes of this Decade. Human rights education is defined as

“training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes and directed to: (a) The strengthening of respect for human rights and fundamental freedoms; (b) The full development of the human personality and the sense of its dignity; (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous

29 *Ibid.*, para. 79.

30 *Ibid.*, para. 80.

31 *Ibid.*, para. 82.

32 *Ibid.*, para. 79.

33 General Assembly, *United Nations Decade for Human Rights Education*, resolution 49/184, (23 December 1994, A/RES/49/184).

34 *Ibid.*

35 *Ibid.*

36 OHCHR. *Human Rights Questions: Human Rights Questions, Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms*. (12 December 1996, A/51/506/Add.1).

peoples and racial, national, ethnic, religious and linguistic groups; (d) The enabling of all persons to participate effectively in a free society; (e) The furtherance of the activities of the United Nations for the maintenance of peace.”³⁷

This definition is very broad. In 1999 this definition has been regarded as “the most comprehensive definition of human rights education.”³⁸ It seems that knowledge and skills must be aimed at building universal culture of human rights but not necessary include information about human rights. However the Plan of Action states that the UN Decade for HRE “shall further be directed to creating the broadest possible awareness and understanding of all of the norms, concepts and values enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and in other relevant international human rights instruments.”³⁹ Therefore HRE shall include knowledge about these instruments and at least knowledge of the human rights incorporated in them.

Governments are among the principal actors. They

“should play an active role in the implementation of the programme of the Decade through the development of national plans of action for human rights education, the introduction or strengthening of national human rights curricula in their formal educational systems, the conducting of national information campaigns on human rights and the opening of public access to human rights resource, information and training centres, as well as through enhanced donor support for relevant voluntary funds and international and national human rights educational programmes.”⁴⁰

Even though this Plan of Action is not legally binding it can be used as an interpretative document of the legal obligations established in other documents. Therefore the governments cannot ignore the clear actions established for them in this document.

When the Decade for HRE had finished other documents and actions were already prepared.

2.1.4 World Programme for HRE : Plan of Action for the First Phase (2005)

At the end of the UN Decade for HRE in 2004 it was clear that there is much more work to do to make human rights education effective. That was the time of the World Programme for Human Rights Education.

37 *Ibid.*, Appendix, *Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004: Human rights education – lessons for life*, para. 2.

38 J. Symonides, ‘UNESCO’s Contribution to the Development of HRE: Achievement and Challenges’, in *Human Rights Education, Social Change and Human Values*. Compilation of Selected Papers Presented at Asia-Pacific Regional Conference on “Education for Human Rights” (Pune, India, 1999) p. 108.

39 Plan of Action for the UN Decade for HRE, *supra* note 36, para. 3.

40 *Ibid.*, para. 11.

The World Programme for Human Rights Education has been proclaimed by the General Assembly resolution 59/113 A of 10 December 2004⁴¹ and adopted by all Member states of the United Nations General Assembly on 14 July 2005.⁴² The first phase of this World Programme concerns primary and secondary school systems.

Human rights education in the Plan of action for the first phase (2005-2007) of the World Programme for HRE⁴³ is described as

“education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to: (a) The strengthening of respect for human rights and fundamental freedoms; (b) The full development of the human personality and the sense of its dignity; (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; (d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law; (e) The building and maintenance of peace; (f) The promotion of people-centred sustainable development and social justice.”⁴⁴

The definition is very close to the definition in the Decade for HRE. Only one more letter emerged, the last one asking for the promotion of people-centred sustainable development and social justice. HRE contains “[k]nowledge and skills – learning about human rights and mechanisms for their protection, as well as acquiring skills to apply them in daily life; [v]alues, attitudes and behaviour – developing values and reinforcing attitudes and behaviour which uphold human rights; [a]ction – taking action to defend and promote human rights.”⁴⁵ HRE entails “human rights through education”⁴⁶ and “human rights in education”⁴⁷ which is in the Plan of Action referred to as “a rights-based approach to education.”⁴⁸ HRE in the primary and secondary school systems includes policies, policy implementation, learning environment, teaching and learning, and education and professional development of teachers and other personnel.⁴⁹ This Plan of Action is detailed in description of action for ministries of education and other relevant governmental bodies. It provides stages of the implementation and sets the minimum action.⁵⁰ Evaluation is also

41 General Assembly, *proclaiming the World Programme for Human Rights Education*, resolution 59/113 A of 10 December 2004 (A/RES/59/113 A).

42 General Assembly, *adopting the revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education*, resolution 59/113 B of 14 July 2005 (A/RES/59/113 B).

43 General Assembly, *Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education* (2 March 2005, A/59/525/Rev. 1).

44 *Ibid.*, para. 3.

45 *Ibid.*, para. 4.

46 *Ibid.*, para. 17.

47 *Ibid.*

48 *Ibid.*

49 *Ibid.*, para. 18.

50 *Ibid.*, para. 27. Paragraph 27 reads as follows “Member States are encouraged to undertake as minimum action during the first phase (2005-2007) of the World Programme the following: (a) An analysis of the current situation of human rights education in the school system (stage 1); (b) Setting of priorities and the development of the national

suggested as one of the actions. Appendix to the Plan of Action describes the components of HRE in the primary and secondary school systems. This document provides information for governments that want to start or improve human rights education at primary and secondary schools. Even though it suggests a lot of actions that should be carried out it does not describe the content of human rights education in more detailed way than previous plans of action. The next document that will be mentioned is different. It is not a plan of action. It is a General Assembly's declaration.

2.1.5 UN Declaration on Human Rights Education and Training (2011)

Efforts of individuals, groups and organizations in the area of the human rights education in the last four decades resulted in the adoption of the United Nations Declaration on Human Rights Education and Training⁵¹ (the Declaration on HRET). The General Assembly of the United Nations adopted this declaration as the resolution 66/137 on 1 December 2011. This declaration summarizes outcomes of many international conferences about education and human rights and numerous documents concerning the same topic. If anyone wants to know what human rights education means she/he should start with this document. It contains international standards for human rights education proclaimed by the UN.⁵²

The UN Declaration on Human Rights Education and Training as a resolution of the UN General Assembly is a legally non-binding document. It was adopted without voting.⁵³ The Declaration on HRET contains Preamble and 14 Articles. In the Preamble the Declaration on HRET connects its purpose with the purposes and principles of the Charter of the United Nations (UN Charter),⁵⁴ with the right to education and with the duties of the States stipulated in the Universal Declaration of Human Rights,⁵⁵ the International Covenant on Economic, Social and Cultural Rights and “in other human rights instruments.” The Preamble also recalls the World Programme for Human Rights Education.⁵⁶ Surprisingly, the Preamble does not refer explicitly to the

implementation strategy (stage 2); (c) The initial implementation of planned activities.”

51 Declaration on HRET, *supra* note 2.

52 Struthers, *supra* note 11, p. 53.

53 General Assembly, 66th session, 89th plenary meeting (19 December 2011, A/66/PV.89), p. 7: “The President (spoke in Arabic): Draft resolution II is entitled “United Nations Declaration on Human Rights and Training.” The Third Committee adopted the draft resolution. May I take it that the Assembly wishes to do the same? Draft resolution II was adopted (resolution 66/137).”

54 UN Charter, *supra* note 4.

55 General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, A/810 Res 217 (III).

56 General Assembly, *2005 World Summit Outcome*, resolution 60/1, (20 October 2005, A/RES/60/1), para. 131, p. 28.

Convention on the Rights of the Child (CRC)⁵⁷ which is one of the few international human rights treaties (as legally binding instruments) clearly establishing human rights education.⁵⁸ Not even scholars know why.⁵⁹

Human rights education established in article 2 paragraph 1 of the Declaration on HRET is defined as “all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms.”⁶⁰ Human rights education should provide persons with “knowledge, skills and understanding and developing their attitudes and behaviours”⁶¹ in order to promote “a universal culture of human rights.”⁶² Paragraph 2 of the same article explains that human rights education encompasses three types of education which are education *about* human rights, education *through* human rights and education *for* human rights.

Education about human rights includes “providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection.”⁶³ Education through human rights includes “learning and teaching in a way that respects the rights of both educators and learners.”⁶⁴ Finally, education for human rights includes “empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.”⁶⁵

HRE is seen as essential for the observance of human rights.⁶⁶ Other articles of the Declaration on HRET provide more information about HRE, its principles and content. Article 4⁶⁷

57 Convention on the Rights of the Child, adopted 20 November 1989, entry into force 2 September 1990, 1577 UNTS 3.

58 *Ibid.*, article 29(1) b).

59 Struthers, *supra* note 11, pp. 59-60. Struthers writes: “As the most widely ratified human rights instrument [CRC], and with its designation of ‘education in human rights the right of every individual’, it can only be assumed that reference to the UNCRC was omitted from UNDHRET on the grounds of brevity. Should this not be the case, and in fact the omission was either intentional or the result of ‘a lack of coordination and collaboration between the different bodies working on HRE within the UN’, it could be denied that this weakens UNDHRET regarding education for human rights, particularly as the UNCRC contains direct and detailed guidance for the provision of efficacious education in this area.”

60 UN Declaration on HRET, *supra* note 2, article 2(1).

61 *Ibid.*

62 *Ibid.*

63 *Ibid.*, article 2(2) a).

64 *Ibid.*, article 2(2) b).

65 *Ibid.*, article 2(2) c).

66 *Ibid.*, article 1(2).

67 Article 4 reads as follows: “Human rights education and training should be based on the principles of the Universal Declaration of Human Rights and relevant treaties and instruments, with a view to: (a) Raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms; (b) Developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society; (c) Pursuing the effective realization of all human rights and promoting

and 5(1)⁶⁸ are exactly about that. These articles refer to international human rights instruments (specifically to UDHR), protection of human rights at international, regional and national levels, tolerance, non-discrimination and equality. Especially combating racial discrimination and equality between women and men is mentioned.

States bear the primary responsibility for the promotion and implementation of HRE.⁶⁹ They “should develop, or promote the development of ... strategies and policies ... to implement human rights education and training, such as through its integration into school and training curricula.”⁷⁰

This Declaration is now norm what we should understand by human rights education in the international human rights law. We can assume that because it was adopted by the General Assembly of the United Nations, Member States expressed their view on the human rights education. Those Member States who are bound by any international treaty establishing human rights education have obligation to provide it at least in conformity with the Declaration on HRET.

2.1.6 Non-Governmental Organizations

These are the most important documents connected to the United Nations and human rights education since the field of HRE has become recognized as relevant. But human rights education is not and never has been just area of the United Nations. If we move from the HRE in the school system to HRE in a non-formal setting we cannot ignore the work done by non-governmental organizations. In the development of HRE non-governmental organizations have a historic role as pioneers of the educational reform⁷¹ and “have become the natural partners of the UN and UNESCO.”⁷² And they usually have radically different approach to the notion and content, and even aim of the human rights education.

tolerance, non-discrimination and equality; (d) Ensuring equal opportunities for all through access to quality human rights education and training, without any discrimination; (e) Contributing to the prevention of human rights violations and abuses and to the combating and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them.”

68 Article 5(1) reads as follows: “Human rights education and training, whether provided by public or private actors, should be based on the principles of equality, particularly between girls and boys and between women and men, human dignity, inclusion and non-discrimination.”

69 *Ibid.*, article 7(1).

70 *Ibid.*, article 8(1).

71 M. Bajaj, ‘Human Rights Education: Ideology, Location, and Approaches’, 33:2 *Human Rights Quarterly* (May 2011) p. 488.

72 Symonides, *supra* note 37, p. 103.

One of the most famous NGO with the influence in the whole world is the Amnesty International. This NGO among others focuses on HRE and it has created several materials about human rights education.

In the Manual SINIKO from 1999 the Amnesty International defined HRE as “a program which aims to provide knowledge and understanding about human rights and seeks to introduce human rights values in the teaching or training practices and curricula of both formal and non-formal educational programs. Education about and for human rights includes the development of skills such as critical thinking, communication skills, problem-solving and negotiation, all of which are essential for effective human rights activism and participation in decision-making processes.”⁷³ There is clear focus on empowerment and action with the comparison with the definition provided by the UN materials.

Monisha Bajaj⁷⁴ describes this approach to human rights education as “a more bottom-up approach”⁷⁵ and states that “NGOs have long been active in human rights education and utilize human rights discourse as a strategy to frame the demands of diverse social movements.”⁷⁶ Of course there are many, many more NGOs that works with HRE and provide their own HRE. Their role has been recognized by the UN.⁷⁷

2.2 Theoretical approaches to HRE

Human rights education field exists for more than twenty years. During that time many experts and academics focused on this topic and have contributed to its models and approaches. We are going to briefly focus on three of them, Felisa Tibbitts, Monisha Bajaj and Joanne Coysh.

73 Amnesty International, *SINIKO : Towards a Human Rights Culture in Africa*, 1998

<www.amnestymena.org/en/Resources/EResources/ResourceView.aspx?Id=45>, visited on 24 May 2016, p. 7.

74 She is Assistant Professor of Education in the Programs in International and Comparative Education at Teachers College, Columbia University. This information is taken from her article Human Rights Education: Ideology, Location, and Approaches, *supra* note 69, p. 481.

75 Bajaj, *supra* note 69, p. 484.

76 *Ibid.*

77 For example in the Declaration on HRET in article 10.

2.2.1 Felisa Tibbitts

In 2002 Felisa Tibbitts formulated a “pyramidal model”⁷⁸ in which three distinct models creates pyramid with regard to “the size of the target populations they each deal with”⁷⁹ and “the degree of difficulty for each of the educational programs.”⁸⁰ The pyramid base contains the Values and Awareness Model, the center contains the Accountability Model and on top there is a Transformational Model. These models represent “an idealized framework for understanding contemporary human rights education practice”⁸¹ and they should clarify their link with social change⁸².

The Values and Awareness Model⁸³ is according to Tibbitts usually carried out in formal schooling and in public awareness campaigns. Main focus is on knowledge about history of human rights, the key human rights instruments and mechanisms of protection. The strategy of teachers is to attract the interest of the learners. As a key challenge to this model Tibbitts sees “the risk of offering a superficial exposure to the human rights field which, in the worst case, can be experienced as primarily ideological.”⁸⁴

The Accountability Model is used by the professionals who are either monitoring human rights violations or who have responsibility to protect the rights of people,⁸⁵ for example lawyers, human rights advocates, civil servants, medical professionals, journalists, groups working with vulnerable people.⁸⁶ The aim of this human rights education model is to teach about legal instruments (court cases, procedures of monitoring) but also to raise their sensitivity to human rights violations and promote respect for human dignity.⁸⁷

The Transformational Model is connected to the word *empowerment*. Strategy of this model is to create activists for change and develop leadership. It is usually intended for vulnerable populations, victims of abuse and trauma and for post-conflict societies.⁸⁸ Education about human rights is just part of this model, “the complete program may also include leadership development,

78 F. Tibbitts, ‘Understanding What We Do: Emerging Models for Human Rights Education’, 48:3/4 *International Review of Education*, Education and Human Rights (July, 2002), p. 167.

79 *Ibid.*, p. 167

80 *Ibid.*, p. 167.

81 *Ibid.*, p. 163.

82 *Ibid.*, p. 163.

83 *Ibid.*, pp. 163-164.

84 *Ibid.*, p. 164.

85 *Ibid.*, p. 165.

86 *Ibid.*, p. 165.

87 *Ibid.*, p. 165.

88 *Ibid.*, p. 166.

conflict-resolution training, vocational training, work, and formal fellowship.”⁸⁹ This model is normally not included in the human rights education in formal schooling but according to Tibbitts⁹⁰ it can be. The description of such education at schools equals to the concept of “education through human rights” in the Declaration on HRET.

2.2.2 Monisha Bajaj

More recently Monisha Bajaj has discussed ideological orientations of the most human rights education.⁹¹ She argues that also ideology can be used to formulate different approaches to human rights education. Models she created are: the model of HRE for Global Citizenship, the model of HRE for Coexistence and the model of HRE for Transformative Action.

HRE for Global Citizenship⁹² model seems to be very similar to Tibbitts' Values and Awareness Model, because its approach is to provide knowledge about international standards, history of human rights and practices of leaders and movements. The aim is to create members of global community instead of national citizens, emphasis is given on “interdependence, global knowledge, and a commitment to counter injustice whenever in the world it may take place.”⁹³ Second model, HRE for Coexistence,⁹⁴ is intended for post-conflict settings, in which it is important to create greater empathy and understanding. In this model values and skills are related to “conflict transformation, respect for differences, mutual understanding, and dialogue.”⁹⁵ HRE for Transformative Action can be compared to the Tibbitts' Transformational Model. This type of education is focused on relationships of power and is based on “radical approach to the analysis of historical and present conditions.”⁹⁶ It aims for action and it is “guided by the belief that injustice faced by any target group represents a threat to the society as whole.”⁹⁷

89 *Ibid.*, p. 166.

90 *Ibid.*, p. 167: „Even in schools, it is possible to attempt a transformational model of HRE, if links are made between school and family life. Should the school chose to do so, the agenda is extensive: the curriculum should include participation in family decision-making; respect for parents but rejection of family violence, particularly mother (wife) battery; equality of parents within their home; and consideration of sexuality as a form of social relations rather than as a manifestation of man's nature.“

91 Bajaj, *supra* note 69, pp. 481-508.

92 *Ibid.*, p. 489-490.

93 *Ibid.*, p. 490.

94 *Ibid.*, p. 492-493.

95 *Ibid.*, p. 492.

96 *Ibid.*, p. 493.

97 *Ibid.*, p. 494.

2.2.3 Joanne Coysh

Finally, Joanne Coysh has created different division of typologies of HRE.⁹⁸ She criticizes the dominant discourse of HRE which according to her “assumes the validity and legitimacy of the institutional processes which decide and produce human rights principles, and ignores the way that hidden power operates both within the process as well as in society.”⁹⁹ She continues to formulate the radical HRE discourse, as opposite to the dominant discourse of HRE, which must “provide the conditions not only to change subjectivity as constructed by a community's knowledge, wisdom and ethics, but also to change the political, economic, and social foundations of the wider global society.”¹⁰⁰ As the most problematic in the dominant discourse she sees the lack of “active, meaningful and critical participation of communities where their knowledge and contributions are taken seriously.”¹⁰¹

The abovementioned typologies and models of human rights education are useful for thinking about contemporary HRE provided by governments at primary schools. HRE must be focus on the desired outputs. Usually HRE at schools are based on the Values and Awareness Model, HRE for Global Citizenship and the dominant discourse of HRE. These models can easily become empty, superficial and can be experienced as ideological as Tibbits is worried. Governments must provide HRE but we as society must be critical and monitor whether it can actually prevent any human rights violations and create universal culture of human rights.

The following part will exposure international human rights treaties and examine whether they incorporate human rights education. Many documents about HRE refer to international human rights instruments. The next part should show whether they are right.

2.3 Obligation to provide HRE

The next important issue about human rights education which should be mentioned and examined is an obligation to provide human rights education.

