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Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

Published in cooperation with the UNESCO Office in Moscow  
for Armenia, Azerbaijan, Belarus,  
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Опубликовано при поддержке Бюро ЮНЕСКО в Москве  
по Азербайджану, Армении, Беларуси,  
Республике Молдова и Российской Федерации



UNIVERSAL  
DECLARATION  
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Dignity and justice for all of us

# ***HUMAN RIGHTS EDUCATION IN RUSSIA ANALYTICAL REPORT***

**MOSCOW SCHOOL  
OF HUMAN RIGHTS  
2008**



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The authors are responsible for the choice and the presentation of the facts contained in this publication and for the opinions expressed therein, which are not necessarily those of UNESCO and do not commit the Organization

**Human Rights Education in the Russian Federation, Including Prevention Education in HIV/AIDS: Analytical Report** / Under the editorship of Anatoly Azarov. – Moscow: Moscow School of Human Rights, 2008. – 197 p.

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Editor: N.I.Neich

The book examines the status, trends, and issues of human rights education, including HIV/AIDS prevention education in the Russian Federation. It spans the period from the early 1990s to December 2008, analyzing both positive preconditions for the spread of human rights and freedoms knowledge in Russia and obstacles encountered in the process. A special focus is on laws, regulations and standards applicable to higher education. The book describes the activities of the primary social institutions engaged in HRE: comprehensive schools and universities, human rights commissioners, NGOs. It shows examples of international humanitarian law teaching; offers an evaluation of HRE literature for Russian universities; offers a concept of Science and Discipline of Human Rights. The book also examines the condition of HIV/AIDS prevention education within the context of human rights observance. The authors' conclusions and judgments are supported with a special opinion poll.

The results of this research may be used in scholarly studies and in the practice of governmental and nongovernmental organizations committed to improving HRE.

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**“...the main axes of the strategy are  
promotion of research and dissemination  
of knowledge on human rights”**  
*UNESCO Strategy on Human Rights*

The Universal Declaration of Human Rights was adopted on December 10<sup>th</sup>, 1948. It declared human rights to be universal values and urged all nations and states to promote respect for human rights and freedoms as the foundation of justice and peace through teaching and education.

Sixty years later the call for “**Dignity and justice for all of us**” remains as relevant as ever. This means that the world is still imperfect and unjust, while the degradation of human dignity and violation of human rights remains a cruel reality. The world community and international organizations recognize that knowledge of rights can improve the life of every individual and the entire community.

Educators, scholars, and human rights defenders of Russia could not be indifferent to human rights education issues. There have been several scientific forums devoted to these issues: *the Russian National Scientific and Methodical Conference on Human Rights Education* (Moscow, 1998), the International Workshop *Human Rights Education at Russian Universities* (St.Petersburg, 2003), the International Conference on Human Rights Teaching (Murmansk, 2007), the all-Russian conference *Human Rights Education at Comprehensive Schools* (Moscow, 2007), the conference titled *Bologna Process and History and Human Rights Teaching at Higher School* (St.Petersburg, 2008), and others.

The issues raised by these conferences indicate that they addressed a single specific aspect of education, except *the Russian National Conference on Human Rights Education* held a decade ago. Over the past three decades human rights have been also examined within the context of the HIV/AIDS epidemic. The Joint United Nations Programme on HIV/AIDS (UNAIDS) considers HIV/AIDS prevention education to be an important component of the entire human rights education (HRE) process.

Although Russia has already accumulated substantial HRE experience, no comprehensive, systemic analysis of HRE in the Russian Federation had been undertaken until now. The national HRE study is a critical element of the effort to build a HRE system in Russia, as repeatedly stressed in documents of international organizations.

This study titled **“Human Rights Education in the Russian Federation, Including Prevention Education in HIV/AIDS: Condition, Trends, Current Issues”**. Analytical Report is meant to fill this gap. It has been made possible thanks to the intellectual input and financial backing of UNESCO.

The object of research are social relations that form in connection with HRE and HIV/AIDS prevention education. Universal scientific research methods provided the methodological basis for this interdisciplinary study. A number of UN, UNESCO, and Council of Europe documents have been adopted as the regulatory and theoretical basis for the study. They substantiate the understanding of HRE in general and the conduct of scientific research of HRE.

The study spans the period from the early 1990s to December 2008. Territorially, the study examines the condition of HRE in all of the Russian Federation. Field research has been conducted in Vladivostok, Yekaterinburg, Chita, Moscow, and St.Petersburg to explore the situation onsite, become familiarized with the status of HRE at universities, schools, and NGOs, and conduct the questionnaire. The authors took into account the opinion of the expert community expressed in conference materials and recommendations. Analysis and conclusions contained in the report are supported with the results of a special public opinion poll conducted as part of this project.

The report structure is consistent with the objectives and logic of research. Since the national context of HRE is considerably influenced by the system of dominant values, political and legal reality in society, they are examined in the first place. The authors point out the mistaken understanding of HRE as legal education.

The introduction of human rights into educational curricula is influenced to a significant degree by international commitments of the Russian Federation that step from its participation in human rights treaties. A due measure of attention is also devoted to this aspect.

The report describes the activities of the primary social institutions engaged in HRE. Before all these are institutions of higher education. The authors examine the situation on educational standards and study and methodic resources for the educational process, offering a generalized evaluation of HRE literature for universities, with brief reviews of some 30 textbooks. The book offers a concept for the study of human rights, while illustrating the existing practice of human rights teaching at institutes and universities, specifically international humanitarian law teaching at universities of the Russian Ministry of Defense.

A special focus is on comprehensive schools. The authors analyze educational standards and literature, judging undemocratic the recent campaigns to impose new history and social science textbooks.

This report also illustrates activities in the informal sector of education; shows the educational efforts by Human Rights Commissioners; analyzes development trends and participation of NGOs in human rights dissemination and education; includes profiles of NGO HRE schools and centers.

The report devotes much ink to analysis and evaluation of HIV/AIDS prevention education within the context of human rights. It analyzes the causes of stigma, discrimination, and violations of human rights committed against people living with HIV, and offers recommendations on how to improve the situation.

A separate chapter is devoted to the results of a sociological survey consistent with the subject (in the Russian version).

Without claiming to cover the entire range of issues, we believe that this review presents a general picture of HRE in the Russian Federation. So far many important subjects have remained outside the scope of our study. We would imagine that future researchers will have to identify and analyze the role and impact of the following factors on HRE:

- Publications on human rights and their trends (popular and specialized literature, monographs, studies, conference materials, collections of legislation, study and educational and methodical literature);
- The Internet resources devoted to human rights;

- Scientific studies of human rights issues, their distribution across fields of knowledge (Ph.D. and doctoral dissertations);
- Human rights education and dissemination initiatives by regions Russian Federation (legal, political, patriotic, civic education, tolerance, culture of peace);
- Human rights projects, programs, action plans implemented in the interests of women, children, minorities, and other social groups;
- Trends of stigma, discrimination, and violations of human rights committed against people living with HIV;
- Channels, resources and information on ethical principles and rights of people living with HIV;
- The role of international organizations in promoting HRE in Russia;
- Assistance of foreign NGOs in HRE;
- Teaching human rights to Russians at foreign centers, organizations: effectiveness and response;
- Sources and volumes of funding for HRE activities, allocation of resources among social actors.

The social survey, questionnaires, and data gathering in the regions have been made possible thanks to our long-time partners and new-found allies at schools, universities, and NGOs. We would be remiss not to offer our heartfelt thanks to many of our colleagues, including A.K.Barinova – Moscow, V.N.Biryukova – Moscow, T.V.Borisova – Petropavlovsk-Kamchatski, N.D.Bravok – Dalnerechensk, Primorsky Krai, M.Vavilin – Kazan, N.I.Gribacheva – Sayansk, E.Yu.Dobuzhskaya – Zheleznodorozhny, Moscow Region, A.V.Dolzhikov – Barnaul, I.E.Karpovich – Cheboksary, M.A.Kuperman – Yuzhno-Sakhalinsk, G.J.Kurskova – Moscow, T.A.Meschaninova – Ivanovo,



Z.Papulova – Yekaterinburg, T.N.Romanchenko – Vladivostok, O.V.Rubtsova – Chelyabinsk, A.Yu.Chikildina – Volgograd, M.B.Chabanyanc – Stavropol. Special thanks go to N.I.Shugai, Deputy Chief of Office of the Human Rights Commissioner in the Primorsky Krai for his fruitful contribution to the project.

To the strict reader we apologize for the occasional departures from the academic style of presentation and for the polemic format. The authors of this research are not indifferent to the HRE situation and, ultimately, respect for the dignity of one and all, and the formation of a culture of human rights as one of the fundamental values of modern Russia. We are not only observers brought in from the outside, but direct participants of the process of conception and establishment of HRE over the past decade and a half.

The report materials can be useful when developing both the policy and regulations and practical activities aimed at improving HRE at the federal and regional levels.

Hopefully, the results of this study will prove useful to researchers, university instructors and postgraduate students; educators and facilitators in the compressive schooling system; state and NGO human rights defenders in their common striving to improve HRE.

We also hope that the results of this study will be interesting and useful to our foreign colleagues and make their contribution to the *World Programme for Human Rights Education*.

Anatoly Azarov  
Director of the Moscow School of Human Rights,  
Honorable Mentions of the UNESCO  
Prize for Human Rights Education

# 1. THE RUSSIAN CONTEXT

## 1.1. Human Rights and Russian Values

In Soviet society with its pervasive domination of state interests over the individual, it was only natural for the essence and meaning of human rights to be understood from the standpoint of a “class approach” and ideological dictates. Rule of law, division of powers, and civil society were not viewed as independent categories worthy of research. They had been frowned upon as “unscientific, reactionary, bourgeois notions” – nothing near the universal worldview values and underpinnings of a democratic society. Human rights and freedoms, democratic values as “pacifist”, “cosmopolitan”, “panhuman” ideals could not be recognized by the former totalitarian regime. Outright rejection of universal human rights was concealed behind ideological slogans. To quote CPSU CC Secretary General Leonid Brezhnev, “In contrast to the notions of democracy and human rights perverted and banalized by bourgeois and revisionist propaganda, we offer the fullest and most realistic set of rights and duties of a Socialist society citizen. We place on the scales of history the truly epochal accomplishments of workers achieved through the power of the working class under the lead of the Communist Party”<sup>1</sup>.

Following the crash of Communist regimes, the collapse of the USSR with the Marxist and Leninist ideology becoming self discredited, and the end of the Cold War, millions of people, political parties, and governments, legislatures and heads of state faced the challenge of finding fundamental spiritual underpinnings, worldview values on which to form a new society.

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<sup>1</sup> Quote from the textbook *Basics of Soviet State and Law*. Moscow, Prosveshcheniye publishers, 1982, page 81.

Economic, social and political differentiation in Russia was accompanied by value differentiation of society, which sometimes culminated in open confrontations and rifts. The departure from the totalitarian ideology was accompanied by a spiritual crisis and devaluation of moral and ethical values. The early 1990s were characterized by the absence of not only values but even elementary knowledge and adequate ideas of democratic institutions and human rights. The results of regular polls conducted at the time by the Moscow School of Human Rights indicated that neither teachers nor students could name such human rights institutions as the Council of Europe or the European Court of Human Rights. They would mistakenly consider 17<sup>th</sup> and 18<sup>th</sup> century peasant uprising leaders Stepan Razin and Emelyan Pugachev, the Decembrists, Chernyshevsky, Lenin, Dzerzhinsky to be human rights defenders...

The Carnegie Moscow Center researchers concluded that the following conflicting sets of values formed in the decay of the dominant system of ideology-loaded Soviet values (1990-1993): “liberal-market”, “Soviet”, “traditional”, “Orthodox”, and suchlike.

By the start of the 2000s, the picture changed somewhat in Russia, with the domination of such mainstream trends as Russian and Soviet traditionalism, moderate (“enlightened-patriotic”) pragmatism, radical Westernized liberalism, and asocial individualism<sup>2</sup>.

Anywhere between one-third and one half of Russian society are proponents of traditional Russian and Soviet values.

The percentage of moderate (“enlightened-patriotic”) pragmatism proponents oriented toward both Western and traditional Russian values is close to 40-45%.

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<sup>2</sup> See: Pantin V., Lapkin V. “Russians’ value orientations in the 1990s”. <http://www.carnegie.ru/ru/pubs/procontra/55767.htm>

About 10-15% of the Russians lean toward radical Westernized liberalism.

At least 10-15% of the population can be classified as belonging to a category driven by animal needs ingrained by such advertising slogans as “Have fun!”, “Enjoy!”, “Take everything out of life!”, i.e., proponents of asocial individualism.

Of course, this rough structure of society based on adherence to certain values does not cover the entire multitude of worldview preferences in modern Russia. The spectrum of political platforms, ideological, national (or nationalist), religious movements, organized forms of association of likeminded individuals is fairly broad: from all manner of post-communist parties to the make-believe pro-European Democratic Party of Russia of A.Bogdanov<sup>3</sup>; from national Bolsheviks of E.Limonov to the Movement Against Illegal Migration, and suchlike. Yet the programs, manifestos of political parties of the 1990s, 2000s did not overlook the question of human rights and freedoms<sup>4</sup>.

The social basis for HRE could be formed by representatives of moderate pragmatism and Westernized liberalism, i.e., up to 60% of the country’s population. However, the motivation to acquire knowledge of human rights and their protection depends on other circumstances.

The statistics of complaints to Human Rights Commissioners about right violations, and public

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<sup>3</sup> Quite unusual ideas of values are proclaimed in the Manifesto of the Democratic Party of Russia: “Our values are simple – Family, Work, Home, Car”. <http://www.democrats.ru/rus/party/1146/index.shtml>

<sup>4</sup> Human rights and freedoms in programs of main political parties and associations of Russia. 20<sup>th</sup> century. / Under the editorship of Russian Academy of Economic Sciences (RAES) academician A. N. Arinin (executive editor), RAES academician S. I. Semionova, RAES academician V. V. Shelokhayeva. – Moscow: “Russian Political Encyclopedia”, 2003.

opinion polls indicate that in the last 15 years the Russian have been mainly concerned about the realization of their social and economic rights to ensure their survival and resolve their day-to-day problems. At the end of 2007, 67% of those polled named as their priority the right to free education, medical assistance, and old age and disability security, 51% named the right to a well-paid job, and each fourth – the right to a minimum living wage guaranteed by the state.

Political rights traditionally receive the least amount of attention: only 21% of those polled believe freedom of speech is important to them personally, 13% – the right to information, 11% – the freedom of religion 10% – the right to elect representatives to the authorities<sup>5</sup>.

Lingering paternalism, social dependency, expectations for the government to provide social wellbeing for citizens in exchange for their renunciation of civil and political rights are proving a convenient form of existence for both the government and vast social groups. Many are prepared, without compunction, to renounce their civil and political rights and trust the government – from the president down to a local official – to decide how they should live, think, or behave. Not surprisingly, 68% of respondents in a different survey conducted by Levada-Center are certain that presently it is more important for Russia to have “order even if at the expense of certain violations on democratic principles and restriction of personal freedoms”<sup>6</sup>.

More than one half of Russians are completely unconcerned about human rights violations in Russia, are satisfied with the current state of affairs, or are prepared to

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<sup>5</sup> See: Public Opinion – 2007. Moscow: Levada-Center, 2007. p. 165.

<sup>6</sup> See: Public Opinion – 2007. Moscow: Levada-Center, 2007. p. 18.

sacrifice rights and freedoms for the sake of general order in the country<sup>7</sup>.

Order, an iron fist — as ideal forms of managing state and social affairs—also leave a mark on relations in the academic setting. According to public surveys, at the end of the 1990s up to 46% of polled teachers continued to favor authoritarian pedagogic methods and techniques<sup>8</sup>.

One of the fallouts from the surrender of civil and political rights could be an irreversible change in the political benchmarks of the powers that be. Those in power are moving from declarations of adherence to democratic principles, human rights and freedoms to the need to strengthen the "power vertical", "an iron fist", "a controlled democracy", and similar wording, ultimately resulting in the establishment and legitimization of an authoritarian regime.

According to the results of a survey conducted as part of this project<sup>9</sup>, 53.9% of respondents believe that the chief factor that stands in the way of HRE in Russian society is precisely the conscious position of the power – the less people know about their rights, the easier it is to rule them.

The subjective lack of demand for knowledge of human rights and mechanisms of their protection among the majority of the citizens, a passive stance regarding their own rights, a low level of political and legal awareness create objective obstacles for the introduction of HRE programs, according to 51.6% of those polled.

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<sup>7</sup> See: M. Ordzhonikidze. Western values as perceived by the Russians. Public Opinion Herald. Levada-Center, 2007. No. 2 (88), March-April

<sup>8</sup> "Education in documents", No. 16, 1997.

<sup>9</sup> This project, Human Rights Education in Russia..., involved a survey in January – February 2008 of 157 Russian teachers, pedagogues, members of human rights protection NGOs, employees of state human rights protection institutions teaching human rights in 33 cities of 23 regions across Russia.

45% of the respondents believe that broad-based corruption at all levels and in all government agencies in fact brings to naught the efforts of HRE instructors. Arguments about the equality of everybody's rights, about equal opportunities to seek protection of violated rights shatter against the sharp edges of the country's socioeconomic problems, social inequality, and poverty – so believe 42.7% of educators. Finally, the fifth place among twenty-six obstacles was taken by the destructive role of television, mass media, propagating wanton violence, cruelty, a beautiful life of ease, achieving the goal no matter the cost, lack of respect for personal dignity – so opined 41.4% of our respondents.

Declarations of human rights as the supreme value clash with the reality of daily life with its mass and blatant violations of economic, social, civil, and political rights, undermining people's faith in the possibility to exercise and protect their own rights, leading to political apathy and civil noninvolvement of the Russians. For these reasons many people are not motivated to study or know their rights. The percentage of people interested in raising their awareness of human rights of their own choice, not in connection with specific cases of their violation and attempts to restore them, can be estimated at a mere 10-12% of the country's active population.

Besides these objective factors preventing the introduction of human rights in the educational system, there are also ideological fighters against human rights and tolerance. In the past several years an entire campaign against the liberal system of values, mainly the concept of human rights and freedoms, has been unfolded under the banners of “State Orthodoxy” led by the Russian Orthodox Church. Without getting into polemics, we provide select quotes from pamphlets of the opponents of liberalism.

The notorious campaigner against human rights, Natalia Narochnitskaya, believes that “present-day libertarian nihilists are a sector of society damaged by totalitarianism and sporting T-shirts with a star-spangled banner (made in the USA)”. “The Council of Europe is a totalitarian Fourth International giving away certificates of maturity to those civilized enough”. She must believe that the style and wording of her messages fits the object of her criticism – the “spiritual outcasts of libertarianism”: “The holy cows of 21st century libertarianism – theses about ‘human rights’, ‘freedom’ and ‘democracy’ become the proclamation of the right to be deprived of all form of morals” – and so forth in the same non-parliamentarian vein<sup>10</sup>.

Mrs. Maler-Matyazova seems to have finally stumbled upon the answer to a part of the eternal Russian question (“What to do?” and “Who is to blame?”): “it is the liberal worldview that is the source of all our misfortunes, numerous worldview and sociopolitical conflicts, since it contradicts virtually all value systems (mainly the Orthodox worldview) at both the philosophical and ideological level and at the sociopolitical level”<sup>11</sup>.

Orthodox patriots A.Yu.Solovyov and I.V.Ponkin (the infamous protagonist of numerous scandals) believe that “the ideology of tolerance represents something boundless and chaotic, which does not differentiate between good and evil,... this entire ideology is downright hostile toward traditional spiritual values, primarily Christian values”. “By

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<sup>10</sup> See: Narochnitskaya N. A. *About our liberalism, right and left*.  
[http://www.perspektivy.info/misl/cenn/o\\_nashem\\_liberalizme.htm](http://www.perspektivy.info/misl/cenn/o_nashem_liberalizme.htm)

<sup>11</sup> See: Maler-Matyazova E. S. *Orthodox rethinking of ‘human rights’*  
[http://www.perspektivy.info/misl/cenn/pravoslavnoe\\_pereosmyslenie\\_p\\_rav\\_cheloveka.htm](http://www.perspektivy.info/misl/cenn/pravoslavnoe_pereosmyslenie_p_rav_cheloveka.htm)



preventing in every possible way the introduction of the possibility for Moscow students to freely choose the study of their traditional religious culture, the Moscow Government adopts a program of imposing the ‘culture of peace’<sup>12</sup>.

Bear in mind that these are not merely three or four individual adepts of Orthodoxy bent on eradicating liberal ideas. These are representatives of a quite influential caste of people from many Russian universities, the Russian Academy of Sciences, and the Russian Academy of Education. These are forces influencing the content of education at Russian schools and universities: they have the power to keep human rights out and introduce Orthodoxy and theology into the state education system.

By all accounts, for a considerable portion of Russian society human rights, culture of peace, tolerance, democracy still remain abstract notions, values alien to the worldview of most Russian citizens and the Russian system of education in general. “...We may be told that the Russian nation embarked on the historical path much too late, that there is no need for us to independently come up with the ideas of freedom and human rights, rule of law, constitutional state, that all of these ideas had been proclaimed, developed in detail, and implemented a long time ago, which is why we only need to borrow them. Even if it had been the case, then we would still have to experience such ideas; it is not enough to borrow them, we would have to be encompassed by them entirely at a certain point in our life; no matter how old an idea, it is always new to the one who experiences it for the first time; it provokes

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<sup>12</sup> See: Ponkin I. V. “Tolerance and tolerantism in a secular society” in the book by Ponkin I.V. *Secularity of State*. Moscow: Scientific and Research Center for Pre-college Education, 2004. 466 pages. Pp. 404-415.

creative work in his consciousness, becoming assimilated and adapted to other elements within; meanwhile, the human rights knowledge of the Russian intelligentsia had never been entirely encompassed by the ideas of human rights and rule of law, and they have not been experienced fully by our intelligentsia”<sup>13</sup>, the famous Russian lawyer B. Kistyakovsky wrote in his Vekhi (Milestones).

**A century later...**

## **1.2. Political and Legal Preconditions**

Human rights as a positive system of knowledge and values found themselves under an administrative, criminal, ideological, and political ban in the Soviet Union. Following the collapse of the USSR in 1991 and adoption of the new Russian Constitution in 1993, Russia witnessed the formation of new political and legal conditions.

The state’s attitude toward HRE is closely linked with sociopolitical processes underway in the country. Development of democracy, implementation of the rule of law, establishment of a civil society, and the system of universal values make up a coordinate system that determines both the progress in enforcing respect for human rights in Russia and obstacles encountered in this process. Human rights education is also affected by the political regime, the position and personal worldviews and preferences of heads of state and the political elite.

Under President Boris Yeltsin (1991 – 1999), much hope was placed on a quick introduction of a market economy, a multiparty system, liberal democratic reforms

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<sup>13</sup> Vekhi; Intelligentsia in Russia; Collection of articles 1909-1910. Moscow; Molodaya Gvardiya, 1991. – page 113.

and values in general. This period of creation of a new Russian statehood and democratic institutions was accompanied by the formation of a new system of law, national human rights institutions, an upswing in social activity of the population, and creation of NGOs. Despite the difficulties of the transition period, acute problems affecting all aspects of life, unpopular decisions by the government, a painful exit from the Bolshevik system of values, with society left in uncharted territory facing the choice of an unspecified new system of values (under the Constitution, the state does not establish an ideology), the 1990s were favorable for the promotion of HRE.

The presidency of Vladimir Putin (2000 – May 2008) was characterized by the adoption of laws that significantly limited the political rights of citizens, the activity of opposition parties and NGOs. Increasingly, we observe a departure from the principle of division of powers. The legislature – the State Duma, has turned into a docile tool in the hands of the executive power. The judiciary system is not independent or self-governing. There is continuing centralization of power in the hands of federal executive authorities. All agencies and branches of power are corrupt. In essence, a single-party system has been recreated in the country. The mass media are increasingly controlled by the state. Those in power are resorting to illegal means of overcoming dissent and discrediting NGOs of Human Rights Defenders. For fear of “orange revolutions” and sponsorship of political opposition via NGOs, the federal government has considerably restricted the activities of Western foundations and programs that financed Human Rights Defenders Organizations, including HRE projects. In a December 12, 2007, statement of the Fourth All-Russian Civil Congress, over 400 participants expressed their “categorical rejection of the course taken by the country's

government toward complete abandonment of the spirit and principles of the Russian Constitution, grassroots democracy, suppression of all fundamental rights and freedoms, destruction of democratic institutions, a drift toward increasing lawlessness, toward an abyss separating the power from the people”<sup>14</sup>.

Without a doubt, the 1993 Russian Constitution provided the starting point and basis for HRE activities. The modern legal doctrine and the Constitution are based on the liberal-democratic concept of natural law and the concept that sees all people born equal with inherent rights. Constitutional provisions on the human being, human rights and freedoms as the supreme value, are the worldview substantiation of the entire process of reforms, economic freedoms, political pluralism, rule of law, and a civil society. The rights and freedoms set forth in the Russian Constitution meet universally recognized standards.

Russian President Boris Yeltsin signed a number of orders containing provisions that indirectly raised legal awareness and spread legal information and knowledge relating to human rights:

- Presidential Order No. 2131 dated November 29, 1994, *On the Study of the Russian Constitution at Educational Institutions*;

- Presidential Order No. 228 dated February 28, 1995, *On the Federal Targeted Program to Raise Legal Awareness of Voters and Election Organizers in the Russian Federation*;

- Presidential Order No. 673 dated July 6, 1995, *On the Development of a Legal Reform Concept for the Russian Federation*;

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<sup>14</sup> <http://www.civitas.ru/docs.php?part=1&code=82>

- Presidential Order No. 864 dated June 13, 1996, *On Certain Measures of Government Support for the Human Rights Movement in the Russian Federation*;

- Presidential Order No. 315 dated April 9, 1997, *On the Year of Human Rights in the Russian Federation*, and so forth.

National human rights institutions formed throughout the 1990s. Presidential Order No. 1798 dated November 1, 1993, established the Human Rights Commission under the President of the Russian Federation as an advisory and consultative agency. In 1996, the Commission drafted a Human Rights Federal Action Program (taskforce of S.A.Kovaliov and V.I.Bakhmin) and in 1999 – a Federal Concept to Enforce and Protect Human Rights and freedoms (taskforce of V.A.Kartashkin)<sup>15</sup>. Although neither document has been adopted, and none is legally valid, they still spelled out the key lines of activity, including those relating to HRE.

In 2004, the Commission was transformed into the Council of the President of the Russian Federation on Assistance to Development of Civil Society Institutions and Human Rights.

Among other things, the Commission/Council focused attention on HRE and assisted human rights NGOs in their activities.

Pursuant to Federal Constitutional Law No. 1-FKZ dated February 26, 1997, *On the Commissioner for Human Rights in the Russian Federation* in 1998 the State Duma appointed Russia's first Ombudsman – Oleg Mironov. The Commissioner is tasked with promoting **legal education in the matters of human rights and freedoms, forms and methods of their protection**".

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<sup>15</sup> Federal Concept to Enforce and Protect Human Rights and Freedoms (Draft). – M.: NORMA Publishing House, 2000. – 96 p.

Modern Russian legislation in one way or another sets forth the principles of respect for human rights in all enactments relating to various human rights and freedoms, which obligate participants of legal relations to know such rights.

For example, a number of laws governing public service stipulate that public service is founded on the principles of priority of human and citizen rights and freedoms, their direct effect, and the obligation of public servants to recognize(?)<sup>16</sup>, respect and protect human and citizen rights and freedoms. These laws are based on the assumption that a public servant is aware of human rights and has received training in human rights<sup>17</sup>.

The Federal Law *On the Fundamental Guarantees for the Rights of the Child in the Russian Federation*, Part 1, Article 9, stipulates that “the rights of the child may not be violated in the process of educating or raising the child in a family, an educational institution, a special educational institution, or a different institution providing relevant services”<sup>18</sup>, thereby obligating the participants of such legal relations, firstly, to know the rights of the child and, secondly, not to violate or infringe on such rights. Many other enactments are structured in the same way.

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<sup>16</sup> The regulation on the “recognition” of human rights by public servants appears to be erroneous: under Article 2 of the Russian Constitution, recognition of human rights and freedoms shall be an obligation of the State but not individuals.

<sup>17</sup> See Russian Federation Law No. 119-FZ dated July 31, 1995, *On the Fundamentals of Public Service in the Russian Federation*, Federal Law No. 58-FZ dated May 27, 2003, *On the Public Service System in the Russian Federation*, Federal Law No. 79-FZ dated July 27, 2004, *On State Civil Service in the Russian Federation*.

<sup>18</sup> Federal Law No. 124-FZ dated July 24, 1998, *On the Fundamental Guarantees for the Rights of the Child in the Russian Federation* (as amended and supplemented).

Modern national legislation in Russia recognizes the priority of international law norms: “If an international agreement of the Russian Federation establishes rules, which differ from those stipulated by law, then the rules of the international agreement shall be applied”.

This provision also applies to universal and regional treaties relating to human rights. These treaties in turn provide the legal groundwork for human rights information and education activities.

The federal targeted program titled *Forming the Attitudes of a Tolerant Mindset and Preventing Extremism in Russian Society (2001-2005)* was in a way related to HRE. With its November 19 2004, decree No. 665, the Russian Government terminated the program prematurely due to its low effectiveness.

Against the backdrop of an overall rollback in democratic institutions and a departure from the principle of human rights and freedoms as the supreme value witnessed over the past eight years, the situation with HRE was not aided much by the Russian President’s Order No. 1237 dated September 25, 2004, *On Additional Measures of State Support for the Human Rights Movement in the Russian Federation*. In essence, the order merely approved the creation of an International Human Rights Protection Center and recommended involving representatives of regional human rights protection organizations in the work of advisory and consultative agencies. Despite the backing from the Presidential Executive Office and the Russian Government, after four years the International Human Rights Protection Center failed to create even an appearance of human rights protection work! Government-appointed human rights “defenders”, as opposed to those for whom human rights defender is a lifetime calling, obviously work with different results.

To replace foreign donors who left or were forced out of Russia in 2006-2008, President Putin signed directives providing funding for NGOs, including for HRE projects. They represent the only source of state funding for NGOs. However, the volume of funding, the narrow scope of projects receiving funding, and the bureaucratic mechanism of allocating grants via the Public Chamber of the Russian Federation cannot replace the varied and flexible spectrum of aid from scores of foreign and national philanthropic organizations that operated in Russia between 1995 and 2006. With his June 28, 2008, decree No. 485, Russian Prime Minister Vladimir Putin trimmed the list of international organizations whose grants (donor aid) are tax exempt from 101 to 12 organizations. Struck from this list have been the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Alexander Solzhenitsyn Russian Public Foundation, the International Federation of Red Cross and Red Crescent Societies, the John D. and Catherine T. MacArthur Foundation, the Ford Foundation, which had financed HRE projects among others. All environmental, medical, and other humanitarian funds have been removed from the list. The Government's logic is inexplicable: on the one hand the Government is concerned about the drain of capital from Russia and seeks to attract foreign investment in various sectors of the economy; on the other hand, it cuts off channels of donor aid from foreign sources for humanitarian and social projects which it cannot (or wishes not) to fund itself. All the while, the Government does not consider it necessary to explain its position to citizens.

The key provisions of the state education policy in general are outlined in several strategic documents adopted in the last fifteen years:



- Russian Federation Law No. 3266-1 dated July 10, 1992, *On Education* (as amended and supplemented);
- Federal Law No. 125-FZ dated August 22, 1996, *On Higher and Postgraduate Professional Education* (as amended and supplemented);
- *National Doctrine of Education in the Russian Federation*, adopted by Russian Government Decree No. 751 dated October 4, 2000;
- *Modernization concept for Russian education for the period until 2010*, adopted by RF Government resolution No. 1756-r dated December 29, 2001;
- *Priority directions in the development of the Russian system of education*, adopted at the December 9, 2004, session of the Russian Government (minutes No. 47);
- *Federal targeted program to develop education for the years 2006-2010*, adopted by Russian Government resolution No. 803 dated December 23, 2005;
- *Priority national project “Education”*, launched by Russian President Vladimir Putin on September 5, 2005.

