RAOUL WALLENBERG INSTITUTE
OF HUMAN RIGHTS AND HUMANITARIAN LAW

HUMAN RIGHTS-BASED APPROACH HANDBOOK FOR HIGHER EDUCATION

Prepared for the Raoul Wallenberg Institute of Human Rights and Humanitarian Law

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Section I. Introduction to Human Rights and Higher Education

A. Introduction and overview of the handbook

Higher education institutions play unique and central roles in each society. Currently, a wide variety of terms are used when discussing the public purpose of higher education - e.g., community engagement, civic engagement, education for democracy and so forth (Hartley et al, 2009, p. 404). Links between the university and the safeguarding of democracy were highlighted in the 2006 Council of Europe's Declaration on Higher Education and Democratic Culture, which stated that higher education should reflect and foster in society at large:

- Democratic and accountable structures, processes and practices
- Active democratic citizenship
- Human rights, mutual respect and social justice
- Environmental and societal sustainability
- Dialogue and the peaceful resolution of conflicts (p.3).

Human rights and democracy are often conjoined in the political science literature. This handbook is based on the premise that human rights standards specifically offer a legal and normative framework for guiding the university in its role in respecting, protecting, and fulfilling human rights. The university is therefore both a subject of human rights, needing to reflect human rights in its ways of working, and an agent for human rights, having responsibilities to promote human rights within society at large.

The human rights-based approach (HRBA) contends that higher education institutions are duty bearers and therefore have obligations to work within a human rights frame in all of its operations. Both human rights law and the human rights-based approach (HRBA) extends beyond what has been called the 'civic mission' of the university, or merely engagement in society. HRBA views such engagement as purposefully oriented towards longer-term aim of social justice.

How might we argue that universities are human rights duty bearers? Although such guidance is perhaps more self-evident for government-funded, public universities, our assumption is that these standards are also relevant for private higher education institutions. Private universities must abide by regulations set by higher education authorities in a country (for example, in the area of non-discrimination) and moreover are often direct recipients of government funding, as are their students. The second assumption is that higher education is both a private good and a public good. It is a public good both by potentially assisting in economic development but also in pursuing other goals for society, such as 'active citizenship', co-existence and social cohesion, aligned with democratic purpose.

This human rights view of the university contrasts starkly with neoliberalism. Neoliberal impulses within higher education are characterized by a focus on profit. To oversimplify, to view the university primarily as a business means that decisions may be taken that might, for example, emphasize degree programs geared exclusively towards entering the workforce or shrug from the responsibility to ensure access for qualified applicants without sufficient resources to attend. The economic rationale of the university may easily override any sense of responsibility in addressing social inequities. HRBA means that the university explicitly embraces its role in improving the arc of social justice across all of its ways of working: degree programs, research, engagement with partners, policies of inclusion and equity and the environment on the campus itself.

This handbook is intended for use by university administrators, faculty, students, and higher education partners. The main aim of the handbook is to shine a light on the ways in which teaching and learning processes can be designed to reflect and promote human rights. We explore these opportunities through HRBA principles as well as examples from practice. In addition to addressing these practice-oriented aspects of HRBA, the handbook touches upon the premise of the university as a duty

bearer, and the targets and potential processes of reform within the university itself. How can the university revitalize its mission to promote social justice in way that is meaningful and lasting? What would it look like to have a HRBA within a university?

This handbook does not answer all of these questions but offers some frameworks and practices for consideration. The main parts are:

Section I. Introduction and overview of the handbook, with a summary of key international human rights standards relating to higher education

Section II. Areas for action in higher education, including processes and targets for transformation

Section III. Practice-oriented human rights education tactics, such as curriculum strategies and content, pedagogy and student assessment.

Section IV. Recommendations for infusing HRBA within project design with university partners

This handbook assumes that a higher education institution that consciously reviews and continuously improves upon its own policies and practices in keeping with human rights will be better positioned to fulfill the aims of the right to education: both to promote the full development of personality and the development of societies that are just and peaceful and ensure freedom.

It is also important to recognize that human rights as a legal and normative framework has been criticized on many fronts, including the critiques of human rights as being Eurocentric and Western in its origins, serving "empire" and a "colonial" project. Some critical scholars also maintain, among other critiques, that the human rights regime facilitates the expansion and legitimation of neoliberal logics, thus contributing to the reproduction of inequalities and unequal geo-political arrangements. This handbook cannot address the long-standing critiques of Eurocentrism nor resolve the debate about how to apply universal values in a manner that is locally relevant. However, by exploring ways in which human rights can be explicitly embraced in a university, it seems possible to clarify how higher education might resist the legitimization of neoliberal logics that ultimately end up diminishing the parameters of the university to respect, protect and promote human rights. This next sub-section briefly addresses the ways in which existing international human rights standards can be applied to the university.

B. International human rights standards and higher education

Progressive right to higher education

The Universal Declaration of Human Rights (UDHR)(UN General Assembly, 1948) states in Article 26 that everyone has the right to education. The right to education is mentioned in, among other legal instruments, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UNGA, 1966a) and the Convention on the Rights of the Child (CRC) (UNGA,1989). States are expected to progress in the realization of this right, including at the technical and professional levels, subject to the extent of available resources (Beiter, 2006, p. 91). States are not obligated in human rights law to make higher education compulsory and it does not necessarily need to be free. However, education should be affordable to all, according to Article 15 of the ICESCR. Moreover, states cannot backtrack, for example, by reducing fees and then rescinding and raising them again.

Human rights education

In addressing the right to education, the UDHR in Article 26 outlines the constructive role that education should play in human development, respect for human rights in societies and co-existence within and across nations.

> Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace (UNGA,1948, Article 26, para 2).

These broad-brush strokes on the role of education in promoting understanding were reinforced in the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (UNGA, 1965). CERD specifies that States should be proactive in adopting measures to combat prejudice through teaching and education (Article 7). These purposes of education are also reinforced in numerous United Nations Educational, Scientific and Cultural Organization (UNESCO) documents, the Sustainable Development Goals (SDGs) and the rights-based approach to education (UNESCO/United Nations international Children's Emergency Fund (UNICEF), 2007).

International standards identify specific strategies for combating prejudice. Article 9(2) of CERD provides the Committee that monitors state implementation of the treaty with the power to issue General Recommendations[1] to adopt measures to prevent and lessen discrimination (Beiter, 2006, p. 109). In General Recommendation XXIX, States are encouraged to review and revise teaching materials in order not to perpetuate stereotypes.

Over the years, UN bodies working in the education sector (UNESCO, UNICEF, OHCHR) have passed non-binding policies and elaborated guidelines to promote tolerance and co-existence, as well as human rights, peace and fundamental freedoms. The UNESCO Recommendation concerning Education for International Understanding, Co-Operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974), the UNESCO Declaration of Principles of Tolerance (1995) and the Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (1994) are key examples. Soft standards[2], meaning standards that are not legally binding, have coalesced around the specific practices of human rights education (HRE) and peace education (PE).

HRE has evolved into a policy field within the United Nations, most recently with the Declaration on Human Rights Education and Training (UNGA, 2011), which calls on states to provide access to information on human rights. There is now a permanent and ongoing World Programme for Human Rights Education (UNGA, 2004).

HRE aims to educate and motivate learners around the legal and normative dimensions of the human rights framework to promote "universal respect for and observance of all human rights and fundamental freedoms…. and the prevention of human rights violations and abuses (UNGA, 2011, Article 2, para 1). HRE is mentioned as a curricular component of 'quality education' in the rights-based approach (UNESCO/UNICEF, 2007) and a component of SDG.

4.7. Education 'about', 'through', and 'for' human rights is seen as a strategy for challenging inequalities and promoting other changes in society consistent with the human rights vision.

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1 The CERD Committee is authorized to make non-binding recommendations on any issue related to racial discrimination to which it believes the State parties should devote more attention. OHCHR | General recommendations

2 Soft laws or standards refer to guidelines, policy declarations or codes that set standards for conduct but are not strictly binding or necessarily enforceable.

In line with these principles, the integration of human rights education within higher education should:

- include knowledge about relevant international and regional human rights standards.

- be carried out in a way that reflects the core human rights value of equality, meaning the inalienable equal worthiness of every human being, and the other human rights values including dignity, freedom and inclusion.

- ultimately result in learners being motivated to respect, promote and protect human rights, and that human rights will be experienced as relevant to their daily lives.

Accessibility to higher education and non-discrimination

Access to higher education should be equally accessible to all on the basis of merit, according to the UDHR (UNGA, 1948, Article 26, para 1). The ICESCR stipulates that access to higher education should be based on an individual's capacity.

