

TADEUSZ JASUDOWICZ *

**METHODOLOGY FOR THE TEACHING OF HUMAN RIGHTS
IN DIFFERENT COUNTRIES
(A SPECIAL SESSION)**

The final part of the International Toruń Seminar "The Origin of Human Rights" constituted a special session devoted to the discussion on the more practical questions of human rights teaching. The session was localized in the Round Table's Room of the Toruń Branch of the Polish Institute of International Affairs. Professor Janusz Symonides, Director of the UNESCO Department of Human Rights and Peace, presided over the session. In the role of host appeared Professor Tadeusz Jasudowicz, the Head of the Chair of Human Rights of the Nicolaus Copernicus University and, simultaneously, the deputy-chief of the above mentioned Toruń Branch.

I. CHAIRMAN'S PRONOUNCEMENT

In the introductory remarks Professor Symonides welcomed all participants of the session and delivered the greetings from the UNESCO authorities. He described shortly the initiatives and works of UNESCO in the domain of education for international understanding, for peace, for democracy, and for the development, stressing "inter alia" the usefulness of the 1953 UNESCO Associated Schools Project.

Subsequently, he brought up the string of questions connected with the problem of education for human rights and stressed the importance, the difficulty and the ambiguity of the possible answers in their theoretical formulation and, especially, in their practical implementation. The questions were as follows:

1. Why do we need the education for human rights? In the opinion of the Chairman the answers may be different, but one of them may be such that the human rights teaching has an essential importance for their reality and efficiency.

2. What is the real purpose of such an education? It is not only a question of some kind of formal human rights teaching but rather that of creation of the culture of human rights which is very important for every-day life as an instrument of man's engagement and activity;

* Professor of Law University of Toruń, Faculty of Law and Administration.

3. Is such an education the question of good will of States only or their duty or obligation also? On the basis of 1948 Universal Declaration of Human Rights this question appears as embraced by the progressively consolidated legal obligation. In the field of UNESCO activities there may be stressed the importance of 1974 recommendation and the States' practice of delivering reports in this domain. It is essential also to stress the importance of the engagements embodied in the 1990 Copenhagen Document on the Human Dimension of the CSCE.

4. How to organize the adequate system of such an education? There must exist joined efforts of the mass media, of schools and families, of organizations and trade unions, with the pursuit of all-embracing system of the permanent education for human rights.

5. What is a role of existing educational institutions or structures? The human rights teaching is partly realized in the framework of the university courses of international and constitutional law. There exist also the special courses connected with the historical, philosophical, sociological and psychological studies as well as in the academies of army, police and medicine. The special role belongs to — national and international — institutes of human rights.

6. How to teach human rights? There are difficult problems of proper methodology. Frequently the human rights teaching takes the form of traditional courses or conversatories. Sometimes there is suggested a choice between the "basic courses" and the "sets of specialized knowledge". In the opinion of Chairman there ought not to be any question of alternative choice but rather that of harmonious use of the both forms.

7. What kind of human rights education must be preferred? — the critical one or rather apologetic? Both approaches, must be used without dangerous pessimism, and without baseless hurraoptimism. Some kind of dialectic approach seems to be the proper solution.

8. Must be this education uniform or rather differentiated? Of course, this education must reflect some national and/or regional characteristics but without undesired exaggeration of differences, and with preservation of some necessary common core.

9. What kind of textbooks is better: national or international? Each of these alternatives has its followers but the choice of only one of them would be dangerous. There is an important question of necessary degree of desired universality and uniformity together with the opposite need of the taking into consideration of national characteristics. Both approaches must be connected with the pursuit of some synthesis.

10. Is there satisfactory access to human rights documentation? The situation in this field cannot be described as sufficient or adequate. Very important role belongs to the international network for data bases, *inter alia* in the United Nations and UNESCO.

11. How to deal with the new human rights' problems? There must exist, of course, some necessary degree of dynamic approach but without any undesired faddism. One can perceive some danger of dissemination of subjective personal views instead of teaching of acknowledged international human rights standards. It is not infrequently reflected in the discussions on the so-called "new generations" of human rights.