98 J. Coysh, ‘The Dominant Discourse of Human Rights Education: A Critique’, 6:1 *Journal of Human Rights Practice* (March 2014) pp. 89-114.

99 *Ibid.*, p. 107.

100 *Ibid.*, p. 109.

101 *Ibid.*, p. 109.

Some authors argue that States have duty to provide HRE for more than forty years.¹⁰² Others are convinced that human right education evolved and become relevant much more later, in 1990s.¹⁰³ To decide who is right is difficult because everything depends on the definition.

Many papers and documents dealing with HRE refer to older documents to show that they are based on legally-binding obligation. This is the case of the Declaration on HRET,¹⁰⁴ the resolution proclaiming UN Decade for HRE,¹⁰⁵ but also national institutes in their materials refer to many international human rights treaties with regard to HRE.¹⁰⁶ And there are many more. Instruments usually mentioned in these documents are: the UN Charter, the Universal Declaration of Human Rights (UDHR),¹⁰⁷ the International Covenant on Civil and Political Rights (ICCPR),¹⁰⁸ the ICESCR, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹⁰⁹ the CRC, the International Convention on the Elimination of All Forms of Racial

102G. J. Andreopoulos and R. P. Claude (eds.) *Human Rights Education for the Twenty-First Century* (University of Pennsylvania Press, Philadelphia, 1997) p. 3.

Andreopoulos and Claude in the introduction to the first part of their book states that “Human rights education is an international obligation with a half-century history.” and then they continue listing instruments beginning with the UN Charter.

The Danish Institute for Human Rights states that human rights education has been here for more than sixty years. In The Danish Institute for Human Rights. *The Human Rights Education Toolbox : A Practitioner's Guide to Planning and Managing Human Rights Education*. 2012.

<www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/hre_eng.pdf> visited on 24 May 2016. p. 9.

M. C. Sharma, ‘Human Rights Education and Social Change’, in *Human Rights Education, Social Change and Human Values*. Compilation of Selected Papers Presented at Asia-Pacific Regional Conference on “Education for Human Rights” (Pune, India, 1999) p. 5.

Sharma writes that “Unfortunately, despite more than four and half decades of its operation, the goal of ushering in human rights culture has till remained a distant reality.”

Symonides, *supra* note 37, p. 99.

Symonides claims that “The obligation to develop human rights education is already well-established in international human rights law” and follows with article 26 of the Universal Declaration of Human rights.

103For example in S. Cardenas, ‘Constructing Rights? Human Rights Education and the State’, *26:4 International Political Science Review* (Oct. 2005) p. 366.

Cardenas states that “Long recognized as significant, HRE did not become the subject of a concerned global campaign until the mid-1990s, following the enthusiasm generated by the Vienna World Conference on Human Rights.”

104The Declaration in its Preamble refers to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the World Conference on Human Rights in Vienna 1993 and the World Programme for Human Rights Education (2005).

105General Assembly, *United Nations Decade for Human Rights Education*, resolution 49/184, (23 December 1994, A/RES/49/184).

It refers to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and “other international human rights instruments”, the World Plan of Action on Education for Human Rights and Democracy (March 1993 in Montreal) and the Vienna Declaration and Programme of Action (1993).

106The Danish Institute for Human Rights, *supra* note 100, pp. 9-11.

107General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, A/810 Res 217 (III).

108International Covenant on Civil and Political Rights, adopted 16 December 1966, entry into force 23 March 1976, 999 UNTS 171.

109Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, entry into force 3 September 1981, 1249 UNTS 13.

Discrimination (CERD),¹¹⁰ etc. Moreover the regional conventions such as the African Charter on Human and People's Rights,¹¹¹ the American Convention on Human Rights¹¹² and the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education¹¹³ are also part of this list.¹¹⁴

2.3.1 UN Charter

The Charter of the United Nations mentions human rights in several articles¹¹⁵ but there is no connection with the word *education*. Authors and documents usually refers to the wording “the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms...” with connection to the article 56,¹¹⁶ or human rights education is just connected to the purposes and principles of the United Nations to “achieve international cooperation ... in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”¹¹⁷ I understand that connecting any concept or idea with the UN Charter is desirable because than it is easier to apply to it all States as they are Member States of the United Nations. However it is too far to say that human rights education has been already established in the UN Charter.

One can argue that the obligation to promote and respect human rights established in the UN Charter includes obligation to provide human rights education because without HRE the State cannot ensure respect for human rights, and promoting human rights without providing human rights education is impossible (because part of the HRE is also raising awareness. How can you promote human rights without raising awareness?). Some can agree with this argumentation but I would argue that the obligation to promote and respect human rights which is established in the UN

110International Convention on the Elimination of All Forms of Racial Discrimination, adopted 21 December 1965, entry into force 4 January 1969, 660 UNTS 212.

111African Charter on Human and Peoples' Rights, adopted 27 June 1981, entry into force 21 October 1986. Organization of African Unity.

112American Convention on Human Rights, “Pact of San Jose, Costa Rica” (B-32), adopted 22 November 1969, entry into force 18 July 1979. Organization of American States.

113Charter on Education for Democratic Citizenship and Human Rights Education (2010) Council of Europe.

114The Danish Institute for Human Rights, *supra* note 100, pp. 9-10.

115UN Charter, articles 1, 13, 55, 68.

116That reads as follows: “All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.”

117UN Charter, article 1(3).

Charter has included the obligation to provide human rights education *after* the United Nations¹¹⁸ interpreted the obligation to promote as obligation to provide HRE, not before.

2.3.2 *Universal Declaration of Human Rights*

The beginning of the history of human rights education is usually connected with the Universal Declaration of Human Rights (1948). This instrument is legally non-binding but at the same time it is one of the most important instruments in the international human rights law. International conventions dealing with human rights are interpreted as concretization of the human rights established by the UDHR.¹¹⁹ If some Member State is not a State Party to a legally binding convention about human rights, their obligation in the UN Charter to promote and respect human rights is interpreted in conformity with the UDHR. Similar approach has been taken by the Inter-American Court of Human Rights in its Advisory Opinion¹²⁰ with regard to the American Declaration of the Rights and Duties of Man¹²¹ and the Charter of the Organization of American States.¹²² It is also a part of the International Bill of Human Rights together with the ICESCR and the ICCPR.

For human rights education is important article 26¹²³ of the UDHR which establishes the right to education “directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms”¹²⁴ and which shall “promote understanding,

118The UN has interpreted the obligation to promote human rights as the obligation to provide HRE by adopting Vienna Declaration in 1993, by adopting the Declaration on HRET and also by an interpretation of human rights conventions by treaty bodies (see section 2.3.4 in this paper).

119This concept is described for example in P. Alston and R. Goodman, *International Human Rights : The Successor to International Human Rights in Context: Law, Politics and Morals*. Text and Materials. (Oxford : Oxford University Press, 2013) p. 142.

120Inter-American Court of Human Rights (IACtHR), Advisory Opinion *Interpretation of the American Declaration on the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights*. IACtHR Series A 10 (1989); 11 HRLJ 118 (1990).

121American Declaration of the Rights and Duties of Man, adopted by the Ninth International Conference of American States, Bogotá, 1948.

122Charter of the Organization of American States, 30 April 1948, UNTS vol. 119 I 1609.

123Article 26 of the UDHR reads as follows: “1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial and religious groups, and shall further the activities of the United Nations for the maintenance of peace. 3. Parents have a prior right to choose the kind of education that shall be given to their children.”

124Article 26(2) of the UDHR.

tolerance and friendship among all nations, racial and religious groups.”¹²⁵ This concept of human rights education fulfils partly HRE proclaimed in the Declaration on HRET. It fulfils education for human rights but it does not say anything about education about and through human rights.

2.3.3 International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (1966) does not contain an obligation to provide human rights education and it is usually not mentioned between the international instruments dealing with HRE. However, in the Declaration on HRET there is as a part of HRE included “the right to know, seek and receive information about all human rights and fundamental freedoms,”¹²⁶ and an effective enjoyment of the right to access to information is regarded as enabling access to HRE.¹²⁷ From this point of view is the right to freedom of expression which includes “freedom to seek, receive and impart information and ideas of all kinds”¹²⁸ enshrined in Article 19 of the ICCPR necessary for HRE. It establishes a legally binding obligation for State Parties that creates obligation directly linked to HRE.

2.3.4 International Covenant on Civil, Political and Cultural Rights

The twin of the ICCPR and the third instrument forming the International Bill of Human Rights is the International Covenant on Economic, Social and Cultural Rights (1966). This instrument might be the most important one for arguing that states have an obligation to provide HRE. This treaty is the most referred to with regard to HRE. The relevant part is incorporated in Article 13¹²⁹ of the ICESCR.

¹²⁵*Ibid.*

¹²⁶Article 1(1) of the Declaration on HRET.

¹²⁷*Ibid.*, article 1(3).

¹²⁸Article 19(2) of the ICCPR.

¹²⁹Article 13 of the ICESCR reads as follows: “1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for maintenance of peace.”

The Committee on Economic, Social and Cultural Rights¹³⁰ who is responsible for monitoring the ICESCR issues general comments in which, as other treaty bodies, interprets and clarifies the content of the Covenant. In General Comment No. 13¹³¹ the Committee has established that the aims and objectives of article 13 (1) of the ICESCR must be interpreted “in the light of the World Declaration on Education for ALL (...), the Convention on the Rights of the Child (...), the Vienna Declaration and Programme of Action (...), and the Plan of Action for the United Nations Decade for Human Rights Education (...).”¹³² These instruments provide new elements according to the Committee and are “implicit in, and reflect a contemporary interpretation of article 13 (1).”¹³³ The Committee argues that these instruments can be used as interpretation of the ICESCR because of “the widespread endorsement that the previously mentioned texts have received from all regions of the world.”¹³⁴

Comparing article 13 of the ICESCR with the Declaration on HRET, we can conclude that the legally-binding obligation to provide human rights education contains the obligation to provide education for human rights because the “education shall strengthen the respect for human rights,”¹³⁵ and also “enable all persons to participate effectively in a free society”¹³⁶ which equals to empowerment (“Education for human rights (...) includes empowering persons to enjoy and exercise their rights”).¹³⁷

130Economic and Social Council, *Review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights* (28 May 1985, E/RES/1985/17).

131Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)* (8 December 1999, E/C.12/1999/10).

132*Ibid.*, para. 5.

133*Ibid.*, para. 5.

134*Ibid.*, para. 5.

135Article 13 (1) of the ICESCR.

136*Ibid.*

137Article 2 (2) c) in the Declaration on HRET.

2.3.5 Convention on the Rights of the Child

The second most referred to international treaty containing HRE is the Convention on the Rights of the Child (1989). Some documents¹³⁸ refer to article 28,¹³⁹ some to article 29¹⁴⁰ of the CRC. Surprisingly, as was pointed out above, the Declaration on HRET does not mention the CRC in its Preamble at all.

The most important part in the CRC is article 29 (1) b) which states that education shall be directed to “the development of respect for human rights,” and article 29 (1) d) which states that education shall be directed to “the preparation of the child for responsible life in a free society.” Both parts are similar to those in article 13 (1) of the ICESCR therefore the CRC establishes the same kind of obligation as the ICESCR, the obligation to provide education for human rights.

2.3.6 International Convention on the Elimination of All Forms of Racial Discrimination

To continue with international human rights instruments which establish legally-binding obligation, the International Convention on the Elimination of All Forms of Racial

138For example those mentioned at the beginning of this section (2.3).

139Article 28 of the CRC reads as follows:

“1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. State Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.”

140Article 29(1) of the CRC reads as follows: “1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The participation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.”

Discrimination¹⁴¹ (1965) in article 7¹⁴² establishes an obligation to adopt measures in the field of education to combat prejudices which lead to racial discrimination, and to propagating the purposes and principles of several human rights instruments. This obligation means that States Parties to the CERD have obligation to provide education for human rights but also about human rights (at least about the purposes and principles of the UN Charter, the UDHR, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the CERD).¹⁴³

141International Convention on the Elimination of All Forms of Racial Discrimination, adopted 21 December 1965, entry into force 4 January 1969, GA resolution 2106 (XX), 660 UNTS 212.

142Article 7 of the CERD reads as follows: “States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.”

143Article 7 of the CERD.

2.3.7 Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women¹⁴⁴ (1979) and its article 10¹⁴⁵ to which some instruments¹⁴⁶ refer to as the source of HRE is a little bit different than the previous ones. It obliges State Parties to eliminate discrimination in education (for example States Parties shall take measures to ensure “the same opportunities for access to programmes of continuing education).”¹⁴⁷ Therefore it establishes obligation to provide education through human rights, at least part of it.

2.3.8 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Also the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁴⁸ (CAT) (1984) contains provision framing HRE. Human rights education formulated in article 10¹⁴⁹ differs from the other conventions. It focuses only on education of the professionals

144Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, entry into force 3 September 1981, GA resolution 34/180, 1249 UNTS 13.

145Article 10 of the CEDAW reads as follows: “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; (d) The same opportunities to benefit from scholarships and other study grants; (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely; (g) The same opportunities to participate actively in sports and physical education; (h) Access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning.”

146For example in Danish Institute for Human Rights, *supra* note 100, p. 10.

147Article 10 (e) of the CEDAW.

148Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 December 1984, entry into force 26 June 1987, GA resolution 39/46, 1465 UNTS 113.

149Article 10 of the CAT reads as follows: “1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. 2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.”

such as civil, military and medical personnel and “other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.”¹⁵⁰ This is clearly part of education about human rights but it involves only a part of society, not everybody.

2.3.9 Convention on the Rights of Persons with Disabilities

The almost last legally-binding international human rights instrument framing and touching HRE is the Convention on the Rights of Persons with Disabilities¹⁵¹ (CRPD) (2006). Article 8¹⁵² called Awareness-raising obliges States Parties to adopt measures to raise awareness regarding persons with disabilities. These measures include “fostering at all levels of the educational system (...) an attitude of respect for the rights of persons with disabilities”¹⁵³ and “promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.”¹⁵⁴ These are quite narrow obligations in connection to HRE, but again it covers only human rights of persons with disabilities. With regard to the Declaration on HRET, the CRPD incorporates an obligation to provide education for human rights and about human rights.

150Article 10(1) of the CAT.

151Convention on the Rights of Persons with Disabilities, adopted 13 December 2006, entry into force 3 May 2008, 2515 UNTS 70.

152Article 8 of the CRPD reads as follows:

“Awareness-raising.

1. States Parties undertake to adopt immediate, effective and appropriate measures: (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life; (c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include: (a) Initiating and maintaining effective public awareness campaigns designated: (i) To nurture receptiveness to the rights of persons with disabilities; (ii) To promote positive perceptions and greater social awareness towards persons with disabilities; (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market; (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities; (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention; (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.”

153Article 8(2) c) of the CRPD.

154Article 8(2) d) of the CRPD.

2.3.10 International Convention for the Protection of All Persons from Enforced Disappearance

The International Convention for the Protection of All Persons from Enforced Disappearance (2006)¹⁵⁵ should also be mentioned here. This Convention includes HRE in the article 23. This article is similar in meaning with the article 10 of the CAT because it also states the obligation to educate and train law enforcement personnel and similar with regard to the relevant provisions of this Convention. Therefore HRE established in this Convention suffers from the same shortages as the CAT. It is the obligation to provide HRE just to a small group of people, important group, but small.

The previous part showed that in many international treaties legally-binding states there are obligations regarding human rights education. The most often¹⁵⁶ obligation is the obligation to provide education for human rights (to promote respect for human rights). The obligation to provide education about human rights¹⁵⁷ is the second in the frequency and the last one is the obligation to provide education through human rights.¹⁵⁸ Unlike the other two, the obligation to provide education for human rights covers the whole meaning of education for human rights in the Declaration on HRET. The obligation to provide education about human rights is limited to principles in several instruments (the CERD), to specific groups (the CAT) and to rights of specific persons (the CRPD). The obligation to provide education through human rights does not have strong legal base because it is established just in the CEDAW with regard to discrimination against women.

2.4 Conclusion of this chapter

This chapter presented the basic information from the HRE field. The contemporary definition established in the Declaration on HRET will provide the meaning of HRE in this paper. Content of HRE in the Declaration on HRET will be decisive in examination of HRE at primary schools in the Czech Republic which is the subject of the chapter four. Models and typologies introduces in this

¹⁵⁵International Convention for the Protection of All Persons from Enforced Disappearance, adopted 20 December 2006, entry into force 23 December 2010. 2716 UNTS 3.

¹⁵⁶In the ICESCR, the CRC, the CERD and the CRPD.

¹⁵⁷In the CERD, the CAT and the CRPD.

¹⁵⁸In the CEDAW.

chapter will help to formulate and find problems in the contemporary HRE at primary schools in the Czech Republic. Finally the analysis of the obligations to provide HRE in international human rights conventions make clear that there is an obligation to provide HRE at primary schools for the Czech Republic.

The next chapter presents serious human rights problem in the Czech Republic which is racial discrimination. International human rights law obliges states to prevent such discrimination. The analysis of actions and means recommended as a prevention of racial discrimination is the subject of the following pages. Human rights education is also analyzed with regard to prevent racial discrimination.

3 Discrimination in the Czech Republic

This chapter introduces the Czech Republic and its human rights records. The focus is on the main human rights issue in this country – racial discrimination. This view is proved by the examination of the latest concluding observations of the human rights treaty bodies which will be provided in this chapter. The chapter continues with the incorporation of the prohibition of racial discrimination in international human rights law and the summary of solutions for this type of discrimination. Lastly the relationship between the racial discrimination and education in international human rights law is examined. This chapter should provide the link between the human rights situation in the Czech Republic and the possible solution recommended or established by international human rights law.

3.1 Generally about the Czech Republic

The Czech Republic (or Czechia as the Czech government trying to promote one word name of the country)¹⁵⁹ is a democratic country in the middle of Europe. It is a member of the European Union since 2004 and it has signed and ratified almost all human rights treaties¹⁶⁰. It manages to submit a majority of reports to treaty bodies in a due time¹⁶¹. Discrimination dominates as a primary human rights issue, and (as other European-Eastern countries which used to be under Soviet

159Ministry of Foreign Affairs of the Czech Republic. *Statement from the Meeting of the Highest Constitution Officers about Foreign Affairs* (14 April 2016)
<www.mzv.cz/jnp/cz/udalosti_a_media/prohlaseni_a_stanoviska/x2016_04_14_schuzka_nejvyssich_ustavnich.html> (visited on 19 April 2016).

160The Czech Republic succeeded in human rights conventions ratified by Czechoslovakia on 22 February 1993 (CAT, ICCPR, ICESCR, CEDAW, CERD, CRC, and Optional Protocol of the ICCPR) and ratified Convention on the Rights of Persons with Disabilities on 28 September 2009. It also ratified Optional Protocol of the Convention against Torture (10 July 2006), Second Optional Protocol to the ICCPR (15 June 2004), Optional Protocol to the CEDAW (26 February 2001), and all three Optional Protocols to the CRC (on the involvement of children in armed conflict on 30 November 2001, and on the sale of children child prostitution and child pornography on 26 August 2013, and on a communications procedure on 2 December 2015). However, the Czechia has not signed Convention for the Protection of All Persons from Enforced Disappearance and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
Information about status of treaty ratifications are available on the website of the OHCHR on http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=46&Lang=EN (visited on 20 April 2016); or on the website of United Nations Treaty Collection on <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (visited on 20 April 2016).