> (c) Higher education should be made equally accessible to all on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education (UNGA, 1966a, Article 13)

The ICESCR General Comments 13 mentions that States should ensure that educational institutions and programs are accessible to everyone, without discrimination (1999, para 6(b)(i)). The UNESCO Declaration on Higher Education calls the attention of governments to the facilitation of access to higher education for women and for groups in vulnerable situations, such as indigenous peoples, cultural and linguistic minorities, and persons with disabilities (1999, Article 3, para (d)).

Non-discrimination in relation to the right to (higher) education, involves not only mechanisms to prevent preclusion from higher education studies on the basis of a prospective student's individual characteristics unrelated to merit (e.g., being a female or a member of a religious minority) but also a proactive responsibility on the part of the state and individual universities to create opportunities for those prospective students who have 'capacity' but perhaps less demonstrated merit, based on unequal access to quality education in earlier studies. A HRBA thus promotes the principle that targeted efforts should be made to enhance the access of groups in vulnerable situations to the university or those who may need accommodations to realize their capacity, such as learners with disabilities.

In addition to the general principle of non-discrimination that has been emphasized in relation to the right to education, there are specific international human rights standards promulgated for specific groups in vulnerable situations that reference the right to education, including higher education. These standards address the categories of race, sex (specifically, women and girls), religious minorities, refugees and stateless persons and persons with disabilities.[3]

Ensuring access to education goes beyond eligibility to apply to university and meeting university costs. Human rights standards related to the needs of persons with disabilities – physical, intellectual and emotional – demonstrate ways that educational institutions can further accommodate their right to education. Adequate accessibility and support services, designed to meet the needs of persons with different disabilities, should be provided (Beiter, 2006, p. 134, quoting Standard Rules on the Equalization of Opportunities for Persons with Disabilities).

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3 Convention on the Elimination of All Forms of Racial Discrimination (1965), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), Convention Relating to the Status of Refugees (1951), Convention Relating to the Status of Stateless Persons (1954), Convention on the Rights of Persons with Disabilities (2006).

Finally, both the Convention on the Rights of the Child (Article 30) and the International Covenant on Civil and Political Rights (ICCPR) specify that minorities should not be denied the right to "enjoy their own culture, to profess and practice their own religion, or to use their own language" (UNGA 1966b, Article 27). The right to receive an education that is culturally appropriate and allows members of a minority group to preserve their cultural identity is implied in these articles (Beiter, 2006, p. 143).

Section II. Higher Education Areas for Action

The HRBA contends that higher education institutions are duty bearers and therefore have obligations to work within a human rights frame in all of its operations. Universities can promote rights-based principles within their organizational structure, processes and procedures, including non-discrimination and inclusion, dignity and respect, accountability, participation and empowerment of all members of the university community and partners.

Working towards HRBA on the campus is not an easy task. Universities are complex organizations. They are also institutions that need to be responsive to a range of policy and regulatory environments and a wide range of stakeholders. If we – as an administrator, faculty member, student, or external partner – would like to influence the university in adopting a human rights-based approach, where do we begin?

This section overviews both areas of potential transformation as well as potential processes. These might be treated as a 'menu' of sorts for the ways that the university can itself transform to strengthen its role as a human rights actor. Each university environment is unique – historically, culturally, politically, and administratively – and each change agent will need to assess these features of the university context in identifying opportunities and strategies for change.

A. Change at the university

It is perhaps important to recognize that there can be different understandings and depth of institutional change at the university. Hartley et al (2010), in analyzing civic engagement efforts in higher education, distinguishes between First-Order Change and Second-Order Change. The former does not change fundamental organizational aims, structures and roles. Second-Order Changes by contrast can be seen as 'transformational' and are characterized by changes that:

> (1) alters the culture of the institution by changing select underlying assumptions and institutional behaviors, processes and products;
> (2) is deep and pervasive, affecting the whole institution;
> (3) is intentional, and;
> (4) occurs over time (p. 403).

Badat (2009) goes into greater detail about the nature of different change processes in higher education. He notes that:

> 'Change' is taken to mean processes of 'improvement', 'reform', 'reconstruction', 'development' and 'transformation' in higher education. While such processes may be related, they differ with respect to the intent and nature of change (p. 456).

Badat (2009) goes on to establish what can be seen as a spectrum for change, ranging from 'improvement' (limited or minor changes in existing policy, organization or practice) to 'transformation' (involving a disruption and recreation of old structures, institutions and practices). Somewhere in between is 'reform', which refers to substantive changes but ones that remain "circumscribed within the existing dominant social relations within higher education, and also within the wider social relations in the polity, economy and society" (p. 456).

What does this mean for our HRBA efforts? One might consider that the offering of a new course related to human rights is a significant improvement in forwarding a university's efforts to promote human rights with and through its students. If such a course and its associated pedagogy (e.g., experiential learning and collaboration with community members) is adopted throughout a

department, or even multiple departments, and becomes part of the university policy, this could be seen as a reform effort. In a conscious HRBA effort, therefore, regular attention might be paid to parlaying improvements – such as those undertaken by individual faculty – into wider reforms for the university.

B. Areas of transformation

As we consider the avenues for applying a HRBA to universities, it is useful to consider how efforts to strengthen 'diversity, equity and inclusion' (DEI) have been carried out in tertiary education. DEI efforts are commonplace in universities in both the global north and south, and associated policies and practices provide an initial framework for how HRBA might be integrated in a meaningful and systematic manner in the university environment.

Two DEI reports have been drawn on for this section, due to their quality and importance: the European University Association's 2018 report "Universities' Strategies and Approaches toward Diversity, Equity and Inclusion" and the 2016 report of the University of Amsterdam Diversity Commission "Let's do diversity", which also incorporates a decolonial perspective.[4] For the purposes of this HRBA handbook, 'human rights' is substituted for terms that can be found in these documents, such as 'social responsibility', 'diversity', 'justice' and 'anti-racism'.

Areas of university life where we might envision the integration of human rights includes (but are not restricted to):

- Human rights as part of the core mission of the university, with the transformational role of the university recognized by its members and stakeholders

- A human rights code of conduct for all members of the university community

- A human rights ombudsperson at the university

- A human rights action plan for the university (e.g., three-year increments)

- Removal of any offensive cultural symbols that do not reflect the values of human rights

- Training in HRBA and 'basic human rights literacy' for all university faculty and staff

- Inclusive and open governance, including democratizing decision-making

- Admission policies and financial support to ensure accessibility to higher education by groups in vulnerable situations

- Safe mechanisms for registering complaints related to the human rights of university community members

- Hiring policies to ensure the presence of groups in vulnerable situations/minority groups among faculty and staff, particularly in visible and higher-level positions

- Inclusion of human rights and minority groups'/groups in vulnerable situations perspectives and interests within degree programs (e.g., departments and concentrations), including interdisciplinary approaches

- Student life/extracurriculars that focus on human rights and/or affirm the cultures of vulnerable/minority students

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4 *Decoloniality* has to do with liberation from coloniality in its multiple forms, including racism and sexism. It brings a critical perspective to Western epistemology and ways of knowing. Decoloniality questions the role of the university in supporting 'political and economic imperial designs' (Mignolo & Walsh, 2018, p. 108, 116, 125).

- Inclusion of human rights and minority groups'/groups in vulnerable situations perspectives and interests in specific curriculum (courses)[5]

- Use of participatory, diverse and culturally sensitive pedagogy

- Application of authentic, diverse and culturally sensitive student assessment

- Inclusion of human rights and minority groups'/groups in vulnerable situations' perspectives and interests in university research centers and individual faculty research

- Meaningful, sustained and mutually beneficial partnerships with community partners

- Development and monitoring of the university's HRBA efforts, including the human rights impact of the work of university members.

C. Strategies for transformation

As with any institutional change, there are numerous strategies for promoting HRBA at the university, all of which are influenced by a combination of persons, policies, politics, and power. Efforts for HRBA may take place through pre-established internal channels of change related to roles, policies and practices, akin to Badat's definition of 'improvement'. As a faculty member or partner, one could choose to focus on integrating human rights within one's immediate purview, for example, one's course or teaching program. This would be a positive and worthwhile contribution, and the HRBA handbook is primarily aimed to support such curricular efforts. Annex A presents a self-assessment tool for assessing the status of a HRBA within a clinical legal education program, which could potentially be adapted for other programs and departments.

An HRBA vision naturally leads us to think more broadly about how human rights can be strengthened at the university. Consider all the areas for transformation mentioned in this previous sub-section! In positioning their own HRBA efforts to align with and inspire further human rights-related efforts at the university, faculty members might consider how alliances can be built with other members of the university community. A medium-term strategy therefore might involve establishing an inclusive committee (faculty, staff and students) to review the status of human rights at the university and make recommendations for a comprehensive HRBA plan.