12. Is there any need for an international convention on the teaching of human rights? It is a controversial question. In any case, UNESCO is working on the preparation of such a document.

II. DISCUSSION — SHORT REVIEW

Professor George Moude (University of Turku — Finland) stressed the very low level of knowledge of the international human rights instruments. Very few students in Finland have a direct contact with the main international documents. Similar reflections are known from Great Britain and the United States. Secondly, one can speak of only "weak consensus" connected with the adoption, interpretation and, especially, implementation of international human rights obligations. In effect, international human rights standards must be characterized also as weak ones. There is no good reason for eliminating of the critical approach in the framework of human rights teaching. The teacher can and ought to explain his own appreciations. Thirdly, there is a danger of apologetic approach to UNESCO documents and other results of its work. Many of them represent a lack of real effectiveness and also of essential consensus. This reflection can be exemplified by the gap between the international standards of woman's rights and the real position of woman in the Islamic countries.

Professor John Rogister (University of Durham — United Kingdom), as a historian, stressed the role of historians in the teaching of human rights. Some elementary level of historical knowledge is essential also in this domain. There are important questions: why human beings have some fundamental rights and freedoms?, and what for? Such questions cannot be answered without proper historical background. Secondly, in the framework of the teaching of human rights there is no room for the neutral position or approach. The teacher is obliged to the express and undubious affirmation of these rights and freedoms as important social and individual values. Thirdly, human rights education ought to constitute some kind of teleological activity: for example, we ought to speak of the education for democracy, for peace, and so on. Finally, Mr. Rogister stressed the great usefulness of the concept of the culture of human rights explained in the initial pronouncement of Professor Symonides.

Professor Ahti Laitinen (University of Turku — Finland) explained the practical problems of the Finnish experiences in the field of human rights teaching. In his opinion, there must be seen different dimensions of the education for human rights. In effect, one can speak of some kind of multidimensional educational system. Apart from traditional places of such an education, as for example the law faculties, we must take into consideration the real fact that such education is present partly also in the philosophical or medicinal education.

Professor Moude underlined the important role of adopting of the Universal Declaration of Human Rights as a basic document for human rights education. Of course, there must be present an element of critical evaluation, but — on the other hand — this document constitutes the real ground for the building of human hope for the better — namely, more human — future.

Professor Rogister stressed the need and the importance of taking into consideration not only formal human rights teaching in the frame of special school-subject but also in the process of education of different subjects, including history, literature, and so on. The need for human rights education was exemplified in Great Britain by the very real disinclinations which were revealed there in the connection with the adoption of European Social Charter. Such an education may be an important measure of surmounting of too reactionary standpoints. There must be stressed also the value of the academic freedom, with this reservation that such an education must not be directed against human rights. There is a duty of teaching "pro homine" and "pro humanitate". What are the real activities of governments in this field? — the degree of fulfilling of States' obligations in the domain of education for human rights must be evaluated as unsatisfactory.

Professor Janusz Justyński (Nicolaus Copernicus University — Toruń, Poland) consented with the great role of the so-called culture of human rights stressed previously by Professor Symonides and Professor Rogister. This concept is of a great value and usefulness. It must be remembered that John Paul II devoted a big part of His social teaching to the problem of the fundamental role of the culture in the historical development of different nations. Namely, the culture may be described as a constitutive element of national identity and heritage. Secondly, in the rightly organized system of human rights implementation there is a room for the institutions devoted to the human rights teaching as well as for those concerned with their protection and defense. The both kinds of institutions are very important and ought to be interconnected and/or co-operating. Thirdly, in the last years there can be observed some real development in the field of human rights teaching in the Nicolaus Copernicus University in Toruń. It was reflected *inter alia* by the creation on the initiative of Professor Jasudowicz and under his direction

of the interdisciplinary Scientific Research Group, of the first Polish university Chair of Human Rights, together with the introduction into the programme of law studies of the special subject "Human rights and their protection". Another form of our activity constitutes (already prepared for realization) the set of lectures in English as well as planned Dutch course for Toruń students concerned with the problems of human rights, democracy, and the rule of law.