161Reporting status of countries is also available on the OHCHR's website on http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=CZE&Lang=EN (visited on 20 April 2016).

influence) discrimination based on race/ethnicity prevails (against Roma people). These problems are presented in the following section.

3.2 Human Rights Issues in Czechia – Discrimination of Roma people

From the United Nations' state reporting system it is relatively easy to get an overview of human rights issues in any country. The excerpt of this overview can be found in the documents prepared and created during the Universal Periodic Review. Documents providing more detailed information are concluding observations. These are documents created by relevant treaty bodies which monitor observance of the specific human rights conventions. In these concluding observations the relevant committee summarizes human rights issues and recommends solutions and measures which the state should undergo to fulfil its obligations.

Although we could go through all reports and concluding observations focusing on the situation in the Czech Republic it is enough to highlight only discrimination of ethnic minorities. This kind of discrimination emerges in all concluding observations dealing with the Czech Republic. There is also only one report created by special rapporteur about the Czech Republic.¹⁶² It was issued in 2000 and it deals, not surprisingly, with discrimination of Roma people. To show in what kind of situations Roma minority faces differential treatment in the present days the examination of the latest concluding observations of treaty-bodies is provided in the following lines.

The Committee on the Elimination of Discrimination against Women expresses its concern about situation of Roma women in the Czech Republic and notes several areas of society where the discrimination of Roma women persist. In its last concluding observations in 2016 focused on the Czech Republic¹⁶³ the discrimination of Roma people is mentioned in relation to political and public life¹⁶⁴, trafficking and exploitation of prostitution¹⁶⁵, decision-making¹⁶⁶, education (focused on

162Commission on Human Rights, *Racism, racial discrimination, xenophobia and all forms of racial discrimination*. Report by Mr. Glèlè-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights resolution 1998/26. Addendum. Mission to Hungary, Czech Republic and Romania (19-30 September 1999) (7 February 2000, E/CN.4/2000/16/Add.1).

163Committee on the Elimination of Discrimination against Women. *Concluding observations on the sixth periodic report of the Czech Republic*, (7 March 2016, advanced unedited version, CEDAW/C/CZE/CO/6).

164*Ibid.*, para. 14.

165*Ibid.*, para. 20 (b).

166*Ibid.*, para. 22 (b).

disproportionately high number of drop-outs and absenteeism of Roma girls)¹⁶⁷, labour¹⁶⁸, sterilization (in report the Committee does not expressly mention Roma women, but they were affected by this practice with higher percentage)¹⁶⁹, and poverty¹⁷⁰. Their marginalized situation is summarized in paragraph 36 together with older women and women with disabilities.

The Committee on the Elimination of Racial Discrimination refers to discrimination of Roma people in education and states that “the practice of linking social disadvantage and ethnicity with disability for the purposes of school-class allocation has continued, not removed by recent regulations.”¹⁷¹ The Committee is also concerned with overrepresentation of Roma children in childcare institutions,¹⁷² and “persistent discrimination against Roma regarding access to adequate housing and employment.”¹⁷³ The Committee was also concerned with by “manifestations of hatred, hate crime, racist and xenophobic discourse in politics and the media, including reports of statements by senior political figures.”¹⁷⁴ This statement is in the concluding observations from 2011. Since then the situation has slightly changed when the object of the hatred moved to refugees and asylum-seekers.¹⁷⁵ However, it is probably just the question of time when the hatred “move back” on Roma people. The hatred continues. It is not solved and the reason why it existed in the first place still exists. Again the “issue of sterilization of Romani women without their free and informed consent”¹⁷⁶ or the “trafficking of human beings mainly affecting Roma and foreign women”¹⁷⁷ are mentioned by this Committee.

The Committee against torture deals with the discrimination of Roma people in a special part devoted just to this issue (Treatment of the Roma minority) in the last concluding observations.¹⁷⁸ The Committee mentions anti-Roma rallies, arson attacks against Roma homes and the lack of “prompt, impartial and effective investigations and prosecutions regarding such incidents.”¹⁷⁹ Also the Committee refers to the involuntary sterilization of Roma women,¹⁸⁰ and to absence of statistical

167*Ibid.*, para 24, 25.

168*Ibid.*, para. 26.

169*Ibid.*, para. 28, 29.

170*Ibid.*, para. 34.

171Committee on the Elimination of Racial Discrimination. *Concluding observations, Czech Republic*, (14 September 2011, CERD/C/CZE/CO/8-9). para. 12.

172*Ibid.*, para. 13.

173*Ibid.*, para. 14.

174*Ibid.*, para. 16.

175This is clear from the later concluding observations. For example the concluding observations from 2016 by Committee CEDAW, *supra* note 159, mention discrimination of refugee and migrant women in paragraphs 20, 26, 36.

176Committee on the Elimination of Racial Discrimination, *supra* note 167, para. 19.

177*Ibid.*, para. 21.

178Committee against Torture. *Concluding Observations. Czech Republic*, 13 July 2012 (CAT/C/CZE/CO/4-5).

179*Ibid.*, para. 11.

180*Ibid.*, para. 12.

data “concerning compensation to victims of torture and ill-treatment, including victims of involuntary sterilization and surgical castration as well as ill-treatment in medical and psychiatric settings, violent attacks against minorities, trafficking and domestic and sexual violence.”¹⁸¹ The overrepresentation of Roma children in “educational facilities for children with slight mental disabilities or with a reduced syllabus”¹⁸² is also pointed out.

Human Rights Committee does not bring anything new. It again highlights “an anti-Roma climate prevalent among the Czech population”¹⁸³ with regard to “the use of discriminatory remarks against the Roma by politicians and in the media and at the extremist demonstrations, marches and attacks directed against members of the Roma community.”¹⁸⁴ The Committee is concerned about discrimination of Roma people in employment, housing, the use of forced evictions, the fact of territorial segregation,¹⁸⁵ discrimination in education,¹⁸⁶ and no compensation for involuntary sterilizations.¹⁸⁷

The Committee on Economic, Social and Cultural Rights deals with discrimination against Roma in paragraph 9 of the concluding observations in 2014.¹⁸⁸ The Committee is generally concerned about discrimination in the areas of employment, education, health and housing. What is important is the realization of non-effectiveness of all measures that the government has so far introduced as the prevention of this discrimination.

Finally, the Committee on the Rights of the Child not surprisingly points out to education and discrimination of Roma children. It mentions the 2007 decision of the European Court of Human Rights, *D.H. and Others v. the Czech Republic* and remaining segregation of some Roma children at schools.¹⁸⁹

We have seen that all committees monitoring international human rights conventions that the Czech Republic is a State party, have focused on the discrimination of Roma minority. Discrimination in education has been also dealt with by the European Court of Human Rights¹⁹⁰ and

181*Ibid.*, para. 13.

182*Ibid.*, para. 14.

183Human Rights Committee. *Concluding observations on the third periodic report of the Czech Republic*, (22 August 2013, CCPR/C/CZE/CO/3).

184*Ibid.*, para. 8.

185*Ibid.*, para. 9.

186*Ibid.*, para. 10.

187*Ibid.*, para. 11.

188Committee on Economic, Social and Cultural Rights. *Concluding observations on the second periodic report of the Czech Republic*, (23 June 2014, E/C.12/CZE/CO/2).

189Committee on the Rights of the Child. *Concluding observations: Czech Republic*, (4 August 2011, CRC/C/CZE/CO/3-4) para. 30.

190European Court of Human Rights. *D.H. v. the Czech Republic* [GC]. Application No. 57325/00. 13 November 2007.

it is still a subject of criticism from the Council of Europe¹⁹¹ or from non-governmental organizations.¹⁹²

It is clear from the abovementioned reports that the Czech Republic has serious problems with discrimination of Roma minority in many areas. Next we will go through the establishment of prohibition of discrimination based on race and ethnicity in international human rights law. Then we will continue with examination of other documents focusing on discrimination against Roma and what are recommendations and suggested methods for its elimination.

3.3 Generally about Discrimination in IHRL

The prohibition of discrimination is a part of international human rights law since its beginning. It is enshrined in the Universal Declaration on Human Rights,¹⁹³ in the both Covenants¹⁹⁴ and in other international human rights treaties.¹⁹⁵ It is also part of human rights based approach,¹⁹⁶ the prohibition of discrimination is one of the principles of this approach. Prohibition of special kind of discrimination is subject of specific international human rights conventions (for example the Convention on the Rights of Persons with Disabilities is based on the prohibition of discrimination on the basis of disability). Prohibition of discrimination is also incorporated in the regional human

191For example an article on the website of the Council of Europe. *Czech Republic Makes Progress But More Action Needed to Fight Discrimination Against Children's Education* (12 March 2015) <www.coe.int/en/web/portal/roma/-/asset_publisher/gVmmR8R87tOz/content/czech-republic-makes-progress-but-more-action-needed-to-fight-discrimination-against-roma-children-s-education?inheritRedirect=false&redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fportal%2Froma%3Fp_p_id%3D101_INSTANCE_gVmmR8R87tOz%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D2%26p_p_col_count%3D9> visited on 15 May 2016.

192Amnesty International, *The More Effort is Needed. Ethnic Discrimination of Roma Children in Czech Schools* (2015) <www.amnesty.cz/pripady/data/file/1993-chce-to-vice-snahy_vyzkumna-zprava.pdf?version=1457287650> visited on 15 May 2016.

193Article 2 of the UDHR.

194Article 2 (1) of the ICCPR and article 2 (2) of the ICESCR.

195Prohibition of racial discrimination in the CERD; prohibition of discrimination based on sex and against women in the CEDAW; there is no anti-discrimination clause in the CAT; article 2 (1) in the CRC; prohibition of discrimination on the basis of disability in the CRPD; article 1 (1) and article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); and there is no anti-discrimination clause in the International Convention for the Protection of All Persons from Enforced Disappearance.

196Human rights based approach by the UN agencies is explained in UN Development Group, *The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies*. 2003. <https://undg.org/main/undg_document/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies/> visited on 10 July 2016.

rights treaties such as the European Convention on Human Rights,¹⁹⁷ the American Convention on Human Rights¹⁹⁸ or the African Charter on Human and Peoples Rights¹⁹⁹. The prohibition of discrimination is so important that it is also one of the purposes of the United Nations.²⁰⁰

Racial discrimination is prohibited in these documents. The most important convention about racial discrimination is the International Convention on the Elimination of All Forms of Racial Discrimination (1965).²⁰¹ This convention defines discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, or human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”²⁰² The CERD has 177 parties.²⁰³

This is really a minimum about discrimination and racial discrimination in international human rights law. It enables to build basis for further examination of solutions with relation to the Czech Republic. The possible methods for achieving elimination of racial discrimination are discussed in the next part.

3.4 Prevention and Elimination of Racial Discrimination

How is the obligation to eliminate discrimination established by the CERD described? International human rights conventions oblige state parties to many things. However as the discrimination can have many forms so the solutions have many shapes. General convention cannot be detailed in a such a way to answer all questions. Therefore it is not surprising that the International Convention on the Elimination of All Forms of Racial Discrimination, similarly as other human rights conventions, does not specify how the discrimination shall be eliminated. It

197Convention for the Protection of Human Rights and Fundamental Freedoms, adopted 4 November 1950, entry into force 1953. Council of Europe (European Convention on Human Rights), article 14 (named Prohibition of Discrimination) and Protocol No. 12 (article 1 is named General prohibition of discrimination).

198American Convention, *supra* note 110, article 1 (1).

199African Charter, *supra* note 109, article 2.

200Article 1(3) of the UN Charter reads as follows: “The Purposes of the United Nations are: 3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;”

201CERD, *supra* note 108.

202*Ibid.*, article 1(1).

203According to the United Nations Treaty Collection available on: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en (visited on 18 May 2016).

“just” obliges state parties to “pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (...) (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization; ...”²⁰⁴ In this situation, State parties are free to choose what kind of measure they will use. But they have to use “all appropriate means” to eliminate discrimination of state agencies and of “any persons”. The obligation is not of action but of result. The only direct obligation is to adopt a policy that would lead to elimination of racial discrimination and to use legislation as one of the methods to the same end. Other obligations incorporated in the CERD are similar. There is the obligation to condemn racial discrimination,²⁰⁵ the obligation to take special and concrete measures to adequate development and protection of certain racial groups,²⁰⁶ the obligation to condemn racial segregation and apartheid, and the obligation to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction,²⁰⁷ the obligation to condemn all propaganda and all organizations which are based on ideas of superiority of one race (including to declare an offence punishable by law all dissemination of ideas based on racial superiority, declare illegal and prohibit organizations, not permit public authorities to promote or incite racial discrimination),²⁰⁸ the obligation to prohibit and to eliminate racial discrimination and to guarantee notably listed rights,²⁰⁹ the obligation to assure to everyone effective protection and remedies against any acts of racial discrimination, and the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.²¹⁰ Finally the CERD includes the obligation to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices, and to promote understanding, tolerance and friendship among racial groups.²¹¹

The CERD was adopted in 1965 and entered into force in 1969, therefore we can assume that law and the interpretation of how the discrimination should be dealt with has developed since the adoption of the CERD. As the Committee on the Elimination of Racial Discrimination is a monitoring body for the CERD they are the Committee's reports, general recommendations and

204CERD, *supra* note 108, article 2(1).

205*Ibid.*, article 2(1)

206*Ibid.*, article 2(2)

207*Ibid.*, article 3.

208*Ibid.*, article 4.

209*Ibid.*, article 5.

210*Ibid.*, article 6.

211*Ibid.*, article 7.

concluding observations that provide the most relevant interpretation of the International Convention on the Elimination of All Forms of Racial Discrimination.

3.4.1 Committee on the Elimination of Racial Discrimination

The CERD Committee has been established according to the article 8 of the CERD and it is a body of experts that receives reports from the State Parties about the implementation of measures that give effect to the provisions of the CERD.²¹² The CERD Committee has already issued a number of general recommendations based on the examination of these state reports.²¹³

More recently, in 2000 the CERD Committee issued special general recommendation focusing only on Roma minority.²¹⁴ In this report the Committee formulates measures of a general nature, measures for protection against racial violence, measures in the field of education, measures to improve living conditions, measures in the field of the media and measures concerning participation in public life.

Measures recommended in the part called “Measures in the field of education” concern on drop-outs of Roma children²¹⁵, segregation of Roma students²¹⁶ and on other discriminatory practices in schools in relation to Roma people. There are also recommendations which are very general. For example in paragraph 19 of this General recommendation the Committee demands “to consider adopting measures in favour of Roma children, in cooperation with their parents, in the field of education.” However, we can find also quite concrete demands such as in paragraph 26 which asks for inclusion of history and culture chapters in textbooks and for broadcasting of television and radio programmes about the same. In this document there is also one more interesting recommendation. In paragraph 11 the Committee demands “to take the necessary measures, in cooperation with civil society, and initiate projects to develop the political culture and educate the population as a whole in a spirit of non-discrimination, respect for others and tolerance, in particular concerning Roma.” This is quite narrow recommendation. Of course, there is again the general word “necessary measures” but also the Committee uses quite narrow word “educate” and also “the

²¹²*Ibid.*, article 9.

²¹³So far it has issued 35 general recommendations. More information is available on the website of the OHCHR on: tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11 visited on 19 May 2016.

²¹⁴Committee on the Elimination of Racial Discrimination. *General recommendation XXVII on discrimination against Roma* (16 August 2000).

²¹⁵*Ibid.*, para. 17.

²¹⁶*Ibid.*, para. 18.

population as a whole.” Where else educate the population as a whole than in schools? And if the population should be whole, than we need to focus on education provided to everyone – at the primary schools.

3.4.2 European Commission against Racism and Intolerance (ECRI)

But not just The CERD Committee examines and monitors discrimination. Also other treaty bodies, regional and national courts deal with discrimination based on race and ethnicity. For the Czech Republic it is very important what the European Court on Human Rights wants to say but also other bodies of the Council of Europe such as European Commission against Racism and Intolerance (ECRI).²¹⁷ This Commission also monitors situation of human rights in member states and issues country monitoring work, general policy recommendations, annual reports and other useful documents about situation of human rights in European countries.

This Commission has also issued General Policy Recommendation No. 10 on Combating Racism and Racial Discrimination in and through School Education.²¹⁸ This recommendation is limited to pre-primary, primary and secondary education (as the Commission in the introduction of this recommendation has stressed). There are four major recommendations that the governments of member States should do, three of them are described in detail in the document. First recommendation is to ensure compulsory, free and quality education for all, and to this end undertake studies, gather information, introduce policies and so on. Second recommendation is to combat racism and racial discrimination at school. One point of this recommendation asks to “ensure that school education plays a key-role in the fight against racism and racial discrimination in society: a) by ensuring that human rights education is an integral part of the school curriculum at all levels and across all disciplines, from nursery school onwards.”²¹⁹ Other points suggest to revise textbooks or to regularly include monitoring of racism in work of Ministries of Education. Third

217According to the Council of Europe website “ECRI is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as “race”, national/ethnic origin, colour, citizenship, religion and language (racial discrimination); it prepares reports and issues recommendations to member States.”

<www.coe.int/t/dghl/monitoring/ecri/default_en.asp> visited on 10 July 2016.

The task of this body and its objectives are described in the article 1 of the Statute of the European Commission against Racism and Intolerance (ECRI). Council of Europe, Committee of Ministers, *Resolution Res(2002)8 on the statute of the European Commission against Racism and Intolerance*.2002

218European Commission against Racism and Intolerance, *General Policy Recommendation No. 10 on Combating Racism and Racial Discrimination in and through School Education* (15 December 2006).

219*Ibid.*, p. 6, recommendation no. II(2) a).

recommendation concerns teaching staff (for example to “provide them with initial and ongoing training in issues relating to human rights and racial discrimination”²²⁰) and fourth recommendation asks to “ensure that all the policies advocated above receive the necessary financial resources and that they are regularly monitored to assess their impact and adjust them when necessary.”²²¹

In another general policy recommendation, the ECRI focuses directly on Roma people. The ECRI General Policy Recommendation No. 13 on Combating Anti-Gypsyism and Discrimination against Roma²²² was adopted in 2011. In this document there is the recommendation no. 4 focusing on combating anti-Gypsyism in the field of education with specific steps and actions. This document covers discrimination of Roma people in many fields, such as education, employment, housing, health care, in the media, access to places open to the public, access to public services or goods and services. Despite the fact that there is no express recommendation concerning human rights education, the ECRI document deals with the content of education indirectly. It recommends including teaching on the Roma genocide in school curricula²²³ and “in general, in order to combat anti-Gypsyism and discrimination against Roma, ensure: (b.) the promotion and protection of Roma culture, fostering the rest of the population's better knowledge of Roma communities.”²²⁴ Although these documents contain only recommendations there are not irrelevant. They provide a useful guidance how the racial discrimination should be dealt with.