These documents, while mostly intended to resolve organizational, institutional, financial and other challenges faced by the system of education, also relate to the objectives and substance of education. For example, the Law “On Education” establishes that the state education policy is founded on such principles as “the humanistic nature of education, the priority of universal human values, personal life and health, free development of the personality, cultivation of citizenship, industriousness, respect for human rights and freedoms, love of nature, the fatherland, and family”. The National Doctrine of Education in the Russian Federation establishes that the system of education must ensure “education of Russian patriots, citizens of a law-governed, democratic state, capable of

socialization in the conditions of a civil society, respecting personal rights and freedoms, possessing high morals and displaying national and religious tolerance, showing respect for languages, traditions, and cultures of other nations, forming a culture of peace and interpersonal relations...”

Overall, the fundamental Russian education laws undoubtedly create all the required preconditions needed to organize HRE. At the same time, little is being done to bring the declared norms to life, to ensure the high goals and objectives translate into specific educational standards, programs, plans, teaching guidelines, and academic hours. The discrepancy between normative declarations and the actual state of affairs in HRE is the chief contradiction in the entire system of formal education.

HRE, while being aimed at changing the basic values of society, willy-nilly touches on the issues of the exercise of power and the political interests of the ruling elite. Real understanding by citizens of the value of human rights and freedoms, democracy, equality of everybody before the law, and social conduct in accordance with such principles threatens the undemocratic system of power as such and the individuals holding such power. Authoritarian regimes are in no hurry to dig their own grave by helping people to understand their rights, not to mention exercising and protecting them. In the last 3-4 years, politicians occupying the top tier of power had busied themselves creating a positive image for Russia as a democratic state. This is a quite strange game on the part of the Kremlin spin doctors, for such political makeup and whitewashing of the country do not essentially change the current state of affairs and do not create conditions for the exercise of recognized human rights and freedoms.

Within this context, introduction of human rights issues into the system of education is seen as not merely a

set of organizational measures and attempts at pushing through a couple of bylaws, but as a concealed struggle between different worldviews and values, a standoff between social groups with different mentalities, which inevitably extends into the political plane, into the world of big politics.

### **1.3. International HRE Obligations of Russia**

Since the adoption of the Universal Declaration of Human Rights in 1948, the UN and UNESCO have been constantly calling on states to inform the public about human rights, to circulate texts of international treaties at schools and universities. The right to human rights education was especially affirmed in several universal and regional documents of international legal and political nature. The 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 2007 Convention on the Rights of Persons with Disabilities, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms express this right indirectly. These documents recognize that each person has the right to seek, receive and circulate information and ideas, which undoubtedly includes information (knowledge) on human rights and freedoms.

Provisions directly related HRE are present in such international treaties as the 1978 International Convention on the Elimination of All Forms of Racial Discrimination (States Parties undertake to adopt immediate and effective measures... in the fields of teaching, education, culture and information, with a view to... propagating the purposes and principles of the Charter of the United Nations, the

Universal Declaration of Human Rights...), the 1989 Convention on the Rights of the Child (States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike).

The World Conference on Human Rights (Vienna, 1993) calls on “all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings”, “develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information”. The Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 also attaches considerable significance to HRE.

It is also worth mentioning the provision of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (The Declaration on human rights defenders) adopted by the UN General Assembly resolution dated March 8, 1999. The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Therefore, the values of democracy, human rights and freedoms in international treaties acquire the status of universal goals, values, principles, norms and action plans

recognized by different states, civilizations, cultures, and nations. Respect for human rights and freedoms is one of the principles of international law.

These and other documents on human rights provide the legal basis for information, education and training in human rights, as universally recognized principles and norms of international law and international treaties signed by the Russian Federation are an integral part of its legal system (Article 15 of the Russian Constitution).

International treaties and ordinary norms are realized, among other things, on the basis of principles of international legal relations set forth in the Russian Federation Law “On International Treaties of the Russian Federation”: “The Russian Federation is in favor of rigorous observance of contractual and ordinary norms, reaffirms its commitment to the fundamental principle of international law – the principle of fulfilling international obligations in good faith”<sup>19</sup>.

Russia is party to six out of eight basic UN treaties on human rights<sup>20</sup>. These treaties envision the creation of various mechanisms to control their observance, committees being the main type of such mechanisms. States periodically submit reports on the fulfillment of their

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<sup>19</sup> Federal Law of the Russian Federation dated July 15, 1995, No. 101-FZ *On International Treaties of the Russian Federation*.

<sup>20</sup> 1966 International Covenant on Civil and Political Rights, 1966 International Covenant on Economic, Social and Cultural Rights, 1978 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of all Forms of Discrimination Against Women, 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1989 Convention on the Rights of the Child, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2007 Convention on the Rights of Persons with Disabilities.

obligations under the relevant treaty to the UN treaty bodies (committees). As of August 2008, the Russian Federation submitted 42 reports to all UN treaty bodies. Unfortunately, they did not always present objective information on HRE issues, portraying the situation in a better light.

After reviewing periodic reports, committees issue concluding observations. In the majority of cases, the committees recommended and called upon Russia to incorporate human rights issues into academic programs of institutions of secondary and higher education, make widely available texts of their periodic reports and the committees' observations, including via the Internet. The World Programme for Human Rights Education also states that the key elements in the development of an HRE policy are, among other things, such measures as including information on HRE into national reports to the relevant international mechanisms, propagating and fulfilling the recommendations of international mechanisms.

For example, the Committee on the Rights of the Child in its concluding observations Russia's reports of 1993, 1999 and 2005 has been for 12 years expressing concern over Russia's continuing failure to make sufficient efforts to spread information on the Convention principles and provisions. Such criticism is justified, as Russia has never published its reports to UN treaty bodies, to say nothing of the committees' concluding observations<sup>21</sup>. These documents are only available on the UN website and on the site of just one Russian NGO. Seemingly, nothing prevents the state from posting the reports and concluding observations by UN committees on government websites at

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<sup>21</sup> In 2007, the Commissioner for the Rights of the Child in Moscow City published the concluding observations of the UN Committee on the Rights of the Child following its review of the third periodic report by the Russian Federation.

no cost to the state, mainly on the site of the Russian Foreign Ministry, as this very ministry carries out general supervision of Russia's fulfillment of international treaties<sup>22</sup>. That these documents are being concealed and information kept secret cannot be interpreted other than as a conscious position of the state: not to educate the population in human rights.

The UN has devoted several major long-term campaigns specifically to HRE. Since 1988, the UN has been conducting the World Public Information Campaign for Human Rights. Much like the USSR citizens were not informed about this initiative, so are present-day Russians being kept in the dark about it.

In 1994, the 49<sup>th</sup> Session of the UN General Assembly adopted The Plan of Action for United Nations Decade for Human Rights Education, 1995-2004. Following UN recommendations, many states have adopted national HRE plans.

The Russian government did not respond to this worldwide campaign in any way: it never informed the public, primarily the educators, about the Decade; it never encouraged the relevant ministries and departments to implement the UN Plan; it never developed or adopted any national HRE programs. For a whole decade official Russia self-eliminated itself from HRE as part of this UN campaign.

On December 10, 2004, the UN General Assembly proclaimed the World Programme for Human Rights

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<sup>22</sup> The Russian Foreign Ministry website contains only one out of eight dozen Russian reports and concluding observations by UN committees: the fifteenth, sixteenth, and seventeenth periodic reports by the Russian Federation on the fulfillment of the International Convention on the Elimination of All Forms of Racial Discrimination. See: <http://www.mid.ru/>

Education (Resolution 59/113 A). The World Programme is a series of phases, the first of which covers the period of 2005-2007 and focuses primary and secondary school education. Realizing the importance of this programme, the UN Human Rights Council on September 28, 2007, decided to prolong the first phase of the World Programme for Human Rights Education until the end of 2009.

Developed by pedagogy and human rights specialists on all continents, this Programme offers a concrete strategy and practical advice on HRE at the national level.

The governments have been offered to implement the Plan of Action in four stages:

**Stage 1:** Analysis of the current situation of human rights education in the school system;

**Stage 2:** Setting priorities and developing a national implementation strategy;

**Stage 3:** Implementing and monitoring;

**Stage 4:** Evaluating.

Each education ministry or its equivalent should create or expand the relevant department or division that will be responsible for coordinating the work of all parties involved and serve as the national coordinating center in matters of HRE in the system of school education.

In December 2004, the Office of the High Commissioner for Human Rights (OHCHR) sent all government verbal notes, requesting them to share their comments on the draft Plan of Action. The Russian Government did not respond to this request.

In September 2006, the UN formed the United Nations Inter-Agency Coordinating Committee on human rights education, as envisioned in the Plan of Action adopted by the General Assembly on July 14, 2004 (Resolution 59/113 B). The Committee comprises 12



specialized organizations and agencies of the UN system: UNESCO, International Labor Organization, World Bank; UNDP; UNICEF; UNHCR, UNAIDS, and others.

On January 9, 2006, the Russian Minister of Education and Science, Mr. A.Fursenko, was sent a joint letter by Louise Arbour – UN High Commissioner for Human Rights, Koïchiro Matsuura – UNESCO Director-General, and Terry Davis – Council of Europe Secretary-General. They informed the minister about the launch of the World Programme for Human Rights Education, about the progress made by the Council of Europe in this sphere, and expressed their confidence that they would find support in implementing the World Programme from the Russian Minister and Ministry of Education and Science. In the same letter they requested that the Office of the UN High Commissioner for Human Rights be informed about the Ministry department or division that would coordinate initiatives relating to the implementation of the Plan of Action for the first phase (2005-2007) of the World Programme.

Neither Mr. A.Fursenko, nor any other Ministry official deigned to respond to this letter.

On December 10, 2007, Louise Arbour again sent her letter to Russian Minister of Education and Science on behalf of the United Nations Inter-Agency Coordinating Committee on human rights education. The UN High Commissioner for Human Rights reminded that upon adopting the Plan of Action for the first phase of the World Programme for Human Rights Education in July 2005 all UN member states expressed unanimous adherence to continued introduction of human rights education into the elementary and secondary school system. This initiative reflected the international community's recognition of the fact that HRE can both be a tool of improving the overall

effectiveness of the education system and play a key role in the country's economic, social, and political development. "We rely on your leadership in the matter of effective introduction of human rights education into the school system of your country," Louise Arbour expressed her confidence. She again asked to be informed about the Ministry department or division appointed to coordinate initiatives relating to the implementation of the Plan of Action for the World Programme and requested any information on efforts in this sphere undertaken in the Russian Federation.

Yet again, the Russian Ministry of Education and Science and Mr. A.Fursenko did not think the UN High Commissioner for Human Rights deserved a response.

In February 2007, the Moscow School of Human Rights appealed to Minister A.Fursenko, requesting his assistance with the gathering of information needed to analyze the current situation in the sphere of HRE in Russia. The research was being carried out as part of the UNESCO project "Human Rights Education in the Russian Federation, Including Prevention Education in HIV/AIDS: Condition, Trends, Current Issues". Naturally (naturally for the Russian Ministry of Education and Science!), no response followed.

At one press conference we still managed to ask Mr. Fursenko personally about the Ministry's role in the fulfillment of international HRE obligation and request his assistance with the analysis of the situation.

"While human rights education is, of course, important, we strive toward maximum autonomy and freedom of any educational institutions," Mr. Fursenko responded. "If there are initiatives and an interest in this work, Godspeed to you! In humanitarian sciences everything should move independently of the Ministry. This

is not because I want to shed some responsibility, but because today the Ministry is not what it used to be 15 years ago. The Ministry has a staff of 350. It is impossible to attach a single official to each discipline, nor is it necessary. I believe that the fewer responsible people the Ministry has, the better”<sup>23</sup>.

It is obvious that ignorance of international law is characteristic of not just the vast clan of officials who are in one way or another involved in promoting HRE, but also of the Education Minister himself. It pays to know that “Federal executive authorities, whose competence includes issues governed by international treaties of the Russian Federation, shall ensure the performance of the obligations of Russia as party to the treaties...”<sup>24</sup>. Leaving recommendatory UN documents aside (The Plan of Action for United Nations Decade for Human Rights Education, 1995-2004, the World Programme for Human Rights Education), Russia’s participation in universal human rights treaties, primarily the Convention on the Rights of the Child, obligates the Ministry of Education and Science to ensure the performance of obligations within its competence.

This assessment of the negligent role of the Russian Ministry of Education and Science is confirmed by the results of our public opinion poll. When asked “What organizations should deal with human rights education based on their status and regulatory role?”, 89.2% of educators responded that this was the job of the Russian

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<sup>23</sup> Meeting of Russian Minister of Education and Science A.A.Fursenko with teachers, students, and postgraduate students of the Russian State University for Humanities on March 30, 2007. Audio archives of A.Azarov.

<sup>24</sup> Federal Law of the Russian Federation dated July 15, 1995, No. 101-FZ *On International Treaties of the Russian Federation*.

Ministry of Education and Science before all else. The subsequent rating of the 17 institutions responsible for HRE proposed to choose from is arranged as follows: 84.1% - universities, colleges, 83.4% - general education schools, 78.3% - human rights protection organizations. The top five of such structures also includes the Federal Ombudsman, with 77.7% of respondents naming this institution.

Our respondents believe, however, that institutions that are really doing something about HRE are human rights protection organizations - 63.1%, general education school - 54.1%, universities and colleges - 52.2%. Only half of those polled (50.3%) believe that the Russian Ministry of Education and Science is doing something to introduce HRE into the system of education. Firth place is occupied by regional Council/Commissions on human rights, according to 49% of those polled<sup>25</sup>. A telltale nature of these responses, which correspond to expert opinions and reflect the real situation, is that neither the state nor the Ministry of Education care much for HRE. It is mainly the civil society and human rights protection NGOs that care about the situation with HRE and introducing our citizens to the universal system of relations between the state and the individual.

The preceding facts indicate a position of "active inaction" on the part of the Russian Ministry of Education, both in terms of honoring international obligations and participating in the relevant UN campaigns, and in terms of mapping out the policy and taking specific steps to form a system of HRE for the country as a whole.

Other mechanisms of involvement in long-term HRE campaigns of the UN have proven equally ineffective. Since 1992, Russia had originally the Governmental and

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<sup>25</sup> The survey was conducted as part of this project in January-February 2008.

subsequently the Interdepartmental Commission on the Participation of the Russian Federation in International Organizations of the UN System, established by a Russian Government resolution<sup>26</sup>. The Government also established the Interdepartmental Commission on the Coordination of Activities relating to the fulfillment in the Russian Federation of the UN Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children. As a rule, these commissions comprises representatives of the Ministry of Education. Yet these mechanisms, commissions and their members made no attempts to promote UN programmes on HRE in Russia, even though there is no chance they could not have know about the existence of such programmes. By decree of the Russian Government No. 215 dated April 16, 2004, these commissions were disbanded for unexplained reasons.

There are only two or three positive examples in the history of modern Russia when it became involved in UN activities relating to HRE. In connection with the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights adopted by the UN General Assembly, by order of the Russian President the year 1998 was declared the Year of Human Rights in the Russian Federation<sup>27</sup>. Under the Presidential Plan, a number of major activities took place, including in the sphere of HRE.

Another example is the implementation in 1999-2002 of the UN project titled Assisting the Development of Human Rights Education in the Russian Federation. The

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<sup>26</sup> RF Government Resolutions No. 677 dated September 7, 1992, No. 985 dated December 17, 1992, No. 217 dated March 15, 1993, No. 1316 dated December 1, 1994, No. 381 dated April 3, 1996, No. 627 dated June 12, 1999.

<sup>27</sup> Presidential Order No. 315 dated April 9, 1997, *On the Year of Human Rights in the Russian Federation*.

legal grounds for this major project was the agreement between the UN High Commissioner for Human Rights and the Russian Foreign Ministry. Surprisingly, the Project did not envision participation by the Ministry of Education, and it was not involved in any way during these three years, although the Project organizers relied on educational institutions in the Russian regions throughout its implementation. Nor had there been any involvement in the Project on the part of the Commissioner for Human Rights in the Russian Federation. Moreover, this Project was not implemented under the aegis or within the context of the Plan of Action for United Nations Decade for Human Rights Education 1995-2004.

In 2007, the Office of the UN High Commissioner for Human Rights and the Russian Foreign Ministry approved the Conceptual Framework for Cooperation with the Russian Federation for 2007 and Subsequent Period<sup>28</sup>. This document envisions joint activities in different aspects of human rights education, dissemination and information.

The Foreign Ministry must be given credit: of all agencies in the Russian Federation, it has adopted the most progressive and sensible position on HRE issues. Despite very limited budgets, the Foreign Ministry's Department for Humanitarian Cooperation and Human Rights and its heads (at different periods V.I.Bakhmin, O.S.Malginov, V.A.Parshikov, T.O.Ramishvili, B.A.Tsepov) are cooperating actively with both international organizations, Russian ministries and departments, and human rights protection and education NGOs.

This is the brief and unimpressive record of Russia's cooperation with UN in the sphere of HRE.

Among other international organizations, UNESCO has the most versatile and richest experience of promoting

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<sup>28</sup> <http://www.mid.ru/ns-dgpch.nsf/>

ideals of human rights and freedoms through education, training and dissemination. Since its creation in 1946, UNESCO has played a major role in encouraging and protecting human rights.

Being an international standard-setting organization, UNESCO develops and adopts international instruments (documents) corresponding to its mandate. The UNESCO General Conference has adopted over 60 conventions, declarations, and recommendations. The majority of these instruments are associated with human rights and mainly relate to rights within the competence of UNESCO: the right to education, the right to participate in the cultural life, the right to freedom of conscience and freedom of speech, including the right to search, obtain and transmit information, the right to use the advantages of scientific progress. Some of its documents are directly related to HRE. These are the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, the 1995 Declaration and Integrated Framework of Action on Education for Peace, Human Rights. and Democracy, the 1995 Declaration of Principles on Tolerance, the 2003 UNESCO Human Rights Strategy, and the 2003 Integrated strategy to Combat Racism, Discrimination, Xenophobia and Related Intolerance.

UNESCO believes that education, including human rights education, is a human right. Realizing this right requires including HRE as an integral part of education programs at all stages of formal education; provide assistance in the preparation and implementation of national HRE plans; reinforce the process of creating networks to support HRE.

UNESCO is currently disseminating human rights knowledge along several lines:

- stimulating the promotion of human rights through education, training, research, and information by awarding the UNESCO/Bilbao Prize for the Promotion of a Culture of Human Rights (former UNESCO Prize for Human Rights Education);

- education in human rights, peace, democracy, tolerance, and international understanding via UNESCO departments at universities in various countries;

- disseminating knowledge on the key international human rights instruments;

- publishing and circulating books, manuals, and other information materials;

- implementing the UNESCO human rights strategy for education in human rights;

- raising general awareness on human rights, specifically through activities like the Day of Human Rights.

At the same time, Russia lacks mechanisms for delivering the key UNESCO documents to the community of educators and implementing them. Russian Ministers of Education and the Representative of the Russian Federation at UNESCO meet at high forums to adopt documents with specific programs, integrated frameworks of action on education for peace, human rights, and democracy, etc., but these documents remain unknown in Russia and are not introduced into the system of education.

A positive result of Russia's cooperation with UNESCO in HRE is the work of UNESCO associated schools. Their objective is to promote the ideals of peace, tolerance, human rights, and democracy. A notable result of such cooperation has been the creation of UNESCO Chairs at Russian universities. An important role in promoting the



ideals of human rights, tolerance, a culture of peace, and democracy through the system of various projects is played by the Secretariat of the National Commission of the Russian Federation for UNESCO within the structure of the Russian Foreign Ministry with G.E.Ordzhonikidze as its Responsible Secretary.

The need for Russia to determine a meaningful position on HRE also follows from its Council of Europe membership. The Council of Europe was established in 1949, and Russia joined it in 1996. Russia ratified the Council's Charter and Convention on the Protection of Human Rights and Freedoms as well as a number of other treaties: presently Russia is party to 51 core treaties and instruments of the Council of Europe. Meanwhile, the Council of Europe has adopted close to 200 multilateral conventions, treaties and their additional protocols.

One of the mainstream activities of the Council of Europe is raising the public's awareness of the significance of human rights and democratic values, improving human rights education and information at schools, universities, and other institutions. The Secretariat currently comprises several units that are in one way or another involved in the promotion of democratic values and ideas of human rights. They are: – The Directorate General for Human Rights (DGII), the Human Rights Cooperation and Awareness Division (conducting trainings, introducing police officers, judges, prosecutors, officials, human rights defenders with European human rights standards and the activity of the European Court of Human Rights);

– Directorate General: Education, Culture, Heritage, Youth and Sport (DGIV), Division for Citizenship and Human Rights Education (education in formal systems: schools, universities);

– The European Youth Center (informal education for youth, social involvement programs, training of human rights trainers).

The Council of Europe is viewing HRE in a broad, interdisciplinary context. The priorities for the Youth Sector for 2006-2008 are:

- human rights education and intercultural dialog;
- youth involvement and democratic citizenship;
- social unity and involvement of young people in the social life;
- development of youth politics.

Since Russia became a member, the Council of Europe has adopted close to ten special recommendations for HRE and democratic citizenship at the level of the Committee of Ministers and the Parliamentary Assembly. For example, in 1999 the Council of Europe adopted the *Declaration and Programme on Education for Democratic Citizenship based on the Rights and Responsibilities of Citizens*, which states that education aimed at cultivating democratic citizenship should become “an essential component of all educational, training, cultural and youth policies and practices”. In 1997, the Council of Europe initiated a comprehensive project titled Education for Democratic Citizenship, which was aimed among other things at HRE. The Council of Europe proclaimed 2005 the European Year of Citizenship through Education with the motto of *Live and Learn Democracy*.

Russia’s membership in the Council of Europe imposes on it not only the obligations under treaties, but also the obligation to participate in the work of the Council of Europe bodies, to experience its problems, programmes, activities, and to follow its recommendations on the principles of good will.

To coordinate Russia's cooperation with the Council of Europe, the Russian President issues an order establishing the Interdepartmental Commission of the Russian Federation for the Council of Europe Affairs. Among other things, Russia cooperates with the Council of Europe through Cooperation Programmes. At one time there was even a working programme of cooperation for 2001-2003 between the Russian Ministry of Education and the Council of Europe. However, the contents of these programmes were not publicized and the nature of their HRE component is unknown.

Since 1992, even before Russia's accession, the Council of Europe assisted the Russian Ministry of Education in developing issues of civic education, HRE, and democracy. The results of joint work over the last 15 years have not been generalized, analyzed, assessed by the Ministry of Education, with no conclusions or recommendations resulting from such activities.

It will be recalled that in 2001, at the insistence of the Russian Foreign Ministry and with the approval of the Interdepartmental Commission of the Russian Federation for the Council of Europe Affairs, Russian Education Minister V.M.Filippov issued a letter introducing human rights issues into professional retraining and advancement programmes for public servants<sup>29</sup>.

In November 2007, Strasbourg hosted the European Regional Conference on the World Programme for Human Rights Education. The Conference was organized by the Council of Europe in cooperation with the Office of the UN High Commissioner for Human Rights, UNESCO and OSCE/ODIHR (Office for Democratic Institutions and

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<sup>29</sup> Letter of the Russian Ministry of Education No. 39-52-17/39-13 dated June 25, 2001, *On the study of human rights issues in the system of professional education for public servants*.

Human Rights). The objective of the Conference was to assist Council of Europe and OSCE member states in developing and implementing a national strategy to realize the World Programme for Human Rights Education and other relevant obligations. The Russian Federation at the Meeting was represented by T. Beshenenko, deputy head of the Educational Policy Department. Mrs. Beshenenko's trip to France did not yield any fruit for HRE in Russia: the Education Ministry's position remained unchanged – silence and inaction.

As special place among international documents relating to HRE education is occupied by the documents of the Conference on Security and Cooperation in Europe (CSCE/OSCE). In the Final Act of CSCE (Helsinki, 1975), the participating states declared principles of mutual relations, pointing out that “they confirm the right of the individual to know and act upon his rights and duties in this field”.

Subsequently, this right was repeatedly confirmed as part of the Helsinki Process: during the Madrid Meeting of 1980, during the Vienna Meeting of 1989, during the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in 1990, in the 1990 Paris Charter for a New Europe.

At the Moscow Meeting of the Conference on the Human Dimension of the CSCE held in the fall of 1991, thirty-eight participating states reached the conclusion that HRE has fundamental significance. In this respect it is extremely important for their citizens to be informed about human rights and fundamental freedoms and obligations to respect human rights and freedoms set forth in national legislation and international documents. They recognized that effective HRE helps combat intolerance, religious, racial, and ethnic prejudices, hatred, xenophobia, and anti-

Semitism. It is noteworthy that precisely HRE is of fundamental value, not environmental education or computer technology education, which are also extremely important in the modern world.

However, despite the “categorical and final statements” reflected in these documents conveying resolve to fulfill obligations, as a rule, no action follows. Neither the Final Act of 1975, nor documents of subsequent meetings and conferences of CSCE/OSCE are international treaties binding on states. These are only political, but not international legal obligations, and their fulfillment depends solely on the good will of states – their presidents, governments, ministries and departments, ranking officials. Of course, the Soviet Union could not have any good will; so far the authorities of modern Russia have not displayed any good will as regards obligations as part of CSCE/OSCE relating to human rights education, dissemination, and information.

Not only is Russia uninvolved in world HRE campaigns, but the documents adopted by international organizations are hardly known in Russia. They have not entered scholarly or practical usage. Their contents have not become a part of humanitarian education and public consciousness of Russians. Russian state structures at the federal level are not doing anything to bring such human rights documents to the attention of the public at large and introduce this public to the world of universal and European values. When preparing reports to UN treaty bodies and controlling mechanisms of the Council of Europe, the Russian Foreign Ministry is often unable to obtain consolidated information and statistical data from ministries and departments.

“In its commitment to universal democratic values, including realization of human rights and freedoms, Russia

sees its objectives as... expanding... participation in international conventions and treaties on human rights, while bringing Russian federal legislation into line with them” – the Foreign Policy Concept of the Russian Federation makes this solemn promise<sup>30</sup>. Meanwhile, in 2008, the year of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, Russia proved unable to demonstrate its “commitment to universal democratic values”. The state and its executive authorities have not planned and will most likely not hold any events in connection with this international anniversary. The fact that Russia turns a deaf ear to the appeals of the UN and UNESCO, which have launched campaigns to mark the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, is not surprising. Russia should have staged some events at least to preserve its international image. Perhaps then there would be no need to complain of a “heartache for the country” – a much favored saying of many Russian leaders throughout history. The Uzbekistan President has approved the Program of Activities with a considerable informational and educational component devoted to the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights<sup>31</sup>; Turkmenistan declared 2008 as the Year of the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights<sup>32</sup>, while Tajikistan has adopted a State Programme of Human Rights Education...

Do the preceding facts give us reasons to say that Russia, as a member of universal and regional international organizations, is a good-faith member? Can we state that the Russian Federation unflinchingly adheres to norms of

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<sup>30</sup> Foreign Policy Concept of the Russian Federation, July 12, 2008, Pr-1440, <http://www.kremlin.ru/text/docs/2008/07/204108.shtml>

<sup>31</sup> <http://uza.uz/ru/documents/2852/>

<sup>32</sup> <http://www.turkmenistan.gov.tm/>

international treaties and recommendations to disseminate human rights knowledge and educate various social groups? Can we state that Russia's efforts to promote universal values of human rights correspond to the conceptual provisions of its foreign policy?

Analysis of Russia's membership in international organizations and international human rights treaties prompts the following conclusion.

We must recognize beyond any doubt that the issue of HRE is not a question open to discussion or subject to individual discretion, but is a direct obligation of the state to fulfill its international legal obligations. These are obligations of the state, not of schools and colleges, institutions and universities, teachers and educators, NGOs and other civil society institutions.

Never have the State Duma and the Russian Government in their enactments on education in general or the Ministry of Education in its recommendations concerning HRE brought national legislation into line with international norms, cited the approaches of international organizations, built their educational and information policy on the basis of international experience.

Despite the obligations assumed by Russia under numerous international treaties and recommendations and documents passed with its participation, not a single federal department has yet made any attempts at determining the common national, state concept or strategy for education in human rights, a culture of peace, and democracy.

Never have federal-level executive authorities published or released collections of documents of international organizations relating to HRE or upbringing in the spirit of peace, democratic and universal values<sup>33</sup>.

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<sup>33</sup> In the 17 years of the new history of sovereign Russia, there was only one related publication by a state agency – the collection of documents

Overall, we must face up to the fact that the primary obstacle for the establishment of a HRE system in Russia is the lack of political will, the lack of understanding by the country's political establishment of human rights and freedoms as the supreme value.

We repeat that the subject of this research is not the full scope of Russia's undoubtedly multifaceted and variegated cooperation with international organizations, but only a small segment of such cooperation in HRE. The focus is not who does what in terms of HRE in the country in general, but on Russia's role as a single state, a subject of international law, and its federal-level structures.

Russia's participation in international treaties and conventions on human rights, membership in international organizations requires reforming the domestic state policy on human rights as a whole, creating and implementing various federal programs, including HRE programs meant for different social groups. For Russia and for our system of formal and informal education, the understanding and implementation of international recommendations on HRE, a culture of peace, tolerance, and democracy should become not just a factor of consolidation and reconciliation, a platform for national unity, but also the kind of humanistic system of values which we should offer against the rising nationalism, fascism, intolerance, xenophobia, ethnic hatred, violence and cruelty, and humiliation of human dignity.

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titled "Human Rights Education and Legal Information". Collection of documents / Under the general editorship of O.O.Mironov. - Moscow: Jurisprudence Publishing House, 2004. - 296 p.



## 1.4. Understanding HRE

The international community is certain that HRE significantly contributes to the exercise of human rights. Provisions relating to HRE have been incorporated into numerous international treaties and “soft law” norms. To date, close to forty HRE papers have been adopted by the UN, UNESCO, the Council of Europe, and CSCE/OSCE.

What is the substance of human rights knowledge? What is HRE? There was hardly any discussion of this in the community of Russian pedagogues, human rights defenders and propagandists in the 1990s, unlike discussions of civic education. Operating in the conditions of other sociopolitical systems, foreign researchers have come up with numerous definitions for HRE and approaches to it. In 1994, the international community arrived at a consolidated definition for the notion of “human rights education”. It was reflected in the Plan of Action for United Nations Decade for Human Rights Education (1995-2004)<sup>34</sup>.

This definition was then revised and expanded in the World Programme for Human Rights Education in 2005<sup>35</sup>.

In these documents, HRE is defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes and directed to:

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<sup>34</sup> Plan of Action for United Nations Decade for Human Rights Education (1995-2004). UN document A/49/184 dated December 23, 1994.

<sup>35</sup> Revised draft of the Plan of Action for the first phase (2005-2007) of the World Programme for Human Rights Education. UN document A/59/525/Rev.1 dated March 2, 2005.

- a) The strengthening of respect for human rights and fundamental freedoms;
- b) The full development of the human personality and the sense of its dignity;
- c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- e) The building and maintenance of peace;
- f) The promotion of people-centered sustainable development and social justice.

HRE encompasses:

- a) **Knowledge and skills** — learning about human rights and mechanisms for their protection, as well as acquiring skills to apply them in daily life;
- b) **Values, attitudes and behavior** — developing values and reinforcing attitudes and behavior which uphold human rights;
- c) **Action** — taking action to defend and promote human rights.

Notably, in the understanding of the UN, HRE is aimed at building a **universal culture of human rights**. At the same time, this UN definition is very broad. After all, any efforts (actions) and measures of a school administration are aimed at the “full development of the human personality” – from ballroom dancing, gathering fallen leaves on school premises to antismoking campaigns. No pedagogic systems (in theory or under current laws) are aimed at hurting or humiliating human dignity.

It would be more productive to focus on the objectives of HRE. More consistent with this approach is the official definition of HRE provided in the Human Rights Education Youth Programme of the Council of Europe Directorate of Youth and Sport: "...educational programmes and activities that focus on promoting **equality in human dignity**, in conjunction with programmes such as those promoting intercultural learning, participation and empowerment of minorities".

