



Policy, law and education for human rights in european union: legality and social needs dichotomy

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Abstract

Considering the Human Rights paradigm change in the present century, the international legality, as the education, needs and proceedings, it's important to understand the reasons of this renew human, and consequently social, context, translated in the legality as in the way of living. The terrorist attacks and the extremely security international measures; the anti-Semitic ideology proliferation, the racism and discrimination dangerous rates; *renew* Refugees waves; the economic crisis conducting millions to the real poverty; social capacity absence to understand and (re)act according to the needs, facing the violence and Rights violations are the most important causes of the change analysis of this research. The European Union faces these problems and changings according the Human Rights protection law despite the different difficulties. However, all over the world, there is an important dichotomy between legality and social needs that should be a priority to the “powers” aiming the Human Rights promotion.

Keywords: Human Rights, Education; European Union; Policies; Legality; Dichotomy.

Introduction

The XXI century has changed the Human Rights paradigm by different reasons: terrorist attacks and the extremely security international measures; the anti-Semitic ideology proliferation, the racism and discrimination dangerous rates; *renew* Refugees waves; the economic crisis conducting millions to the real poverty; social capacity absence to understand and (re)act according to the needs, facing the violence and Rights violations.

Considering the evidence of the EU Education for Human Rights policies as a procedure/obligation and a political strategy, it must be a priority assumed developing structured programs.

The present research confirmed the EU Refugees Crisis, which real dimension is not possible to identify now, would be an opportunity to develop the social democratic intervention by pedagogical programs to engage the citizens as a political and social actor within democratic concern. The xenophobia, racism and discrimination are serious problems, EU is facing without the control need, would be decreased by the Human Rights “scientific” knowledge and understanding for humanitarian social general behavior.

According to the needs diagnosed, the political rhetoric is not enough to change Public Opinion but it's a start points to promote an overview and Human (re)conceptualization of contexts and happenings, pedagogically controlled by the reeducation for “new” perceptions, “positions” generating (social and individual) behaviors away of the controversy and negative complexity. So, in fact we have sufficient international, regional and national (EU members) policies for Human Rights Education, but those realities permit to state the legal procedures and social needs dichotomy. It's urgent to act looking for European social development among the national governments connected with EU Institutions, to denounce the violations, identify the realities, developing an Education program for Human Rights structured for the need and achievable results.



Research, study and results

At the present moment, world and Human, research and study the Human Rights, considering the differences, the complex contexts and all the variables, from the Occident to the Orient, it's a central problem and an urgent question to be rethink, legally adjusted, culturally understood, a political priority aligned with the policies within the international, regional and national strategies, object of a structured education for a citizenship with conscious of the realities and the most different manipulations.

Concerning the historical perspective, these questions affecting the Human Rights are charged of complex and "non-understood" (manipulated) meanings and concerns, especially due the missing scientific study about the dichotomy between the legacy and social needs. Consequently, there wasn't an international strategy to develop a real diagnostic to develop the fundamental education to protect and to promote the Human Rights all over the world according each need. Considering the UN system behind, it would be a priority, and despite the legal procedures, some actions and programs aiming the needed education to help millions of people suffering, contribute to solve problems, promote new social behaviors based on certain moments facing the difficult problems and/or human/social crises. However, there wasn't a concerted project to achieve as many people as it would be. So, in the contemporary history this context without Human Rights Education implementation had contributed to deepen the problems at the most different areas, at individual and social levels in the most different world areas.

Nowadays the Human Rights are enounced as never before, but there are serious dangerous human actions with the worst consequences; information spread without the need contextualization, grounded in facts and legal proceedings, as well as the explanation adapted to the target public (individual or groups/societies) in their different realities. So, the Human Rights are in the democratic states Agenda, in the Media priority, in the social (official and non-official) discusses, in the countries, regional groups/Organizations, International Organizations (no or governmental) aims and actions, but, in the terrorist groups discourse as a "flag" to achieve their "recruitment" followers in name of some values completely distorted within the worst objectives. This problem is affecting the non-democratic states, mostly authoritarian, having in fundamental rights in their national legal documents, as in their rhetoric, despite their most condemned violation of the Human Rights.

