
RELIGIOUS LIBERTIES

HUMAN RIGHTS EDUCATION, RELIGION, AND PARENTAL CHOICE IN EDUCATION

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Introduction

On December 10, 2004, the United Nations General Assembly adopted a resolution proclaiming the World Programme for Human Rights Education beginning January 1, 2005 and noting with appreciation the draft Plan of Action for its first three years.¹ The promotion of the World Programme for Human Rights Education among nations is an attempt on the part of the United Nations, its affiliated agencies, and non-governmental organizations to indoctrinate school children in a global ethical religion. Unlike values-neutral secular education, the UN's global ethical religion is expressly geared toward developing values and reinforcing attitudes and behaviors in children.

By encouraging national education authorities to teach an ethical religion in their government-run schools, the United Nations risks promoting discrimination against parents who choose to send their children to private religious schools that, for decades, have been educating their pupils in human rights and a culture of peace. In pursuing its human rights education agenda, the United Nations should encourage national governments to make public education funds available to parents for the human rights education of their children in accordance with the dictates of their consciences at the public, private, and religious schools of their choice.

Background on United Nations Human Rights Education Efforts

In the opinion of the United Nations, member states are obligated under the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and other international human rights instruments "to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms."²

The International Covenant on Economic, Social and Cultural Rights promotes the right to gain a living by work; to have safe and healthy working conditions; to enjoy trade union rights; to receive social security; to have protection for the family; to possess adequate housing and clothing; to be free from hunger; to receive health care; to obtain free public education; and to participate in cultural life, creative activity, and scientific research.

The International Covenant on Civil and Political Rights ensures the rights of self-determination; legal redress; equality; life; liberty; freedom of movement; fair, public, and speedy trial of criminal charges; privacy; freedom of expression, thought, conscience, and religion; peaceful assembly; freedom of association (including trade union rights), family; and participation in public affairs.

The Vienna Declaration and Programme of Action as adopted at the 1993 World Conference on Human Rights (the "Vienna Declaration") (the "World Conference") provided the first detailed explanation of the human rights education agenda. The Vienna Declaration considers human rights education, training and public information "essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace."³

Pursuant to a suggestion made at the World Conference in 1994, the United Nations General Assembly proclaimed the ten-year period beginning on January 1, 1995 the United Nations Decade for Human Rights Education (the "HRE Decade"), and adopted a Plan of Action for the Decade (the "HRE Decade Plan").

The HRE Decade Plan had five objectives: assessing needs and formulating strategy for human rights education, building and strengthening human rights education programs, developing educational materials, strengthening mass media attention to the need for human rights education, and disseminating globally the Universal Declaration of Human Rights.

The HRE Decade Plan contained the following definition of human rights education:

Training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes directed to:

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- (d) The enabling of all persons to participate effectively in a free society; and
- (e) The furtherance of the activities of the United Nations for the maintenance of peace.⁴

Many perceived weaknesses of the HRE Decade Plan inspired later efforts on the part of human rights education advocates to pursue more aggressively the global HRE agenda:

1. Because it represented the first coordinated global HRE effort, the HRE Decade Plan focused more on needs assessment, institutional capacity building, human rights education curriculum and materials development, and information dissemination than it did on actually changing attitudes and behaviors through education;

2. The HRE Decade Plan placed primary responsibility for human rights education within the Office of the United Nations High Commissioner for Human Rights (“OHCHR”) and its affiliated Centre for Human Rights, an arrangement that favored an information-based approach to human rights education rather than an education-based approach;

3. Under the HRE Decade Plan, the United Nations Educational, Scientific and Cultural Organization (“UNESCO”), the main educational unit of the United Nations with long-standing relationships with national education ministries throughout the world, was to serve in a mere consultative, not joint, capacity to the OHCHR;

4. Because of the infancy of the global human rights education movement, the HRE Decade Plan minimized the role of non-governmental human rights education organizations;

5. Reflecting the belief that national focal points for human rights education should be designated in each state according to national conditions, the HRE Decade Plan emphasized the role of national and local agencies with little direct involvement of, or ultimate accountability to, international human rights education agencies;

6. The HRE Decade Plan did not emphasize the importance of securing sources of financing in support of the HRE Decade or individual state human rights education initiatives;

7. Adopted in 1994, the HRE Decade Plan did not sufficiently articulate the degree to which human rights education could serve as a means of building a culture of peace in an age of global terrorism; and

8. The HRE Decade Plan did not adequately address the need to coordinate with international development agencies, international development financial institutions, and transnational corporations for including human rights education initiatives within their development, development financing, and commercial undertakings.