Attention can be drawn to a HRBA-related agenda by students, faculty, and other stakeholders outside of university classrooms and corridors. There can be a publicization of positive HRBA efforts – such as a clinical law program that works with low-income clients – and greater HRBA needs and possibilities. In conditions where HRBA advocates see that reform efforts are not being considered, activist efforts might be organized. A commitment to making human rights central to the university can result in a range of strategies and processes for change.

Below are tactics and strategies that might be undertaken individually but also in concert with one another as part of an HRBA plan of action at the university. All these activities relate to inclusive, participatory processes that will involve dialogue and consensus building among university stakeholders and constituencies. Such a conversation might begin with an understanding of what human rights are and what it means to respect, protect and promote human rights in the university setting.

    Executive level mandates and policies

    Temporary consultative commissions and task forces

    Department decision-making processes

    Student/faculty activism

    Referendums/surveys

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5 Section III in this handbook focuses on the curriculum and pedagogical dimensions of HRBA at the university.

Monitoring and evaluation processes

Higher education networks

Civil society/community influences

Government regulations

Non-discrimination, the 'community service' role of the university and engagement with community partners

We can learn from the experiences of others who have attempted to transform the university culture. Those administrators interested to strengthen the presence of human rights at their university will want to take note of the importance of disseminating information related to human rights policies and practices and of ensuring that university faculty, staff and students are aware of their specific human rights-related roles and responsibilities (South Africa Department of Education, 2008).

The power of human rights rests on the acceptance of rights as binding norms by actors and the clarity of these norms for influencing critique and practice. It is essential to build a consensus within the university, have a common understanding of what HRBA means and to recognize that this approach brings added value to the work of the university and will help it in achieving its goals. Box 1 presents the faculty development initiative established by Tufts University (USA) in trying to promote institution-wide commitment to active citizenship education.

BOX 1. Faculty Development as a Facet of Democratic Innovation at Tufts University (USA)

In order to infuse the curriculum in diverse fields of study with the values and skills of active citizenship, it was essential to involve and support professors in all departments. We have had particular success with a Faculty Fellows programme, which each year selects 10 to 12 professors from a broad range of disciplines for two-year appointments. The fellows meet monthly and receive financial and staff support to pursue individual curricular and research projects. They comprise a multidisciplinary community of practice, trading ideas and forging new collaborations. Professors who complete the Faculty Fellows programme, and others who are doing substantial community-engaged teaching and research, have the opportunity to hold secondary academic appointments in the college.

Source: Hollister, R.M. (2015), p. 263.

On the question of how universities can advance democratic innovation, the experience to date of Tufts University may be instructive. They have had success with the following strategies that may hold promise for other universities:

1) concentrate initially on producing and demonstrating student learning outcomes;

2) secure a high level of institutional commitment;

3) invest heavily in faculty development;

4) put in place an innovative organizational structure;

5) integrate civic engagement with teaching and research functions;

6) generate significant financial resources;

7) involve alumni leaders; and

8) learn from other universities and contribute to their civic efforts (Hollister, 2015, pp.

262-3).

Section III. Human Rights Education

The HRBA approach means that the university should engage in activities that respect, promote and protect human rights. Nowhere is this more apparent than in curriculum design and implementation. This section addresses practical matters related to designing and implementing HRE in higher education curriculum, as part of HRBA. The topics addressed from an HRBA perspective are:

- HRE curriculum strategies

- HRE learning outcomes

- HRE teaching and learning methodologies

- HRBA-influenced assessment.

The HRE curriculum design principles presented in this section may apply to university courses across a range of disciplines and programs, including legal education. The human rights educator will need to assess these curriculum options and considerations that will determine their appropriateness for their own university. Some contexts that come to mind are political, legal and material in nature:

- the human rights considered most at stake in the local environment and any prohibitions or controversy related to the use of human rights language or specific human rights
- the curricular standards, national-regulatory or university-specific, regulating the courses that can be taught
- the latitude that instructors have in teaching human rights and specifically using innovative participatory and experiential methodologies
- the availability of material resources to support human rights teaching, including not only learning materials but off-campus experiences.

How we navigate these educational contexts to maximum the human rights learning of our students is a central challenge.

A. Curriculum strategies

Curriculum definitions vary. In a broad sense, the term, "curriculum" includes a range of elements necessary for students to learn in a systematic and intentional way.

In the higher education setting, curriculum is associated with a degree-granting program. The number of credits required for graduation in a program is established through a government accreditation body, which also must approve the university study program. Such programs specify for successful completion: the number of 'credits' or 'points' a student must acquire; mandatory and optional courses; minimum grades; and other formal requirements (e.g., internship) needed to successfully graduate.

In the human rights field, we can identify various curriculum strategies. For example, a university might have an explicit human rights program, major or concentration (e.g., a bachelor's in human rights or a concentration in women's rights inside of an international affairs master's). These programs ensure a substantive exposure to human rights for learners. The program might be offered through one department, such as political science or law, or shared across university departments, as is the case with inter-disciplinary programs such as the one at Columbia University presented in the box below. Inter-disciplinary human rights centers may identify courses offered across different departments that students may choose from, for example in the humanities and social sciences. In some university settings, students may design their own major with a human rights focus.

In lieu of a formal degree program in human rights, students may opt to take human rights-related courses that are part of another degree program. For example, students in law might take a course in international human rights law, and public health students might complete a course addressing the rights of refugees in the context of humanitarian emergencies.

TABLE 1. Modalities of Human Rights (HR) Studies in the University

Degree program	Courses
HR Major	Mandatory & elective courses
HR Minor/concentration	Mandatory & elective courses
No HR degree program	Elective courses

Even without an explicit link to human rights in the course title, it may be that human rights is infused as a sub-theme or topic. To illustrate, a class that addresses access to education for children might reference international human rights standards, or a required internship for social workers might include a specific dimension related to advocacy for the rights of members of society in vulnerable situations.

In summary, HRE within the university might be promoted through dedicated human rights centers and degree-granting programs, but in a less coordinated manner, may be promoted through individual courses that address human rights as a main or partial focus of learning.

The human rights educator can assess the potential pathways for offering and expanding HRE within their own university, taking into account their own power as a faculty member. Decisions about degree programs or concentrations are usually taken by senior faculty or leadership bodies. However, even a relatively new faculty member may be able to negotiate the offering of a new course that relates to human rights, or the adaptation of a pre-existing syllabus to infuse human rights. In some country contexts, faculty enjoy considerable independence in how they design their courses; in other contexts, any alteration of syllabi may require approval.

A final consideration for HRBA curriculum strategies is whether treatment of human rights is explicit or implicit. It is obvious that HRE is taking place when there is a reference to international or regional legal human rights standards. But what about instances where norms such as non-discrimination are mentioned, but not human rights per se? It may be helpful to recognize that there is curriculum that is explicitly human rights focused and there is curriculum that is human rights aligned, that is, consistent with human rights norms. Those advocating for HRBA and HRE might generally aim towards more explicit treatment of HR, while taking into account the administrative and political realities of their university and country context.

B. Curriculum content

The literature on curriculum theorizing recognizes three primary perspectives behind the *'why'* of learning. Each of these curriculum perspectives can be realized in the design of HRE.

- The *subject-centered perspective* (Walker, D.F. and Soltis, J.F., 2009) is focused on transmission of knowledge, in this case, core content and skills related to human rights.

- The *society-centered perspective* (Ibid.) concentrates on how education can meet the needs of society. These needs can be defined in a multitude of ways, including economic development and civic participation. An HRBA approach includes and extends beyond civic participation in recognizing the role of the university in critiquing and transforming society in ways consistent with social justice aims.

- The *student-centered perspective* (Ibid.) has goals of personal fulfillment, the development of individual talents, individual rights and the pursuit of happiness. This perspective emphasizes self-realization, mental health and creative expression, all of which is consistent with HRE's aim to foster the full development of the human personality (pp. 34-37).

HRE entails the transmission of core human rights knowledge and skills, involving students in a fulfilling and growth-oriented learning experience, and the application of learning for identifying and addressing social justice challenges and aims in one's society. As we develop curriculum, however, we need to get more specific. Following our recognition of the 'why' of learning, we are naturally brought to the question of 'what': what are the essential capabilities that we want to develop in the learner?

Learning outcomes and competences

The UN definition of human rights education identifies 'the gold standard' of HRE which draws attention to knowledge, skills/behaviors and values as discrete yet interrelated domains of human rights learning.