From this follow the general objectives of HRE:

- to strengthen respect for human rights and fundamental freedoms;
- to value human dignity and develop individual self-respect and respect for others;
- to develop attitudes and behaviors that will lead to respect for the rights of others;
- to ensure genuine gender equality and equal opportunities for women and men in all spheres;
- to promote respect, understanding and appreciation of diversity, particularly towards different national, ethnic, religious, linguistic and other minorities and communities;
- to empower people towards more active citizenship;
- to promote democracy, development, social justice, communal harmony, solidarity and friendship among people and nations;
- to further the activities of international institutions aimed at the creation of a culture of peace, based upon universal values of human rights, international understanding, tolerance and non-violence<sup>36</sup>.

The key thought also formulated in the Youth Programme of the Council of Europe is that "the main objective of human rights education is to create a kind of

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<sup>36</sup> COMPASS. Manual on Human Rights Education for Young People. Council of Europe, Council of Europe Publishing, Budapest, 2002.

cultural environment in which everybody **understands, protects and respects human rights**". As we can see, this approach aims at forming a culture of human rights and accentuates the basic notion of the entire human rights doctrine – the dignity of a personality.

It is important to emphasize that HRE is not all about academic conveyance of knowledge. The approaches of both the UN and Council of Europe are aimed at following the adopted system of values and putting knowledge to practice in daily life. **Action, activity** is an indispensable component of HRE.

The notion of "human rights education" provided in UN papers includes three different types of activity and can be defined as a) education, b) training, and c) information.

The notion of "education" adopted in pedagogic science and stipulated in the Russian Law "On Education" means activity involving three indispensable components: a) upbringing – purposeful efforts to influence the personality in order to cultivate certain socially significant qualities in it; b) training – the process of conveying knowledge; and c) assessment of the trainee's accomplishments.

Education represents a systematic and consistent process of conveying and acquiring knowledge, abilities, and skills. In essence, it is the very process of filling an "empty jar".

Information and dissemination (propaganda) is an activity of spreading knowledge and information. The objective of dissemination, much like that of upbringing, is to form certain views and concepts and influence the behavior of people. However, unlike education, dissemination is a one-way process that does not involve control and assessment of knowledge acquired by the audience. Dissemination targets an indefinite number of

people, even if they are part of a certain target audience. In the hierarchy of organized forms of influence on the personality, dissemination ranks even lower than propaedeutics.

The World Programme for Human Rights Education also defines types of education by applying terms not found in Russian pedagogic science and legislation: formal, non-formal, and informal education. The choice of the most suitable method for involving students in the educational process and organizing the educational process will depend to a significant degree on the environment in which the teacher or trainer works. The degree of freedom with respect to the content, duration, and form of classes may vary depending on the target group and the environment in which classes take place.

**“Formal education”** refers to school, vocational training, and university education;

**“Non-formal education”** refers to adult learning and forms of education complementary to the previous one, such as community servicing and extra-curricular activities;

**“Informal education”** refers to activities developed outside the education system, such as those carried out by non-governmental organizations<sup>37</sup>.

The same classification of education types is provided in the Human Rights Education Youth Programme of the Council of Europe<sup>38</sup>.

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<sup>37</sup> Revised draft of the Plan of Action for the first phase (2005-2007) of the World Program for Human Rights Education. UN Document A/59/525/Rev.1 dated March 2, 2005.

<sup>38</sup> COMPASS. Manual on Human Rights Education for Young People. Council of Europe, Council of Europe Publishing, Budapest, 2002. (Russian-language version).

Such education typology as “formal” and “non-formal” education is used in the practice of organizations that carry out dissemination and education activities in human rights in Russia. However, the notion of “**informal education**” has not caught on in our lexicon. This classification should be memorized only to enable comparability of results, mutual understanding, and cooperation with partners in other countries, representatives of international organizations.

Human rights are also at the core of other universally recognized information and educational trends in the modern world: upbringing in the spirit of tolerance and upbringing in the spirit of a culture of peace.

Upbringing in the spirit of tolerance begins with teaching people about their common rights and freedoms in order to enable the exercise of such rights and reinforce their striving to protect the rights of others. The notion of tolerance in UNESCO definitions means, above all, an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. Tolerance is the responsibility that upholds human rights. The practice of tolerance is consistent with respect for human rights<sup>39</sup>.

In its turn, a culture of peace as a set of values, attitudes, traditions and modes of behavior and ways of life is a quite broad category and in this understanding (among other things) includes full respect and promotion of all human rights and fundamental freedoms<sup>40</sup>.

Referring to the Universal Declaration of Human Rights, the UN proclaimed 2000 as the International Year

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<sup>39</sup> Declaration of Principles on Tolerance (November 16, 1995).

<sup>40</sup> Declaration and Programme of Action on a Culture of Peace. UN Document A/RES/53/243 dated October 6, 1999.

for the Culture of Peace<sup>41</sup>, and the period from 2001 to 2010 – the International Decade for a Culture of Peace and Non-violence for the Children of the World<sup>42</sup>.

At the regional level, the Council of Europe initiated a broad range of activities and efforts to support the development of **education for democratic citizenship** and human rights education in member states. Since 1997, this is a priority area for the Council of Europe<sup>43</sup>.

The Council of Europe believes that citizenship is an all-embracing notion, not merely a legal or political one. On the one hand, citizenship means that everyone should be able to exercise human rights and feel protection from a democratic society. On the other hand, citizenship also implies that each must act as an active and responsible citizen respecting the rights of others. This approach is realized through both teaching individual subject and involving the community around the school in the creation of a democratic school.

Elements of citizenship education have existed in European countries for many years. Civic education came down to knowledge of the political system, constitution, and democracy. Today the term “**civic education**” refers to a multifaceted process of cultivating civic competencies in schoolchildren (knowledge, communication skills, tolerance, self-realization with respect for the rights of others, respect for laws, information search and analysis, social adaptation, career guidance, active involvement in the public life, etc.). This process implies that education and upbringing happen as one.

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<sup>41</sup> UN Document A/52/15 dated November 20, 1997.

<sup>42</sup> UN Document A/RES/53/25 dated November 19, 1998.

<sup>43</sup> [http://www.coe.int/T/E/Cultural\\_Co-operation/education/E.D.C/](http://www.coe.int/T/E/Cultural_Co-operation/education/E.D.C/)

HRE is closely linked with other associated spheres of humanistic education, since human rights play a significant, if not determining, role in such spheres. These are such educational and upbringing disciplines as democracy training, civic-legal education, global education, intercultural education, ethnic culture education, training in development problems, environmental education, legal education, and the like.

As for the meaning, or if you prefer – format, of HRE, in Russia it is widely seen as legal education. This misconception is characteristic of 90% of social actors involved in HRE, from the Federal Commissioner for Human Rights to the rank-and-file school teacher.

For instance, the Council of the President of the RF on Assistance to Development of Civil Society Institutions and Human Rights envisions such task for the Council as “promoting the **legal enlightenment** of the population”<sup>44</sup>.

Apparently, the authors of the Provision assumed a task that is beyond the purpose of the Council – a human rights council, not a legal council. In the introduction to a human rights textbook for high-school students, Council Chairperson Ella Pamfilova writes: “I hope you will find the process of **legal enlightenment** not only useful, but also exciting and interesting”<sup>45</sup>.

It is noteworthy that this is a textbook for education, not enlightenment, which are different types of activity. Moreover, both the title and contents imply that this is a textbook on human rights, not law.

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<sup>44</sup> Presidential Order No.1417 dated November 6, 2004, *The Council of the President of the Russian Federation on Assistance to Development of Civil Society Institutions and Human Rights*.

<sup>45</sup> Bolotina T. V., Pevtsova E. A., Mikov P. V., Smirnov V. V., Suslov A. B. *Human Rights. 11<sup>th</sup> Grade: Textbook for General Education Institutions*. — M.: TID Russkoye Slovo – RS Ltd, 2006.



“We need to provide **legal enlightenment** for children, starting at school,” says Russian Federation Commissioner for Human Rights Vladimir Lukin<sup>46</sup>. Mr. Lukin believes one of his main objectives to be “**legal enlightenment** of those who will grow up to become military servicemen”<sup>47</sup>.

The Commissioner for Human Rights in the Moscow Region A.E.Zharov reports on his multifarious **legal enlightenment** activities, saying he believes it advisable and necessary to focus increased attention on the legal enlightenment of schoolchildren and the youth and introduce **optional law classes** at schools, colleges, and universities<sup>48</sup>.

The Expert Board under the Commissioner for Human Rights in the Bryansk Region, headed by Commissioner B.M.Kopyrnov, examined the matter and passed a resolution titled **Legal Education and Enlightenment** in the Bryansk Region and Ways to Improve it, believing that the problem of studying civil rights and freedoms cannot be examined other than within the context of a holistic system of civic-legal education<sup>49</sup>.

On two occasions, regional Commissioners for Human Rights addressed specifically (or so they believe) the subject of HRE. In 2003, Commissioner for Human Rights in the Moscow Region S.B.Kryzhov presented a special report

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<sup>46</sup> Online conference of Russian Federation Commissioner for Human Rights Vladimir Lukin, *Condition of Russian Legislation on Human and Civil Rights*, May 28, 2004.

<http://www.garweb.ru/conf/ombudsman/20040414/index.htm>

<sup>47</sup> <http://www.zakon.kz/our/news/print.asp?id=25898>

<sup>48</sup> Report on the 2007 Activities of the Commissioner for Human Rights in the Moscow Region [http://www.ombudsmanmo.ru/files/doklad\\_2007.zip](http://www.ombudsmanmo.ru/files/doklad_2007.zip)

<sup>49</sup> <http://www.upch.debryansk.ru/>

*On the Condition of Legal Enlightenment in the Moscow Region*<sup>50</sup>.

In 2005, a special report *On the Problems of Civic-Legal Education in the Kaliningrad Region* was presented by Commissioner for Human Rights in the Kaliningrad Region I.F.Vershinina<sup>51</sup>.

Both special reports analyze the situation with legal enlightenment and education, as suggested by the titles of the reports, but not with enlightenment (even if legal) in the sphere of human rights, i.e. not with HRE.

Examples of this “glitch”, this deviation toward legal education is discernible in reports by virtually all regional commissioners for human rights. Everybody is concerned about the low legal culture of citizens, low awareness of the population about the legal norms and legislation, poorly organized legal enlightenment and education activities, and even “departures from the norms of the burial culture”.

However, the resolution of this situation through the creation of a legal education system to overcome legal negligence, as repeatedly stressed by Russian President Dmitry Medvedev,<sup>52</sup> is outside the competence, purpose and objectives of both the federal and regional Commissioners for Human Rights. Although highly important to the state and society, legal enlightenment is a completely different type of activity: in terms of its objectives, tasks, substance, methods, the object of efforts, etc.

Presently, there is no federal structure that would be responsible for the full scope of legal enlightenment in the

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<sup>50</sup> See [http://www.ombudsmanmo.ru/deyatelnost\\_upalnomochenogo/dokladi/reports/enlight2003.php](http://www.ombudsmanmo.ru/deyatelnost_upalnomochenogo/dokladi/reports/enlight2003.php)

<sup>51</sup> See <http://ombudsman.nm.ru/zpezobraz.htm>

<sup>52</sup> Dmitry Medvedev. Inauguration Speech on May 7, 2008. <http://www.kremlin.ru/appears/2008/05/07/>

country under any enactment or law. Between 1993 and 2000, the function of promoting legal enlightenment of citizens was imposed on the Russian Justice Ministry<sup>53</sup>. At this time, Justice Minister Yu.Kalmykov made an attempt to create Scientific-Methodical Council on Legal Education at Ministry of Justice.

With the appointment of V.A.Kovaliov as the new Justice Minister in 1995, all of these undertakings of his predecessor were forgotten. Apparently, the minister had other important matters to attend to. Subsequent Provisions on the Justice Ministry no longer tasked the ministry with legal enlightenment.

New actors have appeared in this arena in recent years. For example, pursuant to the instruction by the Plenipotentiary Representative of the Russian President in the Central Federal District G.S.Poltavchenko dated April 11, 2005, No.104 “On Measures to Raise the Legal Culture of the Population in the Central Federal District”, the Bryansk, Voronezh, Kaluga, Kostroma, Kursk, Lipetsk, Ryazan, Tambov, Tula, and Yaroslavl Regions have developed and will implement their respective regional targeted programs within 2-3 years. Bratsk initiated and rolled out a program titled “Raising the Legal Culture in the Town of Bratsk” for 2007-2009. Perm adopted “The Regional Targeted Program to Develop Legal and Political Culture of the Perm Region Population for 2002-2006”. The Republic of Northern Osetia – Alaniya prepared a Republican Targeted Program “Legal Enlightenment and Education” for 2008-2010. The objectives of the programs are to raise the legal culture and legal awareness of the population, overcome legal negligence, and strengthen law

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<sup>53</sup> *Provision on the Justice Ministry of the Russian Federation.*

Resolution by the Council of Ministers – the RF Government dated November 4, 1993, No.1187.

and order. However, even where such programs envision HRE, it occupies a far from priority place in them. This is because these are programs of legal *enlightenment*.

Of course, legal enlightenment in matters of human rights and freedoms is possible as part of any legal enlightenment programs, projects, and campaigns. It is important to use any opportunities, any projects, especially those backed by regional or local authorities, while attempting to make adjustments to them, introducing the human rights component into them. The norms relating to human rights account for a negligibly small percentage of the total volume of national legislation!

Since January 2007, the office of the Plenipotentiary Representative of the Russian President in the Volga Federal District is working to create comprehensive centers of social and legal support and enlightenment for citizens using the experience of community liaison offices. This project encompasses the Republic of Tatarstan, the Udmurt and Chuvash Republics, the Kirov, Nizhniy Novgorod, Orenburg, Penza, Ulyanovsk, Samara, Saratov Regions, and the Perm Territory.

Today legal information can be circulated to and accessed by the population via the system of public libraries. At the start of 2008, over 4,000 centers with PCs and Internet access operated in the country as part of the Program of Public Centers for Legal Information<sup>54</sup>. Visitors receive legal, educational, and environmental information, reports on the activities of federal and municipal authorities, information on human and consumer rights protection, HIV/AIDS prevention, etc.

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<sup>54</sup> Report on the Implementation of the Program of Legal Information Public Centers in 2007. <http://www.ifap.ru/pcpi/reports/pcpi2007.pdf>

The all-Russian public organizations the Association of Lawyers of Russia (established “by decision of the party and government” in 2005) has formed a special Commission on Legal Culture and Law Propaganda comprising 35 members. Truth be told, there are no visible results after three years of the Commission’s work. Also, the Commission’s competence in certain matters is highly questionable. To illustrate, in 2007 the Commission heard a report by Commission Chairman A.I.Alexandrov “on proposed changes to state standards of secondary education with respect to the teaching of the ‘Legal Science’ discipline”. After examining this matter, the Commission resolved to propose to the Russian Minister of Science and Education to increase the number of hours allotted for the study of the Legal Science discipline<sup>55</sup>.

We could only welcome the Commission’s noble aspirations, except that institutions of general education do not have a discipline of Legal Science. It is called Law. And there is no such thing as “state standards of secondary education”, only the “Educational standard of basic general education in social science (including economics and law”<sup>56</sup> and the “Educational standard of secondary (complete) general education in law. Basic level”<sup>57</sup>. If messieurs lawyers in this Commission on Legal Culture do not care which legal (or non-legal) notions they use, then our country will continue to have the kind of “order” in the sphere of legal culture that we observe in the Commission itself.

The task of Commissioners under the relevant laws is to promote legal enlightenment **in the sphere of human rights and freedoms for human being and citizens**,

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<sup>55</sup> [http://www.alrf.ru/labour\\_body/comissions/comission9/zased\\_comission9/](http://www.alrf.ru/labour_body/comissions/comission9/zased_comission9/)

<sup>56</sup> See <http://www.school.edu.ru/attach/8/160.DOC>

<sup>57</sup> See <http://www.school.edu.ru/attach/8/180.DOC>

not legal enlightenment and legal education in general. Legal enlightenment outside of a specific sphere is an immensely vast notion and type of activity. For this reason, the desire of the federal and regional Commissioners to encompass everybody in **legal enlightenment** efforts is outside of their competence and appears utopian and unrealistic. Only the “Leninist universities of the millions” (purportedly) could cope with an undertaking of this scope. The law itself as a system of generally binding norms enforced by the state is too broad and immense even for people with university education in law. Today far from all lawyers can recall and correctly (correctly!) name all current codes of the Russian Federation. It is no accident that lawyers and teachers of legal disciplines have different specializations, while jurists and members of representative authorities form committees specializing in specific legislative issues.

Where explanation or propaganda is required, the legislator limits and specifies the area of enlightenment activity: “consumers’ right to be informed about the protection of consumer rights is ensured by...”,<sup>58</sup> “environmental education, including keeping the population informed about environmental protection laws and environmental safety laws, is carried out by...”<sup>59</sup>. The federal law and regional laws on Commissioners for Human Rights also outline and narrow down the sphere of legal enlightenment activities of the Commissioners: to promote

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<sup>58</sup> Law of the Russian Federation No.2300-I dated February 7, 1992, *On the Protection of Consumer Rights* (as amended and supplemented).

<sup>59</sup> Federal Law No.7-FZ dated January 10, 2002, *On Environmental Protection* (as amended and supplemented).

(facilitate) legal education **in the matters of human rights and freedoms, forms and methods of their protection**<sup>60</sup>.

(The Law *On the Commissioner for Human Rights in St. Petersburg* does not contain such a norm, but obligates the Commissioner to “*inform the residents of St. Petersburg about the provision on ensuring and protecting human rights and freedoms*”).

And, unfortunately, the federal and regional legislators narrowed down and restricted this sphere of the Commissioners’ activity to **legal** enlightenment. Such narrow understanding misses the axiological, value aspect of both human rights and HRE. If Russian laws on commissioners for human rights were worded without the word **legal**: “promote education in the matters of human rights and freedoms, forms and methods of their protection,” perhaps the Commissioners would not be hostage to their own legal positivism.

Human rights are a global doctrine recognized by all UN members as obligated by the UN Charter. Universal respect for and observance of human rights and fundamental freedoms is one of the principles of international law. Today there is no doubt that human rights and freedoms are the underpinning element of an open democratic society, while their recognition and respect is a sign of a law-governed state. HRE is not at all about legal education or legal enlightenment. Human rights and freedoms are not only a totality of international and national legal precepts, but mainly a system of humanistic moral and ethical principles, norms, and attitudes; a system of philosophical and worldview categories; a system of

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<sup>60</sup> See Federal Constitutional Law No.1-FKZ dated February 26, 1997, *On the Commissioner for Human Rights in the Russian Federation* and similar regional laws.

humanistic national norms, views, traditions, and social practice of specific societies (relations, behavior, lifestyle). If we consult the international documents of the UN, UNESCO, the Council of Europe, and OSCE relating to HRE, we will see that they contain no reference to legal

*education*. Without a doubt, human rights have their own legal component, yet the volume in which this component should be presented depends on the objectives of an educational course or information activity and the professional and age profile of the audience, on the motivation of listeners, etc. It is one thing when the listeners are law students or judges. A different approach is required for teachers and schoolchildren.

For this reason there is no need for “*legal enlightenment in an accessible and interesting form starting with the kindergarten*”, as called for by NGO and governmental human rights defenders, since this is meaningless. Law is too complex a subject consisting of abstract notions to be mastered by a child in kindergarten. Meanwhile, it is no doubt necessary to teach the child to know his rights, respect the rights of others, not to humiliate others, to know that nobody has the right to humiliate you, to from a sense of own dignity, to accept diversity and be tolerant, to be responsible, and educate active citizens of your country, etc. It is no accident that UNICEF “translated” the Convention on the Rights of the Child from the legalese into a “human language”, presenting this international law document in a simplified form understandable to children. Moscow has published three versions of the Convention on the Rights of the Child adapted to three age groups of schoolchildren. There is a need for such education and upbringing programs in which human rights are incorporated in all subject disciplines, not ruling out the introduction of a separate subject dealing with human rights



and the rights of the child. The issues of human rights, responsibility, and democracy should be integrated into all or nearly all humanitarian subjects in order to promote the democratization of school life and the process of socialization of the personality. Studying human rights as the supreme value (Article 2 of the Russian Constitution) and forming a culture of human rights is the primary objective of HRE.

A random text analysis of reports by Commissioners for Human Rights shows that none of them used the term “human rights culture” a single time. (The exception is the Commissioner for Human Rights in the Russian Federation Doctor of Law Oleg Mironov (1998-2004), who clearly understood what is legal *enlightenment* in general and human rights *education* in particular within the limits of his functions).

Firstly, this indicates a lack of special knowledge, and, secondly, a certain culture of thinking and a system of values of the Commissioners themselves and their staff members who prepare reports. No staff members in offices of the Commissioners have special systematic education in the sphere of human rights – the state does not train such specialists, and only Russian and international NGOs close this gap with seminars, short-term courses, and summer schools. Report texts show that their authors often lack the understanding of human rights as the supreme value. Rather, we are dealing not just with the lack of *understanding* of human rights as a value (this would be a position of an outside observer “I understand but do not share it”), but with the *absence* of this value in the worldview system of individual staff members and society at large. Of course, this is the fallout from our “historical heritage” reflecting the overall picture of public consciousness.

While we give credit to regional Commissioners for Human Rights for their increasingly extensive and complex efforts restoring violated human rights and freedoms, and

recognizing that in fact a lot is being done to spread the knowledge of human rights, we would like many to reconsider both their understanding of HRE and their accents and priorities in such work. The institution of the Commissioner

for Human Rights and the Commissioner for the Rights of the Child is Russia's only state system with functions of promoting the ideas of human rights among the vast social groups. Using the resources at their disposal, the Commissioners can and must fulfill their mission in line with the universally recognized understanding of HRE.

## **2. THE HIGHER SCHOOL**

*As of 2007, Russia had 3,674 institutions of secondary and higher education, including 1,108 universities. There were 9,749,000 students, including 7,461,300 university students<sup>61</sup>.*

### **2.1. On Standards of Higher Education. Attempts at Introducing Human Rights**

Much like the USSR before it, the Russian Federation has preserved state regulation of educational content at institutions of general and higher education. In the Soviet Union, the Education Ministry approved the list of specialties, developed and approved uniform curricula for each specialty and the same academic programs for each subject.

The 1992 Russian Federation Law "On Education" and the 1993 Russian Constitution introduce the notion of "state educational standards". State educational standards

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<sup>61</sup> [http://www.gks.ru/bgd/regl/b07\\_01/IssWWW.exe/Stg/d12/3-5.htm](http://www.gks.ru/bgd/regl/b07_01/IssWWW.exe/Stg/d12/3-5.htm)

comprise federal and regional (national-regional) components and the component of the educational institution.

Federal components of state educational standards determine:

- a) the obligatory minimum content of the basic academic programs;
- b) the maximum academic load for students;
- c) requirements for the level of graduates' training.

The obligatory minimum content for a specific profession or specialty was established by a relevant state educational standard. The **first generation** of state educational standards for higher professional education was developed and put into effect between 1994 and 1996. Standards were adopted for 92 disciplines and 422 specialties.

Even though the 1993 Constitution recognizes human rights as the supreme value and enshrines a vast range of human rights in keeping with international treaties, the state did not believe it necessary to incorporate HRE into educational standards. The community of educators responded to the gaping holes in educational standards as regards conceptual and attitudinal education of students. The Recommendations of the 1994 Third International Session on the Training of Human Rights and Peace Educators<sup>62</sup> and the 1998 National Scientific and Methodological Conference on Human Rights Education<sup>63</sup> conducted by the Moscow School of Human Rights proposed “incorporating human rights issues in due volume

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<sup>62</sup> <http://www.mshr-ngo.ru/sess3/r3rec.htm>

<sup>63</sup> National Scientific and Methodological Conference on Human Rights Education. Conference Materials. Under the editorship of A. Azarov. Moscow: Moscow School of Human Rights, 1998. – 120 p. <http://www.mshr-ngo.ru/pdf/conf1998-p.pdf>

into standards for social disciplines, history, and other humanitarian subjects”.

It should be mentioned that during this period the Education Ministry made efforts to introduce historical and social education at **institutions of general education** and directed school educators toward teaching human rights. Yet it overlooked **institutions of higher education** in this matter.

By the start of 2000, **drafts of second-generation standards** for higher education and suggested curricula and discipline programs had been prepared.

In the opinion of the Expert Council under the Commissioner for Human Rights in the Russian Federation, these draft standards had considerable flaws and failed to ensure the slightest amount of education in human rights, the rights of the child, national and international instruments in the sphere of human rights and freedoms, and methods of their protection.

In 2000, Human Rights Commissioner Oleg Mironov submitted the proposed additions to educational standards to the Education Ministry. (One of the Commissioner’s functions is to promote legal education in matters of human rights and freedoms, forms and methods of their protection).

Over 300 second-generation standards for higher education became effective in Russia in September 2000. **However, not a single proposal from the Commissioner was accepted.**

NGO representatives, the community of educators and scholars attempted to use the authority of the State Duma of the Russian Federation. The Public Expert Council on Civic Education and Human Rights Education at the Committee for Science and Education of the State Duma (Committee Chairman A.V.Shishlov) was formed in January 2003. Soon thereafter, Alexander Shishlov submitted to the

Russian Education Ministry the proposals prepared by the Council concerning additions to state educational standards for higher professional education, which proposed introducing human rights issues into academic curricula.

The Education Ministry formed a taskforce to look into this matter and prepare a conclusion, explaining that “this problem needs additional review”.

However, no conclusion followed, as the issue drowned in the chaos of organizational transformations. At the end of 2003, the State Duma of the third convocation ended its work, and with it ended the office term of Deputy A.Shishlov. In March 2004, the Education Ministry of the Russian Federation was abolished. The proposed changes to standards were lost at the newly-formed Ministry of Education and Science of the Russian Federation. The Public Expert Council on Civil Education and Human Rights Education was disbanded, as the new chairman of the Education and Science Committee at the State Duma, N.I.Bulayev, thought the Council was no longer necessary.

These circumstances led to renewed activity at the human rights education and enlightenment section at the Expert Council under the Commissioner for Human Rights in the Russian Federation. In 2005, the section prepared a revised edition of proposals to introduce didactic units<sup>64</sup> in human rights into all general humanitarian and socioeconomic disciplines and submitted them to Commissioner Vladimir Lukin (who replaced Oleg Mironov) to be then forwarded to the Russian Ministry of Education and Science. However, Federal Ombudsman Vladimir Lukin did not respond to such proposals. In March 2006, the section at the Expert Council sharply criticized Lukin’s position, expressing concern over

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<sup>64</sup> A didactic unit is an autonomous part of the content of any educational discipline, expressed as titles of topics, chapters or modules.

the lack of constructive cooperation with him. In the summer of 2006, the section bypassed Vladimir Lukin, sending the proposals directly to Education Minister A.A.Fursenko. However, no answer followed...

Still, all of the preceding facts are but an organizational aspect of this problem, which is characteristic of the 15 years of attempts to introduce human rights into the process of higher education in Russia.

The crux of the problem was to be found elsewhere, of course. Namely, it was in the flawed nature and shortcomings of state standards of higher education (which remain to this day) and, essentially, in the proposals made to the Education Ministry.

There are presently close to 550 standards that apply to teaching bachelors and masters<sup>65</sup>. The Ministry of Science and Education adopted some 1,500 programs for various academic disciplines<sup>66</sup>. Among them there is not a single program on human rights, rights of the child, or associated issues.

Regional or institutional components of educational standards envision optional, but not obligatory, human rights courses. To this day, HRE depends on the **subjective attitude**, preferences and opinions of educational institution administrations on this subject as well as the perseverance of individual enthusiast in the teaching staff.

It is possible and necessary to lay down **objective preconditions** for HRE, make the study of universal values a systematic, consistent and **legislatively regulated** process

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<sup>65</sup> <http://www.edu.ru/db/portal/spe/3v/3101071.htm>

<sup>66</sup> [http://www.edu.ru/db/cgi-bin/portal/spe/prog\\_list\\_new.plx?substr=&rasd=all&st=all&kod=all](http://www.edu.ru/db/cgi-bin/portal/spe/prog_list_new.plx?substr=&rasd=all&st=all&kod=all)

through supplementing state educational standards and suggested programs.

Russian educational standards include disciplines of the HSE cycle (humanitarian and socioeconomic disciplines) and GPD cycle (general professional disciplines). The HSE cycle includes 10 disciplines: *Foreign language, Physical culture (Gym), National history, Culture studies, Political science, Law, Russian language and culture of speech, Sociology, Philosophy, and Economics*. Four disciplines are obligatory: *Foreign language, Physical culture, National history, and Philosophy*. The university is free to choose whether or not to teach the remaining basic disciplines.

The standards do not reflect to a sufficient degree the constitutional provision on human rights and freedoms as the supreme value, which is why they do not make use of the attitudinal, axiological, and cultivating potential of human rights. The state has failed to propose any consolidating idea (other than patriotism), and yet ***human rights as moral and ethical regulators of relations in society are not being employed*** despite being in plain view.

Neither are standards focused on applied knowledge. They fail to provide university graduates with the basic knowledge of their own rights and freedoms and methods of their protection at a time when systematic, blatant and mass violations of human rights are being recorded in the country. In this way university graduates are deprived of the knowledge and values essential to living in a democratic society. In essence, the state represented by the Russian Ministry of Education and Science is depriving citizens of the right to know their rights.

Educational standards do not take into account the basic legal realities, namely:

– Russia’s accession to the Council of Europe in 1996 and ratification by the Russian Federation of the European

Convention for the Protection of Human Rights and Fundamental Freedoms in 1998, which enabled the Russian population to defend their rights in the European Court of Human Rights;

- introduction of the institution of Commissioner for Human Rights (Rights of the Child) in the Russian Federation and its regions in the 1990s;

- establishment of a growing number of governmental and non-governmental human rights defense institutions (human rights commissions and councils, public chambers, human rights NGOs, etc.).

Russian institutions of higher education do not train **specialists** in human rights and are far behind European universities in this respect. Within the EU alone, since 1997 over 40 universities in all member states have been using a single program to train masters in *Human Rights and Democratization*. Today, only isolated Russian citizens have human rights diplomas from foreign universities.

International treaties also obligate Russia to devote attention to human rights education. UN treaty bodies have repeatedly directed Russia's attention toward the need to introduce issues of human rights and freedoms into academic programs, albeit without any adequate response from Russia.

Russia overlooked and continues to ignore such documents as the Plan of Action for United Nations Decade for Human Rights Education, 1995-2005, the World Programme for Human Rights Education, the 2003 UNESCO Strategy on Human Rights, and recommendations of the Council of Europe.

The standards do not take into account CSCE/OSCE recommendations and political obligations relating to HRE assumed by Russia as part of the Helsinki Process.

Proceeding from the assumption that HRE is not merely the province of isolated special courses and



individual enthusiasts in the academic community, but a systemic effort on the part of all university professors and instructor across all disciplines, mainly humanitarian ones,

it was proposed to include individual HRE didactic units into all general humanitarian and socioeconomic disciplines. For example, it was proposed to include the subjects of *Human rights, democracy, a culture of peace, tolerance* into the **Foreign language** discipline; *Universal doctrine of human rights and cultural traditions* into the **Culture studies** discipline; *Realization of human rights as an indicator of the essence of the political regime, Human rights and the human dimension* into the **Political science** discipline; *Humanism and human rights* into the **Philosophy** discipline, and so forth.

We have closely examined the basic discipline of **Law**. It will be recalled that this discipline is among the ten general humanitarian and socioeconomic disciplines of the federal component, but is not obligatory for Russian universities. As we noted previously, human rights is not only a legal, but also an interdisciplinary and attitudinal discipline. Still, for lack of other courses, law is the best available discipline for conveying human rights knowledge.

Likewise, the discipline of Law does not offer knowledge on human rights, rights of the child, rights of disadvantaged social groups, and mechanisms of their protection to graduates of humanitarian, pedagogic, medical and other universities, which they need to perform their professional duties successfully. Meanwhile, some topics in academic plans are absolutely unnecessary. For example the subject titled *Legal fundamentals of protecting the state secret; laws and enactments regulating the protection of information and the state secret* is very narrow, specific, and insignificant in the total volume of relations regulated by the law. And yet the standards applying to the specialties

of *Ballet pedagogy* and *Preschool pedagogy and psychology* require a ballet dancing teacher and kindergarten worker, as well as other Russian students, to know these very “fundamentals of protecting the state secret”.

