

Human Rights Training for Government Officials: Lessons from the Canadian Experience

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Abstract

Canada's history of human rights implementation is well respected, but its rich innovation and accomplishments are not as widely described or particularly well-known. As the country's laws and needs have evolved, human rights educators have developed training programs to build the skills and knowledge capacities necessary to implement human rights legislation and policy. This work has occurred inside the government apparatus at various levels, in universities, and in civil society organizations. This paper will examine some of the lessons learned in the Canadian experience, and will offer a case study to bring some of these lessons to life.

Keywords

human rights training for governmental officials, human rights education, Canadian experience

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Introduction

Congratulations are due to Taiwan for adopting the international human rights standards; the UN Covenant on Civil and Political Rights and the UN Covenant on Economic, Social and Cultural Rights. One essential component

in the activation of this commitment is effective human rights training for the government officials who must ensure these standards are met. Such training is not optional.

It is not, of course, only in Taiwan where government officials must have the appropriate skills, knowledge and incentives to effectively implement human rights laws and policies. As a signatory to these same covenants and to other international instruments, Canada has found that the training function itself must become embedded as a permanent feature of the state system, and that the content and methods of such training must be continuously assessed and renewed. Apart from these two general lessons, the Canadian experience offers other, more specific, observations which may be relevant to Taiwan, as well.

Canada's history of human rights implementation is well respected, but its rich innovation and accomplishments are not as widely described or particularly well-known. As the country's laws and needs have evolved, human rights educators have developed training programs to build the skills and knowledge capacities necessary to implement human rights legislation and policy. This work has occurred inside the government apparatus at various levels, in universities, and in civil society organizations. This paper will examine some of the lessons learned in the Canadian experience, and will offer a case study to bring some of these lessons to life.

The Long View Matters

Indeed, in its fullest sense, human rights education should be seen as a multi-generational task that involves the state, the academy and civil society. That is, perhaps, the over-arching "meta-lesson" from the Canadian experience. At 25 years per generation, the span of four generations totals about one hundred years. Canadian experience suggests that a *century* is the minimum timeframe worth using in order to both understand, and intervene in, this important educational mission.

This long view matters going forward. The global context for implementing human rights laws and policies is changing rapidly and profoundly. The World Bank (2011) projects that, by 2025, sixty percent of the world's economic growth will be generated by six economies: China, India, Brazil, Russia, South Korea and Indonesia. Indeed, by that time, China is widely expected to have surpassed the United States as the world's largest economy. It is against

this evolving backdrop that current and future government officials in all jurisdictions committed to human rights must build the necessary skills and knowledge to drive the implementation of human rights policies and practices. And they should be energetically rewarded for their efforts, which must be transparent and accountable. None of this is simple, but it is fundamental to the success of the human rights project.

Ten Lessons from Canada's Experience

In the late 1940s, a Canadian citizen, John Humphrey, played a major role in drafting the Universal Declaration of Human Rights along with others from all parts of the world (see Humphries, 1984). Since those early days, Canada has subsequently acceded to many UN covenants and conventions and has entrenched many of these commitments in the Constitution within the Canadian Charter of Rights and Freedoms, and through other statutes and policies. (Black, 2010; Rae, 2010) Thus, in some similarity to Taiwan, Canada has adopted human rights as central to its national profile.

There are ten notable lessons or insights that arise from Canada's experience in training government officials in human rights skills and knowledge, as follows:

(1) The learning on human rights must be relevant to the work of the officials through a participatory, rather than static, pedagogy.

We have learned that there are numerous approaches to the development and delivery of human rights training, but an essential lesson from Canada and from many other national jurisdictions is that the learning must be relevant to the every day work of the officials themselves. Generic, knowledge-based material on human rights is of course essential as the foundation of any training program. Familiarity with the basics is imperative. Ultimately, however, public officials need to know how human rights principles and standards impact on their own work mandate and processes and how they, in their own departments and divisions, can do their job and, in so doing, promote and protect human rights. This applies to those specifically charged with human rights protection and promotion, and it also applies to all other officials within the context of civil and political, social, economic and cultural policy and practice. Therefore, practical materials are crucial to the success of the human rights project. Although there is a long tradition of Socratic

lectures as the means of transmitting knowledge and information, Canada's experience indicates that in human rights education, the use of discussion, case studies, actual document analysis, small-group question-and-answer sessions, and use of audio-visual materials all help to embed the learning much more effectively for practitioners than more traditional educational methods. This more participatory approach takes inspiration from the work of the popular educator Paulo Freire (2006) and prominent women's rights educators such as Charlotte Bunch (1992).

(2) A collaboration or network of stakeholders inside and outside the state must work together: Encouraging and maintaining co-operation (even if uneasy) among activists, policy-makers, private practitioners and scholars is key to driving programs forward over many years. Academic institutions can play an active, creative role.