As the HRE Decade came to a close in 2004, human rights education advocates, including officials within the OHCHR, UNESCO, and supportive non-governmental organizations (“NGOs”), were concerned about, specifically, the failure to realize the limited goals of the HRE Decade Plan

and, in general, the future of formal United Nations support for the global human rights education movement. During the 2004 annual meeting of the United Nations Human Rights Commission (the “Commission”) in Geneva, Switzerland, human rights education advocates submitted for consideration a draft Convention on Human Rights Education (the “Convention”). The Convention represented an attempt on the part of human rights education advocates to offer to interested States a formal international treaty that would institutionalize the global human rights education movement, create a permanent Committee on Human Rights Education to hold States accountable for complying with the Convention, and attract long-term financial support for global human rights education.⁵

The Commission never considered the Convention. Instead, the Commission adopted a resolution calling for the United Nations General Assembly to approve a World Programme for Human Rights Education, to be enacted in three phases. On December 10, 2004, the United Nations adopted resolution A/RES/59/113 proclaiming the World Programme for Human Rights Education to start on January 1, 2005 (the “World Programme for HRE”) and noting with appreciation the draft Plan of Action for its first three years (the “First Phase Plan”). The General Assembly directed that the First Phase Plan be circulated to Member States for comments. Once approved comments are integrated in the text, the final version of the First Phase Plan will be re-submitted to the General Assembly for adoption.

Human Rights Education Under the First Phase Plan of the World Programme for HRE

The First Phase Plan focuses on human rights education in primary and secondary schools; however, it does so in a way that transforms the global human rights education movement from one concerned with the dissemination of information about human rights values to one concerned with ensuring that States use their government education systems to indoctrinate children in human rights values sanctioned by the international community. This transformation is evidenced by a comparison between certain features of the HRE Decade Plan (1995-2004) and the First Phase Plan (2005-2007).

The First Phase Plan makes several significant changes to the definition of human rights education:

1. The focus of human rights education is changed from “training, dissemination and information efforts” to “*education*, training and information.” (emphasis added). This change reflects a telling shift in emphasis from providing information about human rights to professional educators and national education officials to the religious indoctrination of children in human rights values.

2. One of the stated goals of human rights education is changed from “The furtherance of the activities of the United Nations for the maintenance of peace” to “[t]he *building* and maintenance of peace” (emphasis added).

This change evidences a desire on the part of human rights education advocates to move from a procedural, secular law-based approach to human rights education to a constructive, religious values-based approach.

3. An additional goal of human rights education is added, *to wit*: “The promotion of people-centered sustainable development and social justice.” The addition of this goal represents an attempt by human rights education advocates to hold international development agencies and transnational corporations accountable for promoting and financing human rights education efforts as part of their development and commercial undertakings.

The First Phase Plan sets forth objectives of the World Programme for HRE that evidence the religious nature of human rights education, including “to promote the development of a *culture* of human rights;” “to promote a *common understanding*, based on international instruments, of *basic principles* and methodologies for human rights education;” and “to provide a *common collective framework* for action by all relevant actors” (emphasis added).

With respect to the specific subject of primary and secondary school education, the First Phase Plan sets forth the following objectives:

1. To promote the inclusion and practice of human rights in the primary and secondary school systems;
2. To support the development, adoption and implementation of comprehensive, effective and sustainable national human rights education strategies in school systems, and/or the review and improvement of existing initiatives;
3. To provide guidelines on key components of human rights education in the school system;
4. To facilitate the provision of support to Member States by international, regional, national and local organizations; and
5. To support networking and cooperation among local, national, regional and international institutions.

The First Phase Plan sets forth a more detailed approach to national human rights education practices than was provided for in the HRE Decade Plan. The First Phase Plan encourages Member States to enact national legislation mandating the implementation of the human rights education agenda; to produce national reports on the outcomes of the national implementation strategy; and to closely collaborate with national teachers’ colleges, teachers’ unions, national and local human rights resource and training centers, National Commissions for UNESCO, and national branches of non-governmental organizations.