These two documents are just the paramount of documents and recommendations adopted in the Council of Europe system. It is not necessary to go through all of the existing documents referring to racial discrimination. The presented documents already have provided information that also the Council of Europe and its bodies understand that education and especially human rights education “can play a key role in combating racism and intolerance in general.”²²⁵

3.4.3 Inter-American Approach

For the comparison with the European region we can look into the Inter-American human rights system in which several States adopted the Inter-American Convention against Racism,

²²⁰*Ibid.*, p. 7, recommendation no. III(5).

²²¹*Ibid.*, p. 7, recommendation no. IV.

²²²European Commission against Racism and Intolerance, *General Policy Recommendation No. 13 on Combating Anti-Gypsyism and Discrimination against Roma* (24 June 2011).

²²³*Ibid.*, p. 5, recommendation no. 4 c).

²²⁴*Ibid.*, p. 10, recommendation no. 17 b).

²²⁵ECRI, *supra* note 212, p. 4.

Racial Discrimination and Related Forms of Intolerance (2013) (hereinafter the I-A Convention against Racism).²²⁶ This Convention although it is not in the force provides a useful list of measures necessary for the elimination of the racial discrimination.

The I-A Convention against Racism contains 22 articles. The Preamble already points out the role “that education plays in promoting respect for human rights, equality, nondiscrimination, and tolerance.”²²⁷ First chapter provides definitions of the terms racial discrimination, indirect racial discrimination, multiple or aggravated discrimination, racism, special measures or affirmative actions and intolerance. Chapter two establishes protected rights. The most relevant is chapter three, Duties of the State. Article four has an introductory sentence and then it continues with the list of demonstrative acts of racism that the state is obliged to prevent, eliminate, prohibit, and punish. These acts include “preparing and introducing teaching materials, methods, or tools that portray stereotypes or preconceptions, based on any of the criteria set forth in Article 1.1 of this Convention.”²²⁸ Article 5 allows and even obliges states to adopt the special measures and affirmative actions. Article 7 establishes an obligation to adopt legislation “that clearly defines and prohibits racism.”²²⁹ Article 8 asks states to “ensure that the adoption of measures of any kind (...) does not discriminate directly or indirectly...”²³⁰ States also undertake “to ensure that their political and legal systems appropriately reflect the diversity within their societies.”²³¹ Victims must be remedied, the State Parties must conduct “research on the nature, causes, and manifestations of racism (...) and collect (...) data on the situation of groups or individuals that are victims of racism ...,”²³² and the national institution “that shall be responsible for monitoring compliance with this Convention”²³³ must be established. The promotion of international cooperation is also incorporated in this Convention²³⁴ but more importantly there is an obligation to “formulate and implement policies the purpose of which is to provide equitable treatment and generate equal opportunity for

226Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (A-68), adopted 5 June 2013, entry into force – not yet, <www.oas.org/en/sla/dil/inter_american_treaties_A-68_racism_signatories.asp> visited on 24 April 2016.

227*Ibid.*, Preamble.

228*Ibid.*, article 4 x.

229*Ibid.*, article 7.

230*Ibid.*, article 8.

231*Ibid.*, article 9.

232*Ibid.*, article 12.

233*Ibid.*, article 13.

234*Ibid.*, article 14.

all persons in accordance with the scope of this Convention, including policies of an educational nature, ...”²³⁵ ²³⁶

Despite the fact that this Convention is not in any way binding on the Czech Republic it is good example of obligations at the present time connected with the prevention of the racial discrimination. Today the international community believes that these measures are necessary for the successful approach to the elimination of racial discrimination. Policies of an educational nature seem to gain the attention of the governments that need to deal with racial discrimination in their countries.

3.4.4 *European Convention on Human Rights*

Unfortunately this is not true about the European Convention on Human Rights (ECHR). This Convention establishes one of the most effective systems of human rights protection, the most effective regional system at least.²³⁷ However protection against racial discrimination is not so effective as the protection of the rest of the rights incorporated in this document. As was mentioned above prohibition of discrimination is established in article 14 of the ECHR and in Protocol No. 12. Only lately the European Court developed broader antidiscrimination case-law.²³⁸ In this view it is far behind its counterpart, the European Social Charter.²³⁹ Unlike the later one, the ECHR does not allow collective complaints, all complaints are individual. Ineffectiveness of this system in relation to the racial discrimination in the Czech Republic has been seen for example in cases involving sterilization of Roma people.²⁴⁰

²³⁵*Ibid.*, article 6.

²³⁶In this feature the CERD and the I-A Convention against Racism are similar. The CERD in article 7 mentions measures “particularly in the fields of ... education,” and the I-A Convention against Racism mentions policies “of an educational nature.” Both seems to provide the same basis for education with the view to combat racial discrimination. The I-A Convention against Racism differs in the purpose which is to “provide equitable treatment and generate equal opportunity for all persons”, not to combat “prejudices which lead to racial discrimination.” And in the Preamble of the I-A Convention against Racism there is the recognition of the “basic role that education plays in promoting respect for human rights, equality, nondiscrimination, and tolerance.”

²³⁷For example in Alston and Goodman, *supra* note 116, p. 891.

²³⁸S. Besson, ‘Evolutions in Non-Discrimination Law within the ECHR and the ESC Systems: It Takes Two to Tango in the Council of Europe’, 60 *American Journal of Comparative Law* (2012) pp. 148-149.

²³⁹European Social Charter, adopted 1961, ETS No. 35. Council of Europe. Revised European Social Charter, adopted 1996, ETS No. 163. Council of Europe.

²⁴⁰The main problem of these cases is that the Czech courts dismissed them on the basis that they were statute-barred. Therefore only a few of them could get to the European Court of Human Rights and the majority of victims could not get any remedy.

These cases are in more detail described for example in one essay of author of this paper called *The Road to the Compensation: Involuntary Sterilization of Roma Women in the Czech Republic and the Obligation to Raise*

The last document that should be mentioned in relation to racial discrimination in international human rights law is the Durban Declaration.

3.4.5 Durban Declaration

In 2001 in Durban, South Africa, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance adopted a Declaration ('Durban Declaration') and Programme of Action.²⁴¹ In 2009 the Review Conference took place and the Outcome Document of the Review Conference was adopted. These conferences and documents are now under attention of the CERD Committee that already has issued general recommendations concerning them.²⁴² The Durban Declaration contains section called Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels. Education figures in three paragraphs. Paragraph 80 of the Durban Declaration recognizes that education (like development and the implementation of international human rights norms) is crucial to combat racism. Paragraph 95 defines education and HRE as a key to changing attitudes and behaviour based on racism. Also it states that: "we further affirm that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance."²⁴³ Finally human rights education is highlighted in paragraph 97 of the Durban Declaration where the link between the right to education and the struggle against racism is also described.²⁴⁴ The Programme of Action includes a whole section devoted to human rights education²⁴⁵ and to human rights education for children and youth.²⁴⁶

Awareness (2016).

241Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 31 August – 8 September (A/CONF.189/12), Durban Declaration and Programme of Action.

242For example Committee on the Elimination of Racial Discrimination, *General recommendation No. 33, Follow-up to the Durban Review Conference* (29 September 2009, CERD/C/GC/33).

243Durban Declaration, *supra* note 235, para. 95.

244*Ibid.*, para. 97 reads as follows: "We underline the links between the right to education and the struggle against racism, racial discrimination, xenophobia and related intolerance and the essential role of education, including human rights education and education which is sensitive to and respects cultural diversity, especially amongst children and young people, in the prevention and eradication of all forms of intolerance and discrimination."

245Programme of Action, *supra* note 235, paras. 125-128.

246*Ibid.*, paras. 129-132.

The Outcome document of the Durban Review Conference²⁴⁷ was adopted in 2009 and it includes five sections.²⁴⁸ In section one the document “recognizes taken at national level to promote human rights education”²⁴⁹ and in section five the document “encourages States to develop national capacity for human rights education, training activities and public information (...) in order to combat racism, racial discrimination, xenophobia and related intolerance ...”²⁵⁰ Also States and relevant international organizations should develop educational programmes aimed at countering these issues.²⁵¹ These documents are not legally-binding but they provide understanding of possible measures in combating racism.

3.4.6 Convention against Discrimination in Education

Finally in the paper about the link between education and prevention of racial discrimination there should be at least a mention of the Convention against Discrimination in Education.²⁵² This Convention was adopted in 1960 by the General Conference of the UNESCO. This Convention has been also ratified by the predecessor of the Czech Republic and later the Czech Republic has succeeded to this Convention.²⁵³

This Convention focuses more on the right to education and access to education than using education as a prevention tool against discrimination. However, the States Parties to this

247The Durban Review Conference, *supra* note 236, Outcome document.

248Section 1: Reviews of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.

Section 2: Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them.

Section 3: Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination (CERD).

Section 4: Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance.

Section 5: Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments hereto, including in light of developments since its adoption in 2001.

249The Outcome document of the Durban Review Conference, *supra* note 236, para. 22.

250*Ibid.*, para. 107.

251*Ibid.*, para. 108.

252Convention against Discrimination in Education, adopted on 14 December 1960, entry into force 22 May 1962. UNESCO.

253State Parties to the Convention against Discrimination in Education on websites of the UNESCO on: www.unesco.org/eri/la/convention.asp?KO=12949&language=E&order=alpha (visited on 23 April 2016).

Convention agreed that: “education shall be directed (...) 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.”²⁵⁴

What have we learned so far? We know that education is now taken seriously as a tool for prevention and elimination of a racial discrimination. This is true for international and regional conventions, for political documents, recommendations, declarations and actions programmes. Also specifically in connection with the Czech Republic human rights bodies suggested that education would help to combat some human rights issues.

3.5 Prevention and Elimination of Racial Discrimination in Czechia

From the foregoing part in this chapter we know that situation of Roma people is different than situation of other ethnic minorities in the Czech Republic (for example a Vietnamese minority). Roma people figure in many human rights issues and even though they are not the only victims of human rights violations in the Czech Republic they play a part in many of them. Of course different issues probably have different solutions. For example involuntary sterilizations of Roma women cannot be solved just by training of doctors but also by providing victims with adequate remedies. And training of doctors does not solve problem with higher drop outs of Roma girls in comparison with girls from the majority society. But such a wide discrimination and stereotypes against one minority needs to be treated as nation-wide issue with nation-wide solution. Of course it starts with proper legislation, but in the Czech Republic discrimination based on race is prohibited since its formation in 1993.²⁵⁵ Also the Act No. 198/2009 on Equal Treatment and on Legal Means of Protection Against Discrimination (the Anti-Discrimination Act)²⁵⁶ adopted in 2009

²⁵⁴Convention against Discrimination in Education, *supra* note 246, article 5(1) a).

²⁵⁵Charter of Fundamental Rights and Freedoms (in Czech *Listina základních práv a svobod*), adopted by decision of Czech National Council No. 2/1993 Coll.

Article 3 (1) of the Charter reads as follows: “Fundamental rights and freedoms are ensured to all without distinction based on sex, race, colour, language, beliefs and religion, political or other opinion, national or social origin, association with a national or ethnic minority, property, birth or other status.”

In Czech: „Základní práva a svobody se zaručují všem bez rozdílu pohlaví, rasy, barvy pleti, jazyka, víry a náboženství, politického či jiného smýšlení, národního nebo sociálního původu, příslušnosti k národnostní nebo etnické menšině, majetku, rodu nebo jiného postavení.“

²⁵⁶Act No. 198/2009 Coll., on Equal Treatment and on Legal Means Of Protection Against Discrimination (Anti-Discrimination Act).

prohibits racial discrimination as other provisions incorporated in acts such as Labour Code²⁵⁷. Another nation-wide measure can be awareness-raising campaigns in public media. This method has been also suggested by number of committees.²⁵⁸ This is very good start and this measure has a good potential for reaching all levels of society. Disadvantage of this method is that it is one direction measure. There is no dialogue and people who have their contra-arguments cannot be heard. Awareness-raising of a wide public can be done by another method. Instead of awareness-raising campaigns the government can fight the discrimination by proper education.

Education has been suggested as a method for the prevention and elimination of racial discrimination in many international documents as we have seen above. Moreover, the Czech Republic has been several times criticized about the lack of this tool and it has been recommended to use it in many more human rights issues relevant for the Czech Republic. For example awareness-raising campaigns are recommended by the Committee against Torture in relation with verbal and physical attacks against Roma to promote tolerance and respect for diversity,²⁵⁹ and with relation to corporal punishment of children.²⁶⁰ Human Rights Committee recommends awareness-raising campaigns in relation with stereotypes regarding the position of women in society,²⁶¹ racism²⁶² and trafficking in persons.²⁶³ Only with relation to racism the Human Rights Committee recommends to focus on awareness-raising campaigns in schools among the youth.²⁶⁴ Other committees dealing with human rights treaties also recommend awareness-raising campaigns. Specifically focused on schools and raising awareness through education by incorporation of some topic into school curricula suggest Committee on the Rights of the Child²⁶⁵ and the Committee on the Elimination of Discrimination against Women.²⁶⁶ The Committee on the Elimination of Racial Discrimination only recommends awareness-raising campaigns that are “on respect for diversity and elimination of racial discrimination,”²⁶⁷ and “promoting tolerance and diversity.”²⁶⁸

257Labour Code No. 262/2006 Coll., Article 16 (2) reads as follows: “In labour law relationships any kind of discrimination is prohibited. ...”

258This will be in detail described later in this chapter.

259Committee against Torture. Concluding observations. Czech Republic. 13 July 2012 (CAT/C/CZE/CO/4-5). para. 11 b).

260*Ibid.*, para. 22.

261Human Rights Committee, *supra* note 179, para. 7.

262*Ibid.*, para. 8.

263*Ibid.*, para. 16.

264*Ibid.*, para. 8 a).

265Committee on the Rights of the Child, *supra* note 185, paras. 22, 23 and 36.

266Committee on the Elimination of Discrimination against Women, *supra* note 159, paras. 17 and 25.

267Committee on the Elimination of Racial Discrimination, *supra* note 167, para. 16.

268*Ibid.*, para. 22.

3.6 System of Schools in the Czech Republic

Finally for the following chapters it worth to mention how does the education look like in the Czech Republic and what are the stages of education. Primary schools involve nine years of education. School-attendance in these schools is compulsory and free of charge for all pupils. Children go to school when they are around six years old. They leave primary schools after nine years when they are around fifteen years old. First five years at primary schools is called stage one. From sixth to ninth year the education is at the stage two. Therefore pupils between eleven and fifteen years old attend stage two of primary schools. There are also special schools or programmes for more talented children or for pupils who want to go to a university one day. These are eight-year programmes or six-year programmes. Eight-year programmes pupils attend when they are eleven years old until they are nineteen years old. Six-year programmes pupils attend when they are thirteen years old until they are nineteen years old. These special programmes have also weird names of years. Normal primary schools have first to ninth years. The special schools have “prima” for the first year of special programme which is the sixth of “normal” programme. The years at the special programmes are called from the lowest: *prima*, *sekunda*, *tercie*, *kvarta*, *kvinta*, *sexta*, *septima*, *oktáva* (in Czech). Therefore students of *prima*, *sekunda*, *tercie* and *kvarta* are pupils between eleven and fifteen years old and their attendance in school is compulsory. They are at stage two.

This short description of schools is necessary for following examination of human rights education at stage two of primary schools in the Czech Republic.

3.7 Obligation of the Czech Republic to provide HRE

As was mentioned at the beginning of this chapter the Czech Republic is a State Party to the most international human rights conventions and to the European Convention on Human Rights. The obligation to provide education that strengthens respect for human rights and fundamental freedoms incorporated in the Article 13 of the ICESCR also applies to the Czech Republic as the obligation to adopt measures to combat racism incorporated in article 7 of the CERD.

3.8 Conclusion of This Chapter

This chapter provides basic information about the Czech Republic and its serious human rights problem – racial discrimination. It was necessary to go through the documents that prohibit racial discrimination in international human rights law to fully understand why human rights education at primary schools in the Czech Republic should combat racism and to be able to decide whether the contemporary establishment of human rights education is sufficient for reaching this goal. Also we have learned that already at international and regional level monitoring and other bodies dealing with human rights suggest, recommend or even oblige states to provide human rights education the purpose of which is to combat racial discrimination. Finally, human rights education should be tailored to each country individually based on the country context, priorities and capacity.²⁶⁹ With all the presented information about human rights education, racial discrimination and the Czech Republic we can continue with the examination of human rights education at stage two of primary schools in the Czech Republic.

²⁶⁹Importance of the country's context, priorities and capacity in the formulation of realistic goals and means for action in human rights education is for example highlighted in the Plan of Action of the World Programme for Human Rights Education. First Phase, *supra* note 40, para. 23.

4 HRE in the Czech Republic

So far we have examined human rights education as a general topic and field, the human rights issues in the Czech Republic, its obligations and education system. Now we turn our attention to the core of this paper – human rights education in the Czech Republic. To properly examine human rights education at the stage two of primary education in the Czech Republic we would have to not just analyse thousands of documents but also provide thorough study of actual education at classrooms. It is not possible to do it in such a small-scale paper as is this one. Therefore the research will focus on a few documents that establish basis for an education and documents that use these basis in individual schools. This part uses the UN definition of human rights education established in the UN Declaration on Human Rights Education and Training.

Analysis of human rights education in the Czech Republic can be done in several ways. It is necessary to examine and analyse the most important documents which establish principles of education and define and limit content of education. Among these documents the primary one is the Framework Educational Programme for each stage of education. This paper is focused only on the stage two of primary education in the Czech Republic therefore the first document which will be thoroughly analysed is the Framework Educational Programme for Basic Education.²⁷⁰ The School Educational Programmes (SEPs) are documents that every school in the Czech Republic must adopt. They follow principles and limitations in the Framework Educational Programme for Basic Education (FEP). Schools provide education based on it. In this paper the School Educational Programme of three schools will be examined.

4.1 Framework Educational Programme for Basic Education

To explore human rights education in the Czech Republic we must first start with the Framework Educational Programme for Basic Education which “delimits all that is common to and

²⁷⁰In English: Ministry of Education, Youth and Sport of the Czech Republic, *The Framework Educational Programme for Basic Education (version applying since 1 September 2013) complete text of FEP with amendments and with changes marked in colours* (Prague, 2013), in Czech *Rámcový vzdělávací program pro základní vzdělávání (verze platná od 1. 9. 2013) úplně znění upraveného RVP ZV s barevně vyznačenými změnami* <www.msmt.cz/vzdelavani/zakladni-vzdelavani/upraveny-ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani> visited on 28 April 2016.

necessary within the compulsory basic education system (including the lower grades of six-year and eight-year grammar schools).²⁷¹ This document is important because it is compulsory and even though schools have wide discretion about the actual content of the subjects taught in their classrooms this document frame and settle the limitations for schools. In this document the Czech government, or more precisely the Ministry of Education, Youth and Sport of the Czech Republic states what pupils must know and what are the main principles and leading ideas for pupils' education. If the Czech Republic is serious about human rights education it must be incorporated in this document.