The proposed discipline is dominated by a punitive, coercive accent, which breeds misconceptions among students that see law as a means of violence and duress. A third of all didactic units are associated with various forms of liability. This raises the question: What kind of state is being built in Russia? A law-governed state or a police state?

A new edition of the academic program for the discipline of Law was drawn up taking into account the preceding considerations, and submitted to the Ministry of Education first via Oleg Mironov and later via Alexander Shishlov.

All state educational standards for legal specialties were also analyzed. Only one standard, titled *Law Enforcement Activities*, can be recognized as meeting modern requirements in terms of human rights knowledge that is acquired by students. It incorporates a 60-hour course entitled *Ensuring Respect for Human Rights in the Activity of Law Enforcement Services*. This standard is applied in the training of human resources for the Ministry of the Interior.

Drafts of new disciplines were developed and proposed for the degree of *bachelor of jurisprudence – Ensuring human rights and freedoms* and for the degree of *master of jurisprudence – Theory and practice of human rights and freedoms*.

Standards in pedagogic specialties (a total of 132 standards) were analyzed and additions to such standards proposed. Some second-generation pedagogic standards in the 2005 edition, unlike the 2000 edition, include such

subjects as *Rights of the child and forms of its legal protection in Russian legislation, Legal status of*

*participants of the educational process.* A graduate must know the Convention on the Rights of the Child and recognize the need to respect students' rights and freedoms. Meanwhile, no specialty involves methodical training of graduates to enable them to teach schoolchildren in the rights of the child and human rights.

Moreover, one of the paradoxes of the Russian system of education is that schools teach such subjects as *Social Science, Civic Education, Law, Economics* and have human resources allocated for these subjects, whilst Russia neither has a relevant pedagogic standard nor trains social science teachers to teach such disciplines. While studying for the qualification of *Historian, History Teacher*, the future educator will at best acquire knowledge in the aforementioned school disciplines only as part of a common cycle of humanitarian and socioeconomic disciplines taught with the courses of *Law, Sociology, Economics, Political science, Culture studies, and Philosophy*. That is, a cycle taught to students of any other technical specialty, such as a technological engineer specializing in raw materials and organic products of animal origin.

Currently, Social Science are taught in Russia mostly by social science teachers who graduated from pedagogic universities back in the Soviet era. According to the data of 2005, the average age of a Russian teacher is 43 years. Some 46.9% of all teachers are aged 41 to 60<sup>67</sup>. If this situation with the training of educators does not change, 5-10 years from now schools of general education will have

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<sup>67</sup> Teacher's social portrait, *Teacher Gazette*, No.50, December 13, 2005. <http://www.ug.ru/issue/?action=topic&toid=11971>

only self-taught social science teachers with human rights background that leaves much to be desired.

Meanwhile, under the pressure of the Russian Orthodox Church, since 2000 Russia has adopted a state educational standard for a strictly religious specialty of *Theology*<sup>68</sup>. In 2002, Education Minister V.Filippov recommended introducing the subject of *Orthodox Culture* at schools.

Under the Russian Constitution (Article 14), “The Russian Federation shall be a secular state. No religion may be established as the State religion or as obligatory. Religious associations shall be separate from the State and shall be equal before the law”.

The introduction of religious education standards at state institutions of education from a legal standpoint constitutes a direct violation of the Constitution and current legislation. Politically, the adoption of religious standards and courses, along with other similar “initiatives”, signals that the Russian Orthodox Church has moved from a creeping expansion on the freedom of thought, conscience and religion to an “armed struggle” aimed at imposing its own teaching as the only valid doctrine and establishing a monopoly – ambitions that make it little different from totalitarian regimes.

Patriarch Alexis II and Russian Academy of Education President N.Nikandrov share views on the dangers of liberal ideas and universal democratic values for Russians while deliberately defiling and falsifying the key provisions of the liberal and democratic doctrine. Perhaps there is another aspect to the Education Ministry’s eagerness to go along unquestioningly with the claims of the Russian Orthodox Church: as Education Minister

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<sup>68</sup> It replaced the previous standard for a secular cultural and historical specialty of “Religious Studies”.

V.Filippov said in 2002, “corruption in the system of education is impossible to eradicate”.

Worthy of special attention is the standard for the specialty of *Jurisprudence – qualification of the law teacher*. The educational standard for this discipline does not include such notions as “The Universal Declaration of Human Rights”, “The Convention on the Rights of the Child”, “The European Court of Human Rights”, etc. There was a clear imbalance in the number of hours devoted to different branches of law in the 2000 edition standard. The 2005 edition standard experienced positive changes in the allocation of academic hours. It includes new disciplines that are clearly aimed at ensuring the rights of the child: *Preventing neglect and juvenile crime, Legal psychology, Juvenile law*. The main inconsistency, however, is that schools have no real need for a law teacher trained by the state. The school discipline of Law is not obligatory. If a school does introduce it, the practice shows that it will be for no more than 34 hours for the entire academic year.

Subsequent attempts at improving educational standards in terms of human rights should be undertaken within the paradigm of the Bologna process and in new legal conditions. A federal law changing the notion and structure of a state educational standard was adopted in December 2007<sup>69</sup>. While the second-generation state educational standard determined the required minimum of content for the basic academic programs, one of the methodological principles of the Bologna process is the

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<sup>69</sup> Federal Law of the Russian Federation dated December 1, 2007, No.309-FZ *On amendments to individual legislative acts of the Russian Federation changing the notion and structure of a state educational standard*.

focus not on the content of educational courses but on the “result of education” instead. Results of education are the indicators of what a student is expected to know, understand, and be capable of doing upon completion of studies. Third-generation standards will represent a combination of requirements for the results of study of the basic educational programs, for their structure and implementation conditions. The system of new-generation state educational standards and the phased transition to level-based higher professional education are expected to become fully implemented in Russia starting with 2010.

## **2.2. Teaching of Human Rights in High Schools**

The majority of state academic institutions are subordinated to the Russian Ministry of Education and Science. Many ministries and departments, regions of the Russian Federation, and municipal authorities have their own systems or institutions of higher education and retraining. They are the Foreign Ministry, the Justice Ministry, the Ministry of the Interior, the Defence Ministry, the Ministry of Culture, the Ministry of Health and Social Development, and so forth. Even though the Ministry of Education does determine the substance of education via state educational standards, HRE is not the problem of the Ministry of Education alone. All agencies must bring a certain measure of HRE to their respective audiences.

To analyze human rights awareness of students of academic institutions, we used the array of data gathered by the Moscow School of Human Rights as part of its competitions for schoolchildren and students. Russian-wide open essay competitions were conducted in 1998, 2004, and 2006<sup>70</sup>. Contestants submitted 300, 550, and 800 essays, respectively.

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<sup>70</sup> <http://www.mshr-ngo.ru/sess3/r3rec.htm>

The essays came from all Russian regions. As was to be expected, humanities students proved the most active: law and history students and future educators. Essays were also submitted by students in other walks of life: future doctors and welders, journalists and hairdressers<sup>71</sup>. Teachers of various humanities departments acted as their research supervisors.

Such broad representation, in terms of both Russian territories and universities and specialties, indicates how widespread human rights issues are at academic institutions.

The issue of HRE was examined more specifically as part of this project titled *Human Rights Education in the Russian Federation...* It involved opinion polls of students at various universities in 89 cities of 22 regions of the Russian Federation. The survey covered 948 students.

When asked “Are human rights and rights of the child taught at your academic institution?”, the absolute majority (82.4%) of those polled responded in the affirmative. The remaining 17.6% said no. However, such high indicators of HRE at today’s Russian academic institutions cannot be extrapolated to the entire system of Russian higher education. In many ways such results are due to the fact that students of legal specialties predominated in the survey sample (54.5%). It is safe to state that modern Russian academic institutions almost always teach human rights to law students (91.2%), management and administration students (73.1%), and economics students (88.5%). A closer analysis of the situation with HRE among students of other specialties prompts less optimistic conclusions. Even humanities students of other specialties (political science, sociology, journalism, social work, etc.) and students of

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<sup>71</sup> Archive of the Moscow School of Human Rights. Materials of human rights competitions for schoolchildren and students: 1998, 2002, 2006.

medical and pedagogic specialties do not study human rights. In today's Russian academic institutions, HRE is primarily associated with various legal disciplines. According to our expert estimates, out of 1,100 universities in Russia, only 30 have introduced such additional special courses as: *Human Rights in Russia*, *International Human Rights Law*, *European System of Human Rights Protection*, *Human Rights Protection Efforts in the Modern World*, *European Court of Human Rights*, *Institution of the Ombudsman in the Modern World*, and others.

The study conducted by the Moscow School of Human Rights also examined the interconnection between the theoretical teaching of human rights in classrooms and the practical exercise of human rights (rights of students) at universities. In this case we proceeded from the provisions of the UN World Programme for Human Rights Education. In the Programme, HRE is understood as a process that includes: a) "Human rights through education": ensuring that all the components and processes of learning, including curricula, materials, methods and training are conducive to the learning of human rights; and b) "Human rights in education": ensuring the respect of the human rights of all actors, and the practice of rights, within the education system<sup>72</sup>.

Students were asked the question: "Are you able to freely express your opinion and defend your viewpoint during human rights classes?" The respondents' replies were distributed as follows: yes – 61.5%, not always – 30.8%, no – 7.7%.

This data suggests that Russian universities are not dominated by totalitarian, barrack-type relations (over 60%

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<sup>72</sup> Revised draft of the Plan of Action for the first stage (2005-2007) of the World Program for Human Rights Education. UN document A/59/525/Rev.1 dated March 2, 2005.



of students exercise their right to freedom of thought and speech). However, the fact that close to 40% experience freedom of thought restrictions even during human rights classes prompts an alarming conclusion that the Russian education system has yet to create teaching and education conditions that would be free from fear and would encourage involvement in the exercise of human rights and full development of human personality. This kind of human rights teaching at universities indicates that the teaching staff is unprepared: every so often such teaching is abstract and doctrinarian in nature and fails to promote the democratisation of relations at academic institutions. One of the answers is telltale: "I can express my opinion, but not without consequences". The authoritarian type of relations in society is reflected both in the attitudes and values of human rights teachers and in their methods of teaching and educating students. Therefore, training human rights teachers for both universities and schools is one of the principal tasks for the Russian system of education.

The study also examined the degree to which students use their knowledge in public work, or whether they remain merely theoretical ideas which students are unable to apply in practice. Quite often human rights knowledge is helpful in the public work of future lawyers (62.4%), administrators and managers (59.3%), and economists (42.6%).

By all accounts, future educators at pedagogic colleges and universities receive hardly any education in human rights and rights of the child in terms of the substance of such rights or methods of teaching them. Only a handful of universities are an exception.

In the early and mid-1990s, the pioneer and leader among pedagogic universities was the Moscow Pedagogic State University, which formed the public Chair of human rights (V.A.Severukhin).

In 1995, Severukhin's team switched to the newly established Moscow Municipal Pedagogic University,

where the human rights Chair was eventually formed at the law faculty. Each year the Chair publishes a collection of research papers on human rights issues. The research supervisor of the Chair is the famous proponent of HRE, Doctor of Law F.M.Rudinsky.

In the 1990s, Meritorious Teacher of the Russian Federation Professor Z.K.Schnekendorf (Moscow (Regional) Pedagogic University) worked actively and fruitfully in Moscow, teaching future educators and developing teaching methods for courses in the rights of the child.

In 1991-1992 the Moscow Region Advanced Education Training Institute joined to the preparation of the pedagogical staff for teaching human rights. A.Azarov and T.Bolotina were the initiators of it. They made and approved curriculums for senior pupils and teachers; extension courses and the International Sessions on human rights training were held; the manual for teachers *Human Rights* was issued. Since 1994 the large project *Human Rights. Education in Russia* has been implemented. The project was financed by TACIS Democracy Programme of the European Commission. A.Azarov has been created the *Laboratory Upbringing in the Spirit of Peace, Human Rights and Democracy* in structure of institute. By the results of experimental work, T.Bolotina has defended Ph.D. thesis *Human Rights Training of Pupils as a Condition of Humanization of General Education*. Activity of Azarov – Bolotina's group was stopped by the new rector L.Oliferenko in 1998.

In the late 1990s – early 2000s, notable efforts in HRE were made by the Pedagogic Jurisprudence Institute of the Urals State Professional Pedagogic University in Yekaterinburg (D.A.Yagofarov). Nowadays, this academic institution is significantly less active in the sphere of HRE.

The Perm State Pedagogic University presently has a quite saturated curriculum in theory and methods of teaching human rights and rights of the child for students and teachers of history and social science. The university works along these lines jointly with the NGO Centre for Civil Education and Human Rights (A.B.Suslov).

Russia has close to 100 centres for professional advancement for teachers of institutions of general education and schools. Only some of them periodically organize special courses. For the most part, these courses are held by regional Centres of Civic Education (there are about a dozen such centres).

Courses in human rights and rights of the child are regularly conducted by Academies of Professional Advancement and Retraining for Educators.

Since 1990, military institutions (the Russian Ministry of Defence has 78 military education institutions) have developed and introduced a mandatory course titled *International Humanitarian Law* (10-16 academic hours) with the assistance of the International Committee of the Red Cross.

A clearly insufficient amount of attention is devoted to HRE among public servants, who by all accounts determine the degree of actual respect for human rights and freedoms in the country. Besides regional academies, 13 federal academies of public administration provide training to future public servants and professional advancement training to existing public servants. In 2001, the Ministry of Education insisted on the introduction of special human rights courses into curricula of professional retraining and

advancement programs for federal public servants across all disciplines<sup>73</sup>.

Still, examples of human rights issues being studied at academies for public servants are scant. For example, at the Volgograd Academy of Public Service the problems of human and civil rights occupy an important place in educational and research activities. At the Primorsky Institute of State and Municipal Administration (Vladivostok), representatives of the Human Rights Commissioner teach a special course titled *Social Policy and Human Rights*.

Random analysis of retraining programs and professional advancement courses for public servants at six public service academies shows that the aforementioned requirement of the Ministry of Education is not being fulfilled. These academies do not have special human rights courses and have not included human rights subjects into broader disciplines.

For example, the *Tentative Curricula for Programs of Professional Advancement Courses for 2008* at the Urals Academy of Public Service (Rector V.A.Loskutov) among others include such disciplines as *Professional Career of a Public Servant*, *Public Speech Culture of a Public Servant*, *Communication with "Difficult" People*, *Forming a Positive Image for the Public Service in the Mass Media*. However, there is not a single human rights discipline<sup>74</sup>. It is safe to say that if public servants studied, knew, and respected human rights and observed the law, there would be altogether no need to “form a positive image for the public

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<sup>73</sup> Letter of the Russian Ministry of Education No. 39-52-17/39-13 dated June 25, 2001, *On the study of human rights issues in the system of professional education for public servants*.  
<http://infopravo.by.ru/fed2001/ch04/akt17709.shtm>

<sup>74</sup> <http://www.uapa.ru/Uchebnye-plany.1010.0.html?&L=0>

service". The European Court of Human Rights has received over 50,000 complaints about human rights violations by Russia (read: public servants). Neither will the fig leaf of a "positive image" conceal the dangerous threat to the state and society – corruption of public servants<sup>75</sup>.

HRE in the training and professional advancement of medical personnel is extremely dissatisfactory. Presently, specialists with higher medical education are trained at 55 medical education institutions of the Russian Ministry of Health and Social Development and at 20 medical faculties of state universities of the Russian Ministry of Education and Science. In 2008, over 31,000 doctors and pharmacists graduated from 55 medical education institutions of the Russian Ministry of Health and Social Development alone. Overall, Russia has more than 600,000 doctors.

It takes six years to train a doctor in Russia (12,528 academic hours). The state educational standard of higher professional education for specialty 040200 "Paediatrics" does not envision an introduction to, let alone study of, the Convention on the Rights of the Child for future paediatricians. At the majority of universities, medicine students take a brief course in *Science of Law* (57 hours). It includes subjects titled *Rights of Patients and Medical Workers*, *Mutual Rights and Obligations of Spouses*,

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<sup>75</sup> As pointed out in the report by Prosecutor General Yu.Chaika, in August – September 2006 inspected the observance of public service legislation at 11 federal ministries, services, and agencies and at their territorial units. The inspections revealed 46,000 violations of the law, resulting in 10,000 petitions, over 4,000 protests, close to 6,000 corruption-related criminal cases, over 1,100 lawsuits filed with courts, close to 1,600 admonitions, with over 2,500 state and municipal public servants brought to disciplinary and administrative account. According to the data of INDEM Foundation, in 2005 corruption in money terms exceeded the federal budget of Russia by 2.6 times. <http://www.akb.su/index.php?id=52>

*Parents, and Children. Secrecy of Adoption. Patient Confidentiality.* In practice, these subjects receive 1-2 academic hours, which does not even merit the description as propaedeutics in human rights. Professional advancement courses for doctors do not envision HRE within the context of their profession.

Since 2007, pursuant to the *Office of the United Nations High Commissioner for Human Rights Framework for Cooperation with the Russian Federation for 2007 and beyond*<sup>76</sup> the Office of the United Nations High Commissioner for Human Rights is facilitating the creation and development of a master's degree program in human rights in Russia. Russia's consultant is the European Inter-University Centre for Human Rights and Democratization<sup>77</sup>. Assumably, graduates of this program will work at agencies of state power, international organizations and missions, and public associations. Strange as it may seem (or perhaps not strange after all if you consider the attitude toward human rights education in Russia), several Moscow-based universities invited to discuss the implementation of this program did not show a keen or constructive interest. The Office of the UN High Commissioner for Human Rights in Russia (headed by Mr. Dirk Hebecker) is constantly encouraging action on the part of Moscow universities invited to participate in the program. However, the results for the past year are insignificant: approaches to program implementation have yet to be determined; there is ongoing discussion of the coordinating mechanism in program administration and similar organizational issues.

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<sup>76</sup> <http://www.mid.ru/ns-dgpch.nsf/>

<sup>77</sup> <http://www.eiuc.org/>

As mentioned previously, universities and academic institutions of different subordination are setting up human rights departments.

For the first time a human rights Chair was set up back in the USSR in 1988 by Doctor of Law Prof. Boris Nazarov at the Moscow branch of the All-Russian Extramural Institute of Law (subsequently renamed Moscow State Academy of Law). The Chair proved to be short-lived. Moscow State Academy of Law Rector Prof. O.E.Kutafin explains why the Chair was liquidated: “He [B.Nazarov] failed to clearly separate the subject of this course from other academic disciplines. It contained redundancies and overlapped with other traditional disciplines. Nazarov himself focused more attention on public work as opposed to academic work. He would travel abroad all the time. So our Academic Council concluded that this subject was not necessary”<sup>78</sup>. Twenty years later the same position is upheld by the Academic Council and now President of Moscow State Academy of Law O.Kutafin – the Academy has neither human rights courses (even at the Advocacy Institute!) nor research work on this subject (except papers by V.V.Boytsova and L.V.Boytsova). The example of Moscow State Academy of Law is graphic evidence of the subjective approach (in this case with a negative attitude) to HRE.

In the conditions of the perestroika, on the instructions of V.V.Bakatin, USSR Minister of the Interior in 1988-1990, educational institutions of the USSR Ministry of the Interior set up human rights Chairs. The first human rights Chair was formed in November 1989 in Volgograd at the Higher School of Investigators of the USSR Ministry of the Interior (since 2000 – the Volgograd Academy of the

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<sup>78</sup> F.M.Rudinsky. The science of human rights and problems of constitutional law. Moscow, 2006. p. 181.

Russian Ministry of the Interior). Today, it is one of the best known and most productive chairs currently headed by I.A.Yesipova.

In the 1990s, human rights Chairs were also formed at other academic institutions subordinated to the Ministry of the Interior. Currently, 85 educational institutions of the Russian Ministry of the Interior teach human rights courses and the mandatory discipline titled *Ensuring Respect for Human Rights in the Activity of Law Enforcement Services* (60 hours).

In 2000, Bashkir State University (Ufa) formed a Chair of human rights, political and legal studies of the Institute of Law. Besides educational efforts, the Chair has created programs, authored textbooks, and prepared other didactic materials.

Head of the Chair – M.M.Utyashev.

For several years now, two universities in Yekaterinburg have human rights Chairs. Gorky Urals State University opened at its faculty of international relations a UNESCO Chair titled *Human Rights, Peace, Democracy, Tolerance, and International Understanding*, which has unique approaches to instruction (Head of the Chair – V.I.Mikhailenko). The University of the Humanities opened the Human Rights Centre (before 2004 – the human rights Chair), headed by S.I.Glushkova, who has made a substantial contribution to curricula and reading materials used in human rights courses.

Kazan State University also has considerable HRE experience. HRE is handled by the constitutional law and human rights Chair at the faculty of law (Head of the Chair – L.Kh.Mingazov).

At Smolny College of Liberal Arts and Sciences (St. Petersburg), as part of an additional program students take up to 15 special courses in human rights, starting with a



course titled *Civil Rights, Civil Freedoms, and Human Rights* and ending with a course titled *Religious Tolerance and Intolerance in the History of European Culture*. The program ends with a defence of a diploma thesis for a bachelor's degree. Notably, the program is implemented in partnership with Bard College – a US academic institution.

Saratov State Academy of Law has the Chair of human rights and constitutional justice (Head of the Chair – B.S.Ebzeyev); the Russian State University for the Humanities (Moscow) has the department of humanitarian law at the faculty of law (Head of the Chair – O.I.Tiunov); Griboyedov Institute of International Law and Economics (Moscow) has the Chair of advocacy and human rights (Head of the Chair – N.I.Kapinus); Vologda State University has the Chair of international law and human rights at the faculty of law; the Russian State Social University has a research and pedagogic Centre for human rights and juvenile justice at the faculty of law (headed by N.Ye.Borisova).

According to our estimates, other than at universities of the Russian Ministry of the Interior, Russian academic institutions have close to 10 human rights Chairs, mainly at faculties of law. The appearance of the Chairs was in many ways due to Russia's accession to the Council of Europe in 1996. Overall for Russia, HRE efforts are extremely scarce.

Since 1994, Moscow State University of International Relations of the Russian Foreign Ministry has a UNESCO public Chair for human rights and democracy. Headed by A.N.Borisov, the Chair has over 25 branches at various academic institutions in different regions of Russia, which operate on a voluntary basis. Unfortunately, many quite ambitious intentions to develop a comprehensive program of research, training, information, and progressive development of a national system of permanent education in

human rights and democracy, including the development of special programs,<sup>79</sup> failed to translate into specific actions.

In the late 1990s, the Information Office of the Council of Europe in the Russian Federation opened in Moscow. Then, at the initiative and with the financial and information support of the Council of Europe, faculties of law of several Russian universities opened regional information offices (centres) of the Council of Europe. Such centres opened in Yekaterinburg (Urals region), Saratov (Lower Volga region), St. Petersburg (North-Western region), as well as Council of Europe regional Centres for human rights information and documentation in Yaroslavl (Central region), Vladivostok (Far East region), Nizhniy Novgorod (Volgo-Vyatsky region), and Kazan (Tatarstan). These resource Centres of the Council of Europe help both students and educators and the local population to get acquainted with the European system of human rights, the capabilities of the European Court of Human Rights, thereby contributing to HRE.

Summing up the overview of HRE at Russian universities, it is possible to make the following conclusions and general recommendations.

The current situation does not correspond to the needs of Russia's modern practice and its interests in the medium and long term. Only an insignificant percentage of the nine million seven hundred fifty thousand Russian students receive HRE. Mostly, only students of legal specialties study human rights as part of their specialty disciplines.

It is necessary and possible to promote the study of human rights along two lines:

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<sup>79</sup> <http://www.mgimo.ru/study/faculty/mp/unesco/index.phtml>

first, as a substantive element of many disciplines taught at all universities. HRE should take place at all levels of education and for all specialties and should encompass students of not just faculties of law;

second, various human rights courses should be taught as an independent discipline. We should seek to ensure human rights knowledge is included into the general humanitarian and general cultural training of each Russian graduate.

HRE in Russia is enforced only pursuant to strict state directives, as clearly exemplified by universities of the Russian Ministry of the Interior and Ministry of Defense. In the absence of relevant requirements in educational standards and other departmental enactments, human rights courses are introduced and conducted only by a handful of enthusiasts with the understanding and support from university administrations.

In the current specific historical conditions it is necessary to use the stereotypes of the post-totalitarian public consciousness and the established practice of state regulation of education, administrative levers, the chain of command, and the capabilities of centralized federal power. The adoption of relevant norms should be lobbied for with politicians, administrators, and statesmen who share liberal and democratic views. Such norms should introduce human rights concepts into state educational standards, ensure adoption of a nationwide educational plan for HRE and a federal concept to enforce respect for human rights, and creation of a national commission. This would lay the normative groundwork for the process of HRE, create preconditions and mechanisms for the adoption of universal values by the population.

### 2.3. International Humanitarian Law

International humanitarian law is increasingly perceived as a component of human rights law applied during armed conflicts. This approach was first adopted in 1968, when the UN Human Rights Conference in Teheran not only supported the development of humanitarian law, but also touched off a steady trend of its increasingly broader application by the UN while exploring the status of human rights in different nations and researching other major issues.

Limitations on warfare exist in many cultures, and such customs of different nations have considerable similarities. As a rule, they have religious values and progress in military philosophy at their core. At the same time, such similarities are associated with the type of actions combatants expect of each other as well as the need to spare non-combatants. Traditional humanitarian law guidelines list the following key principles: military necessity, humanity, and chivalry. The last criterion appears to be the most outdated in the modern world. However, it is essential to the understanding of the origins and nature of humanitarian law.

The first important point is that humanitarian law developed at a time when use of force was considered a fairly legitimate tool of government policy. Arguments in favor of moderation in warfare were associated with the notions of honor and—particularly in the 19<sup>th</sup> century—the notion of *civilization*. This is why to a considerable extent law was founded on respect which professional armies had to show for each other.

In Russian military history, the first mention of laws and customs of war dates back to 1716, when *the Military Statute* developed under Peter the Great's supervision set forth the rules of handling civilians and ministers of religion, as well as protecting churches, schools, and

hospitals from the consequences of warfare (Articles 104 and 105). A graphic example of philosophy providing the foundation for customary (i.e., based on custom) laws of war is the so-called Lieber Code (1863), which served as a fundamental basis for the Hague Conventions of 1899 and 1907 that in turn influenced subsequent treaties.

In modern Russia much is being done to bring national laws into line with international treaties governing the procedure of warfare and measures undertaken to protect war victims.

Universally recognized principles and norms of international law as well as international agreements of the Russian Federation should be an integral part of its legal system. If an international agreement of the Russian Federation establishes rules, which differ from those stipulated by law, then the rules of the international agreement shall be applied.

Much like the majority of nations, the Russian Federation, being party to the Geneva Conventions of 1949 and their Additional Protocols of 1977 and other international treaties, is obligated to observe their norms and rules during wars and armed conflicts. The international treaties mentioned above along with other documents form the basis of **international humanitarian law (IHL)**, occasionally referred to as the “**law of war**” or the “**law of armed conflicts**” (**LAC**).

The RF Federal Law *On Defense* contains provisions whereby international covenants and treaties to which Russia is a party make up, along with national laws, the legislative groundwork for this sphere of Russia’s activity.

The RF Federal Law *On the Status of Military Personnel* (Article 26) obligates military personnel to observe IHL principles and norms and international treaties ratified by Russia.

The RF Criminal Code, Chapter 34 *Crimes Against Peace and Safety of Mankind*, envisions criminal prosecution for various kinds of IHL crimes.

Of great significance is the Russian Government Decree No. 352 dated June 6, 2007 On Measures to Implement the Federal Law *On Countering Terrorism*. With this Decree the Government adopted the *Policy on the use of arms and weaponry by the Russian Armed Forces to eliminate the threat of an act of terror in airspace or prevent such an act of terror*, “Policy on the use of arms and weaponry by the Russian Armed Forces to eliminate the threat of an act of terror in internal waters, in territorial seas, on the continental shelf of the Russian federation, and to ensure the safety of national maritime navigation, including under the water, or to prevent such an act of terror”, and “Policy on the use of arms, weaponry, and special means by the Russian Armed Forces participating in a counter-terrorist operation”.

IHL issues are also reflected in internal regulations that govern the activities of the Russian Armed Forces. One of the fundamental IHL documents of the Armed Forces is the USSR Defense Minister Order No. 75 dated February 16, 1990, *On the declaration of the August 12, 1949, Geneva Conventions on the Protection of War Victims and their additional protocols*. This order not only declares the core IHL documents to the command, but also requires Ministry of Defense officials to ensure the Geneva Conventions and their additional protocols are studied by the forces subordinated to the Ministry and take into account the nation's international IHL commitments when training the Armed Forces and drafting enactments of the Ministry of Defense.

Moreover, Order No. 75 put into effect the *Guidelines on the application of international humanitarian law norms*

by the *Armed Forces*. The Guidelines envision the following obligation for commanders (officers in charge): “In daily practice, commanders (officers in charge) of all ranks... shall proceed from generally accepted principles of international law..., as well as international humanitarian law norms which obligate in time of peace to spread among the *Armed Forces* personnel... the knowledge of international humanitarian law, and study it in the system of combat and political training”.

The supreme command of the Russian *Armed Forces* focuses particular attention on the need for the observance of the nation’s international law commitments by military groups involved in various armed conflicts in and outside Russia in the capacity of either a combatant or a party tasked with peacekeeping. This is evidenced by the Russian Minister of Defense Order No. 360 dated August 8, 2001, *On measures to ensure observance of international humanitarian law norms in the Russian Armed Forces*. The same order adopted the *International humanitarian law instruction for the Russian Armed Forces*. A distinctive feature of the Instruction is that its text, based on the texts of the Geneva Conventions and their additional protocols, was adapted to the style of documents of the *Armed Forces*, mainly the style of their statutes.

As for the statutes themselves, as of January 1, 2008, many IHL provisions are reflected in a number of documents governing the daily activities, training, and combat actions of the army. For example, *the Statute of the Internal Service of the Russian Armed Forces* and *the Combat Statute for the Preparation and Conduct of Combined Warfare* by the Ground Forces of the Russian Federation require each serviceman to know and fulfill IHL norms.

Much of the countries' obligations to observe IHL treaties rest on commanders (officers in charge) of all ranks, who are obligated to follow the generally accepted IHL principles and norms in their line of duty and teach them to their subordinates.

For a number of historical, social, political and other reasons, Russia is in a "heightened risk" zone in this respect. The events of recent years in Chechnya, Yugoslavia, Dagestan, Ingushetia, and Georgia have faced the military with the need to derive lessons from these conflicts and use them in combat training of the army. The experience of the last decades shows that IHL norms are not observed by participants of armed conflicts mainly because of ignorance and in some cases because of the command's unwillingness to get their subordinates to comply with them. Without a doubt, the effectiveness of applying the laws and customs of war directly depends on the degree of personnel awareness.

Russia receives a great deal of assistance in spreading IHL knowledge from the International Committee of the Red Cross (ICRC), which has been active in Russia since 1992. Through its regional delegation in Moscow, the ICRC is implementing a series of programs to incorporate international humanitarian law into national legislation, spread IHL knowledge among the personnel of the armed forces and police, instructors and students at secondary educational institutions, and in civil society.

Since 1994, the ICRC in cooperation with the Ministry of Defense is implementing a program to spread IHL knowledge and information among military personnel.

Future commanders of the Russian Armed Forces undergo training at higher institutions of military education of the Russian Ministry of Defense. The Ministry currently controls 78 institutions of military education.



The Russian Minister of Defense Order No. 191 dated April 13, 1993, adopted the Concept for the Development of the System of Military Education of the Russian Armed Forces. Among other things, it sets forth the task of: “Filling humanitarian disciplines with new substance and reinforcing the humanitarian component of all other disciplines in the interests of continued humanitarization of education”.

The Russian Ministry of Defense has developed *Guidelines for the study of international humanitarian law norms in the course of combat training*.