Canadian experience, which has had its own successes and challenges, has shown that the most effective and best-received education programs result from a collaboration or joint engagement of civil society experts, the officials of the state, the legal community and academia—together. In addition, it is valuable to add to this collaboration persons who are skilled in educational methodology and the new technologies. Furthermore, there needs to be a small group of professionals inside and outside government to carry the agenda informally and formally that will maintain and sustain the coalition of interests in the context of an ever changing political context. While there is often a great deal of interest in the development and initial delivery of human rights programming, it is more difficult to sustain the interest once the programs are operating smoothly. Nonetheless, the training must be embedded in the professional development of officials as a mandatory part of their development and advancement. The Canadian Department of Foreign Affairs made the introductory level training a mandatory part of the professional development of its foreign service officers, for example.

(3) Training for officials from various ministries and divisions can be complementary and can serve to avoid duplication of effort.

“What do you need to know?” Canadian experience indicates that this is a fundamental question in designing human rights training programs for government officials. Learning activities—guidebooks, courses, workshops, online quizzes, discussion groups and coaching, and more—that enable

the acquisition of skills and knowledge in human rights by public officials must be designed around the actual professional mandates of those officials and the relationship of their particular job responsibilities to critical areas of compliance with national and international norms, standards and laws. And this implies building two types of training curricula: first, a basic core curriculum that all government officials involved in human rights files need to know: and second, a specific set of skills and knowledge for employees of various departments and agencies. The development of such modules avoids unnecessary duplication of effort, assures across-the-board basic understanding and guarantees a uniform quality of materials. Subsequently, additional materials/modules can be developed specifically for the officials in various divisions and ministries. For example, those working with police and public security forces would get basic training of human rights principles and standards, and an appreciation of the government's commitment to those principles. And they would also receive specific modules and cases to build their practical capacity to apply those principles and standards in their policies and interactions with society.

(4) Much can be learned from civil society human rights education.

Our experience in Canada has demonstrated that members of civil society, from NGOs and CSOs, can bring a wealth of analysis and insight to the table. This is true in areas of broad policy and also when training is focused on specific issues, cases or strategies for remedy. When they are engaged in the process, civil society organizations have a stake in creating a successful outcome. More importantly, their valuable input cannot be underestimated in terms of bringing real issues to the table and in demonstrating to participants that cooperation with civil society is possible and desirable. Indeed, NGOs often mount impressive training programs in their own right, and have often systematized, codified and disseminated their human rights education knowledge for others to utilize (see, for example, Amnesty International, 1998).

(5) The use of electronic facilities enhances learning.

In our training programs in Canada for public officials, we are increasingly using a wide variety of training methodologies to reach the widest possible pool of learners. For example, we are finalizing an online course for government officials on the fundamentals of the international human rights

system and Canada's interaction with it. In classroom settings, we utilize a variety of audio-visual materials and ensure Internet access in the classroom during training to facilitate access to documents and resources. Since it is a well-known fact that different people have their preferred methods of learning, we are trying to incorporate the full range of teaching and learning models. Examples of preferred learning styles are: a) reading; b) reading and synthesizing by writing notes or briefs; c) expert speaker/lecturer; d) panel of speakers; e) interactive learning in small groups; f) debating issue in small group; g) AV materials (film, audio tapes) and new media (online video, file sharing, messaging; h) online courses that can be taken at the trainee's own speed and availability; i) case studies based on real situations; j) and learning by doing. We are exploring teleconferencing (including skypeing) as another option, in order to reach individuals who are not able to be on site, on a cost-effective basis. The educational and professional development possibilities of the new media are remarkable, human rights educators must stay current with their rapid evolution, and try to incorporate these new strategies whenever it is appropriate to do so.

(6) Social media must now be recognized as human rights advocacy tools.

With the advent of smart phones, email, Twitter, Facebook, YouTube, satellite transmission and instant photographic technologies, human rights movements have changed radically. The sudden surge of the Arab Spring, spearheaded by instant civilian messaging, critique and tell-tale photographs, demonstrates how rapidly a long-term and difficult human rights situation can suddenly reach to the hearts of the population, attract the world's attention and generate dramatic political and societal change. Though events in the Arab world continue to evolve, there can be no doubt of the power that social media have exerted in the hands of citizens working for change. Indeed, these media are so powerful that, in the words of one journalist (Palmer, 2012) who covered the Arab Spring, now every dictator, also, must have their own Facebook page! In Canada we have just begun to understand and address this new media reality, which has dramatically changed human rights campaigning and strategy, on all sides, forever.

(7) Education programs are not static; they must keep evolving over time as human rights issues and priorities change.