Although the First Phase Plan vests the ministry of education in each country with main responsibility for the implementation of the Plan of Action, under the First Phase Plan, international organizations and human rights education consultants and NGOs play a much larger role than the limited information dissemination function they served under the HRE Decade Plan. The First Phase Plan places responsibility for the international coordination of human rights education activities in the hands of a United Nations inter-agency coordinating committee, composed of representatives from the OHCHR, UNESCO, the United Nations Children’s Fund, the United Nations Development Programme, and other relevant international agencies, including the World Bank. The inclusion of UNESCO (education expertise and national education ministry contacts), UNICEF (expertise on children’s issues), and the World Bank (financial support) on the inter-agency coordinating committee evidences the nature and degree to which the involvement of international organizations has been expanded well beyond the limited areas set forth under the HRE Decade Plan.

Under the HRE Decade Plan, the primary function of the OHCHR and the Centre for Human Rights with respect to national education ministries was to respond to requests for information about human rights education best practices and implementation strategies. It is likely that the lack of inquiries for assistance and apathy in the implementation of human rights education at the national level prompted the OHCHR and international human rights education advocates to pursue the more active role contemplated by the First Phase Plan.

Under the First Phase Plan, the new United Nations inter-agency coordinating committee, in addition to responding to requests for assistance, “will be responsible for liaising with United Nations country teams or international agencies represented in the country to ensure the follow-up of the plan of action and United Nations system-wide support to the national implementation strategy.”⁶ United Nations treaty bodies responsible for reviewing State compliance with international treaty provisions protecting human rights are called upon “to place emphasis on the obligation of States parties to implement human rights education in the school systems.”⁷ Member States are encouraged to cooperate with human rights education NGOs and specialists in preparing national reports that are required to be filed with relevant international monitoring mechanisms, such as the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights. At the end of the first phase (2005-2007), States will be required to provide a final national evaluation report to the United Nations inter-agency coordinating committee.

Human Rights Education as a New Religion of Humanity

The re-orientation of the United Nations human rights education agenda from one of information dissemination to values indoctrination reflects a dilemma faced by social planners since the advent of social science—the need to supplement the secular pursuit of social order with religion.

The French social scientist Count Claude Henri de Rouvroy de Saint-Simon was the first person to attempt the synthesis of religion and social science. Late in his career, Saint-Simon realized that, absent a religious instinct on the part of the masses, a purely scientific approach to restoring social order in early nineteenth-century France was doomed to failure. Convinced that historic Christianity had run its course and would be unable to adapt itself to the needs of the new society, Saint-Simon proposed his New Christianity to remind men “of the interests common to all members of society, of the common interests of the human race.”⁸

The key features of Saint-Simon’s New Christianity included:

1. New Christianity is to direct humanity toward the rapid betterment of the condition of the poorest and most numerous class of society.
2. Worship should be regarded only as a means of reminding men of philanthropic feelings and ideas; and dogma should consist only as a collection of commentaries aimed at the general application of these feelings and ideas to political developments, or encouraging the faithful to apply moral principles in their daily relationships;
3. Nations must abandon their own interests and adhere to principles of a universal morality which promotes the good of the whole human race;
4. Scientists, artists, and industrialists should be made the managing directors of the human race; and
5. Any theology that tries to teach men that there is any other way of obtaining eternal life except that of working for the improvement of the conditions of human life should be condemned.

In 1825, Saint-Simon died before fully articulating his vision for New Christianity. Nevertheless, his followers, the Saint-Simonians, spent the seven years following Saint-Simon’s death advancing his vision for a scientifically-planned society the members of which would be inspired by New Christianity. On June 1, 1825, a group of young French technocrats formed the Saint-Simonian Society and began to publish a weekly journal, *Le Producteur*, the focus of which was to apply the scientific knowledge of competent experts to the solution of social problems. After suspension of the *Producteur* in October, 1826, the members of the Saint-Simonian Society engaged in a more precise formulation of Saint-Simonian theory which was expounded in a series of public lectures held biweekly after December 17, 1828. These lectures became known as the *Doctrine of Saint-Simon: An Exposition: First Year, 1828-29*.

The *Doctrine* critically examined the structure of contemporary European society and proposed a program for total social reorganization. The later lectures contained in the *Doctrine* tended to subordinate the earlier scientific and in-

dustrial interests to religious and political interests. As the Saint-Simonians expressed in the Tenth Session (May 6, 1829):

Without those sympathies that unite man with his fellow-men and that make him suffer their sorrows, enjoy their joys, and live their lives, it would be impossible to see in societies anything but aggregations of individuals without bonds, having no motive for their actions but the impulses of egoism.⁹

In the second series of lectures, the *Second Year*, the primacy of religion and politics over science and industry was complete. By 1829, Saint-Simon’s followers established a hierarchically organized Saint-Simonian church for the practice of a religion of humanity.