These Guidelines are intended for commanders and command offices of military units and divisions of the Ground Forces, Airborne Forces, Coastal Defense Marine Forces of the Navy, to provide them with method guidelines for training military personnel.

For the purpose of studying IHL norms as part of combat training, issues of the law of armed conflicts are included in education curricula for various types of military personnel and combat training programs for different branches of the Russian Armed Forces. IHL issues are incorporated annually into training curricula and programs relating to aspects of society and government.

International humanitarian law norms are taught to future officers at military education institutions as part of cycles of humanitarian, socioeconomic, special and professional military disciplines in line with the qualification requirements applying to the graduates’ respective specialties.

In particular, while previously a graduate was required to **have an idea** of international law regulating armed conflicts, since 2000 a graduate of a military education institution must:

**a) know and be able to apply** international humanitarian law norms when preparing for and participating in combat;

**b) be able to teach** the application of IHL norms in a combat setting to individual servicemen and the entire unit.

In organizing the teaching of IHL norms at military education institutions of the Ground Forces, the military education authorities take into account two important circumstances: the growing role of IHL in the overall system of officer training and the vast scope of the principles and legal norms, which poses challenges for the education process. The four Geneva Conventions of 1949 and their Additional Protocols alone contain close to 600 articles.

It is necessary for the core IHL principles and norms to be taught at military education institutions for officers as part of cycles (groups) of both socio-humanitarian and special (professional military) disciplines with an emphasis on the practical aspect of such training.

The following *key principles* are at the core of training:

*First:* determining the dependence of the substance of education for officers undergoing command and humanitarian training on the graduates' future position. Students must primarily study those aspects, knowledge of which will be required of them in their future line of duty.

*Second:* continuity in international humanitarian law training.

*Third:* ensuring a solid bond between education and mentoring in the process of IHL teaching.

Military institutions currently allocate 60-70 class hours for legal training of cadets, including 10-16 hours for IHL training (20% on average), and 8-12 hours at military academies and universities. This resource of time is

sufficient to study the basics of IHL. At the same time, the level of skills and competencies acquired by cadets leaves much to be desired.

Since existing time constraints make it impossible to increase significantly the number of hours devoted to IHL instruction, institutions should seek out new training methods that would improve knowledge retention within the allocated timeframe. What should and can be done?

The solution comes down to three major tasks:

1. Revising and bringing the substance of officer training into line with international law norms, Russian legislation, and enactments of the Russian Ministry of Defense relating to IHL. Improving the methods and information resources used in the learning process.

2. Fundamentally changing the forms and methods of training. Continuing the search for new approaches to teaching students and cadets in order to improve knowledge retention within the existing timeframes.

3. Upgrading the instructional and material resources of institutions.

Besides systematic IHL education at military institutions, the Russian Ministry of Defense uses other forms of spreading IHL knowledge. As part of the Ministry's cooperation with the ICRC, since 2000 Russia is holding the International *General Skobelev* Officer/Cadet Competition on IHL and *Senezh* IHL Courses in the Moscow Area. Cadets at Suvorov academies and cadet corps compete in the laws and customs of war as part of *the Commander Suvorov* Competition. Since 2002, the International Humanitarian Law Institute in San-Remo (Italy) hosts an annual international competition of cadet teams in laws and customs of war with the participation of Russian cadets.

In what way and on what principles do military education institutions of the Russian Ministry of Defense structure their IHL instruction? The practice of IHL teaching is exemplified by Kazan Higher Military Command Academy.

The Academy has come up with a general concept of instruction and teaching. Its essence and principles are as follows:

a) Only those rules that can be applied in time of war matter for the armed forces. The question of who is guilty of provoking the war and who is its victim is the province of politicians and is irrelevant for the military. Consequently, respect for the *law of war* does not depend on personal opinions concerning the causes of war and whether or not it is justified.

b) It is the commander's duty to ensure the observance of the law of war in the armed forces. Each commander is responsible for teaching his personnel, and bears responsibility for their conduct in combat.

c) IHL training is organized in combination with the study of tactical and special military disciplines (practical training) and a cycle of humanitarian and socioeconomic disciplines (theoretical training).

IHL norms are *included as separate didactic units (topics) in the subjects of the relevant disciplines without allocation of extra time*, namely:

1. **A cycle of humanitarian and socioeconomic disciplines:** national history, culture studies, philosophy and sociology, political science, law, psychology and pedagogy.

2. **Tactical and special training:** tactics, engineering, command, communications, military topography.

3. **Managing units in time of peace:** study of combat training methods, environmental issues, medical training and medical support.

4. **Firing practice.**

5. **Common Military Statutes.**

The **substance** of a comprehensive IHL course is formulated in accordance with periods of cadet training for their future profession.

For purposes of methods and resource support for IHL training of cadets, the academy has prepared:

1) training manuals on the law of military conflicts to be used in the study of disciplines at the department of humanitarian and socioeconomic disciplines;

2) manuals of training methods for tactical and special military disciplines;

3) collections of situational cases in the law of armed conflicts to be practiced during comprehensive review classes in tactics;

4) learning facilities – classrooms or exhibits set up in specialized rooms of the respective departments;

5) practice facilities at the military firing range and tactical training field;

6) landmarks and facilities with protective signs in areas of tactical practice classes and firing practice for platoons and units.

Cadet training incorporating norms of the law of armed conflicts is an important aspect in the academy's **research work**. Issues of legal support for the preparation and conduct of combat and personnel training are reflected in a number of dissertation research projects at Kazan Higher Military Command Academy.

To sum up some of the results of the 18 years spent spreading IHL knowledge in the Russian Armed Forces, it seems appropriate to quote an independent opinion of a

ranking officer of the ICRC in Russia and the CIS, Mr. Patrick Zand, the ICRC regional adviser on legal questions: “Without a doubt, enormous efforts have been made to spread IHL knowledge and implement the law in this country at different levels, not just as part of the program of cooperation with representatives of the authorities and academia, but also with agencies working with the armed forces and the police and institutions of general education. While the program has achieved good results, there is still need for continued progress”<sup>80</sup>.

## **2.4. HRE Manuals for Russian Universities**

The education system, including higher education in human rights, relies on a meaningful and varied subject-specific textbooks and manuals.

Among Russian teachers, educators, members of human rights NGOs, employees of governmental human rights institutions, who teach human rights or are involved in educational work, only 7.6% are completely satisfied with educational literature on human rights, 50% are partially satisfied, 30.4% are dissatisfied, while 12% had difficulty answering this question. Meanwhile, 30.4% of those polled believe that the absence of good textbooks is a significant obstacle for HRE<sup>81</sup>.

Without a doubt, the contents of modern textbooks and study guides (hereafter – textbooks) are shaped by the public consciousness of the population that feels the need for the kind of learning materials that would be adequate to

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<sup>80</sup> <http://www.icrc.org/web/rus/siterus0.nsf/html/interview-russia-011107>

<sup>81</sup> The survey was conducted in January-February 2008 by the Moscow School of Human Rights as part of this project.

social, political, and economic conditions of life in the country.

Compared to Western European ideas of human rights, Russia has its specifics, namely:

- the Russians extremely rarely examine their daily problems in terms of human rights or their violations;
- the idea of human rights is evolving in Russia as a response to extreme arbitrariness on the part of those in power. This is why the Russians see virtually no difference between the protection of human rights and the struggle against violations of the law (the differentiation of violations of “legitimate rights” (the law) and violations of “human rights” is not important to the population);
- as a rule, attention to human rights appears when certain obligations are imposed on the people, who in turn demand corresponding rights. It therefore turns out that in Russia rights are a consequence of obligations;
- in view of centuries of paternalistic relations, the Russians consider their own rights to be the state’s obligations, believing that the state (and before all public servants) must “present” such rights to the population. This is the result of the absence of a positive practice of consolidated struggle for human rights and the lack of belief that it is possible to defend and “win” own rights through joint action;
- the Russian consciousness lacks a clear understanding of what it means to have certain human rights respected or violated. For example, measures undertaken to combat terrorism, corruption, crime, and the like, are more often than not perceived as incompatible with human rights or even violations of the latter;
- the population at large perceives socioeconomic rights as more important and of higher priority compared to civil and political rights;

- there is no obvious desire on the part of the Russians “to follow the example of the West”. It would be incorrect or, so far, premature to speak of the demand for human rights in Russia in the wordings of the UN;

- neither do Russian citizens correlate human rights with ideas of a strong centralized government, patriotism, religious beliefs, and national sentiments.

The authoring of textbooks and other educational literature on human rights started in Russia in the mid-1990s and has been developing actively ever since. Still, the fairly active publishing efforts that started in this sphere show that Russia and its educational institutions are faced with major challenges, including the need to raise the quality of such literature and improve its contents. To assess the full complexity of this scientific and pedagogic challenge for the authors working on such textbooks, we should add the context of the situation with law and order and socio-cultural specifics of Russian social relations (legal negligence, disrespect for the law, paternalism in relations with the state, traditional arbitrariness of the powers that be, corruption, consequences of political and socioeconomic reforms of the not too distant past, the crisis of spirituality and morals, the novelty of the idea of human rights, and suchlike). Moreover, creation of a market for such literature is a relatively new undertaking for Russia, which does not receive active or motivated support from the state educational authorities. The overwhelming majority of educational literature is published on the initiative of enthusiasts.

So far there have been no comprehensive, interdisciplinary discussions of human rights textbooks for higher learning<sup>82</sup>.

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<sup>82</sup> Still, a positive moment indirectly related to the subject of this research is the discussion of curricula for human rights courses. For



Out of the 357 books that can be used at Russian institutions of higher education as different manuals on human rights (such as monographs, textbooks, study guides, and reference manuals), only 27 books meet our selection criteria. Compared to educational literature published for other social and humanitarian disciplines, Russia does not have all that many publications on human rights.

We have identified the following formal criteria for selecting educational literature:

- the book has to be published after 1993 – the year the Russian Constitution was adopted, providing new ideological, political and legal guidelines for the development of the Russian society and recognizing human rights from the formal legal viewpoint;

- the book title must include the words “Human Rights” (some variations are possible), or the title must reflect or be associated with the substance of human rights;

- the selected books must present human rights as an independent phenomenon (sphere) of the human community and thus an independent study discipline. This is why textbooks (manuals) on political science, sociology, culture studies, philosophy of law, theory of state and law, constitutional law, etc., containing sufficiently large chapters on human rights issues, were excluded from analysis;

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example, discussions that took place as part of international summer schools on human rights for teachers, conducted by the Moscow School of Human Rights in 2001 and 2002. (See: Human rights. Curricula for Institutions of Higher Education. Issue 1 (Yekaterinburg). / Under the editorship of A.Azarov – Moscow: Moscow School of Human Rights, 2001 – 600 pages), or the discussion of the program by F.Rudinsky titled “History, theory, and practice of human rights”, with its results published in the *Gosudarstvo i Pravo* [State and Law] journal (1993, No.5, pages 36-50).

- the selected books must be devoted to human rights in their entirety and systemic unity. This is why our selection did not include books aiming to present and analyze only a specific type of rights, such as the rights of the child, environmental rights, civil rights, etc.;

- another formal criterion were subtitles “Textbook”<sup>83</sup> or “Manual” provided by the authors. Among all publications, we found six such textbooks and 21 manuals. The Russian Federation has official requirements of a publication that may be called a textbook. The textbook must be approved by the Ministry of Education. From this viewpoint, some of the previously published so-called “textbooks” are merely “amateur publications” by their authors and may not be considered as such;

- books were available for review by the author of this research.

The contents and structure of textbooks and manuals for institutions of higher education were examined to the extent that they:

- reflect modern human rights ideas;
- reflect the practice of involving Russia in the international cooperation on human rights and Russia’s performance of its obligations to disseminate human rights knowledge;
- take into account the specifics of Russian social relations and socio-cultural traditions;
- meet the requirements for the structure and methods of educational literature, consistent presentation of material, thematic relevance of the educational course.

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<sup>83</sup> The Russian Federation has official requirements for a publication that may be called a textbook (Russian Ministry for Science and Education Order No.8804 dated January 11, 2007).

Russia presently has no higher education curricula in human rights that would be sanctioned by the government, which is why there is no template against which it would be possible to compare objectively the contents, scope, structure, topics of educational publications selected for analysis purposes.

The exclusive nature of “Human Rights” teaching as a subject should be taken into account. Only select Russian institutions of higher learning have this subject in their curricula. The short period and insufficient experience of teaching the subject of Human Rights make it impossible to make certain conclusions on the effectiveness or ineffectiveness of human rights education in Russia and, accordingly, the degree to which the contents of the relevant education publications are adequate.

The disunity of the teaching community specializing in HRE also has a negative effect. There are hardly any human rights faculties; it proves difficult to assemble a team of authors who could create theoretically substantive and practically applicable textbooks at a high professional level. The Russian government is not funding the authoring and publication of textbooks for institutions of higher learning. Six out of the 27 books selected as part of this research were funded with grants from international donors.

Content analysis of texts shows that the sphere of scientific interests and qualifications of authors significantly influences the overall content, wording, the set of categories used, the manner of presentation, accents on different issues, etc., in the textbooks analyzed. The absolute majority of authors are jurists, which is why human rights are presented mainly in the context of a positive (legislative) vision of such rights. Notably, the bulk of the publications is occupied by materials relating to constitutional and international law. One gets the

impression that a human rights study course is understood in Russia mainly as one of the legal disciplines.

Nearly all books are founded on the provisions and principles of classical Western liberalism. However, modernity has opened a new aspect of this problem: it has accentuated the cultural relativity of rights, requiring that socio-cultural specifics of different countries be taken into account in order to enable the exercise of such rights, and focus maximum attention on how human rights institutions are reflected in the mental perception of different nations.

A number of published books express completely fair judgments about the need to present human rights in the context of the world's contradictions, the global problems of modernity, and, consequently, a close interaction between national and international systems of human rights. However, most often these system of rights (national and international) are presented in different textbook chapters, while there are altogether no chapters on right violations (except individual case studies).

Compared to scientific and educational publications of the Soviet period, modern publications are authored in the "spirit of Russian constitution"; they rethink the approach toward recognizing only citizen rights as belonging to this phenomenon; they do not contain criticism of "bourgeois natural rights"; the rights are combined with the ideas of the rule of law, democracy, a law-governed and social state. At the same time, they give a much weaker presentation of how the rights combine with humanism, citizenship of a personality, tolerance, and a culture of peace.

Some authors examine the issue of HRE from the perspective of the tasks of legal education and formation of a legal culture. This position seems erroneous. Although HRE and formation of a human rights culture are no doubt connected with the legal culture and education, the latter is

all the same a different, broader sphere. It comprises not just legal education, but also political, ethical, civil education and culture. For this exact reason educational sources for an HRE course should embrace the broad social reality and not just the legal sphere. The key role here is played by moral and ethical principles and humanistic values. This is why textbooks (also those addressed to law students) should contain materials cultivating a sense of human dignity, promoting mutual understanding and tolerance, affirming gender equality, underscoring the possibility to participate effectively in the life of a free society, promoting peace, etc.

Some textbooks and manuals show attempts by authors to combine disparate knowledge from different areas of science, but so far this results merely in a summary of human rights information. The textbooks analyzed are characterized by excessive theorizing and abstractness, use dry and formalized language, are written without a view to practical application, and include a negligibly small amount of examples from real court cases. This situation is typical of Russian (Soviet) education, which develops mainly fundamental and encyclopedic knowledge. In this connection it is important for textbooks to contain examples from the practice of Russian courts, the European Court of Human Rights, other international agencies, which would demonstrate positive results.

Because a human rights course is a new discipline for Russian education, which requires knowledge in various areas of science, it is not surprising that individual textbooks and manuals contain conceptual and actual errors, questionable statements, and unproven conclusions. The scientific level of textbooks is influenced by attitudes and methodological approaches of the authors. Some of them should be singled out:

- the authors in fact do not differentiate between human rights and subjective rights (this is a major problem even for jurists); they refer to legislative provisions as human rights (first, this is only partially correct; second, this requires explaining);
- the list of rights is understood too broadly (when in fact there are not that many human rights); virtually no dividing lines are drawn and no correlations made between rights specific to different branches of law and human rights;
- there is no understanding of what natural rights are today, in the modern conditions, how they relate to national systems of law and international law and order;
- the essence of the fundamental rights is determined by their form (they include rights stipulated in international and constitutional documents) and not because they are directly effective rights with protective objectives;
- the focus on political liberalism without alternatives results in such conclusions as: “human rights are above state interests and sovereignty”;
- there is confusion in the correlation between “human rights and the state” and “human rights and a civil society”;
- relations among private individuals are included in the subject of human rights;
- there remains the unanswered question as to what are “obligations of a person”, because everybody writes about “obligations of a citizen”;
- while correctly underscoring the humanistic and moral accent of rights, the authors fail to disclose the nature of their moral and ethical component;
- while focusing attention on the globalization of human rights, the authors fail to provide answers as to what exactly are the manifestations of globalization in the sphere of human rights, what are the specifics of globalization, and in

what way this phase is different from the internationalization of rights, etc.;

- human rights knowledge is referred to as humanitarian knowledge, even though it would be correct to classify it as socio-humanitarian knowledge given all of its key parameters, while the science of human rights should be classified as belonging to socio-humanitarian disciplines.

The preceding analysis prompts a general conclusion. Russia currently witnesses active authoring of varied educational literature on human rights, which on the whole meets the needs of higher education in the country. However, it requires qualitative improvements content-wise. Textbooks perform their role only in combination with other information media (online resources, reference books, dictionaries, encyclopedias, monographs, research articles, etc.).

## **2.5. Science and Discipline of Human Rights**

The preceding review of textbooks makes it possible to reflect on the criteria which *should be satisfied by the contents and structure of an educational course in human rights*. Obviously, the contents and structure of an educational course in human rights for institutions of higher learning depend on the accumulated and relatively established (i.e., which causes the least debate) scientific knowledge in this sphere. For this reason, to accomplish educational objectives that are of fundamental importance to the system of HRE, we need to refer to the *nature and definition of the science of human rights*.

Russian scholars are presently actively working on human rights issues and have already come up with interesting and constructive solutions to numerous issues. There is a need for official recognition of the science of human rights as an independent field of knowledge.

Firstly, we need the kind of field of knowledge that could generalize the achievements and the vast volume of human rights information amassed by traditional scientific disciplines – law, political science, philosophy, culture studies, etc. Understandably, each one of them studies human rights according to its own cognitive subject, from its own specific angle, and, consequently, in a one-sided manner. As a result, human rights are explained either as a legal, or political, or philosophical phenomenon. Today this kind of understanding of human rights is clearly insufficient.

Secondly, we need the kind of field of knowledge that could use its own methodology to explore and analyze in systemic unity the new properties of human rights that exist in an increasingly global world. Presently, the following are the most significant innovations in human rights:

- as a result of a new understanding of the place and role of Man in Society and Nature, the realization of the high degree of impact that creative capabilities of a separate individual have on the development of society and the state of nature, the basic foundations and purpose of the rights have been revised as a whole – now human rights are formulated as a humanistic problem;
- the moral component becomes the leading component in the essence of rights (formerly the political and legal aspect of rights was recognized as being more important);
- interpretation of the content and assessment of the effectiveness of rights, which had until recently been carried out according to Western standards and attitudes (Eurocentrism), are now focused on national traditions and socio-cultural specifics of nations;
- additional limitations are imposed on rights in the sphere of ways and extent of their exercise: the freedom of personal choice (the freedom of will and choice of an



individual) has been recognized as being dependent not only on the overall interests of the state and society, but also on natural imperatives that come to the fore as people undermine the planet's ecological balance;

- social informatization affects the meaning of rights, their essence changes and is reinterpreted (and sometimes distorted), becoming independent of the objective reality to a certain extent (the problem of virtualization of life);
- the integration of economic, political, cultural, personal and other ties among people, nations, and states is becoming increasingly closer, which is why human rights are becoming not only internationalized, but also globalized. They act as a means and end of resolution of virtually all global problems of modernity and thus participate in the establishment of a single humanity.

This far from complete, yet fundamental, list of the properties and attributes characteristic of human rights at present makes it possible to outline the key parameters of the science of human rights and propose its definition.

The science of human rights is *socio-humanitarian knowledge of the person's capabilities for self-realization and development, which arise and exist thanks to the person's abilities (capabilities) and/or thanks to the support from the state and society.*

The key accents in the definition are as follows: this science (knowledge) is 1) part of the international (planetary) project of *emancipation of the individual in the sense of his civil existence and development of his personality*; 2) it is a *socio-humanitarian discipline*, 3) which is organized based on the problem (and not branch) subject, and 4) by virtue of its nature is complex (synthetic, integrative) knowledge and not multi-branch knowledge.

This vision of the science of human rights makes it possible to identify its *objectives*:

- *generalization and synthesis* of judgments and assessments produced by humanitarian and social sciences (law, philosophy, ethics, culture studies, psychology, political science, sociology, economics, history, etc.) and results of interdisciplinary research carried out at the junction of socio-humanitarian and natural sciences (bioethics, genetics, biology, ethnology, anthropology, ecology, medicine, etc.);
- presenting a *holistic* vision of human rights, avoiding a fragmented and disparate analysis of rights; thanks to this the science of human rights creates (is capable of creating) a single set of categories;
- *forecasting* the development of human rights as a complex and socio-humanitarian phenomenon;
- searching for methods that transcend traditional disciplinary approaches in the field of human rights, methods capable of not only intensifying the synthesis of knowledge, but also *capable of changing the ideas on the boundaries and substance of the subject of already recognized scientific branches* – law, political science, social philosophy, etc., that is, to expand and enrich their knowledge fund as a whole;
- participation in *meta-theoretical studies*, i.e. study of various theories of human rights in terms of their correlation and adequacy to their subject (object), as a result of which it becomes possible to answer the question about whether or not a certain theory is valid and has the right to exist.

These objectives of the science of human rights predetermine its *functions* associated not only with the cognition of rights, but also with real practical activity of supporting and protecting a person. The key functions are as follows: cognitive, methodological, prognostic, applied (social), educational, and others. The science of human

rights possesses all *parameters (indicators) of scientific knowledge: object* (an idealized model of human rights as an image of their actual being); *subject* (key categories and notions reflecting the essence and relationships of human rights as a social phenomenon); *method* (a totality of methods, means, approaches to the cognition of human rights); *empirical foundations* (facts and material proof based on which theoretical conclusions and inferences are formulated); *philosophical and attitudinal foundations* (ideals, principles, ideas, etc., which substantiate theoretical conclusions); *scientific picture of human rights* (a socio-humanitarian picture of the reality indicating the place and interconnections of rights with other phenomena of the reality).

These indicators require that we dwell on them in more detail.

*The object of the science of human rights* is what is being studied, i.e. in this case – the rights as a *phenomenon of objective reality* in all of its diverse manifestations. However, they are described not in the format in which they exist in reality, but as a kind of image, an abstract model, a scientific structure. By systematizing the vast multitude of properties inherent in rights, scientific knowledge (theory) sort of condenses what is complex and numerous in them into a diagram, explaining them on the basis of a small number of fundamental provisions.

*The subject of the science of human rights* refers to what becomes known after the study of the object, namely *patterns* characteristic of the rights. Far from any kind of information on human rights belongs to the subject of scientific knowledge, but only the kind that records stable, essential, recurrent, significant properties and aspects of rights, i.e., their regular relationships and manifestations. These relationships control the appearance, structure,

functioning, and development of rights. The results of perception of recurrent patterns (subject) are expressed in the relevant notions, categories, concepts, and theories. If known notions are not sufficient, new terminology is introduced, which is then subjected to evaluation and approval. If it proves adequate to the reality, it becomes rooted in scientific practice, is applied widely, and develops. Examples of this process are such categories as “human rights standards”, “a socio-cultural model of human rights”, and others.

*The empirical foundations* of the science of human rights are 1) *facts of reality* (real circumstances) interpreted by the researcher in accordance with his vision of the problem, and 2) *material evidence* that carries information about the object and has been selected by the researcher in the process of study. Material sources of human rights are international, regional, and national documents of normative nature (treaties, declarations, constitutions, laws and bylaws, court and administrative precedents, etc.). Analysis of human rights facts and situations is contained in media materials, statistical and sociological data.

*Philosophical and attitudinal foundations* of the science of human rights are the fundamental principles, the utmost ideas, axioms, which *substantiate* theoretical conclusions on rights. They match and combine human rights with the more fundamental phenomena and processes, such as the ideas of humanism, freedom or morality.

*The scientific picture of human rights* offers a holistic idea, a panoramic view, and a *generalized vision* of the rights and their place in the reality. This makes it possible to achieve the understanding of how human rights are aligned with other social and humanitarian phenomena (e.g., law and order in the state, legal awareness of the population, the

country's legislation, economic level of development, organization of government structures, directions and level of international cooperation, etc.).

*The method of science of human rights* represents a *totality of rules, techniques, methods, norms, principles, approaches, ideas, requirements that guide the resolution of a scientific problem in order to acquire objective, reliable, and consistent knowledge of rights*. In fact, method is knowledge with the help of which new knowledge is acquired. The science of human rights uses combinations of the majority of methods widely known and used in research.

*The proprietary method* of the science of human rights can be identified in general terms as a “*human dimension*”, which means the researcher's aspiration to understand and explain this phenomenon from the position of the *person's affirmation in the world*, i.e. measurement of public and eco-social processes from the viewpoint of preservation and development of each human personality existing in unity with society and nature.

It is thought that the general direction of educational courses in human rights (essentially, literature) must meet the preceding requirements (criteria) of scientificity.

*Structure of science and educational course “Human Rights”*. The science of human rights currently possesses a sufficiently vast volume of knowledge, which is recorded in *notions, categories, concepts, and theories*.

At the same time, theory is the key internal mechanism generating scientific ideas of human rights. *Theory as an internal form of science* seeks to schematically present human rights, build a certain logical model of rights that would tie its key parameters with ideas on society, state, and the world as a whole.

Educational literature on human rights for universities may occupy any of the three niches of scientific knowledge

and be characterized by academism or applied nature depending on the educational needs of the audience.

As for the question about *the structure of the educational course* in human rights, despite the multitude of visions posited by scholars working on this problem, a certain common vision can still be traced. If we are to sum up and generalize existing solutions, we arrive at the following version of course structure and, accordingly, the curriculum structure.

An educational course in human rights should have a general section and a special section. The general section should comprise two chapters: first – “Notion of Human Rights”, second – “Protection of Human Rights”. The special section will most likely comprise five chapters.

The chapter “Notion of Human Rights” includes the following topics: subject and method of the science of human rights, its characteristics; history of establishment and development of human rights; definition of rights (their ties to morals, law, state, culture of peace, democracy, tolerance, etc.); their difference from contiguous notions (natural rights, subjective rights, civil rights, fundamental rights, etc.); types of human rights (classification) and their characteristics; sources (standards) of human rights; principles of human rights; models of rights (universal, regional, and nation-state rights); rights and obligations of the person; guarantees of their exercise and protection; culture of human rights. Of course, this may include other problems.

It is advisable to include the following topics in the chapter “Protection of Human Rights”: violations of human rights; notion of protection (security) of the person and protection of the person’s rights; types of right protection mechanisms; characteristics of the activity of various human rights organizations and civil society movements;

state human rights protection and law enforcement mechanisms and procedures; international universal and regional structures of human rights protection.

The structure of the special section can combine five chapters corresponding to the five main groups of rights singled out in the international practice: “civil rights”, “political rights”, “economic rights”, “social rights”, and “cultural rights”. Each chapter is devoted to the relevant group of rights, their classification, explanation of their substance, specifics of their practical realization, ties with other rights, specifics of their protection, etc. However, given the emerging new types of rights (e.g., ecological, informational, labor, somatic rights, rights of the child, rights of migrants, etc.), it is obvious that other variants of the special section are possible.

Notably, while the problems of the special section and the chapter titled “Protection of Human Rights” (in the general section) proposed here have been studied fairly well in Russian science and have a meaningful volume of solutions and publications of educational and scientific nature, the general rhetorical aspects of the chapter titled “Notion of Human Rights” presently have numerous gaps and errors. Proof of this is the completed analysis of the contents of available textbooks.

### 3. COMPREHENSIVE SCHOOLS

*In 2007, Russia had 56,408 institutions of comprehensive education serving 13,766,000 students*<sup>84</sup>.

#### 3.1. Norms, Textbooks and Practice

Soviet society with its domination of state interests lacked the understanding of the essence and meaning of human rights in the universal sense. Human rights in their socialist interpretation were taught to students as part of constitution and law courses. Following the adoption of the so-called Great Stalin Constitution in 1936, the USSR Council of People's Commissars issued its February 1, 1937, decree *On the Study of the USSR Constitution at Schools*<sup>85</sup>.

With the failure of the “world system of socialism”, the debunking of the myth of the “international communist movement” and the collapse of the USSR came the end of Marxist-Leninist social studies. Among all school disciplines, history and social science were the most affected. Russia did not have any experience in democratic values education, to say nothing of HRE, and had to start everything from scratch.

The early 1990s saw the start of an education system reform and transition to a new structure of history and social science teaching. Since 1993, the Russian Ministry of

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<sup>84</sup> [http://www.gks.ru/bgd/regl/b07\\_01/IssWWW.exe/Stg/d12/3-5.htm](http://www.gks.ru/bgd/regl/b07_01/IssWWW.exe/Stg/d12/3-5.htm)

<sup>85</sup> *On the Study of the USSR Constitution at schools*. February 1, 1937, Decree by the USSR Council of People's Commissars // Popular education in the USSR. Comprehensive school. Collection of documents 1917-1973. – M.: Pedagogika. 1974.



Education has been offering regular guidance to social science educators through instructional documents of a fairly liberal nature that also covered aspects of HRE. Two dozen regulatory and guidance documents were adopted between 1993 and 2003.

Since the late 1990s, the Russian Ministry of Education has repeatedly established the compulsory minimum contents of curricula for primary comprehensive schools. The so-called “minimum standards” of comprehensive education were adopted<sup>86</sup>. These documents required that schoolchildren be taught such concepts as “*Russian citizens, their rights and duties. Rights of the child. Laws. State. Constitution. Human rights. The Universal Declaration of Human Rights. International humanitarian law. Rights of the child. Protection of human rights. Rule of law. International documents on human rights. The system of judicial protection of human rights*”.

The federal component of state education standards for elementary comprehensive, primary comprehensive, and secondary (complete) comprehensive education was adopted in 2004<sup>87</sup>.

The contents of education were determined by means of the state standard of compulsory education via three components: federal component, regional (national-regional) component, and educational institution component.

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<sup>86</sup> See July 18, 1997, Letter of the Russian Ministry of Education No.974/14-12 *On the Compulsory Minimum Contents of Curricula for Primary Compulsory Schools*; June 30, 1999, Order No.56 of the Russian Ministry of Education *On the Adoption of the Compulsory Minimum Contents of Secondary (Complete) Comprehensive Education*.

<sup>87</sup> March 5, 2004, Order No.1089 of the Russian Ministry of Education *On the Adoption of the Federal Component of State Educational Standards for Elementary Comprehensive, Primary Comprehensive, and Secondary (Complete) Comprehensive Education*.

The teaching of human rights within this framework was conducted at the level of the *federal component* as part of the Social Science and Law disciplines at grades 10 and 11.

The discipline Civic Education was introduced at the level of the *regional (national-regional) component* in individual regions of the Russian Federation. The Civic Education curriculum included human rights among other issues.

Schools could independently introduce various courses, including human rights courses, as part of the *educational institution component*. Examples of such courses include *Your Rights, Rights of the Child, Studying Human Rights*, etc.

Presently, the three components have been replaced by a single federal state standard that takes into account regional specifics and specifics of the educational institution<sup>88</sup>.

Credit should be given to the Russian Ministry of Education of the period before 2004, for its approach to understanding civic education and HRE rested on international experience and was consistent with modern ideas of these educational concepts. Human rights are not viewed as merely isolated subjects in the disciplines *Social Science, Law, or Civic Education*. The interdisciplinary nature of human rights offers preconditions and opportunities for introducing human rights issues into

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<sup>88</sup> December 1, 2007, Federal Law of the Russian Federation No.309-FZ *On amendments to individual legislative acts of the Russian Federation changing the concept and structure of a state educational standard*.

virtually all the other school disciplines: history, literature, foreign language, geography, life safety, graphic arts, natural sciences. This is exactly what the Ministry's recommendations encouraged educators to do.