The latest version of the Framework Educational Programme for Basic Education applies since 2013. It will be explored how human rights education is established in this document. We will start to look for the words “human rights” and their use and reference in this document. Then, we will explore the use of words connected to human rights such as dignity, respect or equality. This method is similar to the one used by the Danish Institute for Human Rights in report about human rights education in Danish schools.²⁷² From this analysis the conclusion about how serious is the government with human rights education is drawn.

Now we briefly focus on the structure of the FEP. The FEP is divided into four parts. Part A contains definition of the FEP and its relation to other curriculum documents. Part B describes basic education. Part C includes the notion and goals of basic education, key competences, educational areas, cross-cutting themes, and the framework curriculum. Part D focuses on education of pupils with special needs, education of extraordinary talented pupils, requirements for a realization of the FEP, principles of processing, evaluation and amendments of the FEP. Educational areas in Part C are these: Language and Communication (5.1), Math and Its Application (5.2), Information and Communication Technologies (5.3), Humans and Their World (5.4), Humans and Society (5.5), Humans and Nature (5.6), Arts and Culture (5.7), Humans and Health (5.8), Humans and the World of Work (5.9), and Complementary Educational Fields (5.10).

The word “human rights” is 15 times in total in the FEP. How the words are used will be examined in the following section.

²⁷¹*Ibid.*, p. 5.

²⁷²Danish Institute for Human Rights, *supra* note 5, 40 p.

4.1.1 Term 'Human Rights' in the Framework Educational Programme

Firstly, the word 'human rights' is twice mentioned in the chapter 5.4.1 Humans and Their World. This subject is for the first stage (first to fifth year) of primary education (children between six and eleven years old) and it contains subsection People around Us. In this subsection outcomes of period two should be that the pupil "identify actions and behaviour in their surroundings that cannot be tolerated and that violate fundamental human rights and democratic principles."²⁷³ In the curriculum for this subject there must be subject matter "law and justice – fundamental human rights and rights of the child, rights and duties of the school's pupils, unlawful conduct and corruption, legal protection of citizens and property including claims to replacement, private property and intellectual values."²⁷⁴ This is interesting because it provides grounds for human rights education for pupils between the first and fifth year, i.e. at the stage one of primary education. This is not subject of our examination. It has been mentioned as an example of expected subject matters of a small pupils to compare it later with the subject matter of older pupils at the stage two of primary education.

Secondly, the word "human rights" is mentioned at the beginning of the chapter 5.5 Humans and Society which is constructed for the stage two (sixth to ninth year) of primary education (children between eleven and fifteen years old). As the description of this "educational area" is written that "an important part of education in this educational area is the prevention of racist, xenophobic and extremist attitudes, learning tolerance and respect for human rights, gender equality, respect for the natural and cultural environment, and the preservation of artistic and cultural values."²⁷⁵ This educational area contains two "educational fields", history and civil education. This reference to human rights seems to be education for human rights. But it is impossible to see from this document whether the aim is really reached in practice. History (section 5.5.1) contains only one reference to human rights in subsection modern era in which an expected outcome is that pupil will "explain on specific examples anti-Semitism, racism and their unacceptability from the human rights perspective."²⁷⁶

Express reference to human rights as part of education and with the place in curriculum is provided later in the document, in the section 5.5.2 Civil Education. This subject is taught at the stage two of primary education. Among subsections of this subject there is Humans, State and Law

²⁷³FEP, *supra* note 264, p. 39.

²⁷⁴*Ibid.*, p. 39.

²⁷⁵*Ibid.*, p. 43.

²⁷⁶*Ibid.*, p. 47.

with expected outcomes that pupils will “exercise their rights in an appropriate manner, including the rights of customers, and respect the rights and legitimate interests of other people, assess the importance of protecting human rights and freedoms, understands the responsibilities of citizens in national defense.”²⁷⁷ To reach this outcome the curriculum must include subject matter “human rights – fundamental human rights, rights of the child, protection of rights; provisions on human rights and rights of the child in documents; violation of human rights, bullying, discrimination.”²⁷⁸ This is probably the most important part of the Framework Educational Programme for Basic Education for education about human rights. According to this part every primary school must educate their pupils at the stage two about human rights and rights of child and documents that establish these rights. However, to compare it with the education about human rights at the stage one there are just few differences.

The same parts are: fundamental human rights and the rights of the child. The difference is that at the stage two pupils must learn about human rights documents – documents with provisions on human rights and the rights of the child. This is a little bit confusing. It is not clear what “human rights” contain. Does it mean that teachers must mention the Convention of the Rights of the Child and any other human rights convention? Or must the teachers talk about all human rights documents? Then why are the rights of the child highlighted? This is first of many problems connected to human rights education in the Czech Republic. The subject matter for the stage one and two also differs in an involvement of violations of human rights, bullying and discrimination in the subject matter of stage two. We cannot learn any more details from the Framework Educational Programme for Basic Education therefore we need to examine School Educational Programmes whether they contain an explanation how violations of human rights and discrimination are described to pupils.

Relatively new educational area is Ethical Education (section 5.10.2). It is categorized as complementary educational field (together with drama education, film/audiovisual education and dance and movement education) which is not a compulsory part of primary education. This educational area just “follows the curriculum our school, community, region, (...) personal development, inner world of man and human rights.”²⁷⁹ That does not seem to be much but in the curriculum for the stage two of primary education there is a subject matter dignity and identity of human being with “respect for the human being – human rights, resources of human rights,

²⁷⁷*Ibid.*, p. 50.

²⁷⁸*Ibid.*

²⁷⁹*Ibid.*, p. 92.

freedom, equality, human potentialities, positive evaluation of others in difficult situations, civic maturity.”²⁸⁰ Again this is promise of education about human rights but because it is not obligatory the real meaning of this educational area can be only seen in the School Educational Programmes.

The important part for human rights education is the chapter six called Cross-Cutting Themes²⁸¹. These themes are six: Personal and Social Education, Democratic Citizenship, Education towards Thinking in European and Global Contexts, Multicultural Education, Environmental Education and Media Education.²⁸² According to the Framework Educational Programme for Basic Education these cross-cutting themes “are subjects related to contemporary present-day issues and represent an important and inseparable part of basic education.”²⁸³ They also “facilitate pupil's personal development especially in the area of attitudes and values.”²⁸⁴ What is also important to mention about these themes they contain offered topics but the selection of topics and method of their incorporation in the curriculums are in the discretion of schools.²⁸⁵ That means even though all cross-cutting themes provide human rights as offered topic, not one of the Czech primary schools have to incorporate them in their curriculum. The scope and method of realization of these themes are established in the School Educational Programmes²⁸⁶ that is adopted by every school. As was mentioned above these School Educational Programmes (to be more precise three of them) are going to be examined later in this paper.

First cross-cutting theme, Personal and Social Education, contains eleven topics. The FEP states that “for their realization is it useful to include to lessons those topics that reflect present needs of pupils, or they are results of the mutual agreement with pupils.”²⁸⁷ Human rights as a regulator of relationships²⁸⁸ are included in the offered topic Interpersonal Relationships.

Not surprisingly human rights play bigger role in the next theme called Democratic Citizenship (section 6.2). This theme contains only four topics and an introduction to them reads as follows: “topics of this cross-cutting theme are directed towards establishment and development of democratic knowledge, skills and attitudes necessary for an active pupil's participation – future

280*Ibid.*, p. 94.

281The Ministry of Education, Youth and Sport of the Czech Republic uses the term „Cross-Curricular Subjects“ in the Ministry of Education, Youth and Sport of the Czech Republic, *The Framework Educational Programme for Basic Education with amendments as at 1 September 2007*, in English <www.msmt.cz/areas-of-work/basic-education-1> visited on 2 May 2016, p. 93.

282FEP, *supra* note 264, p. 103.

283*Ibid.*

284*Ibid.*

285*Ibid.*

286*Ibid.*

287*Ibid.*, p. 105.

288*Ibid.*

adult citizens – in life in the democratic society. In their realization it is useful to start with the real-life situations and recommended content of the topics the most relate to the life experience of pupils.”²⁸⁹ This theme should, beside other things, lead to “an active approach towards defending and respecting human rights and freedoms.”²⁹⁰ The offered topic which should help with this goal is Citizen, Civil Society and State. This topic goes around human rights and it worth to quote it:

“Citizen, Civil Society and State – the citizen as a responsible member of society (rights and obligations, ability to actively exercise them, take responsibility for their attitudes and actions, to become engaged and be interested in the common interest); the Charter of Fundamental Rights and Freedoms, rights and duties of a citizen; the role of citizens in a democratic society; fundamental principles and values of a democratic political system (law, justice, differences, diversity); the principles of coexistence with minorities (relationships to others, respecting different identities, mutual communication and cooperation, causes of misunderstanding and sources of conflict).”²⁹¹

In essence this topic is focused on democracy. Human rights in this context mean more the respect of others than rights of pupils and empowerment. Duties and responsibilities are in the center of this offered topic. Also it is clear that rights are more understood as those incorporated in the Charter of Fundamental Rights and Freedoms which is a national fundamental law with power of a constitution than international human rights conventions and declarations. Although the Czech Charter of Fundamental Rights and Freedoms is not the worst list of human rights and it is not written in a bad way still it is not identical with international human rights conventions. The Declaration on HRET supports an embodiment of guarantees at national level for the protection of human rights²⁹² but it also supports an embodiment²⁹³ of guarantees at international and regional levels, and protection of all human rights. Conversely, what is very good about this topic is an explicit notion of principles of coexistence with minorities. Minorities, stereotypes, respect and tolerance are also used in the Framework Educational Programme for Basic Education and it will be mentioned later.

Another theme closely connected to human rights is the Education towards Thinking in European and Global Contexts (section 6.3). This theme contains only three topics. One of the contributions of this theme to the pupils' personal development should be to “deepen basic knowledge necessary for understanding of the structure and functioning of international and non-governmental organizations, their role in addressing global and local humanitarian, political, social, economic and cultural issues and observance of human rights.”²⁹³ This theme should also contribute

289*Ibid.*, p. 107.

290*Ibid.*, p. 106.

291*Ibid.*, p. 107.

292Declaration on HRET, *supra* note 2, article 4 a).

293FEP, *supra* note 264, p. 109.

to overcome stereotypes and prejudices and “create positive attitudes to otherness and cultural diversity.”²⁹⁴ Unfortunately, there are no human rights mentioned in the offered topics. What can at least touch upon human rights issues is “international organizations and their contribution to the solution of children's and youth's problems.”²⁹⁵ Otherwise there are no human rights, so the opportunity to mention human rights in international space is lost.

Lastly, the words human rights can be found in the theme Multicultural Education in which question of human rights and the fundamental documents²⁹⁶ are part of the topic Principles of Social Reconciliation and Solidarity. There are other four topics. The Principles of Social Reconciliation and Solidarity reads as follows: “personal responsibility for and contribution to eliminating the discrimination of and prejudices towards ethnic groups; conflict-free life in a multicultural society, active participation in reshaping society according to one's abilities, respecting the needs of minority groups; human rights – fundamental documents.”²⁹⁷ Unfortunately, it is again unclear what human rights and founding documents should contain and in the end will contain. On the other side, this whole theme – Multicultural Education aims quite clearly towards elimination of discrimination based on ethnicity. The introduction for these topics states that “topics are based on the present situation at the school, they reflect recent developments in the place of the school, present situation in the society. The selection and realization of any given thematic area or topic may be significantly influenced by an agreement among teachers, between teachers and pupils, or between teachers and legal guardian etc.”²⁹⁸ This statement undermines the whole theme focusing on discrimination of ethnic minorities. This is a big problem for creation of proper basis for human rights education at primary schools.

The last two cross-cutting themes are irrelevant for human rights education. Even though Environmental Education deals with important elements for human rights such as water and its protection it never connects it with the human rights. There is no reference to human right to water etc. Media Education should develop sensitivity on stereotypes or prejudices but nothing in topics and their contain mention human rights or anything similar.

So far, the examination of the words “human rights” in the FEP has been provided. Now the focus will be on other words and ideas that are connected to human rights and their principles such as equality between sexes or respect.

²⁹⁴*Ibid.*

²⁹⁵*Ibid.*

²⁹⁶*Ibid.*, p. 111.

²⁹⁷*Ibid.*

²⁹⁸*Ibid.*

4.1.2 Human Rights Principles in the FEP

So far we have examined the one of the most important and leading documents for primary education in the Czech Republic. To understand fully the role of human rights in the Framework Education Programme for Basic Education we have also to look for expressions connected to human rights principles and values without using the words “human rights”. Aforesaid the cross-cutting theme Multicultural Education aims to prevent discrimination based on ethnicity. It is about “justice, solidarity and tolerance”²⁹⁹ and it should “teach to accept other as an individual with same rights, to understand that all ethnic groups and all cultures are equal and none is supreme to another”³⁰⁰ and it should “provide knowledge of some basic terms of multicultural terminology: culture, ethnicity, identity, discrimination, xenophobia, racism, nationality, intolerance etc.”³⁰¹ In this theme as part of topic Human Relations are prejudices and stereotypes with focus on causes and consequences of discrimination. If this cross-cutting theme have enough space and time in every curriculum the human rights education about discrimination based on ethnicity would be satisfactory in the Czech Republic. Unfortunately, there is a small flaw. As was mentioned above, in this cross-cutting theme, unlike in the other cross-cutting themes, there is an introducing sentence “the selection and realization of any given thematic area or topic may be significantly influenced by an agreement among teachers, between teachers and pupils, or between teachers and legal guardian etc.”³⁰² Hence, in regions where there is a bigger problem with discrimination based on ethnicity it is possible that Multicultural Education is stripped of all topics necessary to fully comprehend this human rights issue. It can make an impression that the Czech government was worried about potential disagreement with voters who do not wish to have their children taught about equality between ethnic groups.

Likewise other human rights are included in the Framework Educational Programme. Equality between sexes is mentioned in chapter 5.5 Humans and Society, especially in section 5.5.2 Civil Education.³⁰³ Also human dignity plays some role in the FEP. The objective of the educational fields History and Civil Education should be to “identify opinions and attitudes which threaten human dignity or violate the fundamental principles of democratic coexistence; increasing their

²⁹⁹*Ibid.*, p. 110.

³⁰⁰*Ibid.*

³⁰¹*Ibid.*

³⁰²*Ibid.*, p. 111.

³⁰³*Ibid.*, p. 43, 48.

resistance towards ideological manipulation.”³⁰⁴ Also human dignity is established in Ethical Education³⁰⁵ or in the cross-cutting theme Democratic Citizenship³⁰⁶ in connection to human rights.

According to the FEP, respect of opinions, arguments and values of others should be competence of every pupil at the end of primary education.³⁰⁷ To respect cultural diversity and coexistence emerges on many places³⁰⁸ in the FEP. Respect is used in connection with human rights (respect for human rights)³⁰⁹ or for opinions of others³¹⁰. All these references to respect suffers from the same deficiency as previously examined references to human rights. There is no information how the respect is mentioned during classes, how it is explained to pupils, and again there is a wide margin of appreciation of schools with regard to concrete topics and themes. Quite interesting sounds a statement that the physical education at the stage two of primary education should lead to respect for the opposite sex.³¹¹ Especially in situation when the physical education is divided based on sex.

The last educational area that can be linked to human rights is Humans and Health. In educational field Health Education pupils should be educated about sexuality “in connection to health, ethics, morals and positive life goals”³¹². This is opportunity to educate about different types of sexual orientation. However, it is impossible to say how morals and ethics is linked in the classrooms to sexuality. For example whether and how are different sexual orientations presented. Hence this subject can lead to wider equality and acceptance of lesbian, gay, bisexual and transgender people or on the contrary to their discrimination. Once more, the FEP wording does not reveal which one it is.

The rest of human rights do not have special place in the FEP. It is possible to incorporate them in the curriculums and teach about them due to many references to “human rights”, however, human rights are more connected to democracy and democratic principles thus it seems that the emphasis is given to civil and political rights at the expense to economic, social and cultural rights. Minorities, tolerance, fight against discrimination, stereotypes and prejudices are covered greatly in the Framework Educational Programme which is good for state such as the Czech Republic with is criticized with regard to discrimination based on ethnicity.

304*Ibid.*, p. 44.

305*Ibid.*, p. 91, 94, 94.

306*Ibid.*, p. 106.

307*Ibid.*, p. 12.

308*Ibid.*, p. 17, 36, 43, 44, 48, 75, 77, 107, 108, 110 and 111.

309*Ibid.*, p. 43, 50, 105, 110.

310*Ibid.*, p. 43, 92, 106.

311*Ibid.*, p. 80.

312*Ibid.*, p. 75.

To conclude this part the Framework Educational Programme for Basic Education establishes human rights education into the primary education and provides opportunity to teach and inform about human rights. On the other hand the space for human rights education is limited and not obligatory enough to ensure that human rights education on the stage two of primary education in the Czech Republic will be provided in full scope to reach its goals.

4.2 School Educational Programme

Document prepared on the basis of the Framework Educational Programmes by every primary and secondary school is a School Educational Programme. SEPs form “the basis of education at the individual schools.”³¹³ In this document the concrete school describes all subjects that are taught in it with specification of years and content. The content is not detailed for every lesson but it includes topics and how these topics are connected to other subjects and to the cross-cutting themes. In the following lines we explore three concrete School Educational Programmes of schools operating in one small town.³¹⁴ Two schools are general primary schools with around 350 pupils each. The third is secondary grammar school with eight-year programme for children that starts on sixth year of primary education and finishes on the fourth year of secondary education (children between 11 to 19 years old).

4.2.1 School Educational Programme 1 (SEP1)

As is described above the secondary grammar school in the chosen town include eight-year programme starting at the age when children go the stage two of primary education (around 11 years old). That means that this school teaches children that have obligation to go to school (“compulsory school attendance” for children between six and 15 years old). These children in fact are on the stage two of primary education. This special eight-year programme has been established for more talented children or children who know that they want/will go to university. The

³¹³*Ibid.*, p. 5.

³¹⁴The town is Jilemnice and it is situated in the north-east of Bohemia in the Czech Republic. Jilemnice has around six thousand inhabitants. Here is the Official website of the town Jilemnice <www.mestojilemnice.cz/en/> visited on 2 May 2016.

curriculum is more focused on abstract education and children are supposed to learn more than children at normal schools.

The School Educational Programme for Eight-Year Grammar School³¹⁵ (SEP1) has been adopted by the Secondary Grammar School and Secondary Technical School Jilemnice in 2010 and it is applicable since 1 September 2010.