But it was the social scientist Auguste Comte, a former assistant and silent collaborator of Saint-Simon, who developed what came to be known as the Religion of Humanity. After Saint-Simon’s death, Comte briefly contributed to the work of the Saint-Simonian movement; however, he quickly separated himself from the movement as it took on a religious nature. During 1830 to 1842, Comte produced his six volume *Cours de philosophie positive*. The *Cours* attempted to synthesize the studies of individual scientists by identifying the essence of each branch of science and arranging it into a hierarchy of complexity. The hierarchy was designed to prove that each branch of science had progressed from a theological state into a metaphysical and, then, into a positive state. Religion and sentiment were banished from Comte’s new body of positive knowledge. During this stage of his career, Comte was recognized as the ultimate fulfillment of the eighteenth-century ideal of materialism.¹⁰

Ultimately, however, Comte followed the pattern of other social scientists, who, when frustrated by the apathy shown by the general population toward their secular theories for the material improvement of humanity, ultimately resort to coercive religious systems and values to inspire the social sentiments of mankind. In his *Système de politique positive* produced from 1851 through 1854, Comte proclaimed love as the motive force of mankind. He developed a special calendar for his Religion of Humanity complete with earthly saints and ritual observances in celebration of human progress. In his view, sentiments and the imagination moved mankind to action; and religious faith was the force that would bring intellectual and moral unity to humanity. In 1852, he produced his *Catéchisme positiviste* that reduced his system of positive religion into principles of faith that could be referred to by the masses.

Roots of a Christian Approach to Human Rights Education

Nineteenth century French social scientists were not the only ones cognizant of the fact that the secular society arising from the French Revolution was in need of religious values. In the mid-nineteenth century, three French-Catholics, Félicité Robert de La Mennais, Jean Baptiste Henri Lacordaire, and Charles Count de Montalembert, attempted

to reconcile Catholicism with the French liberal democratic values of liberty, equality, and fraternity. Of the three, Lamennais most aggressively articulated a vision of human rights rooted in the Christian gospel.

Lamennais' book, *Words of a Believer* (1834), constitutes one of the earliest attempts at human rights education. It provided a Christian justification for the right to a fair and public hearing for criminals; the right to a presumption of innocence; the right to food; the right to work; the right to be free of slavery; the right to property; the need for solidarity; the right to equality; the right to life, liberty, and security; the right to education; the right of parents to choose the moral education of their children; the right to form and join trade unions; the right to freedom of thought, conscience, and religion; and the right to a nationality.

Lamennais' book, *The Past and Future of the People* (1841), educates its readers about the right to freedom of association; the right to marry and found a family; the right to participate in government; the right to equal access to public service; the right to periodic and genuine elections; and the right to universal and equal suffrage.

Lamennais, Lacordaire, and Montalembert pioneered a Christian approach to human rights education that is comparable to the non-theistic ethical approach promoted by the United Nations. The question is whether the United Nations will pursue its human rights education agenda in a coercive manner that discriminates against parents who desire to secure a human rights education for their children at the private religious schools of their choice.

The Potential for Discrimination in Human Rights Education

As the United Nations and its agencies seek to hold national education authorities accountable for implementing the First Phase Plan and subsequent phases of the World Programme for HRE, respect must be shown for the rights of parents who send their children to private religious schools that teach values consistent with those contained within the First Phase Plan. For instance, far more than government-run schools, Catholic schools worldwide have been teaching the values, knowledge, skills, and attitudes respecting human rights principles. Yet, except in limited cases, parents sending their children to Catholic schools have been denied equal access to public funds for the education of their children on the grounds that the government cannot support religious instruction. Now that the United Nations and cooperating national governments will be teaching a full-fledged human rights ethical religion in public schools, the continued withholding of public education funds from Catholic and other private religious school parents will constitute unlawful viewpoint discrimination.

The United States Supreme Court has expressed its disapproval over the regulation of speech in a manner that is designed to penalize viewpoints deemed by government officials to be "quintessentially religious" or "decidedly religious in nature." In *Good News Club v. Milford Central*

Schools, 533 U.S. 98 (2001), the Court held that a municipality, which had opened its public school classrooms to the Boy Scouts and 4-H Clubs for the moral and character development of children from a non-theistic religious perspective, unconstitutionally abridged free speech when it denied such access to a Christian Good News Club developing moral character through theistic religious instruction. The Court chose to "reaffirm our holdings in *Lamb's Chapel* and *Rosenberger* that speech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint."¹¹ Under the Free Speech Clause, the Court found no logical difference in kind between the invocation of Christianity by a Christian youth organization and the invocation of teamwork, loyalty, or patriotism by secular youth organizations to provide a foundation for their lessons. The Court rejected the conclusion of the Second Circuit Court of Appeals that reliance on Christian principles taints moral and character instruction in a way that other foundations for thought or viewpoints do not.