TABLE 2. Typologies of Degree of Curriculum-Focus on Human Rights

Human rights focus	*Examples*
Main focus human rights	Introduction to Human Rights, International Human Rights Law
Minor focus human rights (explicit reference to human rights standards e.g., Convention on the Rights of the Child)	Climate change and Colonialism, Migration and Globalization, Education in Conflict Zones
Human rights-aligned (explicit reference to norms aligned with human rights, e.g., non-discrimination)	Race and Racisms, Transnational Feminism

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Becker and Du Preez (2016) have developed the notion of 'human rights literacy', which addresses both learning *about* human rights and learning *for* human rights practice.

"Human rights literacy as a cognitive skill includes knowledge of human rights documents, the remedies available and the values inherent to human rights (and the right to education). Human rights literacy as a social practice alludes to how humans in common responsibility act, re-act and inter-act on abstract human rights within educational contexts (Simmonds, 2014). Finally, human rights literacies enable students and teachers to engage with issues such as poverty, gender, religion and social justice within human rights frameworks" (Roux and Becker, 2015; Simmonds, 2014, as quoted in Becker & Du Preez, 2016, p. 72).

What we want to avoid in HRE is a focus purely on human rights content, at the expense of skill development. However, in some countries, curriculum is focused primarily on the content that will be delivered to students – the 'input' model. Many educational systems nevertheless are moving towards something called 'outcomes-based learning' (OBE) which emphasizes the results that are intended for learners. The OBE movement across educational systems can assist in designing HRE in the way envisioned by the UN: about, through and for human rights. OBE recognizes the three domains of learning – knowledge, skills and attitudes (KSA) – and curriculum is organized in such a way that allows learners to achieve these outcomes. OBE thus opens up the door for further engagement with teaching methodologies and how these can help ensure that the curriculum goals are achieved for all students.

An extension of the curriculum being organized around *learning outcomes* is the concept of *learner competences*. Competences are like a composite of different, discrete learning outcomes that, when put together, result in the development of capabilities in the learner. For example, a human rights course may have a learning outcome related to familiarity with the content of the UDHR; being able to apply the UDHR as a lens for analytical problems in one's community might be seen as a competency based both on knowledge of the UDHR and the local environment, as well as skills related to critical analysis.

The Office for Democratic Institutions and Human Rights of the Organization for Security and

Co-operation in Europe (OSCE/ODIHR) issued a HRE series for learners, including higher education students, that identifies categories of human rights-related competences along the lines of knowledge/understanding, skills/behaviors and values/attitudes. These competency lists are quite long and are unrealistic for any single course. However, the HRE competency menus can be a useful starting point for designing HRE curriculum. The curriculum designer will, of course, need to choose or develop HRE competences based on the concrete contexts and needs of learners.

The Table below illustrates some of the sample HRE competences for health workers.

Table 3. OSCE/ODIHR Sample Competences for Human Rights Education for Health Workers

Knowledge and Understanding

The learner is aware of and understands:

- The legal and philosophical foundations of human rights; the history and philosophy of human rights; the function of human rights, the ethical, legal and political justification of human rights; the evolving nature of the human rights framework; the Universal Declaration of Human Rights.
- The linkages between health and human rights, including the inherent dignity of all human beings and the necessity to protect this dignity under all circumstances, regardless of race, colour, gender, language, political or other opinion, religion, national or social origin, property, birth, age or other status.

Attitudes and Values

The learner, through actions and conduct, demonstrates:

- Respect for oneself and respect for others, namely patients and other individuals within the sphere of influence of health workers, based on the dignity of all people and their human rights.

Skills

The learner demonstrates an ability to:

- Respect and protect human rights in everyday work, and especially the right to health of all persons;
- Use the methodology of a human rights-based approach in health planning, implementation and monitoring of policies and strategies and other health interventions;
- Communicate respectfully with patients and other individuals (OSCE/ODIHR, 2013, pp. 25-38).

Outcome-based education has been influenced by Bloom's taxonomy of learning outcomes which distinguishes between 'lower-order' kinds of learning, such as memorization, and 'higher-order' learning that involves, for example, critical thinking, creative thinking, and the application of learning. (See Figure 1 below.) Many curriculum developers refer to Bloom's taxonomy when developing learning outcomes, as a reminder to work progressively towards more complex learning tasks. HRE curriculum should include experiences that work towards critical thinking and the ability to act. In other words, an HRE curriculum should not only be focused on learning about human rights standards, but also on analyzing human rights issues and how human rights enjoyment can be applied in everyday life (The Danish Institute for Human Rights, 2021, pp. 18-19).

FIGURE 1. Bloom's Taxonomy
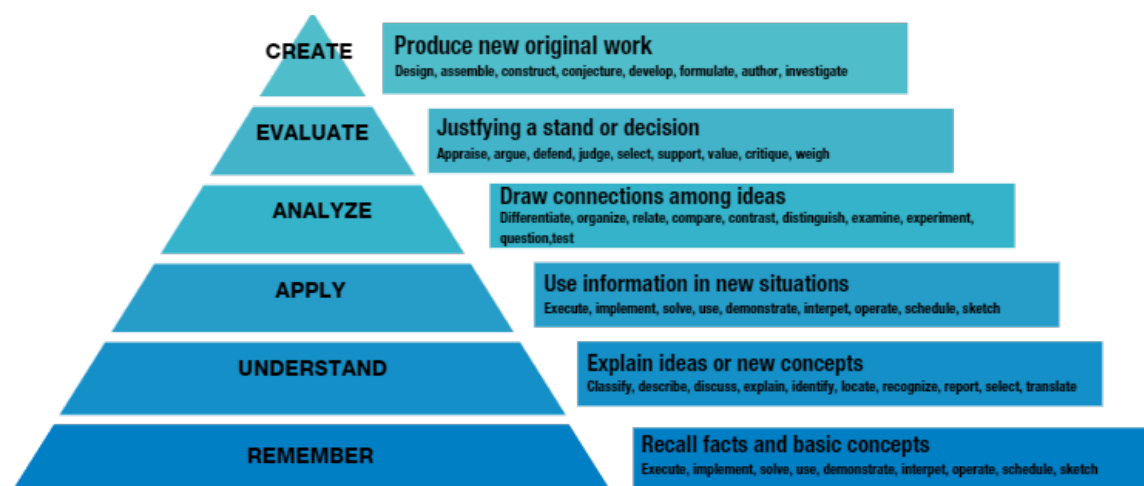
OBE-influenced competencies and/or learning goals can be found in different kinds of documents influencing curriculum design and practices. Existing syllabi[6] may already identify specific learning outcomes for their students or have the potential to do so. In an HRE course, learning outcomes will include knowledge, skills, and attitudes for the promotion of human rights.

BOX 4. Example of Learning Outcomes within a Human Rights Education Course

This course provides participants with an introduction to the international field of Human Rights Education (HRE), and basic methods and tools for developing a HRE curriculum. Learners will gain or deepen their….

Knowledge of:
• definitions of HRE and international HRE standards
• participatory and transformational learning methods
• strategies for curriculum development

Skills in:
• developing a component of an HRE curriculum
• locating human rights and HRE resources online

Awareness of:
• links between HRE and other SDG 4.7 educational approaches as well as subject-specific disciplines
• key actors in the field of HRE

Developing any HRE curriculum will require special attention to the backgrounds of the students who will be taking the course or program, including not only links with human rights issues of relevance to learners but also to any personal experiences they may have had in relation to the phenomenon. Consider whether particular topics or readings could be difficult or even traumatic for individual students and how that might be mitigated by drawing on perspectives of those suffering human rights violations (and their agency) and framing particular issues more sensitively (Jivraj, 2020, p. 21).

HRE competencies or learning outcomes might also be identified at the program level, for example in universities that have majors or concentrations in human rights. These competencies would then apply cumulatively across a range of courses that students will be taking. Mandatory, or core-courses would be closely associated with these competencies, for example, the ability to carry out human rights-related research.

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6 A syllabus is a document which often includes the above-mentioned aims and learning outcomes but provides more details in terms of selection and sequence of contents to be covered, mode of delivery, materials to be used, learning tasks and activities, and assessment/evaluation schemes for the specific course, unit of study or teaching subject.

BOX 5. Example of Human Rights Competences in a University Law-Related Human Rights Program (Lund University, Sweden)

To be awarded a master's in International Human Rights Law, the student shall demonstrate the following:

Knowledge and understanding
• in-depth knowledge within international human rights law, including a broad knowledge within this area in general and an in-depth understanding of central areas of international human rights and within the areas covered by the students choice of specialization
• in-depth knowledge of the scientific foundations, theories and methods within this branch of law
• knowledge about current international law research and methodology, as well as research from adjacent disciplines and state/organisation/corporation practices affecting the development of the international human rights; and
• her or his insight into the role human rights play at national level, the implications of the implementation.