Professor Tadeusz Jasudowicz in a long pronouncement explained: a) the reality and the legal character of the States' obligation of the teaching and dissemination in the field of human rights; b) the problem of uniformity and differentiation in the searching for the proper model of human rights education; c) the experiences and the future needs and perspectives of human rights teaching in Poland, with special reference to the achievements and perspectives of Toruń Human Rights Centre¹.

Professor Symonides (formerly — 1967—1973 — the Head of the Chair of International Law of the Toruń University, and also the Prorector of this University) demonstrated his personal satisfaction with the achievements and projects of his mother-faculty. He explained a new idea of creating in Europe some network of International Chairs for Human Rights and Peace, associated with and sponsored by UNESCO. There is a real possibility of location of one of such chairs in Toruń if local scientists feel themselves satisfactorily strong and dynamic to accept such new, very difficult and responsible international charges. He informed also that UNESCO has no real possibilities of safeguarding or financing of publications, including the publication of the materials of the present Seminar. But there is a real possibility of transmitting to UNESCO some concrete research or educational projects which may count for some UNESCO financial assistance.

Professor Jasudowicz expressed his personal thankfulness for the chance of creating in Toruń of such International Chair for Human Rights and Peace as well as his readiness to prepare in the next few months more concrete project of organizing and functioning of such a chair in Toruń.

In the final part of this Session the representatives of different countries (Finland, Great Britain, FRG) shared their gratitudes to Professor Justyński and other persons responsible for organizing of this very useful international symposium. Professor Symonides gave thanks to them also in the name of UNESCO and promised the further co-operation and assistance from this organization. On the hosts behalf Professor Justyński explained his satisfaction from the fruitful course of Seminar and expressed his hope that this useful experience of international scientific co-operation will be continued in the future.

¹ See, below, p. 7.

III. PROFESSOR TADEUSZ JASUDOWICZ, SOME REFLECTIONS ON THE DUTY OF THE EDUCATION FOR HUMAN RIGHTS

General duty of the teaching of human rights may be presumed already from the binding obligations of States concerning the universal observance and respect for human rights and fundamental freedoms for all and, in this sense such a duty is not conditioned by the existence of the express provision regarding such a duty. This duty may be construed as: a) implied condition, b) a logical consequence of the above mentioned obligation of the States, c) some kind of "ius necessarium" or a manifestation of the general principle of effective interpretation.

This duty is incumbent primarily on States but also on every organ or institution assuming responsibilities in the field of national education.

The counterpart and necessary completion of this duty may be perceived in the right of the individual to know his rights and freedoms and to act upon them². Therefore, we can say that international law does not accept in this sphere the old maxim "ignorantia iuris non exculpat, ignorantia iuris nocet". Moreover, it may be said that a man has not only a right but also a corresponding duty incumbent on him: the duty to be an active subject of human rights, to learn human rights, and to develop his ability to effective use of them and to act upon them³.

The above mentioned implied duty is expressly manifested in many instruments concerning the international protection of human rights. In the final part of the preamble of the Universal Declaration of Human Rights⁴, as well as in its Article 26 par. 2⁵ and in the Article 13 par. 1

² In the content of the Principle VII "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief", of the CSCE Final Act 1975, there is stated in alinea 7: "They (The Participating States) confirm the right of the individual to know and act upon his rights and duties in this field".

³ This duty may be construed in the connection with the content of alinea 5 of the Preamble common to the both International Covenants on Human Rights: "[...] the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant".

⁴ There we read: "[...] every individual and every organ of society [...] shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance [...]".

⁵ According to this stipulation: "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".

of the International Covenant of Economic, Social and Cultural Rights we can meet the formulas to this end⁶.

There are many other manifestations of this duty in different international instruments of the international human rights protection and in the multiple conventions of humanitarian law of armed conflicts⁷. In my opinion, these concrete conventional obligations must be seen in strict connection with the general principle of humanity⁸.