The Court's finding that there is no logical difference between non-theistic and theistic moral education is consistent with international law. Section 1 of Article 18 of the International Covenant on Civil and Political Rights (1966) (the "ICCPR") provides that everyone shall have the right to freedom of thought, conscience and religion. The Human Rights Committee established by the ICCPR has commented that Article 18 protects theistic, non-theistic and atheistic beliefs.

The equal treatment afforded to non-theistic and theistic beliefs under international law dictates that national government education authorities not discriminate against traditional religious viewpoints in the education of children for human rights. Section 4 of Article 18 of the ICCPR requires State Parties to the ICCPR "to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."¹² The Human Rights Committee has commented that: "public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians."¹³ The Human Rights Committee particularly warns against government discrimination in the granting of economic privileges to persons subscribing to different religious beliefs or non-beliefs.¹⁴

Under Article 5(1)(b) of the UNESCO Convention Against Discrimination in Education (1960) (the "UNESCO Convention"), the State Parties agree to respect the liberty of parents to choose to educate their children in schools other than those maintained by the public authorities and to ensure the religious and moral education of their children in conformity with their own convictions. The States Parties also agree that no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions.

Similarly, Article 5 of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) (the “Declaration”) provides that parents or legal guardians of a child have “the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.” Article 1 of the Declaration provides that “no one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.”¹⁵ Such coercion would occur in cases where national government education authorities choose to exclusively fund non-theistic human rights education to the exclusion of theistic human rights education.

Under Article 9 of the European Convention on Human Rights (the “ECHR”), everyone has the right to freedom of thought, conscience and religion. Under Article 2 of the First Protocol to the ECHR, “in the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”¹⁶ According to the European Court of Human Rights (the “European Court”): “The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions.”¹⁷ The European Commission on Human Rights (the “European Commission”) defined “philosophical convictions” as being:

those ideas based on human knowledge and reasoning concerning the world, life, society, etc., which a person adopts and professes according to the dictates of his or her conscience. These ideas can more briefly be characterized as a person’s outlook on life including, in particular, a concept of human behavior in society.¹⁸

The European Court has determined that, to rise to the level of a philosophical conviction, the ideas put forward have to “attain a certain level of cogency, seriousness, cohesion and importance.”¹⁹

Human rights values are ideas based on human knowledge and reasoning concerning the world, life, and society. Human rights education indoctrinates children in a specific outlook on life including, in particular, a concept of human behavior in society. The human rights ideas promulgated pursuant to the World Programme for HRE and the First Phase Plan attain the level of cogency, seriousness, cohesion and importance necessary to be treated as philosophical convictions under Article 2 of the First Protocol to the ECHR. Therefore, States may not discriminate in favor of a non-theistic human rights philosophical belief system by withholding public education funds from parents who choose to secure a theistic human rights education for their children at private religious schools.

Parental Choice in Human Rights Education

To avoid coercive and unlawful discrimination against theistic human rights instruction, national education authorities must provide parents with equal access to public funds for the moral education of their children at the public or private schools of their choice.

Article 14 of the ECHR provides that the enjoyment of the rights and freedoms set forth in the ECHR, including the right to education under Article 2 of the First Protocol, shall be secured without discrimination on the basis of religion. The European Commission has determined that, in some cases, a difference in the amount of the government education subsidy offered to State schools and voluntary private schools may constitute a breach of Article 14 of the ECHR in conjunction with Article 2 of the First Protocol to the ECHR. In such cases, “Article 14 would require that the authorities do not discriminate in the provision of available subsidies.”²⁰

Under Article 7 of the UNESCO Convention, the States Parties are to include in their periodic reports submitted to the General Conference of UNESCO information on the legislative and administrative provisions they have adopted or other action they have taken to enforce the anti-discrimination provisions of the UNESCO Convention. As national education authorities implement human rights education in government-run schools pursuant to the First Phase Plan, national governments who are parties to the UNESCO Convention will be required to report on what legislative, administrative, or other actions they have taken to prevent discrimination against parents who choose to secure theistic human rights education at private religious schools.