Competence and skills
• an ability to critically and systematically assess and integrate knowledge in interna tional human rights law on an advanced level
• an ability to independently, critically and creatively identify legal problems, to systematise arguments, and to analyse, compare and assess complex theoretical and practical problems, situations or cases within the field of human rights, even with a limited access to information
• an ability to argue cases concerning international human rights law within a limited period of time, both in an oral and a written form, and to evaluate the outcome critically and competently
• an ability to argue on international human rights issues and to present results in dialogue with different groups in the society; and
• an ability to take part in research work or similar activities within the field of international human rights law.

Judgement and approach
• an ability to assess societal and ethical aspects of international human rights law on an advanced level; and
• to display a scientific ethos in working with international human rights law.

Source: Lund University, Faculty of Law, Jamrä, Master Program in International Human Rights
Syllabus International Human Rights Law - Master Programme | Lund University

It may also be possible to link HRBA-related competencies with the overall mission of the university. The mission statements (sometimes referred to as vision, purpose or values) of many universities include language that recognizes the role of the student in contributing positively to society. University mission statements and associated strategies could be used as a basis for dialogue regarding ways that the university can better educate students able to contribute positively to human rights.

It may also be that a social justice movement existing both inside and outside of the university – for example, anti-racism, feminism, decoloniality – can shed light on ways in which the university is coming up short in addressing these needs. The ensuing discussions and changes in the university setting will be ways to forward HRBA, even if the changes are only implicitly human rights related.

One of the challenges of trying to influence normative changes at the highest level (e.g., mission) of a university, is the existing culture and institutional history, which will be resistant to substantive change. HRBA learning outcomes at a mission level may be diluted or left 'on paper only' unless such outcomes are made sufficiently specific and able to be monitored.

C. Teaching and learning methodologies

Hidden curriculum and classroom culture

In this sub-section, we address the 'how' of HRE. We return to the UN's description of HRE which includes the general principle that HRE should take place in way that respects the rights of both educators and learners. This speaks to a culture of mutual respect, the protection of human dignity and the absence of behaviors that involve violence of any kind (physical, psychological, cultural). Both educators and learners are rights holders, and instructors are also duty bearers in their responsibility to deliver the right to education to students.

A concept called 'hidden curriculum' applies to all education, including HRE, at the university. The hidden curriculum refers to the norms and values conveyed in the social environment of the classroom. These 'messages' are not a part of the formal curriculum, or lessons that are being taught, but they are perceived by students.

BOX 6. Examples of Hidden Curriculum in the Classroom

The **hidden curriculum** is all the things students learn in school that is not
explicitly taught or written down; concepts like friendship, honesty, fairness, the value of work, ethnic relations, and cultural differences… The hidden curriculum comes in many different forms and can shape teacher directions to group interactions. Some reflective examples of the hidden curriculum:

Point of View: When a teacher describes a historical event or talks about character motivations, what perspective are they using?

Rules and Enforcement: Do instructors apply the rules more strictly to one person than others?

Unwritten rules: Does the instructor enforce rules that are unwritten or unofficial, such as when student questions are welcomed?

Adapted from: "Hidden Curriculum Examples & Characteristics", Study.com. Hidden Curriculum Examples & Characteristics | What is Hidden Curriculum? - Video & Lesson Transcript | Study.com (Accessed 14 November 2022)

We highlight the hidden curriculum, as this can be overlooked or taken for granted by educators when carrying out their lessons. The human rights educators might be attentive to the culture of the classroom in terms of, for example:

- Treating students with respect and care
- Encouraging students to ask questions
- Validating the experience and knowledge that students bring to their learning, especially those that come from a minority culture
- Facilitating students pursuing their own interests in the context of the HRE course requirements
- Ensuring inclusivity so that all students have the opportunity to participate successfully in lessons
- Providing support to students who may experience discomfort or trauma in relation to specific human rights topics
- Breaking down any status hierarchies between students
- Encouraging collaboration and peer learning among students
- Raising awareness of the nature of micro-aggressions[7] among students (and between students and instructors) and sensitively addressing these should they occur.

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7 A micro-aggression is a statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group such as a racial or ethnic minority.
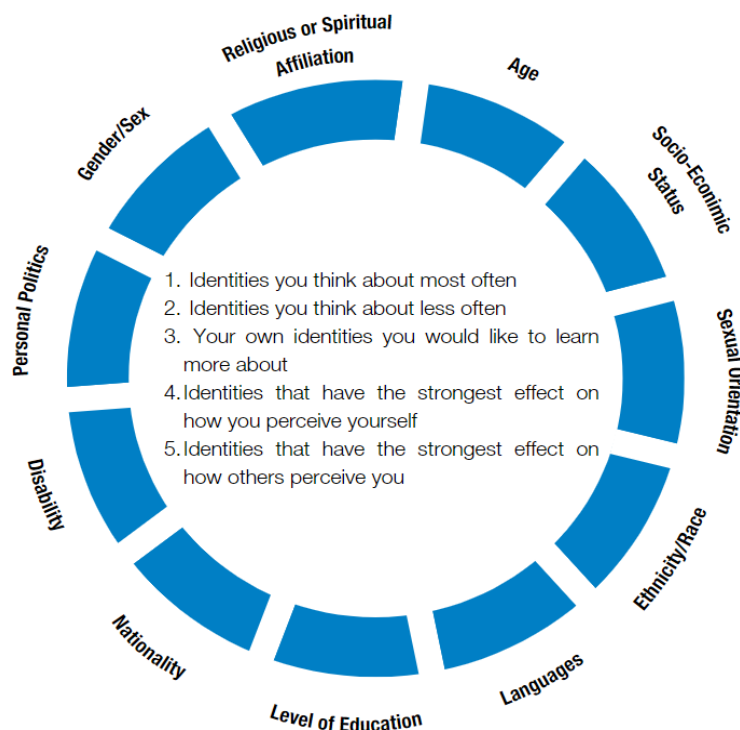
Diversity is never about only one aspect of identity and difference (gender, race/ethnicity, etc.). Various forms of discrimination reinforce each other and need to be understood in relation to each other. For example, experiences of gender are always related to people's ethnicity and sexual orientation. Different social positionings thus need to be taken into account (Crenshaw, 2018).

In an HRE classroom, all kinds of diversities are a given and seen as positive. These diversities can be found not only along student and teacher characteristics such as culture, race, religion, ethnicity, gender, sexual orientation, and access to resources, but also along ways of thinking and learning. There are activities that can be carried out with students that will help bring to mind the various identities of students, and which do not necessarily have to be shared in the public space of the classroom but will help establish the value of diversity in the class. (See Box 7.)

BOX 7. Identity Mapping and Reflection on Self Positioning

First fill out the Social Identity wheel individually: think about the statements in the middle and place the numbers that correspond to these statements in the for you corresponding identity boxes. Form groups of 2 to 3 persons and discuss your wheels with each other.

• What aspects of each others' identities did you find out about that you did not know before?
• What identities are connected for you, and how? Did you add an identity?
• What feelings did filling out the wheel bring about for you?
• Did you learn something new by filling out the wheel?
• What parts of your social identity would you like to explore more, and why?

Social Identity Wheel

1. Identities you think about most often
2. Identities you think about less often
3. Your own identities you would like to learn more about
4. Identities that have the strongest effect on how you perceive yourself
5. Identities that have the strongest effect on how others perceive you

Source: vd Bogert, K. "Critical Selfpositioning" in Toolbox Diversity in Education. Department of Cultural Anthropology, Utrecht University. Teaching and Learning Collection | Toolbox diversity in education (uu.nl) (Accessed 14 November 2022).

Learner-centered HRE pedagogy

As we know, the methodologies that instructors use in implementing curriculum are central to their success in achieving learning outcomes with students. The UN definition of HRE indicates that it should "empower persons to enjoy and exercise their rights and to respect and uphold the rights of others" (UNGA, 2011, add page). This naturally leads us back to the idea of competencies involving knowledge, skills, and attitudes. As mentioned earlier, in conjunction with the worldwide movement of OBE, education systems are embracing approaches to teaching that identify learning outcomes in the domains of knowledge, skills and attitudes. But how do we get there?

Learner centeredness is an approach to organizing teaching, learning and assessment based on the learner's personal characteristics, needs and interests. The terms 'learner-centered education' and 'student-centered learning' have been coined to bring our focus to ways of teaching and learning. *Learner-centered education* broadly encompasses methods of teaching that shift the focus of instruction from the teacher to the student. *Student-centered learning* aims to develop learner autonomy and independence by putting responsibility for the learning path in the hands of students. Student-centered learning theory and practice are based on the *constructivist learning theory* that emphasizes the learner's critical role in constructing meaning from new information and prior experience.

BOX 8. Definition of Pedagogy versus Methodology versus Didactics

Pedagogy can be seen as the method and practice of teaching, especially as an academic subject or theoretical concept. In educational literature, pedagogy is the concept associated with theoretical approaches, such as critical pedagogy, that suggest a general approach to learning and a set of associated methodologies.