This way, having in consideration the possibility to determine legally the Human Rights in the United Nations (UN) system, beginning by the Universal Declaration of Human Rights from 10 December 1948 (for *all* Human Beings in the world) as all the UN International legal documents, recognized and adopted by the UN members. However, the fundamental rights are considered those that are legally recognized in each country or regional organization legal order/system, as the European Union.

It's undoubtable that International Relations, the International Policies, with a democratic background, are developed supported in the Human Rights with their values modeling discourses as well as actions promoting reactions. Despite all adversities and problems, by a world vision, it's possible to state that predominately it's not need more laws but their effective implementation, meaning the existing Human Rights legal instruments and judicial articulation and procedures, aiming the effective living within these rights, controlling judicially all violations and punishing those (persons, countries or organizations) who doesn't reach the legacy normative.

Nevertheless, obviously there are many countries/governments that need to adopt in their legislations the Human Rights, democratizing their policies to protect their citizens from all violence, violations and suffering in the most different dimensions.

Though, there are many democratic countries that protect and promote these Rights, but have the challenge of a renew social construction through a rethinking of the criteria of the political, social, economic and cultural actions to implement a democratization by a serious and realistic plan, avoiding the problems known, foreseeing the possible problems, identifying all the "actors" in the society and political "scenery", acting to proceed with a qualified Democracy from all to all citizens. This is a realistic and scientific perception argued, by Laurence



Whithead¹ in a conference in Bucharest 2017², based in the idea that the rule of the world should be the democratic aims by the justice and social system through the legal Rule of the Law, never undervalued the cultural context and system within the political structure and actions. So, the vulnerability of the protection, promoting and implementing the Human Rights system would be in the democratization but in the quality of the Democracy. If it is in the *lower* level, surely the political regime will not be able to achieve the values and rights to an active and protected citizenship.

The present research identified the Geopolitics as an actor in the international relations field contributing positive or negative to the democratization within the policies, implemented, debated, protected or violated. In two points it's possible to identify perspectives:

1. "The physical realities that underpin national and international politics are too often disregarded both in writing about history and in contemporary reporting of world affairs. Geography is clearly a fundamental part of the "why" as well as the "what". It might be the determining factor, but it is certainly the most overlooked."³
2. "We live in a time when democratic nations are in retreat in the realm of geopolitics, and when democracy itself is also in retreat. The latter phenomenon has been well documented by Freedom House, which has recorded declines in freedom in the world for nine straight years. At the level of geopolitics, the shifting tectonic plates have yet to produce a seismic rearrangement of power, but rumblings are audible. (...) Today, as always, democracy is a fragile flower. It requires constant support, constant tending, and the plucking of weeds and fencing-off of the jungle that threaten it both from within and without. In the absence of such efforts, the jungle and the weeds may sooner or later come back to reclaim the land."⁴

The Political Scientists have no doubts about the importance of the Geopolitics, however there are several decisions about the International Relations and the promotion of the Human Rights policies that don't give, or prefer to ignore, the potential of this unavoidable element. So, it's easy to find out some explanations for the success or unsuccessful political, cultural, economic or social measures, at international dimension. For instance, in order to protect as many Human Beings as possible, those who are in the situation of refugees, especially in Europe, would have a different "treatment" if the geopolitical concerns were always been taken in consideration, included in the diplomatic deals, international organizations strategy, the humanitarian, solidarity, the protection and, in particularly, the UN Human Rights legal implementation, it would be prevented millions of deaths and people suffering in all dimensions.