Although several European nations provide state subsidies to parents who educate their children at religious schools, the United States Supreme Court only recently approved such a practice in a case where the Ohio legislature enacted a school choice plan for Cleveland parents.²¹ However, in a subsequent case, the Court permitted the State of Washington to exclude students engaged in the study of devotional theology from receiving state-funded college scholarships that were available to all other students.²² The Court accepted the State of Washington’s argument that the devotional theology program of study, which trains students to become pastoral ministers, is purely religious in comparison to the non-devotional study of theology. An argument can be made that no such distinction exists between the theistic approach to human rights education that occurs in religious schools and the non-theistic approach to human rights education that will occur in government-run schools under the World Programme for HRE. As was the case in *Good News Club*, there is no difference in kind between the two approaches to human rights education that would justify viewpoint discrimination against parents who choose to secure a theistic human rights education for their children.

Conclusion

International human rights education advocates have determined that a culture of peace cannot be realized in a completely secularized public education system, void of any

teaching of human rights knowledge, skills, attitudes, and beliefs. The First Phase Plan and subsequent phases of the World Programme for HRE contemplate the indoctrination of children in non-theistic philosophical convictions that are the legal equivalent of a religion. Domestic, regional, and international laws dictate that national government education authorities not discriminate between the teaching of human rights from a non-theistic ethical perspective and the teaching of human rights from a theistic religious perspective. To prevent the coercive indoctrination of children in a non-theistic human rights religion, national education authorities must provide parents with the financial resources to secure a moral education for human rights that conforms to their personal religious convictions. Otherwise, in the interest of teaching human rights knowledge, skills, and attitudes, international human rights education advocates will be violating the very human rights that they profess to be promoting.

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Footnotes

¹ *Draft Plan of Action for the First Phase (2005-2007) of the Proposed World Programme for Human Rights Education*, 59th Sess., Agenda Item 105(b), at __, U.N. Doc. A/59/526 (2004).

² *Vienna Declaration and Programme of Action*, World Conference on Human Rights, pt. I, 33, U.N. Doc. A/CONF.157/23 (1993).

³ *Id.*, Part II.D, para. 78.

⁴ *Report of the United Nations High Commissioner for Human Rights on the Implementation of the Plan of Action for the United Nations Decade for Human Rights Education*, U.N. GAOR 51st Sess., Annex, Agenda Item 110(b), at __, U.N. Doc. A/51/506/Add.1 (1996).

⁵ See James P. Kelly, *Commentary on Proposed Convention on Human Rights Education*, NGO WATCH (2004), at <http://www.ngowatch.org/CHRE.pdf>.

⁶ *Draft Plan of Action for the First Phase (2005-2007) of the Proposed World Programme for Human Rights Education*, 59th Sess., Agenda Item 105(b), at __, U.N. Doc. A/59/526 (2004).

⁷ *Id.*

⁸ Henri de Saint-Simon, *New Christianity*, in SOCIAL ORGANIZATION, THE SCIENCE OF MAN AND OTHER WRITINGS, 81, 81-116 (F. Markham, ed. and trans., Harper & Row 1964) (1825).

⁹ GEORG, G. IGGERS, THE DOCTRINE OF SAINT-SIMON: AN EXPOSITION. FIRST YEAR, 1828-1829, 154 (1958)

¹⁰ FRANK E. MANUEL, THE PROPHETS OF PARIS 264 (1962).

¹¹ Good News Club v. Milford Central School, 533 U.S. 98, 111 (2001).

¹² *Compilation of General Comments and General Recommendations*

Adopted by Human Rights Treaty Bodies: General Comment 22, Article 18, U.N. GAOR, Hum. Rts. Comm., 48th Sess., at 35, 2, U.N. Doc. HRI/GEN/1/Rev.1 (1994).

¹³ *Id.*, para. 6.

¹⁴ *Id.*, para. 9.

¹⁵ *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, G.A. Res. 36-55. U.N. GAOR, (1981).

¹⁶ The European Convention on Human Rights, Nov. 4, 1950.

¹⁷ *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, Ser. A, no. 23, p. 26, para. 53 (1976).

¹⁸ *Campbell and Cosans v. UK*, Report of Commission, Ser. B, no. 42, p. 37, para. 92 (1980).

¹⁹ *Campbell and Cosans v. UK*, Ser. A, no. 48, para. 36 (1982).

²⁰ *X v. UK*, No. 7782/77, 14 DR 179, 182 (1978).

²¹ *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

²² *Locke v. Davey*, ___ U.S. ___, 124 S. Ct. 1307 (2004).