After a couple of introductory pages the SEP1 starts with a description of how the cross-cutting themes are incorporated into the curriculum. Topic Interpersonal Relations (offered topic of the cross-cutting theme Personal and Social Education) which includes human rights as regulator of relations is part of the following subjects in curriculum: English, math, art education, civil education, German, physics and history.³¹⁶ For easier understanding it is good to restate that topic Interpersonal Relations covers “care about good relationships, behaviour promoting good relationships, empathy and seeing the world from the perspective of others, respect, support, help; human rights as regulator of relationships; relationships and our group/class (work with natural dynamic in the classroom as a social group).”³¹⁷ On the one hand it is very remarkable that so many subjects contain topic Interpersonal Relations with human rights. On the other hand, it is suspicious that subjects like math or physics educate about human rights. This part of the SEP1 is inadequate in providing information how Interpersonal Relations emerge in these subjects. There is only short “description” under subjects, one line in table. For example in math the topic Interpersonal Relations is mentioned during lessons about number and numerical operations.³¹⁸ It is true that cross-cutting theme Personal and Social Education prescribes that its topics are realized “through practical means using appropriate games, exercises, model situation and relevant discussion.”³¹⁹ This implies that Interpersonal Relations can be satisfied in curriculum without explicitly talking about human rights, nevertheless the topic must be presented in some meaningful way. According to the SEP1, each year (from sixth to ninth) students learning about number and numerical operations also learn (through practical means) about Interpersonal Relations including human rights. It is not impossible but highly implausible. If it is true that math does not contain Interpersonal Relations why is it written in the SEP1 that it does? Similarly physics relates to

315Secondary Grammar School and Secondary Technical School Jilemnice, *School Educational Programme for Eight-Year Grammar School, Through Education Towards Prosperity*. Originally in Czech *Gymnázium a Střední odborná škola Jilemnice: Školní vzdělávací program pro osmileté gymnázium, Vzděláním k prosperitě*, apply since 1 September 2010 <<http://www.gymjil.cz/skolni-vzdelavaci-programy/>> visited on 3 May 2016.

316*Ibid.*, pp. 36-38.

317FEP, *supra* note 264, p. 105.

318SEP1, *supra* note 309, pp. 36-37.

319FEP, *supra* note 264, p. 104.

Interpersonal Relations during lessons about the Universe.³²⁰ Does the teacher during lessons about the Universe use model situation educating pupils about good relationships and human rights? It seems implausible too. Subjects English and German languages do not include any other information than in which year they contain the topic Interpersonal Relations. Among the subjects claimed by the SEP1 that they incorporate topic Interpersonal Relations the most promising is civil education. Civil education according to the SEP1 involves in the “sekunda” (seventh year of primary education, second year of the eight-year grammar education) lessons called Humans and Human Rights.³²¹ Lessons Humans and Human Rights will be analyzed later after going through other cross-cutting themes in the SEP1.

Second cross-cutting theme Democratic Citizenship involves human rights primarily in the topic Citizen, Civil Society and State. This topic is incorporated into subjects civil education and history but also in the subject information and communication technologies.³²² Apparently, processing and utilization of information³²³ covers the Charter of Fundamental Rights and Freedoms or principles of coexistence with minorities. It is obviously nonsense but if the information and communication technologies incorporate the topic Citizen, Civil Society and State then it should cover the content of this topic. Subject history involves topic Citizen, Civil Society and State in lessons about modernization of society in eighth year (*tercie*).³²⁴ The SEP1 is unclear in how much information from Citizen, Civil Society and State is provided during these lessons but it is understandable that modernization of society is easily linked to fundamental principles and values of the democratic political system. Again civil education emerge here with lessons humans and human rights (*sekunda*) but also with lessons “our town, our homeland”³²⁵ (*prima* – sixth year of primary education), “life in family, humans and law, state and local administration”³²⁶ (*tercie*), and “state law theory, international community, human and spiritual life”³²⁷ (*kwarta* – ninth year of primary education).

Topics in the cross-cutting theme Education towards Thinking in European and Global Contexts do not contain explicit reference to human rights as we have learnt in previous part of this paper. This cross-cutting theme should lead to overcome stereotypes and prejudices and create positive attitudes to cultural diversity but it is up to schools how they achieve these goals. Topics in

320SEP1, *supra* note 309, p. 37.

321*Ibid.*, p. 36.

322*Ibid.*, pp. 79-80.

323*Ibid.*, p. 80.

324*Ibid.*, p. 79.

325*Ibid.*

326*Ibid.*, p. 80.

327*Ibid.*

this theme cover Europe mostly (experiences from Europe, Day of Europe, roots of European civilization)³²⁸ and the School Educational Programme should do the same at least. Subjects involving this cross-cutting theme are according to the SEP1 numerous. These subjects are for example the Czech, geography, history, civil education, English and German, and information and communication technologies.³²⁹ To satisfy connection between topics in this cross-cutting theme and introduced subjects is not so difficult. For example the subject Czech is linked to topics about Europe by lessons about creative activities with a literary text and ancient literature.³³⁰ Also according to the SEP1 the subject Czech “is an irreplaceable tool for learning, information processing and presentation of attitudes and opinions, but also has important instructional role in learning other languages, which are a key factor in understanding and learning about the cultures of other nations.”³³¹ This is an interesting part. What has happened here? The subject Czech is presented in the SEP1 as subject containing topics of mandatory cross-cutting theme. The argument of the SEP1 is following: the subject contains topics of the Education towards Thinking in European and Global Contexts because the Czech is necessary for presentation of opinions and mainly for learning other languages. Presentation of opinions and learning other languages is a key element for teaching about Europe. Teaching about Europe is part of topics (Europe and World around Us, Discovering Europe and World, We are Europeans) which are part of mandatory cross-cutting theme Education towards Thinking in European and Global Contexts. To conclude the argument made by the SEP1 (but also by the FEP), by teaching subject Czech pupils are lead to overcome prejudices and stereotypes. Teachers of Czech do not have to mention anything about discrimination, prejudices or stereotypes but they still will be teaching to overcome them. That is the logic of SEP1. But it is not mistake of the SEP1. Going through the Framework Educational Programme for Basic Education again there is exactly the same sentence³³² as there is in the SEP1. The FEP itself creates this gap, this logic and enables schools to present themselves as educating pupils in a way to prevent discrimination even if they do not. This is a problem.

Moving on to the next cross-cutting theme, the Multicultural Education involves human rights in the topic Principle of Social Reconciliation and Solidarity but the whole theme is about prevention of discrimination based on race and ethnicity. The Czech claims to teach about topic Cultural Diversity in lessons about vocabulary and word formation.³³³ The subject biology claims to

328FEP, *supra* note 264, p. 109.

329SEP1, *supra* note 309, pp. 84-89.

330*Ibid.*, p. 84.

331*Ibid.*, p. 83.

332FEP, *supra* note 264, p. 108.

333SEP1, *supra* note 309, p. 97.

teach about topic Human Relations in lessons about human biology, general biology and genetics. We face the same problem we have seen in previous cross-cutting theme. Teachers and schools to fulfil obligation to incorporate cross-cutting themes in normal subjects and curriculums claims to teach them in subjects that at least seems to comply with basic requirements. But in the end these subjects cannot achieve the proclaimed goals and they will never lead to solution of any human rights issues. This human rights education does not look good even on paper. It cannot look good in reality too. Topic Human Relations are integrated in the civil education in sekunda in lessons about humans and human rights, and ethics and morality.³³⁴ The lesson humans and human rights may produce real human rights education. Topic Ethnic Origin is integrated in many subjects but the most promising seems to be the subject history where Ethnic Origin is integrated in lessons modern era, and divided and integrated world. Otherwise according to the SEP1 the topic Ethnic Origin is incorporated into subjects like German, geography, biology or civil education.³³⁵ Topic Multiculturalism is integrated in subjects English, civil education, Czech language and literature, geography and German.³³⁶ German and English do not specify in which lessons the topic Multiculturalism is integrated. Czech language and literature integrate Multiculturalism in lessons about language, linguistics, language handbooks (in *prima*) and vocabulary (in *tercie*). Civil education includes Multiculturalism in lessons about our homeland and cultural life (in *prima*) and international community (in *kvarta*). Subject geography integrates Multiculturalism in lessons about the regions of the world (prima, sekunda), in lessons about the Czech Republic (*tercie*) and about social and economic environment (*kvarta*). Finally the topic Principle of Social Reconciliation and Solidarity should be integrated in subjects civil education (lessons about ethics and morals, humans and human rights), German (lessons we do not know what about) and history (lessons about modern era and divided and integrated world).³³⁷

The next part of the SEP1 goes through each subject and in more detail describes outcomes and curriculums of the subjects. For example the lesson language, linguistics and language handbooks (of the subject Czech) has in the curriculum language and its forms, linguistics and its parts, and familiarization with language handbooks.³³⁸ Outcomes of this lesson are that pupil “works independently with the Rules of Czech Spelling, the Dictionary of Formal Czech and other dictionaries and handbooks”³³⁹ and s/he “differentiate between formal language, dialect and

334*Ibid.*, p. 99.

335*Ibid.*, pp. 100-101.

336*Ibid.*, pp. 102-103.

337*Ibid.*, pp. 104-105.

338*Ibid.*, p. 152.

339*Ibid.*

common Czech and understands their usage.”³⁴⁰ Somehow this curriculum and outcomes include Multiculturalism. The same goes for lessons about vocabulary (again of the subject Czech) which promise to integrate Cultural Differences. It might be true but curriculum contains only “vocabulary and formation of word, methods of enrichment of vocabulary – derivation, folding and shortening.”³⁴¹ Also nothing about Cultural Differences can be found in outcomes of this lesson.

It is not necessary to go through all lessons in detail to examine human rights education in this school. We will focus only on one lesson promising some human rights education – lesson called humans and human rights provided in the subject civil education. What can we find about humans and human rights in the SEP1? Just the content of curriculum and outcomes but that is enough. Expected outcomes are two. The first is that pupil “assess and uses examples to demonstrate the benefits of cooperation among people in addressing specific tasks and fulfilling goals in the family, at school, in the town.”³⁴² The second is that pupil “reasonable exercise his rights and respects the rights and legitimate interests of others, assess the importance of protecting human rights and freedoms.”³⁴³ In the curriculum there are presented “natural and social differences between people, equality and inequality of people, equal opportunities, men and women in the society, the specific human rights, the establishment of human rights in the documents, the protection of human rights, and human rights and the international community.”³⁴⁴ This description is not exhaustive. We cannot know what conventions are mentioned during lesson or whether pupils are taught about the international documents or just the Czech documents. However, it is lesson which contains only human rights issues, at least on the paper. It is highly probable that in reality pupils get information about some human rights and some documents. Equality between sexes should be covered also. This is human rights education because it is education about human rights. Maybe not about all of them, but at least some.

Human rights education established in the United Nations Declaration on Human Rights Education and Training can be interpreted in the way that it should contain information about “all” human rights. The UN Declaration on HRET requires providing human rights education and training

“based on the principles of the Universal Declaration of Human Rights and relevant treaties and instruments, with a view to: (a) raising awareness (...); (b) developing a universal culture of human rights (...); (c) pursuing the effective realization of *all* human rights and promoting tolerance, non-discrimination and equality; (d) ensuring equal

340*Ibid.*

341*Ibid.*, p. 156.

342*Ibid.*, p. 332.

343*Ibid.*

344*Ibid.*

opportunities for all through access to quality human rights education and training (...); and (e) contributing to the prevention of human rights violations and abuses and to the combating and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them.”³⁴⁵

On the other hand, education about human rights shall include “providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection”³⁴⁶ but it does not necessary include providing knowledge and understanding of *all* human rights conventions. I would vote for a more practical reading of the Declaration on HRET and argue that HRE in the primary schools should provide information about human rights and mechanisms of their protection that would address human rights issues in the specific country.

The lesson humans and human rights provide knowledge about the mechanisms for the human rights protection, also knowledge about some of human rights norms is provided by teaching about “specific human rights” and “the establishment of human rights in documents.” Finally, the knowledge about principles is provided by teaching about “natural and social differences between people, equality and inequality of people, equal opportunities, and about men and women in the society.” Of course, it is very important how the knowledge is provided to pupils. According to the available information the education about human rights can be sufficient in the Secondary Grammar School in Jilemnice if it also refers to the racial discrimination (especially focused on Roma minority).

To complement information about human rights education in this school we should pay attention to other lessons of civil education. For example lesson called our homeland encompasses in curriculum “homeland, patriotism, nationalism, xenophobia, racism.”³⁴⁷ The lesson about cultural life covers in curriculum “culture – definition of the term, types of culture, cultural diversity, cultural values and traditions, cultural institutions, mass culture, means of mass culture, mass media.”³⁴⁸ Lessons about ethics and morality include “freedom, types of freedom, forms of limitations of human freedom; human dignity and inviolability.”³⁴⁹ Lessons about relations among people deal with problems of intolerance.³⁵⁰ Lessons about life in family cover relationships between members of family, basics of family law, matrimony, rights and duties of the parties of the

345Declaration on HRET, *supra* note 2, article 4

346*Ibid.*, article 2(2)a).

347SEP1, *supra* note 309, p. 326.

348*Ibid.*, pp. 327-328.

349*Ibid.*, p. 329.

350*Ibid.*, p. 330.

family law relations or social-legal protection of children.³⁵¹ Lesson about state law theory focuses on democratic state and elections.³⁵² Lessons about international community involve in the curriculum a need for international cooperation and global problems of humankind.³⁵³ Finally, lessons about human and spiritual life teach pupils about international religions and the relation of human to beliefs.³⁵⁴ We see that the SEP1 provide enough opportunities for teachers (especially teachers of civil education) to educate their pupils about freedom, democracy, religion, and culture. Unfortunately, the word discrimination or Roma minority do not have at least similar space in the curriculum, probably the same is true in the practice.

Going back in our analysis, previously we have learnt that lessons about number and numerical operations integrate Interpersonal Relations. According to the SEP1 in lessons about number and numerical operations curriculum involves only mathematical terms: “divisibility of natural numbers – prime composite numbers, multiples, divisors, lowest common multiple, greatest common divisor, criteria for divisibility; whole numbers – negatives, number axis; decimals.”³⁵⁵ This curriculum corresponds to what we have concluded above. The math is implausible subject for education about human rights. Schools, to fulfil obligation to incorporate cross-cutting themes into curriculum, claim implausible teaching about human rights, discrimination and other human rights issues in many subjects without providing any actual human rights education.

Secondary grammar school in Jilemnice may fulfil the aim of human rights education. At least there is one subject (civil education) and its special lesson about humans and human rights which promises to educate about human rights (providing knowledge and understanding about human rights norms and principles, values and mechanisms of protection). There are many disadvantages of the contemporary system. The examination of the School Educational Programme of this school helps to understand what the problems are and where are the gaps of this system.

Next part will focus on second School Educational Programme of another school in Jilemnice – the Primary School of Jan Harrach.

351*Ibid.*, p. 335.

352*Ibid.*, p. 338.

353*Ibid.*, p. 340.

354*Ibid.*, p. 342.

355*Ibid.*, p. 242.

4.2.2 School Educational Programme 2 (SEP2)

Materials available on the website of the Primary School Jilemnice, J. Harracha 97 are the School Educational Programme,³⁵⁶ the Curriculum,³⁵⁷ and the Appendix to the School Educational Programme.³⁵⁸ The most information about education in the school are provided in the Curriculum, not in the School Educational Programme therefore the analysis of the Curriculum (SEP2)³⁵⁹ follows to examine human rights education in the Primary School Jilemnice, J. Harracha 97.

The subject history in ninth year has as goals of the subject among others “an understanding of negative meaning of superiority of races.”³⁶⁰ Also in the same subject and year there is a lesson called Europe and the world after 1945 that involves “destiny of the national minorities in the Czechoslovakia.”³⁶¹

Moving to the civil education, among the goals of this subject in the sixth year of basic education there is “to understand inseparable relationship of duties and rights and be able to claim rights in appropriate way,”³⁶² and “to orient oneself in violations of human rights in the world, to search for solutions.”³⁶³ Be able to claim oneself rights it part of human rights education, namely the education for human rights, “which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.”³⁶⁴ And understanding of violations of human rights in the world is necessary for understanding of human rights norms and principles which is a part of education about human rights. Thinking about roles in family³⁶⁵ is a “partial” output of lessons about family life in the subject civil education in the sixth year.

The most important lessons for human rights education at this school are the small introduction into human rights.³⁶⁶ These lessons are part of civil education in the sixth year. The curriculum for this lessons entails “We are different, First step towards human rights, The rights of

356Primary School Jilemnice J. Harrach 97, “*Nine Happy Years*” *School Educational Programme for Basic Schools* (2007) <<http://zsharracha.cz/dokumenty-a-formulare/category/2-skolni-vzdelavaci-program>> visited 7 May 2016. In original *Základní škola Jilemnice, J. Harracha, „Devět šťastných let“ Školní vzdělávací program pro základní vzdělávání.*

357Primary School Jilemnice J. Harrach 97, *Curriculum for the School Educational Programme “Nine Happy Years”* (2007) <<http://zsharracha.cz/dokumenty-a-formulare/category/2-skolni-vzdelavaci-program>> visited 7 May 2016. In original *Učební osnovy pro školní vzdělávací program „Devět šťastných let“.*

358Official website of the Primary School of Jan Harrach 97 in Jilemnice <<http://zsharracha.cz/dokumenty-a-formulare/category/2-skolni-vzdelavaci-program>> visited 7 May 2016.

359SEP2, *supra* note 351.

360*Ibid.*, p. 213.

361*Ibid.*, p. 215.

362*Ibid.*, p. 217.

363*Ibid.*

364Declaration on HRET, *supra* note 2, article 2(2)c).

365SEP2, *supra* note 351, p. 218.

366*Ibid.*, p. 219.

children, Two sides of the coin, My rights – your rights.”³⁶⁷ Pupils in these lessons should learn about some rights of the child and that there is something called human rights. The rest of curriculum for these lessons does not say much about the content. But the partial outputs reveal more.

The partial outputs of these lessons are: “understanding and respect of biological and social-cultural differences among people; understanding of the terms racism, xenophobia, discrimination; the knowledge of the documents the Universal Declaration of Human Rights and the Convention of the Rights of the Child; identifying behaviour that leads to violation of human rights; understanding the need of having laws and rules; understanding that rights cannot exist without obligations; and learning of a defence and promotion of itself to such an extent as not to breach the rights of others.”³⁶⁸

The respect of biological differences among people is confusing. There is a small risk that the Czech schools are teaching Czech pupils the superiority of some race. Especially, with the relation to the goal of history in the ninth year where the negative meaning of superiority of any race is highlighted. However it is important to pay attention to such sentences because they can reveal a real problem in the education. Otherwise understanding and respect for social-cultural differences among people and understanding of the terms racism, xenophobia and discrimination are immanent for human rights education that should prevent human rights violations and abuses in the field of discrimination based on race and ethnicity.

The knowledge of the Universal Declaration of Human Rights is perfect for achieving successful education about human rights. Also the knowledge of the Convention of the Rights of the Child is appreciated. Children should know their rights therefore educating children about the Convention which is focused on the rights of children does not just cover education about human rights but also education for human rights because it empowers children to enjoy and exercise their rights. What should be considered is also the knowledge of the International Convention on the Elimination of All Forms of Racial Discrimination. This convention interprets racial discrimination and establishes what constitutes discrimination. If the one of the most problematic human rights issue in the Czech Republic is the discrimination on the basis of race and ethnicity it might not be enough to just explain the term racism, xenophobia and discrimination without providing a more detailed information about the forms of discrimination and how to face it.