In the field of humanitarian law of armed conflicts the duty of human rights teaching is manifested in two different degrees of intensiveness. At first, there is rather obligatory and universal obligation of States to publish respective documents and to disseminate them so that the principles thereof may become known to the entire population⁹. Secondly, more far reaching obligation embraces additionally the special programmes of training and instruction for armed forces, and for any military or civilian authorities who — in the time of peace or/and in the time of war — assume responsibilities in respect of protected persons or other protected values connected with the requirements of humanity¹⁰.

⁶ The formula used in the Covenant though similar to that of Universal Declaration is not identical, but rather perfected. We read: „[...] education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. [...] education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations, and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”.

⁷ Presumably, as a first such regulation we can recognize Article 26 of the Geneva Convention of 1906 for the Amelioration of the Condition of Wounded and Sick in Armies in the Field; “The Signatory Governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this Convention and to make them known to the people at large”.

⁸ See: T. Jasudowicz, *From “act of humanity” to the principle of humanity in International Law*, Polish Peace Research Studies, No. 3; O „ludzki wymiar międzynarodowego prawa morza” (For the “human dimension” of the international law of the sea), *Prawo Morskie* (Maritime Law), No. 6.

⁹ See, *inter alia*: Article 20 of the X Hague Convention of 1907 for the Adaptation to the Maritime Warfare of the Principles of the Geneva Convention; Article 27 of the Geneva Convention of 1929 for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field; Article 84 of the Geneva Convention of 1929 relative to the Treatment of Prisoners of War; Articles 47, 48, 127, and 144 (respectively) of the Four Geneva Conventions on the Protection of Victims of War of 1949; Article 25 of the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

¹⁰ For example, in the Article 25 of the last mentioned convention we can read: “The High Contracting Parties undertake, in time of peace or in time of armed conflict, to disseminate of the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries.

In the field of instruments of the international law of human rights (regulating above all the behaviour of States and not only of States in the time of peace) we can construe also several different degrees of intensiveness of the duty of human rights teaching: a) the first and unquestionable is the just mentioned duty of publication and dissemination of such instruments¹¹, b) the second includes the proper education for human rights and human rights teaching is treated — as to the principle — as embracing potentially all the population of State¹².

On the basis of the Article 2 para. 1 of the International Covenant of Economic, Social and Cultural Rights, and in the connection with the presupposition of "achieving progressively the full realization", and in the limits of "maximum available resources", taking into account also additional possibilities which offer "international assistance and cooperation", we must admit the principle of progressiveness in the fulfilling of State's obligations in this field¹³.

There is, in the first place, a duty of introduction and realization of the human rights teaching in school programmes (curricula) on all levels of the system of national education: consecutively, in the universities,

They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the entire population, especially the armed forces and personnel engaged in the protection of cultural property".

¹¹ See, *inter alia*: Article 24 of the 1930 ILO Convention No. 29 "Forced Labour"; par. 35 (1) of the UN 1955 Standard Minimum Rules for the Treatment of Prisoners; Article 3 of the 1985 UN Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live.

¹² It follows, already, from the above mentioned part of the Preamble to the Universal Declaration. We can meet more "specialized" provisions. For example, Article 7 of the UN 1965 Convention on the Elimination of All Forms of Racial Discrimination reads: "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups [...]". Similarly, Article 5 of the 1960 UNESCO Convention against Discrimination in Education; Article V of the 1978 UNESCO Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War; Article 10 of the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; principle "e" of the 1979 UN Code of Conduct for Law Enforcement Officials. Especially worthy content we meet in the Part II, para. 10 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.

¹³ Though formulated in not so strong terms as obligation flowing from the Covenant on Civil and Political Rights, this formula embodies undoubtedly legal obligation also: the duty of "due diligence", and the progressively implemented duty of final result. It is a question of binding, though special character of economic, social, and cultural rights.

in the secondary schools, in the primary schools, and even in kindergartens¹⁴.