Methodologies of teaching are both a body of practices and specific procedures used in the learning process. For example, a learner-centered approach to teaching can be seen as a broad methodology but involves the use of specific methods, such as student-driven research projects. A didactic method is a teaching method that follows a consistent scientific approach or educational style to present information to students and can thus be seen as a synonym for methodology.

Pedagogies are a higher order rendering of how the instructor will carry out teaching and learning processes. Learner-centered pedagogy, for example, includes a number of specific methodologies that can be used in lessons, such as asking students to share their experiences; providing opportunities for learners to guide their own learning (for example, taking the lead in discussions or choosing the kind of final project they will carry out); or recognizing that students learn in different ways and incorporating different modalities of learning with the curriculum (e.g., reading, viewing/listening, doing).

Learner-centered pedagogy was promoted by scholars such as the American educational theorist John Dewey, the French child psychologist Jean Piaget and the Soviet psychologist Lev Vygotsky. These scholars infused not only a philosophical perspective (for example, the principle that classrooms as much as possible should reflect democratic processes) but a psychological one (research-based theories about how students learn best).

At the university level, adult learning theories based on the educational sciences will also be relevant. These include research related to learning styles and motivation, metacognition, social learning theory and professional identity formation.

> **BOX 9. Key Learner-Centered Principles of Piaget, Vygotsky and Dewey**
>
> **Jean Piaget** was the first psychologist to design a systematic study of cognitive development in a series of stages. His theory focused only on children and their development. The learning process is a continual process of assimilation, accommodation and equilibrium.
>
> **Lev Vygotsky's** social constructivism believes that cognitive functions are facilitated by social interactions in the classroom. Vygotsky's social constructivism theory supports learners gaining skills such as problem-solving, inquiry, self-determination, and critical thinking. It also focuses on learning by discovery and exploration.
>
> The educational model proposed by **John Dewey** brings the student in the center of the pedagogical act and promotes an approach that emphasizes on the motivational structure of the student's personality, on his/her interests and skills, those being considered as important variables in the educational process.

There are additional pedagogies, or teaching approaches, relevant for HRE.

Critical pedagogy was promoted by the Brazilian educational philosopher Paolo Freire (1970) and is considered central to HRE. Critical pedagogy is the application of critical theory to the field of education, proposing that the purpose of education is to critique and transform society along the arc transforming oppressive social conditions so as to promote social justice and democracy. Linked with 'hidden curriculum', critical pedagogy assumes that all acts of teaching and learning are political. Thus, we should bring our attention to all aspects of learning – including curriculum content and methodologies and the role of the educator in the classroom. The goal of critical pedagogy is emancipation from oppression through an awakening of the critical consciousness. HRE is closely aligned with critical pedagogy in the goal of learning to transform the individual and society.

More recently, other culturally and racially defined strands of critical pedagogies have emerged. Among them are *critical bicultural pedagogy* (Darder, 2012), *equity pedagogy* (Banks, 1993), *culturally relevant pedagogy* (Ladson-Billings, 1995a, 1995b), *culturally responsive teaching* (Gay, 2010), *cultural connectedness* (Irizarry, 2007), and *culturally sustaining pedagogies* (Paris, 2012) (as quoted in (Darder, 2012, p. 99).

> **BOX 10. Example of Critical Pedagogy Approach in Action (Armenia)**
>
> The Justice, Knowledge, and Change module is taught as part of the American University of Armenia's MA in Human Rights and Social Justice. In the module, students are guided to question aspects of their learning experience as a way of applying different critical concepts to their immediate context, as well as to their broader social world.
>
> For example, why we are learning in English when we are in Armenia? How is assessment constructed, and how could it be constructed? What does assessment actually measure? Of the 15 sessions making up the module, three are entirely designed by the students. As well as giving them space to lead, these sessions structure opportunities to reflect on the complexities and power dynamics in community organising in practice.

The *pedagogy of subject-content-knowledge* (Schulman, 1987) refers to ways that teachers transform subject matter for students, taking into account learners' earlier knowledge or misconceptions. An HRE educator, for example, might consider their students' awareness of only certain kinds of human rights (reinforced by the political environment of the student) and strive to ensure that learners become familiar with the full range of human rights.

Another approach of high relevance for HRE is that of *inclusive/differentiated pedagogy*. The HRBA requires us to identify and target programming for those in vulnerable situations and/or the subject of discrimination. This can be applied in the classroom setting through personalized and flexible learning environments: how students access content; the types of activities students do to master a concept; what the end product of learning looks like; and how the classroom is set up.

Extending upon the notion of learner-centered pedagogy, a pedagogy of inclusion and differentiated instruction draws our attention to organizing our teaching so as to ensure the human rights and academic success of those students whose needs are not necessarily routinely catered for in the learning environment. Specifically, we as educators should provide any necessary assistance to students with challenges related to physical accessibility. Assistance might also be necessary for students with emotional or intellectual challenges, or with linguistic challenges. Oftentimes these accommodations are part of the policies of universities. Yet, there may be discretionary actions that educators can take in how they carry out lessons or ask students to show achievement.

BOX 11. Seven Principles of Universal Design

1. **Equitable use** – Accessible for people with diverse abilities
2. **Flexible** – accommodates a range of individual preferences
3. **Simple and intuitive use** – regardless of user's experience or language skills
4. **Perceptible information** – information is communicated effectively
5. **Tolerance for error**– minimizes consequences of unintended actions
6. **Low physical effort**
7. **Size and space** are appropriate for students

Source: The Center for Universal Design (1997). The Principles of Universal Design, Version 2.0. Raleigh, NC: North Carolina State University

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Of course, we as human rights educators are not perfect human beings, consistent in our understanding and application of human rights in the classroom. We are lifelong learners in human rights and have obligations to continue to grow and evolve in our ability to behave in ways consistent with these principles. As a first step, instructors can consider their own attitudes towards students, recognize any positive or negative biases towards certain kinds of learners, and strive to minimize negative impacts.

A process for trying to address our own implicit biases can involve:

- actively monitoring interactions with different types of students
- implementing policies like name-blind grading to minimize the impact of bias, and
- maintaining high expectations for all students.

Decolonization is the process of understanding how the production of academic knowledge is influenced by our colonial history and the consequences that this entails. This approach recognizes that education itself is an object of transformation. Similar to critical pedagogy, a *pedagogy of and towards decoloniality* works to "get at the roots of why things are the way they are, as well as works toward transformative possibilities that center the experiences, voices, and authority of historically minoritized peoples" (Reyes, 2019, p. 3).

The decolonial focus on historically marginalized people and their ways of knowing, for example that of Indigenous peoples, is consistent with HRBA. A decolonial pedagogy raises critical consciousness about the epistemology or canons of disciplines, including ways of thinking (such as positivism), values (such as individualism) and concepts (such as justice). In applying a decolonial approach, instructors will ensure a diversity of geographical and cultural sources in syllabi and value alternative ways of knowing, such as Indigenous peoples' concept of the ecosystem. Research carried out with a decolonial perspective reflects the priorities of the subjects being studied, may be carried out cooperatively, and ensures that 'the voices' of those being studied are captured,

for example, through ethnographic research methods. These are praxis close to the heart of human rights and respect for human dignity.

HRE methodologies

HRE uses different kinds of instructional methods, especially those that promote critical thinking, open dialogue, and participatory processes in the classroom. These reflect the 'through' human rights of HRE. These methodologies enable learners to achieve human rights competencies by being practical in orientation and providing students with opportunities to practice human rights competencies in their educational environment and community (Decara et al, 2021, p. 18).

The 'learning cone' in the image below illustrates how the opportunity to practice skills is essential not only for remembering content but being able to apply learning. Facilitating learners' active engagement in HRE is key to lasting impacts of learning.