Another illustration is the nowadays fight against Terrorism. There are International Relations and Diplomatic expertizes presenting the "Geopolitics of the Terror(ism)" as a renewed perspective and action proposal aiming to prevent the proliferation of the *hate* but the spread of the *peace* ideology by the understanding of the need of a concerted action and behavior by politics, governments, international organizations and citizens from

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² SCOPE2017 Science of Politics: 4th International Interdisciplinary Conference of Political Research: Democracy in Development – Comparative Perspectives on the Governance of the Public Good, University of Bucharest, Bucharest, Romania, 26-28 may 2017. <http://www.scienceofpolitics.eu> accessed June 4, 2017.

³ MARSHALL, T. (2016) *Prisoners of Geography*. London: Elliot & Thomson.

⁴ "Is the democracy in decline? The Weight of Geopolitics": Article by Robert Kagan in <https://www.brookings.edu/articles/is-democracy-in-decline-the-weight-of-geopolitics/> accessed June 4, 2017.



everywhere in the world. It's not an easy or simple question/action but it has to be considered in by the political decision makers.

Having the focus the Human Rights International context and its system, there are an essential question that exists in the most democratic governments, Organization and it's identified by the societies: Education for Human Rights. It's an apparently simple issue but complex to be understood and especially difficult to be implemented. It's not a new need or question for the International laws and Relations, after the 11/09/2001 (WTC Attacks in New York, USA) with the renewal conceptualization of the Terrorism and the Human Rights protection systems, the Education has been, progressively until now, a matter in the Political agenda: by the International Organizations (Governmental, as United Nations, Regional Organizations, as European Union), the Democratic States/Governments, as well as, by the International Associations and Movements which aim is promote and protect the Human Rights.

It's undoubtable there is a change of the Human Rights paradigm as well the needs of its legal and effective interpretation, by the violence and international and national "legal" violations known or through undisclosed liabilities, there are needs perfectly identified perfectly identifiable. So, there is two different perspectives:

- the needs to achieve the implementation of the policies already approved and recognized juridical and judicially by the Governments (mostly Democratic) that intend to protect and promote the Fundamental and Human Rights. In this case, the need aims to develop the strengthening of the policies / laws as well as the citizenship denouncing the violations and violence sometimes concealed (deliberated or not).
- the needs of millions Human Beings suffering the most different violence and international laws violation, including being murdered and tortured. Ones are legally protected but there are not effective Human Rights mechanisms to defend neither the possibility to denounce or ask for protection. Others are living the states where the Democracy is not a reality, so there is a hard work to develop to achieve the political power, so the education is in two vertices: the political and law changing (hard, complex and sometimes utopia mission) as well as the society knowledge of their Rights (Human and Fundamental) and the strategies of their own protection and all problems denounce.

The world is facing several, serious and worried problems, living not only within the worst contexts, as wars, authoritarian or dictatorships, as well all the severest human living conditions. The declared intervention need for the democratization, in the major human values, aiming to protect as much human beings as possible, solving the major problems. It's an effective *state of the art* in the world society that leaves open a difficult but need way to move on. This should be a mission from and to everyone, but unfortunately there are millions who don't have enough information, who didn't receive any kind of education to be a Human Rights protector, promoter and activist. There is no special movement but the active citizenship and a responsible human action as a mission. This is not idealist but the international law implementation. There is an important role that is part of the International Relations developed in the most different concerns: organizations, countries and special movements would be concerted to aim the most important values that support that relationships. However, the history has showed there the human beings are able to completely change the best and the worst actors in their own protection. In fact, in spite of all the difficulties and hindrances, the humanity showed whenever there are truthful and legitimate wish, with strategies defined, joining the needed and the strong stakeholders, it would need time (long or short) but it is possible achieving different, partial goals, but positive results. The action is the key.