A State is also obliged, without any unfounded delay, to safeguard such teaching to the members of all services who, by their nature or functions, are doomed to every-day confrontation with a man and his rights and freedoms, inter alia: teachers and other educational personnel, army, police, law enforcement organs, prison service, medical personnel etc.¹⁵

There must be added finally the obligation of States to organize such a system of the education for human rights which guarantees that these rights may become known to the entire population.

On the basis of the treaty obligations many competent international organizations have elaborated some additional documents, recommendations, programmes and auxiliary materials which permit to speak of some internationally established standards in the sphere of education for human rights. The results of such international works may and ought to be used by any country who takes efforts for the implementation of this duty.

There are, especially in the Western Europe and elsewhere in the world, some more advanced States whose experiences in the domain of human rights teaching may and ought also to be useful in the preparation of the system of education for human rights by other countries.

But, simultaneously, it must be stressed that there is no precise and universally obligatory standard to secure uniform implementation of this duty. Special conditions of each State or of a given region may demand some different steps, measures and methods. The implementation of the duty of human rights teaching is conditioned not only by economic and organizational possibilities of a given country but also by its experience in the every-day practising of human rights. There is a deep difference in this field between, for example, the countries of Western Europe cooperating for many years in the framework of the Council of Europe and on the basis of the European Convention on the Protection of Human Rights and Fundamental Freedoms, and countries, for example of Central and Eastern Europe trying to liberate themselves from the residues of the communist way of development. In the case of such countries we are confronting — as a painful reality — the lack of proper structures, mechanisms and procedures for regular and effective use of human rights, the lack of many necessary regulations concerning

¹⁴ See: Final Document of International Congress on the Teaching of Human Rights, together with Annex "Recommendations...", [in:] The Teaching of Human Rights, Proceedings of the International Congress on the Teaching of Human Rights, Vienna, 12—16 September 1978, UNESCO 1980, pp. 39, 42.

¹⁵ Ibid

human rights, together with the inadmissibility of direct invoking of the State's international obligations, the lack also of traditions of human rights teaching¹⁶, together with many necessarily anticipated difficulties resulting from the sovietization of minds and opinions of the teachers and other members of educational personnel¹⁷.

In my personal opinion, it is not the best way to speak of the teaching of human rights. According to standard provisions of international instruments I would prefer to speak of the teaching or education for human rights and through human rights. This formula serves to open some broader perspective as to the substance, the measures and also the methods of educational activity. It serves also to stress that albeit the teaching of human rights represents a necessary element of education it is not enough. We must underline that school or any other place of teaching must be in itself a proper environment for practising of human rights and to grow up of young people in the atmosphere of the respect for their personality and dignity and for their rights and freedoms, and in the progressive possibilities of development of their individual capacity for the use of human rights and freely act upon them.

The teaching of human rights may and ought to be connected with the promotion of fundamental human values, including essential values accepted by the international community. There must not be place for axiologically "neutral" teaching. Especially, the human rights teaching must be connected with the education for democracy and for peace — namely through human rights. I would like to stress that it is not decisive if respective subject of teaching would be titled "The Teaching of Human Rights", "Education for Human Rights", or "Education for Democracy", or "Education for Peace". Humanity, democracy, and peace. they all stand as a principal values for all men and for all States, for all the world, and for the mankind as a whole. There is, in my opinion, no dangerous concurrence and especially contradiction between these fundamental values, if properly construed. I am rather conscious of their intrinsical complementariness and of the inseparable "iunctim" between them. Simultaneously, I must stress that namely human rights and freedoms are in this connection a value of primordial

¹⁶ From time to time the Polish Ministry of Foreign Affairs was sending to the Faculties of Law a questionnaire concerning human rights teaching. Presumably, on this basis Poland sent its reports to Unesco. In fact, there is no properly construed education for human rights but only accidental elements of the human rights knowledge.

¹⁷ There was unfortunate practice of trusting of party activists with the teaching of "ideological school-subjects", including civic education. That's why, we are planning to organize postgradual completion of the education of teachers who will be trusted with the teaching of "Education for Democracy".

and original character and namely they serve necessarily as a proper basis for real building and safeguarding of the democracy and peace¹⁸.