The experience of designing and implementing Canadian programs for human rights education of public officials has changed dramatically over the years. Complex policy and program areas, like those associated with human rights work, always benefit from face-to-face discussion and shared analysis. As issues emerge and attract policy and programmatic focus, the human rights education system must build the capacity to address these matters in a rapid and effective manner. For example, how do you prepare a learning module on an international issue such as corruption and its impact on the lives of ordinary people, who may be denied basic necessities, enslaved, used as human shields, displaced or otherwise disenfranchised, because someone was, or was not, given enough bribe monies? This is an example of a subject that needs creative treatment in the learning environment, so that it can be dealt with in innovative and effective methods in public-policy practice. Educational programs must adapt to the changing realities of many continuously evolving and complex issues and cases. They must also be designed and delivered in such a way as to enable public officials to plan and execute policy solutions that address the problem realistically, efficiently-and cost-effectively.

(8) Internal and external evaluations can be used to revise and strengthen programs over time.

Every training or learning program needs a built-in strategy for evaluation so that it can be continuously revised, tweaked, made pertinent and effective for the participants. Internal evaluation also signals to the learners that their opinions are valuable and that the educators want to know if the participants' expectations were met. In our educational work, we try to provide clear learning objectives for the courses as a whole and for each individual module, so that the participants know what to measure. At the end of every course delivery, an anonymous evaluation form, completed on-site at the training event itself, invites comments and suggestions on a range of questions: For example, what were the strengths or challenges of each session? Were the speakers effective? To what extent was the environment conducive to learning? And to what degree were resources materials appropriate to the needs and learning styles of the trainees? In addition, evaluations conducted by external, independent evaluators, at the mid-point or the end of a series of deliveries, also provide a useful means of assessing effectiveness and impact. Focusing more on medium-term outcomes and broader design issues,

such evaluations provide a record of achievement, a baseline for future programming, and an analysis of what works and what needs to be changed in the design and content of the training course.

(9) The training of trainers is an effective way to reach large numbers of learners.

Over the years, non-governmental organizations and civil society groups have developed the strategy of training human rights trainers so that there will always be enough informed individuals capable of organizing and/or delivering courses. This approach can be effective in the government context too, because it builds a cadre of specialists who are competent to deliver human rights courses, even if they do not themselves design the courses. And the training of trainers approach addresses the need to have fresh and invigorated individuals to reach large numbers of practitioners who need to be trained. Specialized human rights programs for specific departments and agencies can use this strategy to quickly reach a wide number of learners among their staff cohorts.

(10) Continuity of vision, leadership, resources and institutional base enables education to make its maximum contribution to human rights practice.

It is crucial that the highest ranks of government support, and are seen to support, the human rights education project. By attending courses themselves, senior ranking officials can demonstrate that a human rights course is valid to the department, and that they support it. Nevertheless, middle-level bureaucrats need to attend as well, and, in some instances, entry level officials must also be trained. Sufficient budget and human resources should be dedicated to develop the program and sustain its delivery on a regular cycle of iterations. Furthermore, participants deserve to be rewarded for attendance in foundational and advanced courses. They can be granted sufficient time to prepare, attend and share their learning and by and their learning commitment and achievement can be recognized with a diploma or other professional accreditation. In some institutional contexts in Canada, participants have developed informal electronic networks (list-servs, discussion groups, communities of practice) following a course, in order to share resources, and discuss issues as they arise in network members' daily work processes. Such networks also require sufficient resources and an institutional base in order

to sustain the momentum and interest in human rights training for public officials.

Case Study: The Possibilities for Putting Learning into Practice

To be sure, it is one thing to highlight these lessons, and quite another for government officials to actually promote human rights in their daily work inside the government system. Can civil servants learn about and then promote human rights inside government? Can they also serve as loyal and obedient public servants? Can they maintain a high level of commitment to the “human rights project”? While the day-to-day work processes inside the state system certainly bring constraints and challenges, it is also true that some public officials in Canada have found it very possible to advance the human rights agenda from inside government. We offer the following case study of one Canadian official—created from a composite of several actual individuals—who has found ways of doing exactly this. We call him Mr. Lee. Mr. Lee is a mid-level bureaucrat in the Foreign Ministry. His portfolio within the Human Rights Division is complex and focuses on women’s human rights and the rights of minorities. Currently, the elected officials, and therefore also his superiors, want to promote democracy, the rule of law, and human rights, so the directive comes to departmental officials from the political as well as the policy side of government. In this instance, there is a situation of desirable congruence.

Mr. Lee works on files related to:

- (1) Maternal Mortality – which is viewed as an issue of discrimination under the law and in practice; Canada works with the UN Expert Panel at the Human Rights Council (like a Special Rapporteur but with four members);
- (2) LGBT (lesbian, gay, bisexual and transsexual) Issues – and within the Canadian context, works with colleagues in many departments – Justice, Health, Public Health Agency, Public Safety, Human Rights Commission, etc., and
- (3) HIV/AIDS as a human rights issue.