Presently, it's obvious that there are two worlds where we have a life: the real one and the virtual. Both are places to protect and/or to attack the human beings. There are important connections and powerful instruments. Concerning the virtual world, the Humanity has a powerful instrument to achieve millions in seconds. Surely, we cannot say it's all humanity but each one is important. So, it's known the radical groups, as Dahesh, find out the powerful internet social networks to recruit millions, with the worst objectives aiming violence and terrorist actions. So, the Education for Human Rights would have, in this "place", the instrument to achieve has many



people, groups and governments. There is already work developed in this aim, but it would be implemented the effective education work according to the special needs of each world area, political regime, social groups, knowledge level, culture and religious contexts, economic as all different needs but promoting and protecting Human beings, as well as, giving effective instruments to denounce the violation(s). The problem of the investment in this education (by governments and/or societies can be analyze by the Ignacio Ramonet when he states, “We assist to a permanent tension between the “absolutely sovereignty consumer” and the citizens’ wish of the democracy guaranteed”.⁵

So, there are several *actors* who have the responsibility to develop the Education for the Human Rights: International Organizations; the countries: politics and political procedures; social (in all engagements) – in individual action as well in social groups; the pressure groups (known/identified or not) and the Media. The Media, in all communication supports, is one of the most important and powerful instrument to construct the Public Opinion and to develop the social education. Meanwhile, there is two points of view/action based in the manipulation. There are manipulated media and media that manipulate the public. This is dangerous with serious and the worst consequences to the violation of the Human Rights. Despite all kind of the influence groups behind the media, images, texts, speech, ideas and ideologies spread, there is a social education promoting several misunderstood “positions” away of the promotion and protection the Human Rights. The Media is controlled, ones positively, others negatively. Fortunately, there are media who develop their work aiming to proliferate values and rights within the International Law, but, in spite of all national, regional and international laws ruling and controlling, there are too much manipulation defining the media action with human consequences that needs to be identified, legally and correctly controlled, denounced and judicially punished and, obviously, published. There are strengths and interests difficult to identify and denounce; the manipulation in the most different dimensions, but it’s important to be aware of the details aiming prevent be manipulated and all kind of manipulations. In most of the cases we can affirm there is no need of more legal supports but the implementation, juridical and judicial control.

The United Nations have promoted the Education as a priority within the Human Rights, specially through the UNESCO activities. The International Labor Organization stated the education of the values and Human Rights in the labor concerns. The European Union has the Education as a priority, developing legislative procedures to protect and to promote the Human Rights adopted as fundamental rights, listed in the legal documents, especially in the Charter of Fundamental Rights of the European Union. The Arab League adopted the UN Human Rights International Legal Documents, as the Universal Declaration, incorporated in the Arab Legal States. Thus, the International Legal system, recognize not only the Human Rights but having the Education as a mission. Once again, there are countries that adopted and recognize these legal and judicial international instruments but there is violation, mostly, without the consequences previewed by the law, as well as, they aren’t identified or known. As a result, the education is not developed and the violations are not condemned. The results are always the worst to the victims as to the human behavior, based in non-sense/manipulated or false information, would have discrimination, xenophobia, racism, violence and all Human Rights violation as consequence, promoting suffering, murders and all the dangerous political, social, cultural and/or religious misunderstood actions.

Consequently, the research emphasizes another important detail in this important context reinforcing the need of the development and implementing the Education for Human Rights: the discourse and rhetoric. As an important strategy, specially by action of the political, cultural and religious social communication, there are important details that would be misunderstood, generating ideas, behaviors and dangerous attitudes. If there are “innocent” (not planned) discourses/rhetoric without serious or negative consequences, it’s possible to state that huge part of the worst problems, discussed, wrong ideas and opinions, opposite behaviors, not only between citizens but including the International Relations in all the dimensions, have their actions supported in the manipulated or not prepared and clear messages, (or not understandable by those who are the recipients). In theory, these are simple questions, but in the practice, it is important to identify all details, the construction, the non-declare information,

⁵ RAMONET, I. (1997). Geopolítica do caos. Rio de Janeiro: Editora Vozes. p. 139



the messages under the first “image” generate. The subliminal messages/ideas/ideologies are more important than the visible ones. In the Human Rights system field this is so common that it’s a worry to all who study and/or are responsible to understand it. There is too much negative consequences provoked by the manipulated information/communication. So, the development of the education for Human Rights is one of the main strategies with important results. There are too many work to do in this area but despite the complexity, with education adapted to the real needs aiming to achieve as many people as possible with effective results in the understanding, interpreting and acting in line with realities.