³⁶⁷*Ibid.*

³⁶⁸*Ibid.*

Being able to identify behaviour that leads to the violation of human rights is very good output of these lessons and it facilitates understanding of human rights norms and principles. If this ability works also on the examples of racial discrimination than this school is very good in human rights education. It would be focused on problems in the Czech Republic and could lead to some changes in the society. Unfortunately it is not clear from the description provided in the SEP2 whether this is the case.

The understanding of the need of having laws and rules is an interesting part of introduction into human rights. Why is this part of these lessons about human rights? What does it mean? Is this output used to understand the necessity of the existence of human rights norms in the legal system? Or is it used to make pupil believe that any laws and rules (about human rights or about taxes) have the same value for the society? This is a weird part of human rights education because sometimes the protection of human rights requires the change of the laws which are now in the force. This partial output deserves to be criticized because it is more about protection of the State and its system than about human rights. Human rights education provided by the government, i. e. HRE in the public schools based on the laws of the State and under an influence of the government can suffer from similar mistakes like this one. Human rights education does not mean to follow any law of the state and therefore it should not be part of education about human rights. This would create (and probably is creating) confusing messages to pupils. This is a mistake in HRE of this school.

The understanding that rights cannot exist without obligations can be also misleading. International human rights law does not make human rights protection dependent on fulfilling any obligation. “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, (...)”³⁶⁹ “Everyone has the right to life, liberty and security of person.”³⁷⁰ “Everyone has the right to recognition everywhere as a person before the law.”³⁷¹ And so on. No conditions. Of course rights of child belong to child, not to an adult but there are no conditions or references to fulfilment of any obligation. Even though some human rights conventions³⁷² include articles setting forth obligations for people they never condition rights with fulfilment of obligation. So what is this partial output about? There is only one acceptable explanation. It is true that right of one person means and works only when there is a corresponding obligation of someone else. If this

369UDHR, article 2.

370*Ibid.*, article 3.

371*Ibid.*, article 6.

372For example the African Charter on Human and Peoples' Rights (articles 27-29). Or the American Convention on Human Rights (article 32).

is a true meaning of this output in the SEP2 then it is good explanation of principles and norms in human rights. Unfortunately, the more probable is the first meaning.

It is good to mention that the Declaration on HRET points out that HRE “should be based on the principles (...) with a view to developing a universal culture of human rights, in which everyone is aware of their own rights and *responsibilities* in respect of the rights of others...”³⁷³ Thus it is proper to teach also about responsibilities in respect of the rights of others. However one does not lose its human rights when one does not respect the rights of others. Therefore it is misleading to teach pupils that rights cannot exist without obligations or responsibilities.

The last output is in conformity with human rights norms and principles by limiting rights of one person by rights of others.

Moving on to the seventh year of primary education in the SEP2, civil education goal is also to “respect of own nation and of other nations and ethnic groups,” and to “identify opinions and attitudes threatening human dignity or denying fundamental principles of a democratic coexistence.”³⁷⁴ To these ends there are lessons about humans and ethics in which tolerance towards religions is taught.³⁷⁵ Tolerance to national minorities is a part of curriculum in lessons called we have to help each other.³⁷⁶

Lessons human rights are part of civil education in the seventh year. The curriculum covers human rights in documents, equality and inequality, freedom and authority, and ethics and morality.³⁷⁷ The partial outputs of these lessons are very similar or even identical to those in lessons the small introduction into human rights taught in the sixth year. Identical outputs are the understanding of the terms racism, xenophobia, discrimination; the knowledge of the UDHR; and to be able to assess and appropriately exercise own rights and respect the rights of others (identical with the “learning of a defence and promotion of itself to such an extent as not to breach the rights of others”). To recognize a violation of human rights and provide examples of it in the world is similar to the output identifying behaviour that leads to violation of human rights.

What is new? The new and different outputs of the lesson human rights (as compared to the outputs of the lesson The small introduction into human rights) are “to be able to explain the need to respect of human rights; the knowledge of the Charter of Fundamental Rights and Freedoms; understanding the term freedom as the collection of inner rules not as an abandon; understanding of

373Declaration on HRET, article 4 b). Italics added by the author of this paper.

374SEP2, *supra* note 351, p. 220.

375*Ibid.*, p. 221.

376*Ibid.*, p. 222.

377*Ibid.*, p. 223.

the terms ethics, morality, consciousness.”³⁷⁸ There is no problem with the first output. Understanding the significance and the need of respect of human rights is definitely a part of human rights education.

The knowledge of the Charter of Fundamental Rights and Freedoms alone is not sufficient for proper human rights education but it is an indispensable part of it. The Declaration on HRET in Article 4 states that the HRE “should be based on the principles of the UDHR and relevant treaties and instruments, with a view to: (a) raising awareness, understanding and acceptance of universal human rights standards and principles, as well as *guarantees at the international, regional and national levels* for the protection of human rights and fundamental freedoms.”³⁷⁹ The Charter of Fundamental Rights and Freedoms is a guarantee at the national level for the protection of human rights and fundamental freedoms and as such it should be part of HRE in the Czech Republic. On the other hand, even some committees monitoring human rights conventions criticize that the Czech Charter of Fundamental Rights and Freedoms does not fully cover human rights protected by the specific convention.³⁸⁰ To conclude, the Charter is important part of HRE but it cannot alone cover the requirements to educate about human rights established in the Declaration on HRET.

Understanding of the term freedom not as an abandon (without any constraints) is in conformity with human rights law and understanding of human rights principles (such as freedom) should be involved in HRE. Finally, an understanding of the terms ethics, morality, and consciousness follow the same reasoning. Ethics, morality and consciousness are terms emerging in the human rights law³⁸¹ therefore they might be involved in the education about human rights (as principles of human rights or their relation to human rights).

In the eighth year pupils of the Primary School of Jan Harrach in Jilemnice study fundamental rights and freedoms in the lessons about the minimum of law. After these lessons pupils should know (again) the Charter of Fundamental Rights and Freedoms, and they should be able to name fundamental human rights.³⁸² There is no lesson about human rights in the ninth year.

The last issue worth highlighting concerns equality between the sexes and the discrimination based on sex. In the Framework Educational Programme for Basic Education the educational area called Humans and the World of Work is established. This educational area “covers a broad

³⁷⁸*Ibid.*

³⁷⁹Declaration on HRET, *supra* note 2, article 4. Italics added by the author of this paper.

³⁸⁰Human Rights Committee, *supra* note 179, para. 5. Committee on Economic, Social and Cultural Rights, *supra* note 184, para. 6.

³⁸¹For example morals are one of the legitimate aims in limiting human rights in many human rights conventions, such as European Convention on Human Rights.

³⁸²SEP2, *supra* note 351, p. 226.

spectrum of working activities and technologies, guides pupils towards gaining basic practical skills in various areas of human activities and contributes towards shaping pupils' attitudes towards their life and professional career.”³⁸³ This educational area is divided into eight thematic areas in stage two of primary education, but only one thematic area is mandatory (the World of Work).³⁸⁴

How is the educational area Humans and the World of Work connected to the equality between the sexes? In each year there are two lessons in the SEP2. In the sixth year there are lessons concerning working with technology and plant cultivation and animal husbandry.³⁸⁵ In the seventh year there are lessons in working with technologies (again) and household management, food preparation.³⁸⁶ In the eighth year there are the same lessons as in the seventh year, plus there is an introduction into sewing.³⁸⁷ The ninth year contains the same lessons as the seventh year.³⁸⁸ Where is the problem? In the Czech it is easy to say whether the text is about male or female. To be “neutral” in a text you would use the masculine gender. Therefore it is hard to discover whether the masculine gender in fact refers to males or females or to both. The SEP2 generally uses the masculine gender. However, there is one small “mistake” in the text. Among the goals of the subject humans and the world of work in the eighth year there is “the pupil (in the masculine gender – a schoolboy) works with technologies.”³⁸⁹ The following goals do not use the word pupil. All following goals refer to technologies. Then, there is a goal “the pupil (in the feminine gender – a schoolgirl) performs simple housework.”³⁹⁰ The following goals do not use the word pupil and all following goals refer to housework or sewing. The impression caused by this part of the SEP2 is obvious. It seems that girls are educated at school in housework when at the same time boys are educated in technologies. There can be some really good reasons for this. There can be. And maybe all girls in this school want to be educated in housework and all boys in this school want to be educated in technologies. It may be true. However, the SEP2 is written in a way that no girl is allowed to study technologies and no boy is allowed to study about housework. This can be a traditional way of teaching about these issues without knowing and realizing any problem. I do not say that this school wants to discriminate on the bases of sex. But they have to realize that this is not educating through human rights. It is not enough to teach about equality between sexes and then behave differently towards girls and boys, and even educate them differently, about different

383FEP, *supra* note 264, p. 83.

384*Ibid.*

385SEP2, *supra* note 351, p. 342.

386*Ibid.*, p. 344.

387*Ibid.*, pp. 346-347.

388*Ibid.*, p. 349.

389*Ibid.*, p. 345.

390*Ibid.*

subjects. How the society can change its stereotypes and prejudices about roles of women and men in society if even in the beginning of everyone's education everybody sees that different rules apply to boys and girls? There is only one word in the SEP2 but it signals that there is a bigger problem underneath.

So far, we have examined two school educational programmes of the schools in one town. The last school in this town and its school educational programme will be analysed in the next section.

4.2.3 School Educational Programme 3 (SEP3)

The last School Educational Programme 3 (SEP3)³⁹¹ belongs to the Primary School in Jilemnice on the Komenskeho Street.

The SEP3 starts in the same way as other school educational programmes. The first important information for our examination is integration of the cross-cutting themes into the school subjects. As we already know in the cross-cutting theme Democratic Citizenship the most important topic for human rights education is the topic Citizen, Citizenship and State. According to the SEP3, this topic is part of the subject working activities, civil education, Czech, history and geography.³⁹² Multicultural Education is involved in the subjects Czech, history, geography, music arts, German, civil education, and natural science (similar to biology at the secondary grammar school).³⁹³ The most important topic from this cross-cutting theme should be part of two subjects, in the sixth year in Czech, and in the eighth year in civil education.³⁹⁴ Topic Interpersonal Relations which is a part of the cross-cutting theme Personal and Social Education is incorporated in subjects Czech, history, civil education, physical education, and German.³⁹⁵ The cross-cutting themes are also according to the SEP3 established in separate projects, not just in normal subjects of the school. For example in September the school organizes the Day of languages that is also about multiculturalism.³⁹⁶

391 Primary School Jilemnice, Komenskeho 288, *School Educational Programme for Basic Education, School of Healthy Lifestyle* (2013), in original *Základní škola Jilemnice, Komenského 288, Školní vzdělávací program pro základní vzdělávání, Škola zdravého životního stylu* <http://komenskeho288.cz/?page_id=49> visited on 8 May 2016.

392 *Ibid.*, p. 34.

393 *Ibid.*, p. 36.

394 *Ibid.*

395 *Ibid.*, p. 37.

396 *Ibid.*, p. 38.

It is not necessary to examine the whole SEP3 as much as we have done with the last two school educational programmes. We will focus only on three main features of this SEP3 which will be enough to make conclusions about human rights education in these three schools based on the school educational programmes. Firstly, the implementation of the cross-cutting themes into the curriculum will be summarized. Secondly, the lessons about human rights will be described. Thirdly, principles of human rights in on subject will be considered.

With regard to human rights issues in the Czech Republic, the implementation of the cross-cutting theme Multicultural Education stands in the centre for our analysis. The topic Principle of Social Reconciliation and Solidarity is supposed to be part of the subject Czech in the sixth year. How is it described in the SEP3? Lessons about the book of travels as literary gender have an output “get to know the book of travels and learn more about history of other nations.”³⁹⁷ It is a little bit hard to link the content of the three columns in which information about the subjects are divided in the SEP3. Therefore the Principle of Social Reconciliation and Solidarity (which should lead to elimination of discrimination and prejudices against ethnic minorities) might also be part of lessons about stories about courage and adventures, the world of people and animals, troubles, and smiles and roguishness.³⁹⁸ Also it is difficult to connect outputs with individual lessons, therefore an output “understands the significance of human solidarity”³⁹⁹ and “respects and tolerates rights of others”⁴⁰⁰ can be included in any of the mentioned lessons. The topic the Principle of Social Reconciliation and Solidarity should also be in the subject civil education in the eighth year. Unfortunately, there is no such thing in the SEP3 in the part where the content of this subject is described in the more detailed way. The topic Principle of Social Reconciliation and Solidarity is not mentioned in any other year (from the sixth to the ninth) in the subject civil education. There must be some mistake. Maybe the Principle of Social Reconciliation and Solidarity should not be part of civil education at all, or it is part of it but someone forgot to write it in the SEP3. Either way, according to this version of the SEP3 the only education about the topic the Principle of Social Reconciliation and Solidarity is happening in the sixth year during lessons about the book of travels, stories about courage and adventures, the world of people and animals, troubles, or smiles and roguishness. This does not seem right in the country where racial discrimination is a significant human rights issue.

³⁹⁷*Ibid.*, p. 68.

³⁹⁸*Ibid.*

³⁹⁹*Ibid.*

⁴⁰⁰*Ibid.*

The second feature worth mentioning is a lesson about human rights. This lesson is part of curriculum of the eighth year of the subject civil education.⁴⁰¹ The content of the curriculum for this lesson is as follows: “the rights of the child, their protection, the establishment of human rights and the rights of the child in documents, a violation of human rights, bullying, discrimination; fundamental human rights – the rights of the child; damaging, bullying.”⁴⁰² Outputs of this lesson are similar to those in the SEP1 and the SEP2. These outputs are: pupil “exercises her/his rights in an appropriate way and respects the rights and legitimate interests of others; recognizes human rights violations, bullying, and discrimination on simple examples; distinguishes offences,⁴⁰³ gives examples; learns to be respectful and willing to help.”⁴⁰⁴ The first output of this lesson is in conformity with the education for human rights as is established in the Declaration on HRET.⁴⁰⁵ The second output is part of education about human rights because recognition of violation of human rights and discrimination forms also the knowledge and understanding of human rights norms and principles. The third output, distinguishes offences is hard to see as a necessary part of human rights education and it does not make much sense to include it into the lesson about human rights. To be respectful is of course one of the fundamental principles of human rights (at least to respect human rights). To be willing to help should be part of an elementary education but maybe it is not obvious part of human rights. Above all, human rights are legal claims not a charity.

Lesson about human rights in the SEP3 is focused on the rights of the child. According to the curriculum, pupils should be educated about some documents of human rights and the most probably about the Convention of the Rights of the Child. Pupils are taught about some violations of human rights and they hear about discrimination. We do not know what kind of discrimination. That is not much. We find out that human rights are part of curriculum and teachers know that they should inform and educate about them. That is a start, but definitely not the end. Teaching just about the Convention of the Rights of the Child is not enough either. Knowing about forms of violations of human rights and discrimination is necessary but it is important in what form, in what way pupils are taught and what do they learn from these lessons. It is good the there is some education about human rights and the teacher uses the word “human rights”. But it is not enough to achieve the goal of HRE, that is to prevent human rights violations and especially in the Czech Republic to eliminate racial discrimination.

401*Ibid.*, p. 155.

402*Ibid.*

403Different types of offences in the Czech legal system.

404SEP3, *supra* note 385, p. 155.

405Article 2(2)c reads as follows: “Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.”

Lastly, I have to point out to the one specific problem of the education described in the SEP3. It is exactly the same problem that the SEP2 suffered from. In the SEP3 this issue is even more clear and therefore more disturbing. It is about the educational area Humans and the World of Work, or specifically about the subject working activities.

In the SEP3 the characteristics of the subject working activities is said that “working activities at the stage two are taught usually in the united two following years, separately groups of boys and groups of girls.”⁴⁰⁶ This could indicate problem but without further examination we cannot decide whether there is a good reason for this separation. What is important to mention about this subject is that according to the SEP3 it “contributes to the formulation of life and professional orientation of pupils,”⁴⁰⁷ and that it “is focused on practical skills and habits and complements the whole basic education with an important element necessary for an individual success in life and in society.”⁴⁰⁸ This means that this subject and its content is created to help pupils to choose what to do in their lives and to find a proper place in the society. What is the reason for the separation? On the pages 293 to 298 of the SEP3 there is an answer and it is not good. The reason for the separation of girls and boys is the content of the lessons. Boys’ lessons include technology, technical drawings, work with materials such as wood, excursions to the wood processing companies,⁴⁰⁹ creation of chairs and cupboards,⁴¹⁰ mounting and dismounting of the bicycle or ski bindings⁴¹¹ etc. The lessons for girls contain curriculum such as kitchen equipment, food hygiene, dining, health food, cooking,⁴¹² proper social behaviour, nutritional value, or furnishing of a flat.⁴¹³ This school (and probably it is not the only one) intentionally leads boys to become more technical skilled and girls to be good housewives. We have faced something similar in the SEP2 but here we see in the full light how education at the primary school creates stereotypes and establishes bases for discrimination based on sex. It is obvious that neither girls, nor boys have a choice and they have to attend “proper” lessons. We can assume that teachers do not want to discriminate on the bases of sex. They are just used to do it this way. Is it necessary to do it this way in the SEP3? Is it prescribed by the FEP? No, it is not. The FEP expressly states that “educational contain is realised on stage one and two and it is intended to all pupils (that is for boys and girls without distinction).”⁴¹⁴ There is a big question why

406SEP3, *supra* note 385, p. 284.

407*Ibid.*

408*Ibid.*

409*Ibid.*, p. 293.

410*Ibid.*, p. 294.

411*Ibid.*, p. 296.

412*Ibid.*, p. 297.

413*Ibid.*, p. 298.

414FEP, *supra* note 264, p. 83.

the school has not followed the FEP in the SEP3. I would vote for either it is too complicated to change existing separation of boys and girls, or that the creator of the SEP3 has missed this sentence. Either way the SEP3 does not follow principles of HRE.

This is a huge problem and challenge for human rights education everywhere. It is easy to write that you are teaching about human rights, or that your subject is somehow connected to other cultures, interpersonal relations and so on. But to provide real human rights education teachers and creators of school educational programmes, and even more the creators of framework educational programme for any education, must understand human rights in the first place. The separate education with different content for boys and girls establishes stereotypes, it does not fight them. Human rights education is definitely not about establishment of prejudices, stereotypes or discrimination.

4.3 Conclusion of This Chapter

In this chapter we have went through national document that set forth content of primary education in the Czech Republic and three documents that follow this national document. This analysis is just a small piece of primary education in one state. Even though it is very selected and limited analysis in comparison with the whole educational system it is enough to show whether there is any human rights education at primary schools in the Czech Republic and how it is provided. From these four documents it was possible to come to several conclusions about human rights education, what are the gaps, benefits, advantages and disadvantages and even to formulate basic recommendations. These conclusions will be elaborated in the last chapter. The analysis is not exhaustive there are still spots that can be examined further. However, the analysis has revealed important information about human rights education that can help to following research.