In the early 1990s, there had been no human rights textbooks and methodical guidelines for schoolchildren and educators. The comprehensive school made quite a fast transition from obsolete Soviet textbooks to new teaching and method resources for the educational process.

In the first half of the 1990s, Russia became flooded with educational literature on history and social studies. An innovation for the new Russian school was the development of "learning and methodical sets". A set includes literature for the student (textbook, copybook, reading book, anthology, etc.) as well curriculum, methodical and didactic literature for the teacher.

Since 1994, the Ministry of Education is publishing the federal list of textbooks recommended (approved) for use in schools. In 1997, there were 737 approved textbooks for all stages of education and subjects. In 2000, there were already 1,088 and in 2004 – 1,970 "approved" or "recommended" textbooks. (By contrast, there were only 180 such textbooks in 1992).

The benchmark for developing curricula and textbooks is the state standard of comprehensive education and reference programs on social studies. Numerous authors of history and social studies literature and over 50 publishers rushed to promote their textbooks. In the past five years, the federal list of textbooks contained from 171/110 to 93/48 history and social studies textbooks, respectively, for schoolchildren alone.

Table 1. Number of recommended textbooks 2004 – 2009.

Subject / academic year	04/05	05/06	06/07	07/08	08/09
History	171	100	95	85	93
Social Science	110	85	46	37	48

Apparently, this variety of textbooks was published not so much as to ensure the freedom of education guaranteed by the Russian Constitution (Article 44) and the Education Law. The Law leaves the choice of textbooks to the competence of the educational institution. Large amounts of state funding allocated for textbook publishing, and commercialization of the educational literature market have created a proverbial goldmine for officials, authors, and publishers. The redistribution of the Russian textbook market even resulted in several contract killings<sup>89</sup>.

Literature for educators has been published in equally large amounts. It is noteworthy that the **Ministry of Education approves only textbooks for schoolchildren and students.**

Meanwhile, amid the growing volume of educational literature a rank-and-file teacher found it increasingly difficult to make sense of the plethora of versions, let alone evaluate their merits without getting to see or review the recommended books. Since 2005, the number of recommended or approved textbooks started to decline.

Within the context of this study it is not possible to make a detailed analysis of such a vast range of social

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<sup>89</sup> Three managers of Drofa publishing house were killed in the late 1990s – early 2000s. [http://www.globalrus.ru/print\\_this/135164/](http://www.globalrus.ru/print_this/135164/)

studies literature for schools in terms of how they reflect human rights issues. At the same time, publications by individual teams of authors and general trends merit special attention.

Among those who have been creating books on social studies in the past 10-15 years it is worth mentioning such authors as L.N.Bogolubov, O.V.Kishenkova, E.S.Korolkova, A.I.Kravchenko, A.Yu.Lazebnikova, A.I.Matveyev, V.O.Mushinsky, A.F.Nikitin, A.S.Prutchenkov, E.N.Salygin, Ya.V.Sokolov, and others.

In the 1990s, the realization of the need to introduce the issues of human rights and rights of the child into the educational process was occurring belatedly in the actual circumstances. Many textbooks did not even mention such fundamental documents as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and others. Authors of educational materials for schools lacked sufficient familiarity with human rights issues. In many cases, HRE came down to legal education, and numerous factual errors were overlooked.

Presentation of human rights material has improved as textbooks and various manuals have been revised and updated. There have been good reviews of the learning and methodical complex on social sciences for grades 6 through 11 under the editorship of L.N.Bogolubov. These textbooks have been authored by fellows of the Russian Academy of Education. The textbooks are consistent with the standards and follow an objective methodology of discerning social phenomena. The textbooks sufficiently and accurately reflect the issues of human rights, rights of the child, and international humanitarian law. Over the 15 years the textbooks have evolved considerably in terms of material structure and presentation.

Yakov Sokolov played a defining role in **Civic Education** that is new to the Russian education system and in the introduction of human rights into the educational process. In 1988-1989, Ya.Sokolov developed the concept for the *Civic Education* course for 5<sup>th</sup> to 9<sup>th</sup>-graders<sup>90</sup>. Sokolov conceived the new course as a replacement for the outdated *Social Science* course based on Soviet social sciences that became fully discredited. Hence came the methodological message: **the contents of a course should be determined not by the fundamentals of social sciences (philosophy, economics, sociology, law, religious studies, etc.), but by the vital problems and phenomena of public life** that are of interest to schoolchildren. By the mid-1990s, Ya.Sokolov and his coauthors developed and tested various curricula and textbooks for grades 5 through 9.

The course drew a mixed response from Russian society. Critics saw multiple conclusions by authors that rather deformed than formed a positive worldview. Especially sharp were accusations (often unwarranted) from persons affiliated with the Russian Orthodox Church.

Despite a certain logic to the course, its contents were rather amorphous and fragmented. Some subjects, judgments and conclusions were presented in a vulgar manner and reflected subjective preferences of authors rather than objective problems. The textbooks were rife with banalities, inaccuracies, informal terminology, jargon, and errors. At the same time, the course was founded on humanistic, liberal-democratic values. Classes in this subject involve broad use of various interactive training methods.

At the same time, the course gained many proponents. Sokolov's textbooks were recommended by the Ministry of

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<sup>90</sup> Teaching of History at School, 1990, No.3.

Education for use in schools until the academic year 2005/2006 inclusive.

From Sokolov's standpoint, a teacher is unable to follow social processes and the way they are reflected in social sciences, which is why the teacher should keep clear of such sciences. The urgency of issues addressed by the course, the scaled-down requirements for teachers, the possibility to operate any notions without being held accountable for their meaning earned the course thousands of proponents. Civic education came to be taught not just by historians and social studies teachers, but also life safety and gym teachers, and social psychologists.

The paradox of the success and failure of Sokolov's *Civic Education* is due to the fact that it **was not a social sciences course**. It contains no systematized knowledge of society. After completing this four-year course, a student may not even be familiar with such basic notions as the main spheres of human activity, the social structure of society, and the like. Sokolov's course is an **instructional (upbringing) and educational course**.

The significance of this course is that Sokolov's *Civic Education* succeeded in filling the vacuum that formed during the complex period of crumbling Soviet socialism that was accompanied by a decline in Soviet social sciences. For 15 years it was one of the optional courses that enjoyed demand from Russian schools. Sokolov's textbooks raised issues of importance to young people, such as those of AIDS, drug abuse, and alcoholism. These subjects are not raised in the traditional *Social Science* textbooks. In all of Sokolov's textbooks spanning grades 5 through 9 much ink is devoted to problems of human rights, rights of the child, and democratic values. No other learning and methodical complex devotes as much attention to these issues.

Since 2007, the Ministry of Education is no longer recommending Sokolov's books for use in comprehensive schools. Sokolov himself attributes the ousting of his course to the redistribution of the textbook market and financial interests of other groups with “ministerial backing”<sup>91</sup>.

Current discussions of **study and methods resources for school education** prompt the following generalized conclusion. In the Russian Federation, **all authors** who develop textbooks and method manuals on social studies, civic studies, law subjects enumerated in the federal list **include in them the issues of human rights and freedoms**, tolerance, and institutions of democracy.

Yet works of many authors have significant flaws. Overall, we are witnessing a decline in the general and methodological culture of authors, the deteriorating quality of study materials, an indiscriminate and irresponsible approach by the Ministry of Education (or perhaps there are other factors at play?) to recommending or approving school textbooks.

Individual manuals on human rights for students and educators have also been published in Russia. A small brochure published by the UN Human Rights Center in 1989, titled *ABC - Teaching Human Rights: Practical activities for primary and secondary schools*, became a Bible of sorts for local educators. As a big help for educators came the Russian-language versions of such manuals as *First Steps: a manual for starting Human Rights Education* (Amnesty International, 1997), *COMPASS - A manual on human rights education with young people* (Council of Europe, 2002), *Understanding Human Rights* (Austria, European Training and Research Centre for Human Rights and Democracy, 2005), and others.

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<sup>91</sup> <http://www.inauka.ru/catalogue/article33052/print.html>



Today it is worth mentioning the first Russian books for school published before the mid-1990s:

- M.N.Lazutova *Human Rights: History and Modernity*. – M.: 1992;
- *Human Rights. Study Methods Manual* / V.A.Kornilov, V.M.Obukhov, V.A.Severukhin, L.I.Gluhareva, E.N.Rakhmanova – M.: 1992;
- A.F.Nikitin. *Human Rights: Study Guide for Secondary School* – M.: 1993;
- *Human Rights: Practical Study Guide* / L.I.Gluhareva, V.A.Kornilov, V.M.Obukhov – M.: 1993;
- A.Ya.Azarov, T.V.Bolotina. *Human Rights. Teacher's Manual*. - M.: Publishing house of the Moscow area Advanced Education Training Institute, 1994;
- *Role Play in Teaching Human Rights* / Collection of methods: Youth Center for Human Rights and Legal Culture. – M.: 1995;
- Ya.V.Sokolov. *Human Rights. Study guide for the Civic Education course for 8<sup>th</sup> and 9<sup>th</sup> graders, their parents and teachers*. – M.: 1993;
- Z.K.Schnekendorf. *Human Rights for Youngest Schoolchildren*. – M.: 1995.

The publication of special books on human rights for the elementary school by Vita-Press publishers was a notable event. The most significant contribution to the body of learning and method resources for HRE at school came from a group of Russian specialists headed by Tatiana Bolotina. In 2006, they published a study and methodical complex for 10<sup>th</sup> and 11<sup>th</sup> graders of comprehensive schools, comprising seven textbooks, curricula, and manuals.

Study and methodical publications on human rights by NGOs were also quite popular. For example, the Youth Center for Human Rights and Legal Culture (Moscow, director V.Lukhovitsky), the Moscow School of Human Rights (director A.Azarov), the Center for Civic Education and Human Rights (Perm, director A.Suslov) each published fifteen to thirty textbooks, manuals and methodical materials on human rights.

Overall, in the past 15 years Russian educational and human rights NGOs, international organizations, various foreign educational institutions published around **two hundred Russian-language manuals on human rights**, civic studies, tolerance, and democracy for schoolchildren and teachers. While this is not primary course literature, it can be used as additional material for HRE.

Human rights teaching at Russian schools is believed to have started in 1989-1990. The air of democratic revival in society prompted individual teachers to start human rights classes at their own initiative. Today, Russian schoolchildren at different levels of education receive the needed knowledge of human rights and rights of the child in a variety of history and social sciences classes. In a survey conducted by the Moscow School of Human Rights (MSHR), 95.2% of schoolchildren said human rights were taught at their school (1,200 children were polled).

The network of UNESCO associated schools is engaged most actively in HRE. The UNESCO Associated Schools Project calls for a greater focus on human rights, democracy and tolerance, among other things. (Some 180 schools in different Russian regions are involved in the ASP).

Effective HRE in many ways depends not so much on the professional skills of educators, but rather on their personal qualities and commitment to the principles they try to instill in schoolchildren: recognition of a human being's value as an individual, the right to free expression of own opinion, equality, etc. Of major importance are forms and methods of teaching applied by educators. Overall, the school education system continues to be dominated by the presentational, lecturing approach to teaching (accounting for up to 80% of class time)<sup>92</sup>.

The situation on human rights education is more optimistic in this respect. When asked the question "Do you use active forms of learning during human rights classes: business games, discussions, teamwork, etc.?" in the MSHR survey, schoolchildren provided the following answers: yes – 55.1%, not always – 33.8%, no – 11.1% (1,200 schoolchildren were polled). Here teachers make greater use of active and interactive methods, techniques, means and forms of teaching.

An important role in HRE is devoted to the development of school self-government, creation of a democratic way of life, social projection, etc. When asked "Does knowledge of human rights and rights of the child help in your extracurricular activities?", 61.1% of students said yes.

We are currently witnessing a quite paradoxical situation at Russian schools: students are sometimes better versed in human rights and rights of the child than their teachers (except history and social sciences teachers). The fact that schoolchildren know their rights and attempt to stand up for them sometimes causes conflicts between

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<sup>92</sup> "Education and society: Is Russia prepared to invest in its future?"  
[http://www.oprf.ru/files/tcp\\_ip/doklad\\_s\\_oblozhkoi.pdf](http://www.oprf.ru/files/tcp_ip/doklad_s_oblozhkoi.pdf)

students and authoritarian teachers, between children and parents. To protect the rights of the child, resolve conflicts, and provide information on human rights and rights of the child, Russian schools started to introduce the institution of the commissioner for the rights of educational process participants since mid-1990s.

Various competitions and school contests help popularize knowledge of human rights and rights of the child. Close to 100 such events took place since the mid-1990s.

### **3.2. New Textbooks and Authority**

In 2007, the state authorities also addressed the problem of history and social sciences teaching at Russian comprehensive schools.

In June 2007, the Russian Ministry of Education and the Presidential Executive Office held the All-Russian Conference titled *Current Issues of Teaching History and Social Studies and Innovations of the State Educational Standard for Comprehensive Education*. The Conference was attended by all key officials of the Ministry of Education and the Presidential Executive Office, headed by the main ideologist V.Surkov. The Conference unveiled new history books for teachers of Russian history (A.V.Filippov. *Contemporary Russian History. 1945-2006. Teacher's Manual*. – M.: Prosveshcheniye, 2007) and social sciences (*Social Sciences. Global World in the 21<sup>st</sup> Century. Teacher's Manual* / Under the editorship of L.V.Polyakov. – M.: Prosveshcheniye, 2007). No other teams of authors or alternative books were presented.

Russian President Putin met with the Conference delegates. He outlined the new priorities in the state policy on history and social sciences teaching at schools,

emphasizing that schoolchildren and students need help in forming their own opinions on certain events based on impartially presented material. The state should play a greater role in the creation of textbooks, since “many textbooks are written by people who work for foreign grants. In doing so they perform a dance of polka for those who pay for them to do so... We must not let them impose a sense of guilt on us”<sup>93</sup>.

In the fall of 2007, authors of new textbooks accompanied by ranking education officials traveled to all seven federal districts of Russia to promote their books.

This entire campaign met with distrust, suspicion, and an outburst from not just the community of educators but also the public at large. The authors were accused of yet again attempting to rewrite the history for the benefit of political convenience and provide an ideological substantiation for the established political regime. Many believe that instead of raising patriots, the books will form aggressive nationalist with hostility against all things non-Russian.

Presently, the *History* course by Filippov and the *Social Sciences* course by Polyakov are a set of materials: textbook for the 11<sup>th</sup> grade, methodical manuals, electronic supplements to the textbook, and various curricula<sup>94</sup>. The textbooks have been recommended for the academic year 2008/2009. A special website has been launched to promote

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<sup>93</sup> [http://www.kremlin.ru/appears/2007/06/21/1702\\_type63376type82634\\_135380.shtml](http://www.kremlin.ru/appears/2007/06/21/1702_type63376type82634_135380.shtml)

<sup>94</sup> The History and Social Science learning and methods complexes has been authored by Alexander Filippov – deputy Director of the National Laboratory of Foreign Policy, and Leonid Polyakov – deputy Chairman of the General Political Science Chair at the Higher School of Economics State University, along with another 15 contributors.

Filippov's and Polyakov's books: <http://history.standart.edu.ru/>.

Having analyzed all these learning and methods complex mainly as regards the presentation and methodology of teaching human rights, democracy, humanistic approaches and values, we will highlight only some of the characteristic precepts and positions.

The main property of the new textbooks is "Russocentrism". "**Russocentrism**" is a main method of analysis and cognition as well as an innovation in terms of content. "*Russocentrism*" teaches to think from the viewpoint of Russia. It is an objective picture as we see it from the **civic and patriotic position of a Russian citizen**". According to the authors, "*Russocentrism as a method of scientific cognition yields the accuracy and depth of analysis, makes it possible to determine significant trends and predict how events will unfold*". We had already witnessed similar "*accuracy and depth of analysis*" and especially the "*ability to predict*" in other methodologies with a one-sided, partial approach. This used to be called a class-based, Marxist-Leninist approach. Now it is called a *Russocentric approach*.

The textbooks focus a great deal of attention on the common ideology to provide the foundation for the upbringing of schoolchildren. Since under the Russian Constitution (Article 13) no ideology may be established as a **state** or **obligatory** ideology, the authors instead propose creating a common **national** ideology (in essence, a state ideology). They propose strengthening the **state nationalism** and **civic patriotism**, which are included in *Russocentrism*.

From the legal viewpoint, Russocentrism is in effect an illegal, anti-constitutional concept as it is founded on a “national = state” ideology in violation of the Russian Constitution. Russocentrism contravenes the Law “On Education”, which outlines balanced principles of the state education policy: the humanistic nature of education, the **priority of universal values**, the life and health of human beings, free development of the person, **cultivating a civic consciousness**, diligence, **respect for human rights and freedoms**, love of the environment, the **homeland**, and family. Neither does “Russocentrism” meet the educational standards for history and social sciences, under which schoolchildren should be able to use accumulated knowledge to “assess social change **from the viewpoint of democratic and humanistic values at the core of the Russian Constitution**”, but not “*from a civic-patriotic position of a Russian citizen*”, no matter how jingoistic these citizens are. That is why it may be allowable to play at “Russocentrism”, which is identical to the concept of “Russland uber alles”, anywhere else (for the time being) except the state school.

Another important subject of the textbooks is “sovereign democracy” – a political and ideological slogan coined by the Kremlin ideologist V.Surkov for use in foreign policy. There is no substance behind this concept from the viewpoint of international law, legal practice or other science.

The textbooks permit a dangerous revision of the commonly accepted, in both society and science, characteristic of the Soviet political regime as a totalitarian one. “*The authors abandon the concept of totalitarianism as an explanation for the events in the USSR*”.

Overall, it must be noted that the textbooks show a clear tendency to conceal and turn a blind eye to many

negative aspects of Soviet history, depart from historical truth, or find arguments to justify “sporadic flaws”.

In the books by Filippov and Polyakov, knowledge and facts are given a secondary, auxiliary role. *“The crucial goal pursued by means of these textbooks is civic and patriotic upbringing to complement military and patriotic upbringing”*.

In terms of its contents, the textbook by L.Polyakov is not a social sciences textbook and not even a political science textbook. It is a kind of modern political history of “good” Russia and “bad” USA. (The USA is mentioned in the teacher’s manual more than 200 times!)

A distinctive feature of the Filippov-Polyakov textbooks is that they **make no mention of human rights**. This is no accidental “forgetfulness” or omission on the authors’ part. The choice not to explain to schoolchildren what human rights are or what the Russian Constitution recognizes as the supreme value is a conscious, strategic position of Filippov-Polyakov and those behind their backs. This is because the second most important value for Mr. L.Polyakov and the likes of him is the ideology of Marxism-Leninism. *“In the early 1990s we became ideologically disarmed. We abandoned Marxism and Communism as a scientific theory. We voluntarily removed our spectacles and stopped seeing the world through the old prism of a struggle between the world capitalist and socialist systems. Instead, we have had imposed and heaped on us the abstract, loose ‘universal values’ and words alien to us – ‘freedom’, ‘democracy’, ‘market’, ‘human rights’, ‘civil society’,”* Mr. L.Polyakov thus complained to Mr. V.Putin during an audience with the president<sup>95</sup>. *“So we got*

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95 [http://www.kremlin.ru/appears/2007/06/21/1702\\_type63376type82634\\_135380.shtml](http://www.kremlin.ru/appears/2007/06/21/1702_type63376type82634_135380.shtml)



*the former communist worldview lumped together with these [universal] values. All of this, mixed together, creates a completely indigestible meal... A person who consumes this balderdash is not Russian, is not a citizen of the world, and is not a citizen of the USSR. We have had too much of liberalism”*, L.Polyakov carried on his line in a televised show hosted by V.Pozner<sup>96</sup>.

Hence a simple solution, according to Filippov-Polyakov: we should cook “balderdash” for the young generation without “universal values”, i.e., based on Marxism-Leninism disguised as an ideology of Russocentrism, state nationalism, creative patriotism, and other ideological and political ingredients. This entire philosophy has been reflected in the new *History* and *Social Sciences* textbooks.

It is therefore quite natural that among the key concepts and terms in the books by these "innovators" there is no place not only for human rights, but also for rule of law, division of powers, and whatnot.

Ministry of Education officials claim that the principle of variability and the schools’ right to choose textbooks will be preserved. However, in February 2008 the Ministry dropped a letter suggesting that all educators undergo professional advancement courses in history and social sciences teaching based on the textbooks by Filippov-Polyakov and allocate the required amount of time at schools for classes based on the new textbooks<sup>97</sup>. Meanwhile, the locals always get the hints right. In the Krasnodar Krai, the textbook *Social Sciences. Global World of the 21<sup>st</sup> Century* is already compulsory<sup>98</sup>. In Tver city, it is required to use these books in the educational process<sup>99</sup>.

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<sup>96</sup> [http://www.1tv.ru/owa/win/ort6\\_main.main?p\\_news\\_title\\_id=104768](http://www.1tv.ru/owa/win/ort6_main.main?p_news_title_id=104768)

<sup>97</sup> Letter of the Russian Ministry of Education dated February 19, 2008, No.IK272/03.

<sup>98</sup> Methods letter of the Krasnodar Krai Institute for Advanced Professional Pedagogic Education “On the specifics of teaching history

The Academy for Professional Advancement and Retraining of Educational Workers made a commitment to train 1,000 tutors to work with Filippov-Polyakov textbooks in 2008<sup>100</sup>. The Academy's professor, Mr. Yevgeny Vyazemsky, has prepared a professional advancement program outlining the **four key concepts of modern history** and social studies: "Patriotism", "Civic Consciousness", "Plan of Putin", and "Concept of Sovereign Democracy".

The creators of the new state-patriotic history and social studies are also planning to revise and rewrite all textbooks starting with the sixth grade. Apparently, only this "correct line" of textbooks will be soon recognized as the only acceptable course at Russian schools.

Therefore, **in the coming years we should expect the issues of human rights and freedoms, democratic and universal values to be reduction or eliminated from school education in Russia.** The consequences of this are self evident.

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Speaking of the phenomenon of "Polyakovshchina", a famous Russian political scientist Alexander Tsipko said that attempts to depart from the historical truth in the name of statehood and patriotism occur not out of the belief in one's own country but out of the lack of belief in one's own people<sup>101</sup>. One could not agree more. There is another component to such gambling with the ideas of patriotism, homeland, Russia, and apologetics of totalitarianism. "*How do we differ from our children, the ones whom we teach?*" – L.Polyakov asks and

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and social studies in 2008–2009" dated October 8, 2008, No.01–20/1159. [http://idppo.kubannet.ru/ru/press\\_center/news/08\\_10\\_08.html](http://idppo.kubannet.ru/ru/press_center/news/08_10_08.html)  
<sup>99</sup> [www.tiuu.ru/new/view/154.htm](http://www.tiuu.ru/new/view/154.htm)

<sup>100</sup> <http://history.standart.edu.ru/Attachment.aspx?Id=6030>

<sup>101</sup> [http://www.1tv.ru/owa/win/ort6\\_main.main?p\\_news\\_title\\_id=104768](http://www.1tv.ru/owa/win/ort6_main.main?p_news_title_id=104768)

answers: *The Answer is obvious: [we differ] in our life experience that is the result of our successful adaptation to the surrounding world*<sup>102</sup>. One could not disagree with this, either. Messieurs Filippov, Polyakov and other creators of the new “History” and new “Social Sciences” have graphically demonstrated this “successful time-serving”.

## 4. INFORMAL EDUCATION

### 4.1. Commissioners for Human Rights

The institution of the ombudsman – the Commissioner for Human Rights – is a relatively new national mechanism of human rights protection in Russia. Besides the Federal Commissioner, as of September 2008 commissioners for human rights appointed by regional legislatures operate under relevant laws in 47 regions of the Russian Federation.

In the late 1990s, the institution of the Commissioner for the Rights of the Child was introduced in Russia almost simultaneously with the Commissioner for Human Rights. This institution was introduced as part of a UNICEF pilot project in several regions of the Russian Federation. The functions of the Commissioner for the Rights of the Child include education and information. Twenty-five regions and cities of Russia currently have a commissioner for the rights of the child.

The Federal Constitutional Law *On the Commissioner for Human Rights in the Russian Federation* adopted in 1997 and similar regional laws establish that “the Commissioner contributes to the restoration of the

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<sup>102</sup> *Social Studies: Global World in the 21st Century*: 11<sup>th</sup> grade: Teacher’s manual / [L.V.Polyakov, V.V.Fedorov, K.V.Simonov, et al]; under the editorship of L.V.Polyakov. – M.: Prosveshcheniye, 2007, page 3.

violated rights, to the improvement of the legislation of the Russian Federation on human rights and bringing it into line with the universally recognized principles and norms of the international law, to the development of the international cooperation in the sphere of human rights, to the **legal education in the matters of human rights and freedoms, forms and methods of their protection**".

Legal education in the matters of human rights and freedoms, forms and methods of their protection (with certain variations in the wording of laws) as a line of the commissioners' work is stipulated in all laws of regions of the Russian Federation with the exception of the laws of the Republic of Marij El, the Astrakhan Region, and St.Petersburg. However, practice shows that even in these regions of the Russian Federation the commissioners dedicate a great deal of attention and efforts to this work. Today the commissioner is the only government agency for whom this function is seen as an obligation.

Education in the matters of human rights and freedoms, forms and methods of their protection is an important line in the commissioners' activity. The bureaucracy systematically violates rights of citizens.

The fact that the man in the street is unaware of his rights and that officials neglect their duties creates obstacles on the path of democratic transformations.

The commissioners' human rights education and activities take various forms.

One of the primary forms of educating citizens is processing petitions from the population, including oral complains during personal interviews. The system of constant liaison with government human rights ombudsmen contributes to individual education and makes legal

assistance more accessible to people, especially underprivileged citizens. Interviews are conducted by both staff members of the commissioners' offices and the commissioners themselves. In recent years the commissioners have been practicing the creation of community liaison offices on the premises of higher educational institutions, human rights NGOs, firms of attorneys. They provide a source of free legal assistance to thousands of citizens in various remote locations of the country.

Much help in accomplishing the tasks of commissioners comes from their confidants (aides). Confidants operate in the Altai, Perm, and Stavropol Territories (Kray), in the Saratov, Moscow and other regions. The main task of confidants is to resolve problems outlined in citizens' petitions, clarify the rights of petitioners, and provide advice on possible ways to restore violated rights.

New effective forms of activity are also appearing. For example, the Union of Human Rights Organizations in the Sverdlovsk Region, the regional assembly of attorneys, and the Commissioner hold various get-togethers at least twice a year, including on December 10<sup>th</sup> Human Rights Day.

Publication and circulation of various analytical, informational, and advertising materials relating to human rights is one of the key lines in the commissioners' activity of informing and educating the population and representatives of federal, municipal authorities and law enforcement on human rights. Annual reports by the commissioners are subject to mandatory official publication in the relevant media outlets (newspapers) or circulation to federal authorities, heads of administrative and municipal authorities, law enforcement, libraries, the mass media, and

institutions of higher education. Reports are also circulated in the form of brochures, published on official websites of the commissioners, and included in legal databases.

The drafting and publication of international and national human rights papers, including laws relating to commissioners, occupies an important place in the work of commissioners. One of the first practical steps by Oleg Mironov, the Federal Commissioner in 1998-2004, was to propose to heads of regions of the Russian Federation to publish the Universal Declaration of Human Rights and have it translated into native languages of indigenous inhabitants of the relevant territories. Between 1998 and 2007, the RF Commissioner for Human Rights alone drafted and published close to 90 reports, special reports, books, collections, and other printed products.

The Commissioner in the Altai Territory prepared and published information brochures with the texts of the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and other papers. The Commissioner for Human Rights in the Sverdlovsk Region published brochures titled *The Universal Declaration of Human Rights*, *The Council of Europe and Human Rights*, *Protection of the Rights of the Child*, *The Commissioner for Human Rights*, and other materials. The Commissioner for Human Rights in the Republic of Sakha (Yakutia), prepared the first Yakut-language translation of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Commissioner in the Kaluga Region published the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols. As a rule, published documents are circulated to government agencies, courts, and law enforcement services, distributed at public

events, made available to the mass media and human rights NGOs, and incorporated into libraries of schools and universities.

It was in many ways thanks to the initiative of the Commissioner for Human Rights in the Sverdlovsk Region that the years 2003-2006 saw the publication of elementary school textbooks titled *First-Grade Stories About Human Rights*, *Exciting Stories About Rights*, *True Stories About Rules and Rights*, and *Stories About Rights*. All first-graders in the region received the first book as a gift.

Commissioners also publish many other materials: placards, booklets, calendars relating to human rights and rights of the child. Commissioners in the Kaluga, Saratov, Moscow Regions, the Primorsky Territory and other regions have published colorful placards devoted to the UN Convention on the Rights of the Child, the rights and obligations of the education process participants.

Saratov Region Commissioner for Human Rights Alexander Lando organized the publication of school copybooks, diaries, albums, notebooks with information on the rights of the child and quotes of the Convention on the Rights of the Child. Without a doubt, this has helped attract the public's attention and start teaching the rights of the child to minors, their parents and teachers. Strangely, this financially affordable solution was not replicated by other commissioners.

In some Russian regions, commissioners have managed to launch periodicals. For example, the Republic of Sakha (Yakutia) Commissioner publishes the Information Bulletin of the Commissioner for Human Rights, the Sverdlovsk Region commissioner – the *Pravozashchitnik Urala* (Human Rights Defender of the Urals) bulletin, the Moscow Region Commissioner – *The Herald of the Commissioner for Human Rights in the*

*Moscow Region.* The Kaluga Commissioner publishes the quarterly magazine titled *Human Rights*, and the Saratov Region Commissioner – a bulletin titled *Commissioned to Protect...*, and so forth.

Cooperation with institutions of higher education occupies an important place in the HRE activities of the Federal Commissioner for Human Rights and his colleagues in the regions of the Russian Federation. University professors sit on the Expert Council under the Commissioner for Human Rights in the Russian Federation, on expert councils of commissioners in regions of the Russian Federation, participate in organizing and conducting competitions among school and university students, help to develop and implement relevant educational programs, set up community liaison offices of commissioners, "legal clinics" to provide legal assistance to the population, and participate in a number of other programs.

Each year students in Moscow, Yekaterinburg, Kemerovo, Kaluga, and other cities complete pre-graduation internships at offices of commissioners for human rights.

Commissioners for human rights in regions of the Russian Federation support the efforts of universities and NGOs in creating legal clinics. Hands-on experience at such clinics gives law students additional human rights knowledge needed to provide legal assistance to underprivileged social groups. Russia presently has some 140 legal clinics at various universities and NGOs.

An important aspect of HRE activity is commissioners' participation in conferences, seminars, roundtables addressing various issues of human rights and freedoms. Several hundred such events take place all over Russia each year.



Regional commissioners work extensively at schools and other educational institutions. The primary forms of such activities are lectures on human rights advocacy for students, propaganda, involvement of students in various competitions relating to human rights, and proposals to introduce HRE courses as a component of the regional education standard.

There is hardly a region in Russia where commissioners for human rights would not use such a form of HRE as competitions. Russian university and school students participate in nationwide and regional competitions staged under the supervision of commissioners. Competitions are held for different age groups and in different human rights advocacy subjects relating to prevention of ethnic discrimination, racism, xenophobia, and intolerance. This is graphically illustrated by taglines of competitions held in the last ten years: “Russia and Human Rights in the 21st Century”, “Security Threats in the Modern World and Human Rights”, “Human Rights Through Children’s Eyes”, “Vote for Your Future”, “The Rights of Children in Modern Russia”, “Human Rights and Russian Youth”, “Human Rights and Rights of the Child in Armed Conflicts”, “Protection of Human Rights – Our Common Cause!”, “We Will Build Our Own World”, “Rule of Law in Russia: Problems and Prospects”, “My Rights”, “How I Can Protect my Rights and Freedoms in the Modern World”, “Young Human Rights Advocate”, “Paint your Rights”, etc.

The mass media represent the most accessible and broadest channel for HRE of the population, while serving as tools of human rights protection for the commissioners. The Commissioner for Human Rights in the Russian Federation and commissioners in regions of the Russian Federation make regular appearances in the mass media.