After all this explanation, it’s possible to validate the title, in fact there are theories against practices within the democratic education for Human Rights and the International policies. However, to illustrate the ideas exposed and the need of the education for the Human Rights, it’s important to analyze some actual study cases based in complex social and political areas: culture; religion; refugees and terrorism.

Conclusions and recommendations

There is a dangerous ideologies and ideas being spread for all the communication channels, as within simple societies relationships, generating violence, discrimination, racism and xenophobia, as well as, political positions and actions by governments and by European Union.

The entitle “crisis” of the Refugees in the world, and in Europe in particular, would had a different treatment specially since the Arab Spring, political, social and cultural measures avoiding the massive not controlled human movements, the huge and terrifying deaths.

There is no concerted and effective answer to the real and dramatic situation, by the political European powers by the EU and each country, consequently there are millions “lost” in the way to find out a surviving position. Despite all the policies, the international laws – juridical and judicial regulations and actions – the violation of the democratic values and the Human Rights in its essence, there are another serious problem associated: Public Opinion.

Although the inherent freedom and the right of a free position, in fact, there is so many important and fundamental questions that *common sense* as well all those: who doesn’t have legal information, who cannot understand due missing explanation of the international policies and the political behaviors, who doesn’t know the unsustainable contexts that promote the need of escape to be possible to survive, who doesn’t have access to the real numbers of the people dying in seas, deserts, in the way before arriving to the “safe” countries, who doesn’t know the real and (too much) unhuman conditions where millions are living in the Refugees camps, who doesn’t have the correct explanation of the source of the money to help these human beings, especially when it comes from International Organizations, Funds or Associations Non-Governmental.

So, the “corruption is a difficult mix of consequences of a certain mentality, political culture, geopolitics, and economic development”.⁶

The scientific research developed allows to state that the Education for Human Rights is one of the most important support / “Key” for the development of the Democracy in the most different contexts and social realities, as well as, it is the support of the change of the perception and understanding what the Human Rights are and the fight against the violence, violations and human suffering. This is a mission for all actors in the International Relations, an audacious and difficult process, which complexity is involved in the most difficult and hard interests and coercions, but no one (people individually, Organization or Government) can leave this audacious, complex, hard and with all kind of obstacles, as we can save and protect Human Beings. In fact, if we

⁶ RADU, B. & VÉGH, Z. (2017). *Frontiers of Democracy: Embebing Democratic Values in Central and Eastern Europe*. Hungary: Central European University. p. 121



believe and live the Democracy, we understand the political power has responsibilities but all of us are “politics” with our responsibility as citizens, as Humans. We can conclude that we need to go further the “theories” to make Human Rights a reality lived by as people as possible.

This research allows to identify the problem of legality and social needs dichotomy, contributing negative deeply affecting the Human Rights in three dimensions: policy, law and education. The European Union has all legal, social, cultural, social, policies and political structures to protect and promote the Human Rights, not only within the EU members citizens, but by the International Relations. According to the UN system integrated in philosophy and behavior of EU, despite all the Human Rights violations, terrorist attacks, discriminations, etc., denounced, or not, despite the dangerous information manipulation, consciously or by naïf acting, it’s urgent to implement an education strategy to avoid the evolution of social behaviors against these rights, preventing violence and promote knowledge to develop understanding competences to live the real democratic citizenship and Human Rights.

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