He analyzes implications for international action and domestic compliance and provides information, facilitates discussion, and prepares for negotiations. As he has gained experience, Mr. Lee, the civil servant, has come to see all actions as opportunities to both learn and to “educate” others. He realistically

acknowledges that there are inevitable frustrations from delays, slow progress, and lost opportunities. However, he also is somewhat encouraged by signs of progress on his portfolios, despite the obstacles that do arise.

In addition, Mr. Lee has taken initiative in three other avenues so that when his official directions do not offer enough satisfaction, he has created these other action avenues:

- As an adjunct faculty member, he teaches a graduate course in human rights at the university—exploring ideas in a space where challenging debate is encouraged, and young people can benefit from a practitioner’s experiences;
- As a private donor, he sponsors a human-rights related NGO outside Canada, which provides direct relief and support to displaced refugees in another country – by means of immediate and longer term strategies and modest finances; and
- As an individual learner, he implements a personal learning plan for self development, which is actually required and supported by his Department, by reading extensively, by engaging in various opportunities to learn and contribute, and by attending formal classroom and online training courses and conferences.

A significant feature of this case is that Mr. Lee has been able to find ways of working both within and outside government to advance human rights, while at the same time maintaining his professional integrity and delivering on his professional responsibilities.

Let us discuss this case further by posing and answering five pertinent questions:

- (1) Is there room to advance a position of human rights protection and analysis domestically or internationally while working inside a government department?

This is certainly possible in a policy division, where research is imperative – through policy papers, think pieces, discussion, conferences, memoranda, and by building on experience of other jurisdictions. It is also possible inside a programmatic department or division, through pilot projects, support to groups working on issues, trust building, and some risk taking.

- (2) Is it possible to be an effective human rights civil servant and not be a

lawyer?

With relevant training, the non-lawyer brings varied perspectives, different background and non-legal forms of analysis that could be very pertinent.

(3) How can a public official have influence within a departmental environment?

Influencing direction of policy or program is possible by referring to the International Instruments as guideposts, through negotiation of specific positions, action, support to initiatives of others, through diplomatic/decision-making channels, with the support of regulatory mechanisms or the drafting of supportive regulatory mechanisms, through intra-departmental, or inter-departmental committees, by listening and collaborating with non-governmental agents, through mentoring, and by including or hiring those least represented, whose voices will enhance the “human rights project”.

(4) How can the government establish an essential climate that encourages its officials to advance its human rights “project”?

In order to promote human rights, the Canadian experience affirms the absolute necessity of setting a climate within government where the leaders seek and demand fearless advice – and acknowledge that they will listen carefully when difficult advice is offered by their officials. In other words, there must be a practice of speaking truth to power. Uncensored thoughtful analysis must be provided by civil servants who are safe to present the full range of informed options and opinions without fear of censure or criticism. Public servants must have adequate training or background in HR so that they have the necessary depth of understanding, in order to serve confidently and in an informed manner. Collaboration with other departments on committees, informal exchanges and sharing of information, and coordination of strategies must be encouraged and unnecessary secrecy or competition must be discouraged.

(5) What is so challenging about working on human rights as a government official?

Often the human rights issues which governments attempt to deal with are chronic or historical in origin, or are complex and multi-faceted. They are sometimes urgent and compelling as well. However, working in a large department as a bureaucrat often means long and slow decision-making and execution processes, rarely achieving quick results. In fact, it could often take

years to advance a new policy or engagement. Frustration and discouragement can result from very long implementation timelines, but reinforcement can be achieved and momentum can be sustained by; building allies and networks among others working on the same issues; seeking to carry a combination of short and long term files; and developing one's own leadership and collaboration skills, and those of others.

Implications for Taiwan?

To what extent are there implications in all this for Taiwan? As a small jurisdiction with an open economy that is adjacent to a world superpower, Canada has had to work hard to chart its own path in all spheres of public life, including the human rights path. Likewise, Taiwanese leaders and rank and file officials, together with scholars and civil-society organizations, will determine Taiwan's own human rights agenda and the innovative educational strategies that will make it a reality. Public servants throughout the world, not just in Canada or Taiwan, aspire to learn and deliver on the positive human rights commitments of their government when they are given opportunities to learn, clear directions for implementation and sustained support in their delivery of human rights policy and practice. As well, they appreciate encouragement to develop their skills independently and to speak in an informed and honest manner to their superiors.

Conclusion

In democratic jurisdictions across the globe, human rights training for public officials is a prerequisite for the effective implementation of human rights laws and policies. The Canadian experience offers lessons that may be useful to Taiwan as it moves to implement the international covenants. And, in terms of reciprocity, there is no doubt that, as Taiwan builds its own base of experience in human rights education, it in turn will be able to provide valuable lessons and learning to Canada and to the rest of the world.

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