FIGURE 2: The Learning Pyramid (Edgar Dale, 1947)
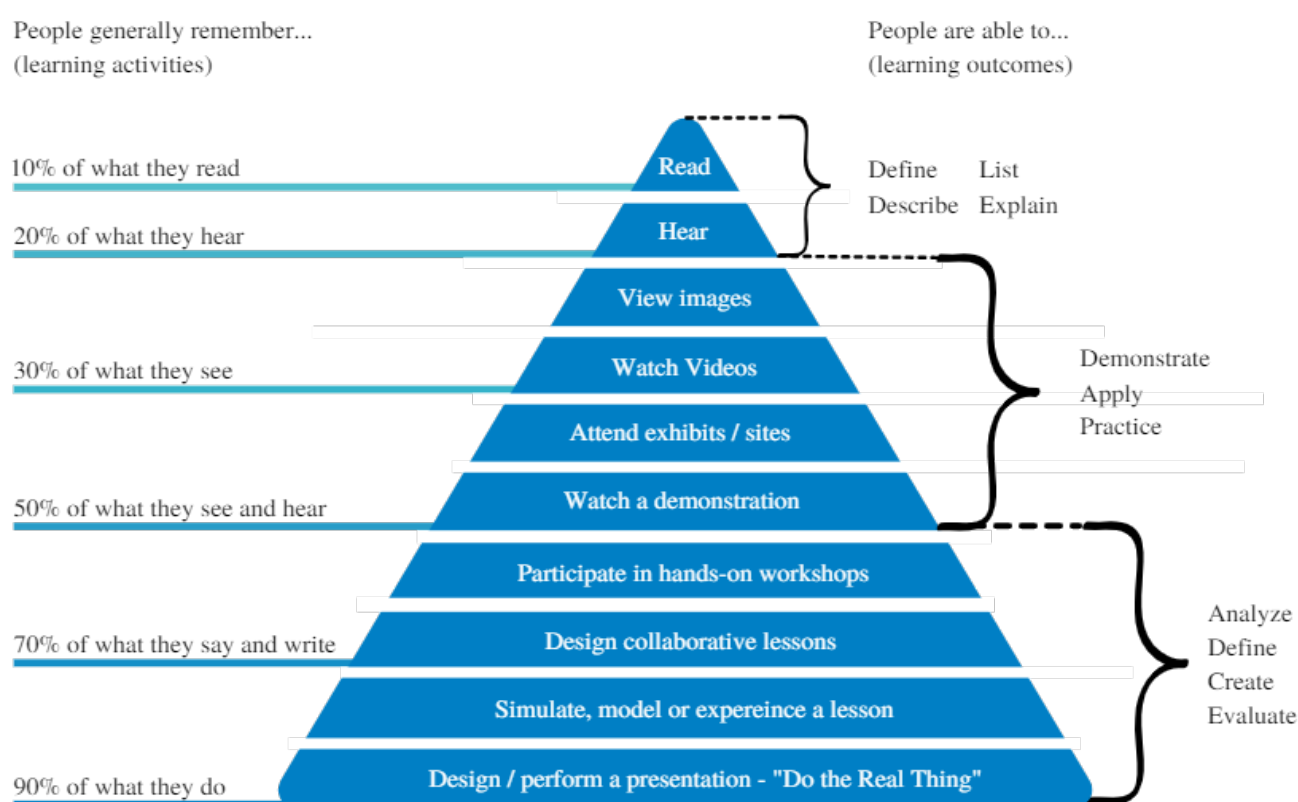
Numerous methodologies can be used in association with the HRE pedagogies introduced in the previous sub-section – critical, subject-knowledge specific, inclusive and decolonial. Collectively, HRE methodologies should reflect the 'Three E's'.

- HRE should be **engaging**, meaning that it is participatory and interesting for the learner.

- HRE should be **effective**, meaning that, consistent with learning theory, HRE should build on the learner's life experience. Moreover, the learning should take into account the human rights aspects of the learner's environment, both in the classroom and university, as well as the country as a whole. Effective HRE encourages critical reflection and challenges learners to think in new ways.

- HRE should be **empowering**, that is, cultivating knowledge, skills and motivation in the learner to respect, promote and protect human rights. This is the transformative potential of HRE (Tibbitts, 2018).

Successful HRE uses learner-centered methods and approaches that empower students and encourage their active participation, co-operative learning, sense of solidarity, creativity, dignity and self-esteem. There are numerous, discrete methodologies that university instructors can draw on in carrying out learner-centered HRE, whether in person or online. Listed below are some common HRE methods, distinguishing between those that usually take place in the classroom and those outside. Undoubtedly more can be added through creative individual instructors as they strive to ensure the learning of their students.

In the classroom

- Brainstorming and open discussion
- Journal writing
- Case studies
- Debates and negotiations
- Simulations, including moot courts
- Films and videos
- Creative expression (e.g., art, music, theatre)
- Presentations
- Research projects
- Surveying opinion and information gathering
- Oral history and storytelling
- Guest speakers (Adapted from Flowers, 2000, Part IV A.)

Outside the classroom

- Field trips
- Work with live clients
- Student clubs
- Community service
- Education exchanges

BOX 12. Description of Clinical Legal Education

Clinical Legal Education (CLE) is a legal teaching method that uses practical-oriented, student-centered and problem-based interactive learning methods. This includes, but is not limited to, the practical work of students on real cases and social issues supervised by academics and professionals.

Some of the elements that RWI includes in its approach to CLE:

Practical: The essence of CLE is the use of real cases/situations, rather than abstract concepts, for teaching skills to students that they would be able to use in practice, even if they do not always work directly with the cases themselves.

Human Rights: While many CLE initiatives focus broadly on the law, RWI's work is always human rights based, both in the issues targeted and the approaches used.

Social Justice: CLE initiatives should contribute, directly or indirectly, to social justice through assisting the persons in situations of vulnerability.

A HRBA ideally will involve students in some form of engagement with people outside of the university setting. For example, in clinical legal programs, students may engage in providing pro bono legal information to clients who are not able to afford legal consultation. There are different names for this in higher education: service learning, civic engagement, public service, campus-community partnerships, citizenship development, community engagement and outreach, community volunteer and social justice programs, and internships.

International programs in higher education may also contribute to HRBA, depending upon their design. International student and faculty exchanges, joint research partnerships, overseas field work and participation in conferences and networks may all contribute to learning in ways that result in HRE, if the research or organization of activities contributes to the goals of human rights. In such exchanges, especially north-south ones, we should ensure that the learning is reciprocal and that relationships are carried out in a way that fosters the equal status and value of all.

These forms of experiential learning have benefits for all sides. It can reinforce student learning through the application of knowledge and skills learned in the classroom. It can also result in students actively engaging in the promotion of human rights.

Such an engagement might take place as part of an individual course, such as a legal clinic, or it could be a requirement for the university as a whole. Some governments or universities require students to complete some form of community service or service learning prior to graduation.

BOX 13. Service Learning and Cultural Specificity

Service-learning is a teaching strategy increasingly used within higher education (Campus Compact) both in the United States and abroad (e.g., Australia, Egypt, Ireland, Japan, Mexico, South Africa, South Korea).

Service-learning has a presence in all institutional types and across all fields of study in American colleges and universities and has been said to have its roots in the long -established American belief in voluntary service…

Service-learning was introduced in South Africa as a well-defined pedagogy at the time that South Africa was undergoing a comprehensive agenda for higher education transformation to commit resources to engage more meaningfully with the communities the higher education institutions served…This reflects awareness within the developing country context of the desire to steer away from deficit approaches in community engagement toward an asset-based approach that builds upon community strengths.

Source: Hatcher, 2008, pp. 49-51

Civic engagement or community partnerships should be carefully reviewed so as to ensure that they are democratic and truly collaborative. A limited, and hierarchical framework of engagement

> locates the university as the centre of solutions to public problems and educates students through service as proto-experts who will be able to perform civic tasks in and on communities that they work with because they will have the knowledge and credentials to know what to do to do help communities improve (Boyte, 2007 as quoted in Hartley et al, 2010, p. 399).

A more democratically oriented approach has the university operating as an equal partner with community partners, engaging in "inclusive, collaborative and problem-oriented work" (O'Meara and Rice, 2005, p. 28, as quoted in Hartley et al, 2010, p. 400). Reciprocity operates to facilitate the involvement of individuals in the community not just as consumers of knowledge and services but as participants in the larger public culture of democracy (Ibid, p. 401). Refer to Annex B for a comparison of university-civic engagement frameworks.

D. Learner assessment

We conclude this section by recognizing that it is necessary to consider how student assessment can capture learning outcomes and growth across all the domains of knowledge, skills, and attitudes. Traditional and standardized forms of assessment, such as essays and test, may be appropriate for measuring the learner's grasp of human rights content. Assessment of the processes and results of participatory and experiential approaches invite alternative and multiple measures. Some possibilities include grades for: oral presentations; engagement in classroom activities (e.g., simulations), educational portfolios, and the accuracy and quality of student work carried out in legal clinics.

Grades may be both individual and group based, and potentially involve self-assessment as well as peer-assessment, the latter reinforcing the learner-centered approach to teaching. The flexibility of assessment measures will of course be influenced by the degree to which assessments are standardized in the particular university setting. It is possible that not all the learning outcomes identified in an HRE course will be able to be assessed. One could also have a fierce discussion about whether or not values should ever be assessed.[8] This does not mean that it is not meaningful to include these learning outcomes.