5 Problems of HRE in the Czech Republic

In previous chapter we went through four documents, one that is common and compulsory for all primary schools in the Czech Republic and three documents that follow the national document and show how the national document influences curriculums in the individual schools. During this analysis some problems have already been pointed out. This chapter summarizes found problems, concludes how the basis for human rights education works and can work in practice and recommends changes and improvements for the government, creators of the Framework Educational Programmes and creators of the School Educational Programmes. This chapter also contains recommendations for academics in their future researches and for human rights advocates.

5.1 Problems of the FEP and SEPs

The Framework Educational Programme and the School Educational Programmes revealed many important features about HRE at primary schools in the Czech Republic. Firstly, good features of the FEP will be summarized. Secondly, problems of FEP are highlighted. Finally, problems of SEP 1-3 are discussed.

5.1.1 Problems of the FEP

Even though this chapter is about problems of HRE it is good to point out some good features of the analysed documents, too. Firstly, the existence of the cross-cutting theme Multicultural Education is appreciated. The cross-cutting principles are obligatory and the embodiment of the theme focusing only on multiculturalism, cultural diversity, tolerance, fight against prejudices towards other cultures and nations is welcomed. This shows that the Czech government is aware of the problem of discrimination based on race and ethnicity in many areas in society and it is willing to do something about it.

Secondly, the usage of the words 'human rights' is numerous in the FEP which allows schools and teachers to refer to them more often. Also it means that the creators of the School Educational

Programmes cannot completely ignore human rights. This was proven in the examination of the three School Educational Programmes in previous chapter. All examined schools have included human rights in their curricula. Remarkably each school devotes at least one whole lesson to human rights.

Unfortunately, now we have to move to problems of these documents. Firstly, the appreciated cross-cutting themes and their topics are not wholly compulsory. The cross-cutting themes are compulsory part of basic education and the school must incorporate all cross-cutting themes into its curriculum.⁴¹⁵ However, the content of these themes is only recommended, the topics of the themes are only offered and the choice of topics and the method of their incorporation is totally in the discretion of the individual school. Even though the school must “offer to pupils eventually all topics”⁴¹⁶ in the end the topics can be empty. The cross-cutting theme Multicultural Education depends also on the agreement between a teacher and parents and it can be significantly changed based on such an agreement. Therefore the actual content is in hands of many people and it can look much more differently than it is established in the FEP. This was proven in the examination of the SEP3. In the SEP3 we have seen that one topic from the Multicultural Education, the Principle of Social Reconciliation and Solidarity is part of many subjects formally, but after the closer look the true is this topic is not a meaningful part of any lessons in this school.

Secondly, the obligation to incorporate all cross-cutting themes in the curriculum is fulfilled by the schools by stating that there is any link between the cross-cutting themes and subjects such as biology or information and communication technologies. This problem is created by the misapprehension of the realization of these themes. The FEP asks for incorporation into curricula, either as an integrated part of some subject or as an independent subject, project, seminar, course etc.⁴¹⁷ If the school choose the first option the FEP does not ask for incorporation in all subjects, but just into some of them. At least one. The only requirement is to use all topics, not all subjects. Schools must understand that the FEP needs some education about each of topics. Therefore if the school creates one subject including all the topics from the cross-cutting themes it does not have to mention them in any other subject. The wrong understanding lead to formalistic approach in which schools claims to teach the topics in classes in which it is implausible to get any human rights education.

415*Ibid.*, p. 103.

416*Ibid.*

417*Ibid.*

Thirdly, human rights education is sometimes replaced by education about democracy and democratic values. The cross-cutting themes and civil education is the place for human rights education. They contain the most references to human rights and other words connected with human rights protection. However, the section focused on human rights and their protection covers also democracy and its principles. Democracy is of course a necessary part of education. Human rights also are presumed to be based on democratic system therefore the idea and values on which the democracy are based on should be part of human rights education. Despite this fact human rights are not identical with democracy. It is a different value system. They both are necessary for a society which we want to live in but not for prevention of human rights issues. Human rights are also about interference with economic system to ensure that economic, social and cultural rights are exercised by all people. HRE at primary schools must be focused on human rights. Human rights education cannot be replaced by an education completely about democracy. From this point of view it is unfortunate that the topic Citizen, Civil Society and State which is the topic of the cross-cutting themes the most focused on human rights is more about citizenship and democracy (responsibilities, the role of citizen in a democratic society, fundamental principles and values of the democratic political system)⁴¹⁸ than about human rights (the Charter of Fundamental Rights and Freedoms, and principles of a coexistence with minorities). Also there is a whole cross-cutting theme focused on democracy – Democratic Citizenship – in which human rights play just a small part and they do not have their own cross-cutting theme (if we do not consider Multicultural Education as sufficient for human rights education).

Finally, the last significant problem of HRE in the FEP is the fact that there is no reference to Roma minority and their culture. Even though there is a whole cross-cutting theme dealing with the multicultural education there is no express reference to Roma minority. One can assume that the culture and discrimination of Roma minority can be mentioned during lessons claiming integration of this theme. This theme can be used as a basis for education about human rights issues of Roma minority. It is all true. However without the express reference to Roma minority in the Framework Educational Programme for Basic Education there is too wide discretion of schools to actually teach about it. The Czech Republic has been welcomed for “awareness-raising activities organized on Roma culture, history, and the Roma Holocaust”⁴¹⁹ in the last concluding observations of the Committee on the Elimination of Racial Discrimination. However, these activities are not sufficient to combat racism in the whole Czech society and for this reason the CERD Committee also

⁴¹⁸*Ibid.*, p. 107.

⁴¹⁹Committee on the Elimination of Racial Discrimination, *supra* note 167, para. 3(k).

recommended to “carry out awareness-raising campaigns on respect for diversity and elimination of racial discrimination”⁴²⁰ and to “take further measures to develop awareness-raising activities promoting tolerance and diversity and pay particular attention to the role of the media in this regard.”⁴²¹ Awareness-raising campaigns are good for reaching the wide society but the incorporation of these issues into the primary education would ensure that each child from now on is educated in these topics and has opportunity to discuss these issues with a person who has proper background for HRE. Without incorporation of Roma culture and problems of discrimination of Roma people the education about tolerance towards other cultures and nations cannot achieve the goal of prevention of human rights violations in the Czech Republic.

5.1.2 Problems of the SEPs

Above were presented problems that have been found in the FEP. Now we will go through problems found in the SEPs. Although each examined school provides lessons about human rights (supposedly focusing solely on human rights) these lessons include principles that do not arise from human rights protection. We have seen that in the SEP2 as a part of lesson named a small introduction into human rights there are partial outputs “understanding the need of having laws and rules”⁴²² and “understanding that rights cannot exist without obligations.”⁴²³ In the SEP3 there are outputs of the lesson about human rights that pupil distinguishes offences and is willing to help. These outputs are not generally problematic. It is of course appreciated that children respect laws, fulfil their obligations, understand differences between administrative and penal offence, and help others. The problem is that these outputs are not connected to human rights and their inclusion into lessons that suppose to be focused only on human rights can create a wrong impression about human rights and their misinterpretation. Human rights are not about a protection of the state system and all its laws and rules. Human rights are about humans and their basic needs in society without which the human dignity is questioned.

The last significant problem of human rights education at primary schools learned from the examination of a few documents is the inadequate incorporation of human rights values and principles into education itself. Teaching about human rights is definitely an indispensable part of

420*Ibid.*, para. 16.

421*Ibid.*, para. 22.

422SEP2, *supra* note 351, p. 219.

423*Ibid.*

human rights education. Despite this fact, without incorporation of the human rights principles into education it is just half the way towards successful human rights education. Pupils must learn how society works when human rights are applied. This is truer about compulsory education where pupils learn how to interact with teachers and each other and how to behave in society. The different approach to girls and boys we have seen in the SEP2 and SEP3 is unforgivable.

The Czech Republic has been criticized by the Committee on the Elimination of Discrimination against Women about the persistent and deep-rooted gender stereotypes against women. The Committee has recommended “that the State Party undertake targeted awareness-raising and education initiatives for both women and men, including employers, to promote equal sharing of domestic and family responsibilities between women and men.”⁴²⁴ Moreover, directly connected to education, the CEDAW Committee recommended that

“the State party enact legislation to ensure a comprehensive and coherent framework for ensuring that the structure, conduct and syllabus of its education sector is in compliance with human rights, including women's rights. In doing so, priority should be accorded promoting non-traditional career choices for girls in technical schools and in scientific research as well as to recruiting women at senior levels of academia.”⁴²⁵

Also the Czech Republic should “develop policies that promote gender equality in the education sector.”⁴²⁶

Knowing this criticism and recommendations it is the more surprising that the separate education for boys and girls still exists. The separate education with different content (girls focusing on housework and boys doing technical drawings and models) is clearly the opposite of promotion of equal sharing of domestic and family responsibilities, or promotion of non-traditional career choices. This is a huge problem that must be highlighted and explained to the creators and organisers of primary school education and school educational programmes.

The smaller problem of some SEPs (we saw this problem in the SEP3) is unclear arrangement of some school educational programmes. If it is difficult to link outputs with lessons and the cross-cutting themes than the school might not realize that it does not have all parts of the cross-cutting themes in its curriculum and therefore it does not provide a complex human rights education. Easier reading of the school educational programmes could lead to better incorporation of human rights education into all primary schools.

424Committee on the Elimination of Discrimination against Women, *supra* note 159, para. 17.

425*Ibid.*, para. 25.

426*Ibid.*

5.2 Possible Problems of HRE in the Czech Republic

Above the summarization of found problems of HRE at primary schools in the Czech Republic was provided. Now we can try to go further and assume some problems with HRE that are not for sure but it is probable that they exist.

From the examination of four documents we can only assume how the real education looks like however we have some indices for concluding some problems. For example the paper showed that the content of education about human rights covers mainly two documents, the Convention of the Rights of the Child and the Charter of Fundamental Rights and Freedoms. Although we have already admit that these documents are important for human rights education at primary schools these documents should not be only ones. The Charter of Fundamental Rights and Freedoms is a fundamental document for human rights protection in the Czech Republic. This document has the force equal to the Constitution and it contains both groups of rights, political and civil, and economic, social and cultural rights. The Declaration on HRET also agrees that guarantees at national level for the protection of human rights should be part of human rights education. But as was stated above in this paper, the national level is not the only one important for human rights protection. International and regional guarantees should also be part of HRE. Similar can be said about the Convention of the Rights of the Child. It is an important convention on human rights and especially for children. Who else should know the rights of the child than children? However children will grow up and then there will be no compulsory education for them about the rest of human rights. Children at primary schools must hear about other human rights too.

Possible problems with HRE in the Czech Republic are connected to teachers and their education. Human rights education must be provided by competent people. Especially in the Czech Republic where human rights and non-governmental organizations have a bad reputation it is necessary to provide proper education. The teacher must know and understand human rights but even more she/he must be able to defend them. The teacher must be able to explain why any prohibited discrimination is wrong, what the reasons for legal protection of minorities are, or why different approach to boys and girls establishes human rights violations. The more is true that teachers must be competent to motivate pupils in studying the more is true that teachers must be competent in HRE to prevent any human rights violations.

Another problem is constituted by no evaluation of human rights education at primary schools. FEP and SEPs only contain description of evaluation of children, not schools and teachers.

Without proper and detailed examination of HRE at primary schools the promise to provide human rights education is an empty one. The creation of Framework Educational Programme for Basic Education, even if it was perfect it would not alone be sufficient to achieve goals expected by human rights education.

5.3 Gaps in the Examination of This Paper

The proper research is not complete without being aware of its gaps and disadvantages. This paper suffers from several shortages. Firstly, it is very limited examination. It is easy to see that sufficient examination of HRE at primary schools in the Czech Republic needs more than just one national and three individual educational programmes. For examination that would at least have a chance to reveal the majority of issues and problems of HRE it would be necessary to examine a significant number of the school educational programmes, preferable in different part of the country and including problematic areas (such as those accused of a segregation of Roma children), and to examine an actual content of the lessons about human rights. This can be done for example by questionnaires issued to teachers (again in different parts of country, problematic areas), to pupils, to creators of the school educational programmes. Also to measure effectiveness of HRE at primary schools it is necessary to examine the change of approach to human rights after HRE and before, or to examine the knowledge and values of different generations in society and see whether human rights education has any impact on their attitudes and opinions.

There is a lot of materials for evaluation of HRE and also many studies of HRE at primary schools. These can be used as a starting point for evaluation of HRE at primary schools in the Czech Republic also. For example the Danish Institute for Human Rights has published a study of HRE at Danish schools that found out many problems and gaps of HRE⁴²⁷. We can assume that the Czech schools face similar issues therefore the findings of the Danish Institute can be used to improve HRE in the Czech Republic also.

⁴²⁷Danish Institute for Human Rights. C. Decara *Mapping of Human Rights Education in Danish Schools*. 2013. <www.humanrights.dk/publications/mapping-human-rights-education-danish-schools> visited on 23 May 2016.

5.4 Recommendations

The previous part dealing with the gaps of examination of this paper also leads to the recommendations that could be done to improve HRE at primary schools in the Czech Republic or that could reveal more about HRE to gain any meaningful data about HRE.

Adequate human rights education must meet all the requirements established in the Declaration on HRET (education about, through and for human rights).

HRE at primary schools must provide information about all relevant human rights, conventions and mechanisms important for children in their specific country. Therefore children in the Czech Republic must know about the UDHR, the Covenants, the CRC and the CERD at least.⁴²⁸ Also they must know that the European Convention on Human Rights and the Charter of Fundamental Rights and Freedoms exists because these are the most important and efficient instruments at regional and national levels.

To fulfil requirement for education *for* human rights children in the Czech Republic must know about the CERD and about problems that the Roma minority faces in this country. They should also learn about Roma culture and history.

Finally education *through* human rights requires to adhere to human rights in providing education. Therefore no discrimination should be present in schools. This refers to segregation of Roma children in some schools but also to different approach to education of boys and girls.

Concrete recommendations are:

The FEP must contain a clear statement that schools must provide human rights education that include generally all human rights and focus on the most important ones (at least an obligatory knowledge of the Universal Declaration of Human Rights, the Covenants, the CRC and the CERD).

The FEP must expressly mention the protection and discrimination of Roma minority (or other actual human rights issues in the specific country).

The government must start an evaluation of HRE in primary schools, especially in those dealing with human rights issues such as racial discrimination.

⁴²⁸The reason for these specific instruments is twofold. The UDHR and the Covenants establish the basic list of all human rights in the international law. Therefore everybody should know them. This is the minimum of human rights that every human being should know. The other reason concerning the CRC and the CERD is this one. Children to be empowered must know their rights. This is education of potential victims of human rights violations. The knowledge of the CERD has a contrary reason. Children, the future adults, must know rights that they could violate. This is education of potential violators of human rights. This argumentation is not bullet-proof because similar arguments can go for the other conventions. From my point of view, HRE should include mention of all nine international human rights conventions but it should focus on only some of them to be accessible for younger children. And my choice is this one.

The examination of the training of teachers about human rights should also be carried out.

The government should also make clear how the FEP must be implemented in the SEPs and explain the proper incorporation of the cross-cutting themes into the SEPs and curricula.

In the FEP it should be clear that democracy and human rights are necessary for each other but both are irreplaceable parts. Human rights cannot be replaced by democracy and democracy cannot be replaced by human rights.

The creators of school educational programmes should be more sensible to human rights principles and be able to see discrimination in the curricula such as the discrimination based on sex.

Human rights advocates in the Czech Republic should start to pay a proper attention to human rights education at primary schools. Some of the Czech NGOs provide their own human rights education at schools⁴²⁹ but they also should focus on education provided by the government.

Finally, academics so far have ignored human rights education in the Czech Republic. Its impact should be examined to find the gaps and problems in HRE as soon as possible. Each year of the inadequate human rights education is a wasted chance of improvement of human rights situation in the Czech Republic.

⁴²⁹For example People in Need or Czech section of the Amnesty International.

6 Conclusion

This paper examined the basis for human rights education provided by government at primary schools at the stage two in the Czech Republic. The paper started with the summary of human rights education field, the definition of HRE in several documents and the international obligation to provide human rights education. Then it pointed out why human rights education should be part of general education at primary schools in the Czech Republic. What are human rights issues that should be addressed by human rights education at primary schools and how is human rights education prescribed for the Czech Republic. That it is not just an international obligation established by the international human rights law but it is also an obligation arising from the memberships in international and regional organizations. This part also stressed the necessary elements of human rights education with regard to racial discrimination, especially against Roma minority. The main focus of this paper is on the examination of the four documents, the Framework Educational Programme, the School Educational Programme of the Secondary Grammar School with eight-year programme in Jilemnice, the School Educational Programme of Primary School Jan Harrach in Jilemnice, and the School Educational Programme of Primary School on the Komenskeho Street in Jilemnice.

These materials, in spite of their limits, are used to show the basis for human rights education at primary schools and whether this education is capable to achieve the goal envisaged by HRE. The examination revealed the significant shortages in these documents. This paper showed that even a small-scale study can help in better understanding of human rights education and help to find out problems in it. The examination leads to conclusion that the Czech Republic is aware of its obligation to provide human rights education at primary schools and it provided tool how to fulfil this obligation in individual schools. However, this paper also reveals that the contemporary version of the Framework Educational Programme is not sufficient for ensuring a proper human rights education at primary schools.

This paper summarized the most important gaps in HRE established by the FEP and recommended several solutions for these gaps. To improve and establish proper human rights education at primary schools in the Czech Republic it is necessary to change the contemporary version of the FEP. Even though it is possible to provide human rights education at primary schools that would achieve prevention of human rights violations in the Czech Republic it depends more on

the individual schools than on national document compulsory for all schools. It is possible to have sufficient HRE based on FEP but it is not for sure.

Finally, this paper provided bases for a further examination of HRE at primary schools in the Czech Republic. Anyone who would like to improve HRE can use this paper as a start for his/her own research.

In this paper I wanted to examine whether there is any human rights education at primary schools in the Czech Republic and whether it is capable to change human rights situation in this country. I found out that there is some human rights education but it is undermined by several mistakes in the FEP. HRE at some schools can be able to change human rights attitudes of general public but there is a systematic failure to do it nation-wide. To prevent any human rights violation the human rights education must be improved. Without adequate evaluation of HRE at schools it is impossible to create sufficient system of education leading towards better protection of human rights.

This paper shows that it is not enough to establish any kind of human rights education to fulfil its goal. It is necessary to examine all aspects of the frameworks and other educational documents, follow developments in the human rights education field, evaluate practices of schools and permanently work on improvement. This is the only way how human rights education would be meaningful and capable to have a positive impact on human rights protection. That is the objective of human rights education and the governments should ensure that all their efforts to protect human rights by education will have such an impact.

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