Media representatives are invited to meetings and events held by commissioners, whether at penitentiary institutions, detention facilities, or in remote settlements. Many regional, municipal, and district newspapers started publishing human rights columns with the support of commissioners for human rights. To attract media and public attention to the problems of enforcing human rights and freedoms, promoting the restoration of violated rights, and educating citizens, commissioners stage regular creative contests for the mass media and journalists.

The Internet is an important vehicle for circulating information on both the institution of the commissioner for human rights, the commissioner's activities, and the problems associated with exercising human rights in Russia. The website of the Commissioner for Human Rights in the Russian Federation is active since 1999 at <http://www.ombudsmanrf.ru>. All regional commissioners have their own sites or pages on the portals of executive authorities of the respective regions of the Russian Federation. The NGO Saint-Petersburg Center for Humanities and Political Studies "Strategy" has developed and maintains a website for commissioners for human rights in regions of the Russian Federation: <http://www.ombu.ru>.

There are examples of large-scale joint projects with both government agencies, foreign partners, and public organizations. For example, in February 2005 the Sverdlovsk Region saw the launch of a Russian-German project of the Sverdlovsk Region Governor Administration and the Senate of Berlin (Germany) with the participation of the Commissioner for Human Rights titled "Developing a Culture of Tolerance in the Sverdlovsk Region". The project evolved into a website titled Intercultural Dialog at <http://www.tolz.ru>.

One of the aspects of the commissioners' activity involves participation in the development and promotion of targeted federal and regional HRE programs for the population.

The problem of HRE is a complex nationwide problem requiring coordinated action on the part of various governmental and non-governmental structures. It affects various social groups. Since it cannot be resolved using the existing market mechanism, it requires additional support. Such support tools are federal and regional targeted programs.

Since 1998, RF Commissioner for Human Rights Oleg Mironov insisted on developing and adopting a National HRE Program. In a notable move, Oleg Mironov substantiated this program by appealing not just to internal needs of the country but also to such UN and Council of Europe papers as the Plan of Action for United Nations Decade for Human Rights Education (1995-2004) and the Declaration and Program on Education for Democratic Citizenship based on the Rights and Responsibilities of Citizens.

In 2000, the RF Commissioner for Human Rights appealed to Russian President Vladimir Putin, requesting the adoption of a federal HRE program. The Russian President entrusted the Ministry of Justice and the Russian General Prosecutor's Office with working out and presenting proposals concerning the draft program. Yet they somehow managed to sweep the matter under the carpet without providing any meaningful answers.

In 2001, the Commissioner turned to RF Prime Minister Mikhail Kasyanov with a proposal to consider developing and adopting such a federal targeted program. This matter was referred to the Justice Ministry, the Ministry of Education, the Ministry for Economic

Development, the Finance Ministry, the Supreme Court, and the General Prosecutor's Office. However, the Justice Ministry concluded it would be inexpedient to develop such a program, since there were plans to adopt the targeted program titled "Forming the Attitudes of a Tolerant Mindset and Preventing Extremism in Russian Society (2001-2005)", which in the opinion of the Justice Ministry was similar to the HRE program.

In his subsequent years in the position of the Commissioner for Human Rights, Oleg Mironov attempted to initiate the drafting of the federal targeted HRE program and submit it for the review of the Russian Government. However, the program drafted by Yu.I.Bokan, head of the Moscow Center for Global Culture of Peace Strategies proved to be methodologically unfeasible and unrealistic by many parameters.

Vladimir Lukin, who succeeded Oleg Mironov in 2004, did not even review or discuss the draft of the federal targeted program prepared by the HRE Section at the Expert Council under the Commissioner for Human Rights. Eventually, the group of authors headed by A.Yu.Sungurov, chief of the St.Petersburg Humanities and Political Science Center "Strategy", while supplementing and improving the draft, migrated under the aegis of the Education and Science Committee of the State Duma of the RF Federal Assembly, and later still, after the election of a new State Duma in 2004, under the aegis of the Council of the President of the Russian Federation on Assistance to Development of Civil Society Institutions and Human Rights headed by Ella Pamfilova (<http://en.sovetpamfilova.ru/>).

Some regional commissioners also seek to move beyond planned, one-off events to more systemic activities in human rights and freedoms education. It should be noted, however, that these are not HRE programs per se, but

programs of civil law education, legal information, tolerance promotion, etc., which among other things include human rights issues. There is experience of launching such programs in the Krasnoyarsk Territory, in the Bryansk, Astrakhan, Sverdlovsk Regions, in the Altai and Primorsky Territories.

The institutions of the commissioner for human rights and the rights of the child have occupied their niche in spreading human rights knowledge in the Russian Federation. Although much work has been done, the modern reality requires more purposeful efforts specifically in HRE, and not in general dissemination of legal knowledge. This requires consolidating all interested participants, joining international initiatives, passing enactments that would provide a systemic footing for such activities. Adoption and implementation of HRE programs would make it possible to reinforce the principle of the rule of law, create an effective information and education system, while facilitating the formation of a culture of human rights, strengthening the underpinnings of a law-governed state, securing the constitutional rights and freedoms of Russian citizens, and improving Russia's prestige in the international arena.

#### **4.2. NGO activity in HRE**

*Human rights NGOs have a more consistent and dedicated HRE record than state structures. According to different estimates, there are between 250,000 and 350,000 NGOs in Russia, 7% of which are human rights NGOs.*

The leading Russian human rights defender organizations were formed between the late 1980s and the late 1990s.

Besides their core activities, human rights defenders engage in extensive informational and educational work. Various programs are primarily focused on raising the professionalism and qualifications of organization members, activists, and volunteers of the human rights movement. NGOs work with broad social groups. The overwhelming majority of organizations have their own information portals and websites.

Educational and informational projects are high on the agenda of the Moscow Helsinki Group (Chairperson Ludmila Alekseyeva), the Andrei Sakharov Museum and Public Center (director Yuri Samodurov until 2008), St.Petersburg Humanities and Political Science Center “Strategy” (head Alexander Sungurov), and the Youth Human Rights Movement (President Andrei Yurov).

Since the early 1990s, NGOs have conducted thousands of conferences, press conferences, roundtables, public hearings, seminars, sessions, courses, summer schools, and competitions for various social groups across Russia. According to some estimate, over 1,000 public theme events devoted to human rights take place in Russia each year. NGOs have published a vast amount of special literature on human rights.

Individual aspects of HRE are handled by various federal, regional, and local youth and educators’ associations. A contribution to spreading human rights knowledge is made by some 140 legal clinics at various universities and NGOs.

Several highly specialized NGOs have been launched in Russia over the past 15 years. The common tasks of these organizations are informing and teaching the population, primarily young people, about human rights, tolerance, non-violence, a culture of peace, and ideals of democracy and

humanism. These organizations fully correspond to the notion of “human rights organizations” established in the UN Declaration on Human Rights Defenders<sup>103</sup> and other international documents.

Russia does not have state structures and organizations with objectives, tasks and functions equivalent to those of non-governmental human rights education schools and institutions. The state is neither obligated nor capable of filling the rather narrow and specific niche of HRE. And yet this is not to say that the state should be eliminated from HRE: it still has to take care of the strategy and policy, fulfill international commitments, adopt laws, and create conditions for NGOs. Meanwhile, the non-governmental sector and civil society institutions can implement specific projects more effectively than the state institutions.

The forms of educational process organization are virtually common for all: short-term courses, seminars, trainings, workshops, summer schools, conferences, etc. All of them use interactive teaching methods and modern informational and technical means. A common feature of human rights schools and institutions are their funding sources. In the 1990s, the funding predominantly came from grants of international and foreign NGOs and different foundations. Activities have been financed by the UNDP, UN OHCHR, OUNHCR, UNAIDS, UNESCO, the Council of Europe, and the European Commission. Among the foundations, special mention should be made of the Open Society Institute (George Soros Foundation), IREX, National Endowment for Democracy, American Councils

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<sup>103</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. UN Document A/RES/53/144 dated March 8, 1999.

for International Education, Road of Liberty, the MATRA/KAP Program, Eurasia Foundations, John D. and Catherine T. MacArthur Foundation, Ford Foundation, British Council, Westminster Foundation for Democracy, Amnesty International, and others. In the 2000s, additional sources of funding came from regional projects to support social initiatives and NGO grants from the Russian President. Volunteers also provide a substantial in-kind contribution to NGO activities of various partner organizations.

Russia currently has several non-governmental institutions and human rights centers. However, their activities do not allow a comparison with other similar-titled institutions in Europe or the US. Russian organizations are way behind their foreign peers in both theory (research) and practice. While foreign institutions work “deeper”, Russian organizations work “broader” (in terms of reach and mass involvement of participants).

The general picture of NGO activities in HRE is made up of contributions by individual organizations.

### **Youth Center for Human Rights and Legal Culture (Moscow)**

The Center was established by the Moscow *Memorial* in 1992. The Center mostly works with teachers, schoolchildren, and students; organizations of young people and educators. One of the Center’s objectives is involvement of young people in human rights defense activities.

The Center has developed and published at least 15 teacher manuals on HRE at schools. The Russia Ministry of Education has recommended its *Human Rights* course for 5<sup>th</sup> to 8<sup>th</sup> graders.

In 2005, the Center’s activities focused on other tasks – to defend the principles of pluralism in education, the



secular nature of education, and to prevent the militarization of Russian society and schools.

Center Council Chairman – Vsevolod Lukhovitsky.

Website: <http://www.humanist.ru/about.html>

### **Moscow School of Human Rights (Moscow)**

The Moscow School of Human Rights (MSHR) is an independent noncommercial organization of supplementary education. Established in 1995, the School works with three main target groups:

- school teachers, teaching method counselors, teachers at professional advancement centers for educational workers;
- university instructors, postgraduate students, and students, staff of legal clinics;
- representatives of public organizations, human rights NGOs and governmental institutions, public servants, employees of international organizations.

The School carries out its activities in various forms. MSHR has organized and conducted over 30 international and national conferences, sessions, seminars, competitions, summer schools, etc. MSHR educational activities are accompanied by a large number of free handouts, books, information on CDs and DVDs (up to 200 items). MSHR activities stand out for their high levels of organization, contents, research and methods.

***International sessions.*** MSHR held annual International Sessions devoted to the contents and methods of HRE, democracy, a culture of peace, and tolerance. The sessions last for five days, drawing up to 200 participants from different countries. MSHR held 15 such sessions (the project was completed in 2005).

**Competitions.** MSHR has held three all-Russian competitions of human rights essays by schoolchildren and students.

**International human rights summer schools.** Since 2001, MSHR in partnership with various organizations conducts summer schools as part of the program titled *International and National Mechanisms of Protection of Human Rights and Freedoms*. Over 500 applications are submitted, and 25 applicants are selected for participation. So far 175 persons from 20 countries have completed summer school training. Summer schools last for two to three weeks. Classes are conducted by highly-skilled specialists of international and Russian organizations. Cooperation with universities makes it possible to issue official professional development certificates to participants completing the training. Test methods for evaluating knowledge have been developed.

**Publishing activities.** The School has published over 30 original teaching and methodical materials on human rights. A number of them have been translated into other languages.

**Human rights promotion.** MSHR has contributed to the development of the draft *Federal Concept to Ensure Human Rights and Freedoms Protection*. The School prepared the first version of *the Federal Targeted Program on Human Rights Education* and submitted it in 2000 for the consideration of the Russian President via Human Rights Commissioner Oleg Mironov. On three occasions in 2000-2005 the School prepared and submitted proposals to the Russian Ministry of Education to supplement or modify state educational standards so as to more appropriately reflect human rights issues.

**Internet listserv.** In 1999-2004, the School maintained an Internet listserv titled *Teaching Human Rights*,

*Democracy and Culture of Peace.* For five years some 850 recipients in 27 countries were updated on the events and issues; they discussed them and established contacts.

**Analysis.** In 1998, MSHR organized and conducted the *Russian National Scientific and Methodical Conference on Human Rights Education*. Since then, a special focus for the School is analysis of the condition of HRE in Russia, which also involves studying and spreading international experience.

**International connections.** Since day one, MSHR has been participating in efforts to organize and conduct summer schools, trainings, seminars, and courses on human rights in neighboring countries. The Schools has contacts with the relevant units at the UN, OUNHCR, UNDP, UNESCO, the Council of Europe, and numerous foreign NGOs and human rights centers.

**Recognition.** In 2004, MSHR Director Anatoly Azarov received Honorable Mentions of the UNESCO Prize for Human Rights Education.

School Director – Anatoly Azarov, Ph.D.

MSHR website: <http://www.mshr-ngo.ru/>

### **Human Rights Institute (Moscow)**

The Human Rights Institute was established in late 1996.

The HRI president is the famous public figure and human rights defender Sergei Kovalev.

Human rights information and education are the key lines of the Institute's work.

The Institute conducts hardly any public educational activities. The main form of its informational efforts is publishing human rights literature. HRI has published 25 issues of the *Russian Human Rights Bulletin*. The Institute publishes the Russian-language version of the *Interights*

*Bulletin.* HRI has developed a vast amount of literature available free of charge.

HRI Executive Director – Valentin Gefter.

Website: <http://www.hrights.ru/>

### **Primorskaya School of Human Rights (Vladivostok)**

The School was established in 1996. The School Charter envisage individual membership. So far some 200 educators are among its members.

The School operates on the basis of the Primorsky Institute for Retraining and Professional Advancement of Educational Workers. The School stages conferences, human rights activities, courses; provides instruction and counseling for teachers, parents, schoolchildren; publishes educational and methods literature.

Among its other projects, in 2006 the School implemented a multifaceted project in the environment of young people and educators, titled *Corruption: From Public Condemnation to Public Counteraction*.

The School is also committed to defending the rights of students, teachers, and parents.

Director – Tatyana Romanchenko, Ph.D. in History.

### **Human Rights Academy (Yekaterinburg)**

The Academy was established in 1997. Despite its name, the Academy did not engage in scholarly work or academy research.

Each year the Academy trained over 200 students.

Academy instructors prepared over 30 manuals (mainly focusing on the protection of rights in employment relations).

The Academy existed until 2002. It is unknown why the Academy stopped its activities.

Academy Rector – Sergei Beliaev.

Founder's website: <http://sutyajnik.ru/>

### **Ryazan School of Human Rights (Ryazan)**

The School was founded in 1997 by the Ryazan Historical Education Society *Memorial*. The School's main target groups are young people receiving education, leaders of student self-government bodies, educators.

Besides traditional activities (lectures, discussions, business games and role play, trainings, competitions, etc.) the School uses new forms of work. Since 2000, it holds the annual youth summer rights camp *Citizen of the World*. For three weeks, 30 schoolchildren travel down rivers of the *Meschiosrskiy* National Park. Democracy and human rights classes take place in an informal setting.

The Ryazan School of Human Rights has a public legal assistance office for the population.

Director – Sofia Ivanova.

Website: <http://www.shkolapprav.ryazan.ru/>

### **Civic Education and Human Rights Center (Perm)**

Established in 2003, the Center works mainly with school teachers and students of pedagogic colleges. In partnership with the Perm State Pedagogic University the center holds seminars and courses on human rights teaching. The Center stages human rights competitions among schoolchildren. It has implemented programs titled *Monitoring Respect for Human Rights in Perm Region Schools*, *Forming the Fundamentals of a Tolerance*.

The Center has published over twenty methods and reference manuals on human rights and civic education.

In 2006, the Perm Krai adopted the *Program to Develop Political Culture and Civic Education of the Population in 2007-2011*. The Civic Education and Human Rights Center had a significant influence on its development and adoption.

Center Director – Andrei Suslov, Doctor of Pedagogic Sciences. Website: <http://www.cgo.perm.ru/>

### **Paydoverov School of Human Rights (Yoshkar-ola, Mariy-El Republic)**

The School was established in 2002 and operated until mid-2005. The School in fact stopped its activities due with its director's relocation to a different city.

Its main target audience were senior students at comprehensive schools. The School started to accumulate valuable experience of work at village schools, while also conducting HRE activities among educators.

The School of Human Rights enjoyed support from the Republican Ministry of Education.

Director – Nadezhda Paydoverova.

### **Human Rights Institute (Moscow)**

In the late 1990s, the *Committee For Citizen Rights* (Chairman Andrei Babushkin) founded the *Human Rights Institute*. The Institute was conceived as a non-governmental institution of higher education to train legal experts specializing in human rights and human rights defense activities. However, the *Committee* lacked organizational, human, or financial resources to bring this idea to life.

### **Center to Promote Human Rights Education, Democracy and Culture of Peace (Moscow)**

In 1999, Vladimir Kartashkin, then Chairman of the Human Rights Commission under the Russian President, initiated the creation of the Center. In 2003, the Center

launched a new all-Russian journal of international law titled *International Lawyer*.

Executive director – Alexander Kopylov.

### **Ural School of Human Rights (Yekaterinburg)**

In 2005, the Humanitarian University of Yekaterinburg founded the Ural School of Human Rights (coordinator – Svetlana Glushkova, doctor of political sciences). After one year of work the School was transformed into the Human Rights Center at the University.

### **Human Rights and Democracy Institute (Moscow)**

The Institute was founded by Dmitry Shestakov in 1989 (in 1991 according to some sources). With the financial backing of the Council of Europe, the Institute held two or three conferences on European standards and mechanisms of human rights defense. Soon thereafter, Dmitry Shestakov abandoned HRE activities. In 1993, Shestakov formed the infamous Party of Beer Lovers, which tried to run for the Duma. After failing in the political realm, Shestakov switched to teaching at universities.

According to some sources, the Institute existed formally until 1997.

### **ANO Human Rights Institute (Moscow)**

The Autonomous Noncommercial Organization *Human Rights Institute* is a typical case of a GONGO<sup>104</sup>.

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<sup>104</sup> GONGO (Government Organized Non-Government Organization) – pseudo-NGOs directly established by government structures and working in the interests of the power and in support of the ruling regime. GONGOs imitate independent public activities and create the visibility of democracy. Quite often, the government funds such organizations or creates certain benefits for them.

The Institute was established in 2000 under the Russian Human Rights Commissioner Oleg Mironov. The former head of the International Unit at the Office of the Human Rights Commissioner, Kamilzhan Kalandarov, became the Institute's General Director. The Institute's activities over the last eight years resulted in only two conferences conducted jointly with the Russian Human Rights Commissioner with the funding of the Council of Europe, and publication of conference reports. The Institute did not engage in any other notable activities.

In 2001 Kalandarov failed to split the Council of Europe funding for the conference *Russia – Council of Europe. 5 Years Together*. “There was a very unpleasant incident, and we realized that we could not work with this man any more”<sup>105</sup>, Mr. Kalandarov tried to exonerate himself. The “doctor of human rights defender” rebelled against Doctor of Law Oleg Mironov and decided to go it alone. However, without the Commissioner's support this “human rights defense bubble” soon burst.

Mr. Kalandarov tried to build his political career in the human rights defense field for some time afterward. He was a member of the Human Rights Commission under the Russian President, vied for the position of the Human Rights Commissioner in 2003, and was a member of the Russian Public Chamber (2006-2007). Kalandarov is a self-proclaimed “human rights defender” and General Director of (a virtually existing) Human Rights Institute.

Institute General Director – Kamilzhan Kalandarov, Ph.D.

Website: <http://www.hrinststitute.ru/> (no longer available).

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<sup>105</sup> <http://www.viperson.ru/wind.php?ID=287595&soch=1#>



The Russian Federation is showing an intensifying tendency toward the creation of GONGOs – quasi-human rights defense organizations that are putatively engaged in HRE. The public organization *Human Rights Movement “Sopropivlenie” (Resistance)* was established in 2005. One of the lines of its work is information activity. In 2008, the Public Chamber of the Russian Federation forked over eight million rubles to *Resistance* for legal information activities.

The public **organization to promote the protection of citizen rights “Spravedlivost” (Justice)** was established in 2006. One of its tasks is to raise citizens’ legal awareness. (According to competent sources, *Spravedlivost* is a front for raider attacks)<sup>106</sup>.

In 2007, Public Chamber members founded the **Federal non-governmental organization “National human rights association Chelovek & Zakon (Person & Law)”**. The creation of the Association was supported by the party of power – *United Russia*. Its plans include “forming a positive image for Russian human rights defenders, who so far are undermining the pillars of the state and bring to life the interests of foreign organizations. The Association plans to recreate the patriotic and noble image of human rights defenders”. According to one of the organizers, A.Brod, pressure on those in power causes only tension, dissatisfaction and lack of understanding... **The Association’s task is primarily informational in nature. A network of consultancy centers should be opened across the country.** The association devoted the past year of its efforts to PR. Its informational efforts were restricted to the competition of cartoons titled *Russian Reality and Human Rights*<sup>107</sup>. It is hardly worth it to expect this

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<sup>106</sup> <http://www.regions.ru/news/2181916/>

<sup>107</sup> <http://caricatura.ru/konkurs/humanrights/rules/>

“ministry of state human rights defense” and GONGOs the likes of it to make an actual and real contribution to the cause of shaping the culture of human rights.

Association Chairman – RF Public Chamber member  
Vyacheslav Grib.

Website: <http://www.chelovekizakon.ru/>

Thus, the past 15 years show that Russia has innumerable NGOs that actually and effectively work for the benefit of defending the honor of individual, human rights and freedoms through education, professional training, and research in these areas. Meanwhile, there are people and GONGOs capitalizing on human rights and pursuing career goals. Those in power are creating a visibility of a human rights movement so as to show that not everybody takes a critical view of the power – reputed human rights defender Boris Pustyntsev thus evaluated the situation<sup>108</sup>. There are also your ordinary freeloaders, which are not as numerous.

The rise, peak and fall of NGO human rights schools and institutes activity happened in 1995 – 2000 – 2005, respectively. This process follows the dynamics of evolution of the human rights movement and civil society at large. The role of human rights NGOs is currently declining. This is cause for serious concern in terms of the prospects of civil society development: over the past 5-8 years Russia has not seen the creation of a single NGO focused on honest, open, and long-term HRE work. The concentration of the majority of leading Russian human rights NGOs in Moscow also indicates a weak potential in the Russian regions.

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<sup>108</sup> <http://www.svobodanews.ru/Article/2006/10/19/20061019122911903.html>

Existing organizations, much like the entire human rights defense community, is ageing physically, but there is no influx of young blood or a change of generations. The “social exhaustion” of the community, the civil passivity and apathy, and campaigns to discredit human rights defenders in the public eyes while substituting independent, voluntary associations with puppet structures, the financial uncertainty and instability of public organizations devoted to HRE so far offer no grounds for an optimistic outlook.

## **5. HIV/AIDS. PREVENTION EDUCATION**

The HIV/AIDS epidemic is traditionally believed to have started in the USSR in 1987. According to the Federal AIDS Center, the number of people living with HIV/AIDS in Russia at the end of 2007 was in the range of 940,050 to 1,080,625, or 1.2 to 1.4% of the population aged 15 to 49. According to UN data, Russia has one of the world’s highest HIV infection rates.

### **5.1. HIV/AIDS and Human Rights**

Global problems of humanity, such as terrorism and the spread of epidemics, which threaten to undermine social stability, are forcing us to reconsider the issue of a balance between the interests of the entire society, the public good, and rights of the individual. In the 1990s, publications on HIV/AIDS proposed revising certain human rights concepts in order to control the AIDS epidemic and save human lives. The importance of implementing international norms relating to human rights within the context of the HIV/AIDS epidemic has been set forth in all significant documents on this problem.

Convincing proof of the unseverable bond between respect for human rights and protection of the population's health has been the joint adoption by the Office of the High Commissioner for Human Rights (OHCHR) and the Joint United Nations Programme on HIV/AIDS (UNAIDS) of a complex of international guidelines.

The Second International Consultation on HIV/AIDS and Human Rights in 1996 developed the International Guidelines on HIV/AIDS and Human Rights<sup>109</sup>. The Guidelines have confirmed all the fundamental human rights in relation to people living with HIV. The purpose of these Guidelines is to assist the States in creating a positive, rights-based response to HIV that is effective in reducing the transmission and impact of HIV and AIDS and is consistent with human rights and fundamental freedoms.

In June 2001, the 26<sup>th</sup> special session of the UN General Assembly adopted the Declaration of Commitment on HIV/AIDS<sup>110</sup>. Respect for human rights is singled out in the Declaration as a required component of the overall strategy in the fight against the epidemic. The Declaration also focuses attention on improving information and education efforts. Although the Declaration is not a legally binding document, it still reflects the intention of the governments to fight HIV/AIDS and the obligations assumed by them to implement a comprehensive program of action at the international and national levels aimed at fighting this pandemic.

As part of this Declaration Russia has also assumed a number of obligations:

- to enact, strengthen or enforce as appropriate legislation, regulations and other measures to eliminate all forms of discrimination against, and to ensure the full

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<sup>109</sup> <http://www.aids.ru/law/un/index.shtml>

<sup>110</sup> <http://www.aids.ru/law/declaration.shtml>

enjoyment of all human rights and fundamental freedoms by people living with HIV/AIDS and members of vulnerable groups;

- to ensure their access to, inter alia education, inheritance, employment, health care, social and health services, prevention, support, treatment, information and legal protection, while respecting their privacy and confidentiality;

- develop strategies to combat stigma<sup>111</sup> and social exclusion connected with the epidemic.

In Russia, the situation of people living with HIV/AIDS is governed by several dozen laws and by-laws. Among them the following are noteworthy:

Federal Law of the Russian Federation dated March 30, 1995, No. 38-FZ “On the prevention of the spread in the Russian Federation of the disease caused by the human immunodeficiency virus (HIV infection)”, “The fundamentals of the legislation of the Russian Federation on the protection of citizens’ health” dated July 22, 1993, No. 5487-1 (hereafter the Fundamentals), as well as individual clauses of the Criminal, Labor, Housing, Family Codes, and the Code of Administrative Offences.

Both the Fundamentals and the Federal Law dated March 30, 1995, emphasize the significance of respect for human rights and freedoms in combating the epidemic.

The Federal Law “On the prevention of the spread in the Russian Federation of the disease caused by the human immunodeficiency virus (HIV infection)” accentuates effective prevention and declares social and medical

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<sup>111</sup> Stigmatization (from Greek *στίγμα* — mark, brand) — branding, applying a stigma. Unlike the word *branding*, the word *stigmatization* can refer to social labeling. In this sense, stigmatization means the association of any quality (normally, a negative one) with a specific person or group.

guarantees on the part of the state for people living with HIV. The Law states that individuals may submit to HIV testing on a voluntary basis only.

The Law not only underscores the significance of the protection of rights of individuals living with HIV, but also lists guarantees that the state must ensure<sup>112</sup>. They include such guarantees as:

- regular information of the population, including via the mass media, about available methods of HIV prevention;
- inclusion of topics on ethical and sexual education into curricula of educational institutions.

Under Article 5 of this Law, HIV-positive citizens of the Russian Federation on its territory shall enjoy all rights and freedoms and perform obligations under the Constitution of the Russian Federation, Russian federal legislation, and laws of regions of the Russian Federation. Only federal legislation may limit the rights and freedoms of Russian citizens in connection with their HIV-positive status.

The law limits only a small number of rights of people living with HIV. They are guaranteed the fundamental human rights, such as the right to life, the right to work and personal security, the right to security of one's housing, the right to free movement, and other indispensable human rights. They may not be prohibited from marrying, having and raising children, carrying out any civil law transactions or lead a social life. People living with HIV have only those rights limited where their realization threatens to cause other individuals to become infected with HIV. For

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<sup>112</sup> Federal Law *On the prevention of the spread in the Russian Federation of the disease caused by the human immunodeficiency virus (HIV infection)* No. 38-FZ dated March 30, 1995 (as amended in 1996).

example, HIV-positive individuals are prohibited from donating blood. Only federal legislation may impose a mandatory condition limiting the rights of people living with HIV.

In 2003, the Russian Federation established a national collective coordination and consultation agency – the Country Coordinating Mechanism to Fight AIDS and Tuberculosis in Russia (CCM). Russian Academy of Medical Sciences President V.I.Pokrovsky was appointed to head the CCM.

In 2006, the CCM approved the National Concept on Fighting the HIV/AIDS Epidemic in the Russian Federation (hereafter the Concept)<sup>113</sup>, which also underscores human rights as an important aspect of controlling the epidemic.

The Concept includes the principle of total equality of people living with HIV/AIDS in obtaining education, employment, social benefits, and medical services. The Concept emphasizes that efforts to prevent the spread of HIV infection and overcome the negative consequences of this spread are founded on respect for human rights. It emphasizes the significance of educational campaigns which should include elements of combating discrimination against people affected by the epidemic and vulnerable groups<sup>114</sup>.

Without a doubt, we should welcome the appearance of a document reflecting the position of the professional community. It is noteworthy, however, that the National Concept on Fighting the HIV/AIDS Epidemic in the Russian Federation is not a normative document, does not impose any obligations on anybody, does not have any implementation, financing, and control mechanisms, etc.

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<sup>113</sup> <http://www.hivrussia.ru/skm/concept.shtml>

<sup>114</sup> <http://www.hivrussia.ru/skm/concept.shtml>

## **5.2. Stigma and Discrimination**

As noted previously, Russia belongs to countries with the highest rates of HIV/AIDS epidemic spread. However, the understanding of this problem and measures undertaken by the state to address it are not always commensurate with the actual scale of the epidemic. In particular, this is evidenced by the high level of stigma and discrimination against people living with HIV as one of the most acute social consequences of the epidemic. These phenomena adversely affect the possibilities for controlling the epidemic and slowing down the rate of its spread.

The state policy, which has shaped the society's attitude toward the problem of HIV/AIDS, and the position adopted by the mass media have contributed to a situation where, with the first cases of HIV infection in the country, society started to grow confident that the virus threatens only "marginal" groups and people of nontraditional sexual orientation, while not affecting the mainstream population. Authors of media publications and articles used such expressions as "risk groups" and such discriminatory labels as "homosexuals", "prostitutes", "drug addicts", etc. Menacing headlines in the mass media - "AIDS – the Plague of the 20<sup>th</sup> Century", "AIDS Terrorism", "The American Syndrome", "AIDS Carrier", "Plague from the West" – only fanned the fears, contributing to a negative attitude toward HIV-positive individuals. The absence of reliable information fed this fear, breeding stigma and discrimination. Society formed the basic stereotypes and myths about AIDS, which survive to this day.

Enactments passed at the time of the first cases of HIV infection on USSR territory reflected the attitude of the state to this problem, laying the groundwork for misconceptions about HIV/AIDS and shaping society's overall attitude toward HIV-positive individuals.



The title of the order by the Health Ministry of the USSR dated June 10, 1985, No. 776 “On the organization of the search for AIDS-infected individuals and screening of donors for the AIDS virus” indicates the “police” approach of the state toward people living with AIDS, engendering suspicion and an attitude toward such people as if they were a kind of criminals.

In 1987, the Presidium of the Supreme Council of the USSR passed the Decree “On measures to prevent the infection with the AIDS virus”, which regulated public relations in this sphere.

The Decree states that USSR citizens, international citizens and individuals without citizenship residing or staying on USSR territory may be obligated to undergo medical tests for the AIDS virus. International citizens refusing to take such a test were to be deported from the USSR.

That same year, the Russian SFSR introduced criminal liability for persons knowingly passing HIV infection to another person.

Only 1990 saw the adoption of the USSR Law “On the Prevention of AIDS”. The Law stipulated anonymous HIV testing, obligated medical workers and other persons to keep secret the information about the HIV test and its results. The Law also envisioned for the first time the possibility to seek court protection. This Law for the first time stipulated the inadmissibility of discrimination against HIV-positive individuals: a prohibition to dismiss or refuse to hire such workers, admit them to healthcare or educational institutions, etc.

In 1994, criminal legislation introduced liability for violations of sanitary and epidemiological rules that may result in HIV infection.

As a rule, discrimination against people living with HIV in Russia is of concealed nature. Quite often, people committing it do not even realize it. Worse still, people suffering from such discrimination may not be aware of it themselves. The fates of HIV-positive individuals are alike: impossibility to find employment or receive education, disclosure of their diagnosis by medical personnel, refusal by doctors to provide urgent and required services at general healthcare institutions, dismissals, difficulty getting children admitted to kindergartens, a hostile attitude from society. Practice knows cases when applicants for jobs at hotels, restaurants, canteens, transport enterprises, kindergartens and schools are required to pass an HIV test.