Therefore, if we want to realize the subject titled "Education for Human Rights" we cannot lose sight of democracy and peace because without safeguarding of these two values the effectiveness of human rights is also endangered. And adversely, may be much more else, when we want to teach under the title "Education for Democracy" or "Education for Peace" we must remember that true democracy and true peace are not possible at all without observance, respect for and full realization of human rights and freedoms for all. These rights and freedoms namely are an important precondition of the peace at all its levels: from inner peace in the man himself, through the social peace in the limits of society or State, to the universal international peace all over the world¹⁹. Therefore, human rights and freedoms stand as necessary bricks for building democracy and peace, and, consequently, "Education for Democracy" or "Education for Peace" must be viewed and construed as education for human rights and through human rights.

Answering the questions formulated by Professor Symonides I would like to say shortly:

1. We need the education for human rights because without a satisfactory knowledge of these rights and without man's ability to defend them and to act upon them, man appears as a weak and disarmed being in front of omnipotent States.

2. The real purpose of the education for human rights is enabling a man to the proper and effective use of his rights and freedoms without endangering the fundamental bases of the harmonious community²⁰.

3. As I have already explained above, safeguarding of such an education is the question of legal obligation of State and not that of its good will, not a question of its domestic jurisdiction.

4. There must be organized the all-embracing system of education for human rights directed to the entire population of State. Of course, there are some priorities: in educational regular system — from university level to kindergartens; in post-gradual training, with special reference to the teaching of the members of staff or services confronted with man and his freedoms in every-day practice (prison service, army,

¹⁸ It is obvious in the light of Article 55 of the Charter of the UN; alinea 1 of the Preamble of the Universal Declaration, alinea 1 of the common Preamble of the International Covenants, alinea 5 of the content of VII CSCE Principle.

¹⁹ See, for example, T. J a s u d o w i c z, *Human Rights and Peace in the Social Teaching of John Paul II*, Polish Peace Research Studies, No. 5.

²⁰ It is very essential to accentuate the unity between the rights and duties of individual in this sense that his rights are embodying in the same time some duties in relation to other individuals and to different communities (family, society, nation). See, for example, Article 29 of the Universal Declaration.

police, and so on). The mass media also play an important role as the best way to the consciousness of the entire population. The problem of effective dissemination of human rights documentation must be taken, simultaneously, into consideration.

5. The existing educational and other institutions are not effectively used for human rights education²¹. Apart from the realizing the special school-subject concerning the education for human rights, the elements of human rights knowledge must be present in education of different school subjects because of interdisciplinary character of human rights concept.

6. There is no question of choice between the basic courses and sets of specialized knowledge, especially no question of eliminating of one of these forms. The both are necessary and complementary, the both must be harmoniously used for the needs of proper education for human rights, the one as a general introduction, the second as a necessary concretisation and specialization.

7. Similarly, there is no question of choice between critical and apologetic approach. The first duty of teacher is to give a concrete knowledge of human rights and freedoms. On this fundamental basis there may be a room for personal appreciations, critical or apologetic, according to the estimation of the real value of given human rights solution.

8. There is also no question of choice between uniform and differentiated education. Some degree of unity, of the preservation of some universal core is obviously necessary, and — from the other hand — some degree of adaptation to the special local or other requirements is also desired.

9. As to the textbooks, I would like to stress the usefulness of international materials, especially for countries in which there is no good tradition of human rights teaching and even of human rights implementation. But, simultaneously, no international textbook can be fully satisfactory because of the importance of the specific requirements of human life in a given country and the essential interconnection between human rights and national culture and identity²².

²¹ There is no regular, rationally organized education for human rights, but only some accidental elements of transmitting of human rights knowledge. Much worse else, there is no room for rationalization and realisation of the idea of the school or university as a "human environment" — the environment favorable for living in the atmosphere of human rights and acting upon them.

²² It may be said that human rights are "nationally conditioned". There is no appeal to nationalism in such a reflection; rather accentuation of necessary linkage between human rights and the sphere of axiology. The real national life is after all conditioned by national traditions and heritage, by "national roots" which play important role in the life of individual and society at large.