Needless to say, the ways in which assessments are implemented should reflect a HRBA. Assessment methods should be seen as fair and reliable, and carried out transparently, ensuring that all learners' achievements are recognized and valued. Assessments should be designed to support learning by providing feedback on areas for improvement and results used to help learners acquire the ability to reflect, admit shortcomings and, thus, improve their performance (OSCE/ODIHR, 2013, p. 48). Assessments of the instructors should also be carried out regularly, following principles similar to those for learners.

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8 In lieu of assessing the values of students, an instructor could confirm that learners can identify and express their values and demonstrate how they are linked with human rights.

Section IV. Recommendations for University Partners in HRBA

This handbook has perhaps been ambitious in tackling a range of topics relevant for HRBA in universities, both theoretical and practical. Those based in university settings have hopefully found resources to assist in HRE curriculum design and implementation, and gained a perspective on a wider, longer-term objective to promote HRBA in the university.

Funders and technical assistance organizations, such as the Raoul Wallenberg Institute that aims to be an ally in promoting HRBA at the university, might internalize this perspective in their own institutions. Grant-givers and program designers should adhere thoughtfully to HRBA, including in program development and implementation.

HRBA-sensitive external partners can work strategically over the short-, medium- and long-term in assisting higher education partners in not only implementing effective HRE but using this as a launching pad for a wider HRBA effort at the university. Funders and other external university partners may want to consider making use of some of the following tools and processes, beginning at the stage of program design.

1- Design programming with university administrators and faculty in a manner that reflects a HRBA, that is, with inclusive, democratic decision making that ensures that the priorities and needs of the university are understood and prioritized. Such processes should be transparent and include the involvement of students, and especially populations in vulnerable and marginalized situations.

2- Work actively with university administrators and faculty in discussing and developing a shared notion on the HRBA and what is relevant and realistic for the higher education institution given its history and political context. Build on existing university practices that are human rights explicit or human rights aligned.

3- Use programming to strengthen the role of local community partners as collaborators with the university in HRE.

4- Support HRBA/HRE administrators, faculty, and students in strategic planning for HRBA within courses, study programs and more widely in university policies and practices. This strategic planning might involve studies that map the presence of HRE within existing curriculum and other research on human rights-aspects of the university. Such research can be used not only for program design but in assessing HRBA progress in the higher education setting over time.

5- Ensure the necessary supports for HRE, including not only resources but pedagogical training for instructors. Research has shown limited implementation of pedagogies such as critical thinking unless faculty understand the rationale for the use of such methodologies, have effective training, and are motivated to use it.

Human rights come alive in the daily practice of teaching and learning and the life of the university. HRBA involves understanding and intentionality on all sides and offers a natural way to deepen the commitment and engagement of the university to ensure the human dignity of all members of its community and others they touch.

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ANNEX A.

SELF-ASSESSMENT CHECKLIST FOR THE HUMAN RIGHTS-BASED APPROACH IN CLINICAL LEGAL EDUCATION (CLE)

Introduction

The human rights-based approach (HRBA) is **a conceptual framework for the process of human development that is normatively based on international human rights standards and** operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of societal problems and redress discriminatory practices and unjust distributions of power that impede progress and often result in groups of people being left behind.[1]

Programming reflecting the HRBA have the following features:

- The fulfillment of human rights is the ultimate goal of all programs.

- Participation is both a means and a goal.

- Processes and outcomes are closely monitored.

- Strategies empower rights-holders.

- Rights-holders play an active role in their own development.

- Programs prioritize the marginalized.

- Accountability systems are strong.[2]

The purpose of this checklist is for law clinics to review how current practices are aligned with the HRBA and to identify possible avenues for improvement. Staff, students and other stakeholders may need to discuss and agree on their understanding of the criteria presented and the ratings options – both before completing the checklist and afterwards. The development of this common understanding within a clinic is part of the aim of the HRBA checklist. Clinics may also choose to adapt the checklist or use it as a starting point for a deeper, empirical analysis of these HRBA dimensions.

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10 UN Sustainable Development Group (nd). UNSDG | Human Rights-Based Approach
11 UNFPA (nd). "The Human Rights Based Approach". The Human Rights-Based Approach | United Nations Population Fund (unfpa.org)

Background Information on Legal Clinic

Name of Legal Clinic:

University:

Location (including city and country):

Characteristics of Legal Clinic: (check all that apply)

☐ Free legal advice

☐ Public legal education

☐ Other (please specify): _____

Brief description of the clinic

Ownership of RBA Principles

4-Fully implemented; 3- Mostly implemented; 2- Partially implemented; 1- Not implemented.

All staff have a clear understanding of the key principles of HRBA. Rating: ☐

Staff are competent to apply HRBA in their work in the clinic. Rating: ☐

Students understand the key principles of HRBA and its relevance for the clinic. Rating: ☐

CLE partners have a clear understanding of HRBA and apply HRBA in their cooperation with the clinic.

Rating: ☐

Evidence or rationale for above ratings:

Results in this section might lead to training and information dissemination with staff and students in order to familiarize them with the HRBA and to consider concrete and practical applications with the CLE program.

CLE Program Components

4-Fully implemented; 3- Mostly implemented; 2- Partially implemented; 1- Not implemented.

The program goals include explicit human rights language, with reference to international or regional standards, or use of "rights" language.

Rating: ☐

The program makes an explicit link to human rights principles, such as equality, non-discrimination, empowerment or rights holders and accountability of duty bearers.

Rating: ☐

The program serves populations in vulnerable situations (e.g., living with poverty, human rights violations).

Rating: ☐

Evidence or rationale for above ratings:

Results in this section might lead to a revision of program goals so that the clinic aim and learning outcomes have an explicit mention of human rights and HRBA, and the role of students in promoting the human rights of vulnerable populations.

CLE Pedagogy

4-Fully implemented; 3- Mostly implemented; 2- Partially implemented; 1- Not implemented.

CLE students learn about the themes of human rights, gender equality and HRBA in their stuies.

Rating: ☐

If the CLE offers public legal education, human right and gender equality themes are reflected in the curriculum used with learners.

Rating: ☐

CLE educational processes are participatory and learner-centered.   Rating: ☐

CLE educational processes encourage critical thinking, analysis and open discussion.

Rating: ☐

The CLE curriculum includes a diversity of sources, reflecting the backgrounds of learners.

Rating: ☐

Evidence or rationale for above ratings:

Results in this section might lead to a detailed review of curriculum in relation to human rights content, methodologies and diversity of sources and approaches, resulting in a revision of course syllabi.

CLE Program Processes

4-Fully implemented; 3- Mostly implemented; 2- Partially implemented; 1- Not implemented.

A needs assessment is carried out inclusively with beneficiaries and partners in order to identify highest priority needs.

Rating: ☐

All staff/clinical supervisors and students receive training in the HRBA.   Rating: ☐

The CLE program (both for students and beneficiaries) is accessible for persons with disabilities and those speaking a minority language.

Rating: ☐

Feedback is encouraged from beneficiaries, partners and students for program improvement.

Rating: ☐

Evidence or rationale for above ratings:

Results in this section might lead to more inclusive program processes related to program development, training, evaluation, and accessibility.

CLE Staff, Students and Partners

4-Fully implemented; 3- Mostly implemented; 2- Partially implemented; 1- Not implemented.

There is a gender balance among CLE staff.　　　　　　　　　Rating: ☐

There is a gender balance among CLE students.　　　　　　　Rating: ☐

Faculty and staff are diverse, including representatives of groups in vulnerable situations.

Rating: ☐

Students are diverse, including representatives of groups in vulnerable situations.

Rating: ☐

Partners are diverse, including representatives of groups in vulnerable situations.

Rating: ☐

Evidence or rationale for above ratings:

Results in this section might lead to new recruitment policies and financial aid.

ANNEX B.

COMPARING UNIVERSITY-COMMUNITY CIVIC ENGAGMENT FRAMEWORKS

	Civic Engagement (Focus on Activity and Place)	Civic Engagement (Focus on Purpose and Process)
Community Relationships	Partnership and mutuality Deficit-based understanding of community Academic work done for the public	Reciprocity Asset-based understanding of community Academic work done with the public
Knowledge Production/ Research	Unidirectional flow of knowledge	Inclusive, collaborative, problem-oriented Multi-directional flow of knowledge
Epistemology	Positivist/scientific/ technocratic Distinction between knowledge producers and knowledge consumers Primary of academic knowledge University as the center of public problem-solving	Relational, localized, contextualized Co-creation of knowledge Shared authority for knowledge creation University as a part of an eco-system of knowledge production addressing public problem-solving
Political Dimension	Apolitical engagement	Facilitating an inclusive, collaborative, and deliberative democracy
Outcome	Knowledge generation and dissemination through community involvement	Community change that results from the co-creation of knowledge

Source: Hartley et al, 2010, p. 402.

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