Protection from discrimination against people living with HIV is provided on general terms via the judicial system. Out-of-court mechanisms include Commissioners for Human Rights, the Public Chamber of the Russian Federation, human rights NGOs dealing with discrimination against people living with HIV. No records of cases of discrimination against people living with HIV are kept at the state level. Attempts at such monitoring are made by public organizations. However, they are unable to present a full picture.

Recent years saw a number of studies that analyzed the level of both stigma and discrimination against people living with HIV.

In 2004-2005, the Moscow Helsinki Group (MHG) implemented the project titled “*HIV/AIDS prevention: monitoring the situation with the observance of rights of people living with HIV/AIDS*”. The project was aimed at analyzing Russian legislation in this sphere in order to identify discriminatory norms with respect to people living with HIV, their legal status, and presence of discriminatory practices.

Analysis of respondents' answers showed that people living with HIV, representatives of NGOs dealing with HIV/AIDS, and people affected by the epidemic report a high level of discrimination against themselves, citing multiple examples of discrimination.

In 2003, AIDS Foundation East-West commissioned a survey titled *“Awareness of HIV infection, AIDS, and attitude toward people living with HIV/AIDS”* conducted by Validata sociological company. The objective of the survey was to determine the degree of awareness of the Moscow population about HIV infection and AIDS and the attitude toward people living with HIV<sup>115</sup>.

The survey showed that, overall, the respondents are well informed about the real ways of HIV transmission. Wrong ideas about the ways of HIV transmission cause fear of contacts with HIV-positive individuals and manifestations of stigma. The survey showed that the population is intolerant of people living with HIV. Over one half of all respondents (54%) are apprehensive of such people, and close to one half of those polled agreed that the state must isolate HIV-positive individuals from society. Most people associate HIV status with a specific lifestyle, which also contributes to a stereotypically negative attitude toward people living with HIV.

In 2005, on the eve of World AIDS Day, the Russian Public Opinion Research Center presented data on the level of Russians' tolerance of HIV-positive individuals. The researchers believe that the level of respondents' tolerance increased in the space of one year. There is a higher percentage of those who see nothing wrong about living next to an HIV-positive neighbor (from 30 to 38%), work with one (from 26 to 33%), care for an HIV-positive relative (from 21% to 29%).

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<sup>115</sup> Full report is available at: [www.afew.org](http://www.afew.org) and [www.focus-media.ru](http://www.focus-media.ru)

In 2005, the Sociological Studies Center of the Russian Ministry of Education and Science researched the degree of students' tolerance of HIV-positive individuals (hereafter the F.Sheregi survey)<sup>116</sup>. The survey covered 2,400 respondents, including students, parents, and teachers of secondary schools. The objective was to determine existing attitudes and stereotypes and the degree of tolerance of HIV-positive individuals.

As part of this project “Human Rights Education in the Russian Federation...”, in 2008 the Moscow School of Human Rights conducted a public opinion poll, which included questions relating to the level of tolerance toward people living with HIV (hereafter the Moscow School of Human Rights survey). The survey covered 2,340 respondents. The questionnaire section relating to HIV/AIDS was prepared in such a way as to trace the dynamics of the situation revealed by the study of students' tolerance toward HIV-positive individuals, conducted by F.Sheregi. However, the results can be only relatively comparable because of the differences between the social groups surveyed. Specifically, in the survey by the Sociological Research Center (F.Sheregi survey) the category of “Schoolchildren” encompassed students of all grades in elementary and secondary schools, students of secondary and higher institutions of vocational training. The “Teachers” category included teachers of secondary schools, and the “Parents” category included parents of schoolchildren in grades 1 through 5.

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<sup>116</sup> Sheregi F.E. Problems of shaping a tolerant attitude toward HIV-positive individuals in the educational environment: Sociological analysis. – Moscow: Sociological Studies Center, 2005 and <http://www.aids.md/files/library/2005/988/sociological-analysis-tolerance-toward-plhiv-ru.pdf>

Meanwhile, the survey of the Moscow School of Human Rights covered only students of senior grades in secondary schools (grades 10 and 11) – “Schoolchildren” category; students of various universities and colleges - “Students” category. “Educators” were surveyed separately – human rights teachers in 33 cities of 23 Russian regions (school teachers, university instructors, members of human rights protection NGOs, and employees of governmental human rights protection institutions teaching human rights). They were asked questions relating to certain aspects of their study of human rights and the problems of HIV/AIDS prevention.

In the F.Sheregi survey, 24.3% of the teachers believe that the degree of discrimination against HIV-positive individuals in Russia is quite high; 64.3% believe that such people experience discrimination; 17.1% believe they are not discriminated against.

According to the Moscow School of Human Rights survey, 44.2% of educators believe that people living with HIV/AIDS in Russia are discriminated against to a large extent and have their rights infringed upon. 25.3% of those polled believe that they are discriminated against, but only to a small degree, while 7.1% believe there is no discrimination against people living with HIV in Russia and that their rights are not violated. This means that the pedagogic community takes a critical view of the population’s tolerance of HIV-positive individuals and that their assessments show a rising level of discrimination.

In the Moscow School of Human Rights survey, when asked the question “Do you believe Russia has laws and provisions protecting people living with HIV/AIDS from discrimination?”, 54.9% of schoolchildren and less than one half (42.3%) of students said that Russia has such laws and

provisions. It is possible to assume that students studying both legal disciplines and other widespread economic and management disciplines do not receive in their educational process accurate information on the problem of legislative regulation of the status of citizens living with HIV/AIDS.

The F.Sheregi survey asked questions about how people should feel about individuals living with HIV/AIDS (they were offered a choice of empathy, compassion, pity, revulsion, contempt). About one half of those polled said that such people deserve empathy, while roughly twice as few respondents mentioned compassion. Schoolchildren show a fairly high percentage of those feeling contempt. This percentage is noticeably lower among teachers and parents.

Table 1

**What emotions should people feel toward individuals living with HIV/AIDS – F.Sheregi survey – 2005, %**

Attitude	School-children	Teachers	Parents
Compassion	23.5	39.3	34.0
Empathy	45.6	47.1	44.7
Pity	28.7	20.0	19.9
Revulsion	8.0	5.7	6.4
Contempt	4.7	2.1	2.1

Three years later, in 2008, the same questions were posed in the Moscow School of Human Rights survey. The respondents' answers were distributed as shown in Table 2.

Table 2

**What emotions should people feel toward individuals living with HIV/AIDS – Moscow School of Human Rights survey – 2008, %**

Attitude	School-children	Students	Educators
Compassion	24.0	21.9	37.1
Empathy	54.6	57.4	51.0
Pity	16.8	16.2	7.9
Revulsion	2.7	2.6	0.7
Contempt	1.9	1.9	3.3

The majority (54.6%) of senior grade schoolchildren and 57.4% of students said that such people deserve *empathy*, but twice as few schoolchildren (24.0%) and students (21.9%) said they deserved *compassion*.

Compared to the data of the F.Sheregi survey, there is a higher number of respondents who mentioned empathy among the feelings toward such people. This could mean that people are starting to show more understanding for their status and see them not merely as representatives of marginal social groups.

Answers to the question “What is your attitude toward people living with HIV/AIDS and their rights?” distributed as follows:

Table 3

**Attitude toward HIV-positive individuals among those who had or did not have contacts with them – F.Sheregi survey – 2005, %**

Attitude	School-children	Teachers	Parents
Believe that HIV-positive individuals are ordinary people like everybody else, that they should live a full life among people, and that it is possible to come into contact and be friends with them	14.2	17.9	16.3
Believe that HIV-positive individuals deserve to study and work in an ordinary setting, but care should be exercised when coming into contact with them	45.4	50.0	51.1
Do not mind HIV-positive individuals going to the movies, using public transport, but would not like to study or work with them in the same setting	17.5	23.6	12.8
Believe that separate education and working conditions should be created for HIV-positive individuals to ensure they have fewer contacts with healthy people	16.5	5.7	14.9
Believe that HIV-positive individuals should be quarantined and prevented from contacting healthy people	6.4	2.8	4.9
Total	100	100	100



Table 4

**Attitude toward HIV-positive individuals among those who had or did not have contacts with them. Replies by schoolchildren – the Moscow School of Human Rights survey – 2008, %**

Answers	had contacts		did not have contacts	
	Num-ber	%	Num-ber	%
They have the same rights as do ordinary people	56	41.8	436	47.1
They can lead an ordinary life, but care should be exercised when coming into contact with them	55	41.0	301	32.5
I would not like to study or work with them	9	6.7	87	9.4
Their contacts with healthy people should be limited	6	4.5	65	7.0
Their rights should be limited, and they should be prevented from contacting healthy people	8	6.0	36	3.9
Total	134	100.0	925	100.0

Table 5

**Attitude toward HIV-positive individuals among those who had or did not have contacts with them. Replies by students – the Moscow School of Human Rights survey – 2008, %**

Answers	had contacts		did not have contacts	
	Number	%	Number	%
They have the same rights as do ordinary people	21	21.4	286	36.2
They can lead an ordinary life, but care should be exercised when coming into contact with them	29	29.6	255	32.2
I would not like to study or work with them	18	18.4	103	13.0
Their contacts with healthy people should be limited	10	10.2	68	8.6
Their rights should be limited, and they should be prevented from contacting healthy people	20	20.4	79	10.0
Total	98	100.0	791	100.0

Table 6

**Attitude toward HIV-positive individuals among those who had or did not have contacts with them. Replies by teachers – the Moscow School of Human Rights survey – 2008, %**

Answers	had contacts		did not have contacts	
	Number	%	Number	%
They have the same rights as do ordinary people	20	62.5	70	66.7
They can lead an ordinary life, but care should be exercised when coming into contact with them	5	15.6	26	24.8
I would not like to study or work with them	3	9.4	5	4.8
Their contacts with healthy people should be limited	3	9.4	4	3.8
Their rights should be limited, and they should be prevented from contacting healthy people	1	3.1	0	0
Total	32	100.0	105	100.0

Upon borrowing the questionnaire from the F.Sheregi survey, experts hypothesized that the people who had contacts with HIV-positive individuals may have different attitudes compared to people who did not have such contacts. As shown by the data in Table 5, in the survey sample the number of students who had contacts with such people is roughly 7-8 times higher than the number of those who did not. Respondents who did not have contacts with HIV-positive individuals are less frequently in favor of limitations on their rights as compared to those who had such contacts. However, statistical comparisons of the answers by students who had or did not have contacts with people living with HIV using the Wilcoxon criterion show that there are no significant statistical differences between the opinions of the first and second categories of students. It is safe to assume that the students' attitude toward HIV-positive individuals is affected more significantly not by their personal experience, but by their social surroundings and norms and rules of conduct established in society. In the majority of cases, students adopt such norms in the form of either soft ("care should be exercised when contacting them") or hard limitations on rights and freedoms of people living with HIV ("would not like to study or work with them", their contacts with healthy people should be limited or prevented altogether). It is worth testing this hypothesis in subsequent studies.

This data prompts an assumption that society is showing trends toward a more tolerant attitude toward individuals living with HIV. The percentage of people who fear such contacts is declining, albeit at a very slow rate. Respondents believe that the level of discrimination against people living with HIV is high and human rights of people living with HIV are not respected in our country. The public

consciousness has deeply ingrained stereotypes that lead to stigma and discrimination.

What are the causes of such a low level of tolerance in Russian society toward HIV-positive individuals and the resulting manifestations of discrimination? Why is it that despite the fact that human rights of people living with HIV are stipulated in international and Russian documents and discrimination against them is prohibited, such people and their relatives constantly face discriminatory practices?

The results of previously examined surveys prompt the conclusion that the main cause is low awareness of society. Human rights within the context of the HIV/AIDS epidemic cannot be respected unless there are conditions for free dissemination of and access to information. Analysis of several opinion polls shows that nowadays an important role in HIV/AIDS prevention belongs to information channels for broadcasting credible information on the issue.

For example, the main objective of a survey conducted by Transatlantic Partners Against AIDS as part of the Stop AIDS campaign was to divulge the sources of information on the problem of HIV/AIDS, find out the attitude to such information, and the result of its dissemination. The results of this survey present the fullest picture of how Russian society is informed about these issues.

The survey results prompt a conclusion that respondents are most likely to trust such information received via the television, with three quarters (75%) naming this source. The second most trusted source of information are healthcare institutions, with every second respondent (50%) naming this channel. Newspapers are the third most trusted source, with one in four respondents (28%) naming this source.

The respondents are most distrustful of information on posters or leaflets distributed in the streets.

What kind of an image of an HIV-positive individual is created by such information? Researchers point out that the majority of respondents believe that they are mainly young men, representatives of creative professions, people of nontraditional sexual orientation, who use drugs and live in major cities. Also quite widespread are ideas of HIV-positive individuals as people leading an unhealthy lifestyle – people engaged in prostitution, the homeless, and neglected children.

In 2006, 200 million rubles was allocated for prevention as part of the priority national project “Health”. The program identified four key directions requiring an immediate solution and planned appropriate volumes of funding, including for:

- measures aimed at informing and teaching the population, information campaigns using all forms of mass communications, including federal and regional television, print media, outdoor advertising – 120 million rubles;

- a complex of measures to reduce discrimination and raise tolerance toward people living with HIV/AIDS and their family members, and get such people involved in raising adherence to antiretroviral therapy – 10 million rubles.

V.V.Pokrovsky used rather harsh wording to express his feelings about prevention and information efforts underway in the country while speaking at a press conference devoted to World AIDS Day (December 1, 2007). “What is currently being done in Russia for prevention is formal in nature. A televised program aired once a week on TNT on Friday at 8:30 a.m., several hundred thousand booklets of questionable content – this is the full scope of ‘prevention work’ carried out with federal

money in 2006. Even less attention to prevention is paid by local authorities in the regions, which, with rare exceptions, receive no money for prevention. Also active in Russia are forces creating obstacles for normal prevention of the disease. In Moscow, for example, active campaign is underway against the use of condoms – the only means of protection available to the population. Meanwhile, the ATV (Author Television) TV studio is trying to prove that HIV/AIDS does not exist at all”<sup>117</sup>.

Therefore, all surveys confirm that the information that is available is insufficient to shape in society an adequate understanding of the problem of HIV/AIDS and the status of HIV-positive individuals. Systematic, credible and impartial information on problems relating to HIV/AIDS could bring down the level of discrimination. Raising the awareness of Russian society at large and the youth in particular on these issues, including information on the rights of people living with HIV, should be an integral component of prevention programs underway.

### **5.3. Prevention Education in HIV/AIDS**

“By HIV/AIDS prevention education, UNESCO means offering learning opportunities for all to develop the knowledge, skills, competencies, values and attitudes that will limit the transmission and impact of the pandemic, including through access to care and counseling and education for treatment. UNESCO also seeks, through improved prevention and planning, to limit the impact of HIV/AIDS on the education sector, thereby preserving the core functions of the education systems”<sup>118</sup>.

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<sup>117</sup> <http://www.pallcare.ru/ru/?p=1190469784>

<sup>118</sup> UNESCO’s Strategy for HIV/AIDS Prevention Education, Publication, 2004.

Even though in 1993 the Supreme Soviet of the Russian Federation adopted the first national program to prevent and fight AIDS – Anti-HIV/AIDS, prevention education in this sphere did not receive sufficient attention in the first years of the epidemic in Russia. This is due to the fact that the problems of HIV/AIDS were prejudicially associated with casual sex and the fact that any mention of sexual health within the walls of Russian educational institutions received powerful opposition from the Russian education system. In the late 1990s, 50 study programs, textbooks and manuals on biology, fundamentals of the safety of living, the history and subjects of social science cycle, and literature for grades 5 through 9 underwent an expert examination meant to analyze their contents in terms of sexual education, with an examination report prepared for each discipline. The report emphasized that modern textbooks are virtually devoid of the definition of reproductive health, notions of psychological assistance and support, information on ways to express compassion and support toward people living with HIV, or information on a number of sexually transmitted diseases.

In 1998-1999, the Russian Education Ministry included the topics of AIDS and prevention in the “Biology” and “Fundamentals of the Safety of Living” courses.

In 2000, the Russian Health Ministry jointly with the Education Ministry decided to take urgent steps to introduce special education programs on combating the spread of drug addiction and HIV prevention among teenagers and youth and a propaganda of a healthy lifestyle.

Since July 2005, Russia started implementing a UNAIDS-supported initiative titled Three Ones Key Principles – Coordination of National Responses to HIV/AIDS in the Russian Federation. The objective of the



initiative is to promote higher effectiveness of the fight against the HIV/AIDS epidemic through improving coordination and expanding inter-sector cooperation.

Cooperation between the Russian Ministry of Education and Science and UNESCO in 2005 resulted in the preparation of the “Concept of Prevention Education in HIV/AIDS Prevention in the Academic Environment”<sup>119</sup> (hereafter the Concept).

The principle of respect for human rights was introduced among the basic principles of organizing HIV/AIDS prevention education in the academic environment.

The Concept objectives are to form priority lines of HIV prevention education in the academic environment, work out a single strategy for the organization of such training as part of interdepartmental cooperation of involved ministries and departments, create a platform for the organization of HIV prevention education by state authorities, local administrations, international organizations, public associations; to create a system for monitoring AIDS prevention in the Russian Federation and its regions.

Under the Concept, the key lines of AIDS prevention education in the academic environment are HIV awareness and information, teaching responsible behavior to children and youth, forming conditions contributing to prevention activities.

In the 2006/2007 Country Progress Report of the Russian Federation as part of the Declaration of Commitment on HIV/AIDS presented at the UN General Assembly in June 2008, the chapter devoted to prevention provides data and sums up some results of HIV/AIDS

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<sup>119</sup> [http://www.projects.innovbusiness.ru/pravo/DocumShow\\_DocumID\\_109971.html](http://www.projects.innovbusiness.ru/pravo/DocumShow_DocumID_109971.html)

prevention activities aimed, among other things, at information and minimization of stigma and discrimination<sup>120</sup>.

In the Moscow School of Human Rights survey, schoolchildren and students were asked the question: “Did your educational institution conduct any classes, programs to raise the level of tolerance among educational process participants toward people living with HIV/AIDS and prevention of discrimination against them?” This data is presented in Table 7.

Table 7

**Did your educational institution conduct any classes, programs to raise the level of tolerance among educational process participants toward people living with HIV/AIDS and prevention of discrimination against them?**

Answers	Schoolchildren		Students	
	Number	%	Number	%
Yes	532	44.7	208	22.9
No	483	40.6	495	54.4
Hard to say	175	14.7	207	22.7
Total	1,190	100.0	910	100.0

44.7% of schoolchildren and 22.9% of students believe that they received instruction on the problems of HIV/AIDS (possibly also on issues of tolerance toward individuals living with HIV). Those who believe that they received no such instruction or could not answer this question (apparently, the respondents have no memory of

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<sup>120</sup> [http://www.infomio.ru/files/fileex/ungass\\_report\\_ru\\_web\\_2006.pdf](http://www.infomio.ru/files/fileex/ungass_report_ru_web_2006.pdf)

such classes) jointly make up the overwhelming majority – 55.3% of schoolchildren and 77.1% of students.

The overall picture of the involvement of schoolchildren and students in HIV/AIDS prevention education and formation of a tolerant attitude toward people living with HIV is alarming and represents major omissions by the state. Young people represent a community organized by the system of educational institutions. In this community it is possible to plan and carry out various information, dissemination, and education measures. It is altogether impossible to exert a systematic positive influence aimed at raising tolerance among young people outside of school or university walls (meaning neglected and homeless children, jobless and unemployed young people, young people employed at different enterprises that by definition do not conduct any prevention education activities).

It is safe to conclude that the situation is changing at an extremely slow rate. There is still a fair amount of opposition on the part of representatives of government structures to the introduction of topics relating to gender and sexual behavior in the system of education, especially at secondary schools.

A large number of prevention programs are carried out by NGOs that have experience in this sphere and access to target groups. However, there is obviously insufficient joint participation by governmental and non-governmental organizations in the development and implementation of campaigns to combat discrimination against people living with HIV/AIDS. Public and noncommercial structures are not involved in the implementation of state-sponsored projects. The percentage of state funding in the budgets of noncommercial organizations is low. At the same time, Russian noncommercial organizations operate actively

using resources made available by international foundations. According to the UNAIDS program, in 2004 a total of 186 international projects worth some \$51 million (excluding the World Bank and Global Fund project) were financed in Russia. Government structures should use existing methods of noncommercial organizations in developing new prevention strategies as well as support activities of such organizations.

#### **5.4. Educational Programs. Teaching Guidelines**

In recent years, various programs and projects financed by both the federal and regional budgets and international donors have published teaching guidelines, textbooks and manuals focusing on various social groups and meant to slow down the spread of the HIV/AIDS epidemic in Russia. On many occasions the problems of methodical support for HIV/AIDS prevention education in the academic environment have been examined as part of special forums and analytical projects. Especially noteworthy is the contribution by UNESCO as an agency responsible for education as part of the UNAIDS program, initiating and supporting Russian organizations in their efforts to develop educational programs for HIV/AIDS prevention instruction, as well as analytical research along these lines.

For example, in 2004 the UNESCO Moscow Office and the Moscow Education Department initiated and supported an international seminar titled Challenges of the 21<sup>st</sup> century. HIV/AIDS Prevention in Educational Programs for Children and Youth<sup>121</sup>. In 2006, the

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<sup>121</sup> Analysis of educational and information programs in HIV/AIDS prevention in Russia. Etnosfera Center for International Education, Moscow: 2004.

Department for State Youth Policy, Upbringing and Social Protection of Children jointly with the UNESCO Moscow Office and other organizations conducted in Moscow the All-Russian Conference on HIV/AIDS Prevention in the Academic Environment<sup>122</sup>. In 2007, the UNESCO Moscow Office financed a project to monitor federal and regional programs aimed at HIV prevention in the system of education<sup>123</sup>. In the spring of 2008, Moscow hosted an international meeting devoted to HIV prevention using educational means under the auspices of the UNESCO Moscow Office and the Moscow Education Department<sup>124</sup>.

A general overview of analytical materials shows that even though the principle of respect for human rights has been incorporated into basic principles of organization of HIV/AIDS prevention education, the main objective of HIV/AIDS courses is to inform students about ways of HIV transmission and means of prevention. Notably, the focus is on the moral and ethical aspect of the issue, not on practical recommendations. Quite often, education is dominated only by moral and ethical upbringing, a propaganda of a healthy lifestyle.

For example, the Moscow Education Department has adopted a position to the effect that organization of prevention work aimed at a healthy lifestyle involves a comprehensive approach to addressing moral education and

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<sup>122</sup> <http://www.mon.gov.ru/work/vosp/dok/3114/>

<sup>123</sup> Monitoring of federal and regional programs aimed at HIV prevention in the system of education. Moscow, 2007., [http://www.unesco.ru/files/docs/educ/2007/publications/monitoring\\_hiv\\_aids\\_2007.pdf](http://www.unesco.ru/files/docs/educ/2007/publications/monitoring_hiv_aids_2007.pdf)

<sup>124</sup> HIV prevention using educational means. Collection of materials of the International Meeting “HIV Prevention using educational means: methods, problems, and prospects of international cooperation”. Moscow: Etnosfera publishing house, 2008.

psychological, medical and pedagogical objectives in all major spheres of activity of children, teenagers, and youth, including prevention of asocial behavior of children and youth through physical culture and sports. Without questioning the need for a comprehensive approach to HIV/AIDS prevention, we are forced to state that amidst all of this “comprehensiveness” no attention is paid to educational components aimed at reducing stigma and discrimination, forming a tolerant attitude toward people living with HIV, and exercising rights of HIV-positive individuals.

This shortcoming is present not just in the “Moscow approach”. Analysis of educational and information programs in HIV/AIDS prevention for students in the regions shows that they (with rare exceptions) do not cover the problems of stigma, discrimination, and a tolerant attitude toward people living with HIV.

Since 2004, the UNESCO Moscow Office is funding the development of programs and trainings for pedagogic universities and institutions of advanced professional training on HIV/AIDS prevention. The Russian Ministry of Education and Science is involved in this work. In 2007, a team supervised by Professor L.M.Shipitsina prepared a teaching guidelines set of five books under a common title of “Prevention of HIV Infection Among Minors in the Academic Environment”. The course is intended for teaching students at pedagogic universities.

The overly optimistic report by the authors of the Monitoring of Federal and Regional Programs Aimed at HIV Prevention in the System of Education has been received with a great deal of skepticism. According to this survey, in 32 regions (out of 41 regions covered by the survey) educators (teachers, homeroom teachers, social pedagogues) and medical workers of educational

institutions are acquiring additional knowledge and skills required for HIV prevention education on the basis of regional institutions of advanced professional training for educational workers. Over 40,000 educational workers completed advanced training in 2006-2007<sup>125</sup>.

A random review of advanced training plans for the academic years 2006-2007 and 2008-2009 for educators and administrative workers of institutions and organizations in the system of education at more than ten regional Institutes of Advanced Training (in Saratov, Novosibirsk, Karelia, Murmansk, Irkutsk, Kurgan, etc.) has shown that no seminars, courses, or programs in HIV/AIDS prevention whatsoever (to say nothing of stigma and discrimination prevention programs!) have been conducted or planned for any category of educational workers. Even in St. Petersburg, Sverdlovsk, and Moscow Regions, which are the top three regions with the largest number of registered cases of HIV infection, Institutes of Advanced Training do not carry out any special instructional activities in this sphere for educators<sup>126</sup>:

The position of other educational structures proves to be quite inconsistent in practice and does not correspond to the state's tasks of overcoming stigmatization and discrimination against people living with HIV. For example, the Federal AIDS Center conducts certification cycles of advanced training for doctors dealing with HIV

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<sup>125</sup> Monitoring of federal and regional programs aimed at HIV prevention in the system of education. Moscow, 2007., [http://www.unesco.ru/files/docs/educ/2007/publications/monitoring\\_hiv\\_aids\\_2007.pdf](http://www.unesco.ru/files/docs/educ/2007/publications/monitoring_hiv_aids_2007.pdf)

<sup>126</sup> See: List of educational programs and seminars of additional professional training implemented by the Institute for the Development of Regional Education in the 2008-2009 academic year. Yekaterinburg, 2008; Schedule of advanced training courses at the Leningrad Regional Institute for Development of Education: <http://www.loiro.ru/info/info.shtml>

infection. In the past six years, over 400 doctors completed training in Epidemiology and Infectious Diseases. The programs of both courses have 144 hours each <sup>127</sup>. Yet not a single hour or minute was devoted to the problems of discrimination and stigmatization of people living with AIDS, human rights in connection with HIV/AIDS problems, patient's rights, and patient confidentiality. At the same time, as is known from and confirmed by numerous studies, medical workers are the major source of violations of the rights of people living with HIV.

To all appearances, there is still a long way off from laws of the Russian Federation, international obligations, correctly-worded Concepts and assurances of commitment to human rights to real education and cultivation in educators and medical workers of a tolerant attitude toward people living with HIV.

### **5.5. Information Campaigns**

The efforts by the Russian system of education in raising awareness of HIV/AIDS problems and rights of people living with HIV are obviously insufficient. Shifts in this sphere have mainly occurred thanks to multiple information campaigns carried out with the money provided by both the state and international foundations.

Two information campaigns have been carried out as part of a national project to raise awareness of the population: "You have the right to know how to protect yourself from HIV infection" (2006) and "Stay in touch with your health!" (2007). According to a leading media research company Gallup Media, in 2006 information campaigns covered 25 million persons and 50 million in

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<sup>127</sup> See: <http://www.hivrussia.ru/education/01.shtml>  
and <http://www.hivrussia.ru/education/02.shtml>



2007. Videos were broadcast via federal and regional channels.

Since 2004, a consortium of five Russian and international NGOs in 10 administrative regions of Russia started implementing the GLOBUS project (Global Efforts Against AIDS in Russia, 2004-2009) funded with the grants of the Global Fund to Fight AIDS, Tuberculosis and Malaria. The project has seen successful implementation of a program to prevent HIV infection, which currently encompasses over 45,000 representatives of vulnerable groups, which include injecting drug users (IDUs), commercial sex workers (CSR), and prison inmates.

Another major project of the Global Fund is a project titled *Development of the Treatment Strategy of People Vulnerable to HIV/AIDS in the Russian Federation*. In 2007, the Russian Healthcare Foundation implemented the Program in 16 Russian regions most afflicted by the HIV infection, which are home to 40% of the country's population.

The information and communication campaign titled *Stay Human!* launched in November 2007 was also developed and implemented by Focus Media as part of the GLOBUS project. The campaign was mostly aimed at reducing stigma and discrimination against people living with HIV.

Evaluation of the results of such campaigns shows that they have a positive effect on the target groups. The public has started to discuss these problems and less risky sexual behavior in a calmer tone, and there is a lower level of aggression directed at HIV-positive individuals.

## **5.6. Conclusions and Recommendations**

The preceding information prompts the conclusion that both governmental and non-governmental structures have been working for many years on HIV/AIDS prevention education. Considerable funding is provided for education in this sphere. Still, there are reasons to speak of insufficient coverage of the population, including vulnerable groups, with comprehensive prevention programs, including programs to reduce stigma and discrimination. There remain a number of spheres in which human rights violations make it impossible for representatives of vulnerable groups to get protection from HIV infection and where people living with AIDS cannot receive protection from discrimination and arbitrariness.

By this we mean opposition from representatives of the system of education, persecution by the police, and other factors limiting the accessibility of HIV prevention measures, the persecution of drug users in the law enforcement system in general, the absence of prevention means for drug users in the penitentiary system, as well as discrimination due to social misconceptions about HIV/AIDS. It is quite obvious that it is impossible to conduct planning and implementation of programs to combat AIDS without the involvement of representatives of different social groups in this process.

At the current stage the Russian Federation needs to:

- Make the HIV/AIDS problem one of the priorities in the public policy at the level of the country's top leaders. Without the support of the Russian President and Prime Minister, it is impossible to hope for a reduction in stigmatization and discrimination against people living with HIV.
- Respect and ensure the right of the Russian population to receive full information on HIV/AIDS,

including about ways of HIV transmission, and about the possibility to fight stigmatization of people living with HIV.

- Ensure measures to prevent the spread of HIV infection and overcome the negative consequences of the spread of HIV are founded on the respect for human rights and implemented through interaction of government agencies, international, public, noncommercial, and private organizations and individual citizens, including persons living with HIV.

- Continue developing and introducing educational programs addressed to various population groups which can be reached via state institutions.

- Involve representatives of various social groups in the planning, implementation, and effectiveness assessment of programs to prevent and combat AIDS.

- Ensure young people and other representatives of vulnerable groups have direct and broad access to information on ways of HIV transmission both through the system of education and through introduction of special forms of information and education.

- Ensure mandatory participation by all regions of the Russian Federation in HIV prevention programs.

- Develop new information materials and introduce new forms of prevention.

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## CONTENTS

FOREWORD .....	3
1. THE RUSSIAN CONTEXT .....	9
1.1. Human Rights and Russian Values .....	9
1.2. Political and legal preconditions .....	17
1.3. International HRE obligations of Russia.....	26
1.4. Understanding HRE .....	48
2. THE HIGHER SCHOOL .....	65
2.1. On standards of higher education. Attempts at introducing human rights.....	65
2.2. Teaching of human rights in high schools .....	77
2.3. International Humanitarian Law .....	91
2.4. HRE manuals for Russian universities.....	101
2.5. Science and Discipline of Human Rights.....	110
3. COMPREHENSIVE SCHOOLS .....	119
3.1. Norms, textbooks and practice .....	119
3.2. New textbooks and authority .....	131
4. INFORMAL EDUCATION.....	138
4.1. Commissioners for Human Rights .....	138
4.2. NGO activity in HRE .....	148
5. HIV/AIDS. PREVENTION EDUCATION.....	162
5.1. HIV/AIDS and Human Rights .....	162
5.2. Stigma and Discrimination.....	167
5.3. Prevention education in HIV/AIDS .....	182
5.4. Educational programs. Teaching guidelines .....	187
5.5. Information campaigns.....	191
5.6. Conclusions and recommendations.....	193
Team of contributors:.....	195