10. The access to human rights documentation is not satisfactory when viewed from the Polish perspective. There are very real difficulties with the supply of actual human rights documents as well as there are no documentary collections which may be properly used for the needs of the education for human rights²³.

11. The new human rights problems, especially those of the so-called "new generations" of human rights imply some dangerous prepositions inconsistent with the real requirements of the modern international law or injurious for the man himself²⁴. In my opinion, for example, it would be better to speak of individual's duty to build peace and not of his right to peace. Generally, I would like to stress the importance of transforming the educational institutions especially schools into the real human environments, the places of the growing of young men in the culture of human rights.

12. The question of adopting of an international convention concerning the human rights teaching is controversial one. From the one hand, it would be better to have at our disposition formally binding international instrument. From the other hand, as we know, *summum ius summa iniuria*. The binding international instrument is not the best solution in the conditions when some states explain the great readiness to adopt international obligations and no readiness to implement them or to allow their subjects the acting upon these State's obligations.

Let me explain some our and my personal experiences in the field of human right teaching. In the eighties I introduced into my programme of teaching the conversatories concerned with "Humanitarian international law" and "International law in Europe" in the framework of which I stressed the problems of human and nation's rights in the context of tragic Polish-Soviet relations. In the same time I had hundreds of lectures in private homes, churches and other so-called "illegal places" for thousands of ordinary people. I published also in many underground magazines some articles and materials concerning *inter alia* human rights and fundamental freedoms, including several articles on education for freedom, on fighting against so-called ideological school-subjects, and — more generally — against the all-embracing compulsory system of socialist education. It was my pleasure to participate in the Kraków 1988 International Human Rights Conference where I was acting as a chairman of the Working Group I "International Problems of Human Rights Protection".

²³ For example, the newest Polish collection („Prawa człowieka. Międzynarodowe zobowiązania Polski. Wybór dokumentów” — "Human Rights. Poland's International Obligations. Selection of Documents"), edited by the Polish Institute of International Affairs, does not include any documents from the scope of European Human Rights Protection System.

²⁴ For the proper approach to these problems — see: C. Miłk, *Zbiorowe prawa człowieka* (Collective Human Rights), Toruń 1991 (doctoral thesis).

After many years of work in the Chair of International Law, after years of my underground fight against totalitarianism and oppression, I felt myself satisfactorily prepared for more serious scientific and didactic engagement in the field of human rights. In 1989 I introduced conversatories "Human Rights and Their Protection", and several months later I created the interdisciplinary Scientific Research Group "Human Rights in the Changing Europe" in the framework of which representatives of almost all legal disciplines are working in common on important problems of evaluation and adjudication of experiences of the Polish legal system after the Second World War, and on the future problems of harmonious participation of this system in the framework of European Human Rights Protection System. We finished the first stage of our work on the origin, essence and character of human rights and fundamental freedoms. Presently, we are realising the next stage on the so called positive legal heritage of the Polish State²⁵.

At the same time I began my endeavors for the aim of creating of the first in the Polish universities Chair of Human Rights. They were successfully finished in June 1990 by Rector's Order on the creation of the Chair of Human Rights in the structure of the Faculty of Law and Administration of the Nicolaus Copernicus University. From December 1990 it took the name of the Chair of Human Rights. The Chair is acting under my direction. I work together with Miss dr Bożena Gronowska, previously specialist of criminal procedure, and with dr Cezary Mik, previously working in the Department of Constitutional Law.

Such a composition of the Chair is a good thing because it guarantees the possibility of interdisciplinary approach. In my opinion, interdisciplinarity in the domain of scientific research on human rights problems is a necessary precondition. That's why I also created the above mentioned Scientific Group which enables us to carry a really interdisciplinary research.

I would like to explain the didactic scheme of the university human rights teaching. There is a fundamental course "Human Rights and Their Protection" located on the first year of studies and construed as a necessary "human introduction" to the law studies. Additionally, we are realizing; under the same title, conversatory for the students of higher years; lectures on "Humanitarian International Law"; on "European System of Human Rights Protection"; on "Man in Front of Administration of Justice"; on "Constitutional Regulation of Human Rights"; and on "The Protection of Victims of Crimes and Abuses of

²⁵ According to initial agreement, the results of our work will be published by Scientific State Publishing House (PWN) under the title "Poland in Europe — from the perspective of human rights and freedoms" (1992—1995) in four volumes.

power". On the request of students I had conversatories "The Law of Armed Conflicts and Humanitarian Law" in the framework of Military Study of the University. We are planning to introduce the facultative lectures on the protection of human rights for students of all faculties of our university.

In October 1990 I prepared and submitted to Minister of Education, H. Samsonowicz a project of a progressive introduction to the programme of teaching in the Polish secondary and primary schools of the new school subject "Young People Before Human Rights". After next preparations and changes of the project in co-operation with the Department for Training and Perfection of Teachers, we are planning to begin from October 1991 Postgradual Study for Teachers, "Education for Democracy". Such will also be a title of the new school-subject which Ministry plans to introduce in the next years. We prepared detailed curriculum of this study and the scientific staff for the didactic needs. Unfortunately, nobody in this country has money to assist this very important project. It would be great thing if UNESCO were able to assist us in its realization.

Since October 1990 I have also organized conversatories "Human Rights and Their Protection" for students of fifth year of extra-mural pedagogical studies at the Higher Pedagogical School in Bydgoszcz. This school is also planning to organize new postgradual study for higher military staff in the frame of which I shall have lectures on "Army in front of Human Rights". Realization of this project is not certain, also because of financial difficulties. In this scope we need also some international assistance.

There are some general ideas which we treat as guide-lines for our activity:

1. Scientific research is not enough; it must be connected with the developed didactic activity in pursuit of all-embracing system of national education for human rights and through human rights (for democracy, for peace, for tolerance and mutual understanding); on the other hand, there cannot be any proper didactic activity without scientific research and knowledge.

2. This research and this didactic activity must be interdisciplinary in its substance; therefore, it is our hope that in the process of law studying the basic courses of legal disciplines will be completed by additional lectures or conversatories concerning "human dimension" of these disciplines.

3. These two spheres of activity must be completed by publishing of textbooks and other didactic material, including proper documentary collections; the Chair of Human Rights began the work in this scope also but there are some serious difficulties because Polish editors are

waiting for financial subvention before accepting given work for edition.

4. In December 1990 (on the Human Rights Day) we inaugurated the so-called "Toruńska Wszechnica Praw Człowieka" which means the regular every-month meetings at the Round Table namely with the possibility of participation for all who are interested in this field; in the framework of this activity there are some lectures, panel discussions, and so on.

5. Apart from the above mentioned Postgradual Study for Teachers, we are planning for the future some wider concept of postgradual studies; the first part of it will be constituted by the basic course of human rights; the second part will constitute a set of specialized teachings for representatives of given service (for police, for military staff, for prison service, for administrative apparatus, for political and trade-union's activists, and so on).

6. In all our activity we will try to accentuate that the main interest is not the introducing of one or another school-subject, but the creation of the school human environment favorable to the growing of young people in the atmosphere of acknowledgment and respect for human rights and in the practical use of them in school life.

7. All the educational activity in this field must not be "neutral" or "axiologically indifferent" or too relativistic; those engaged in the human rights teaching must be "humanity-loving" persons, in no case adversaries of man and his rights; all their activity also must be realized in the atmosphere of love — to man, to human rights, to their own work in this field.

As you see we have many plans and projects and we confront many troubles and difficulties. In such a situation, in front of a great gap between hopes and possibilities we would like to count on some international assistance. One of the possible forms is that proposed by the Netherlands Helsinki Committee and the Faculty of Law of the University of Utrecht. Since October to December 1991 Dutch lecturers will organize in Toruń a course "Human Rights, Democracy, and the Rule of Law". Even much more important for us would be financial assistance for concrete research, educational or editorial projects. The great part of our activity belongs to the scope of interest of UNESCO and we hope that this Organization will assist us in our ambitious purposes.