

**PUBLIC ADMINISTRATION AND APPROACHES BASED ON HUMAN RIGHTS:
A Study about Education in Human Rights Applied to Transitional Justice and the Resolution of
International Conflicts**

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ABSTRACT

The present article, entitled "Public Administration and Approaches Based on Human Rights: A Study about Education in Human Rights applied to the Transitional Justice and the Resolution of International Conflicts" fulfills a dual purpose. Firstly, the article discusses the reorganization of public administration in Brazil and in the world - from the democratization of the United States, especially in the Region of Latin America and in Brazil - with a focus of citizenship and human rights as a new paradigm to the public management and, secondly, it discusses the introduction of new methodologies such as Right-Based Approaches (RBA) and the Human Rights Education (HRE) in the construction of public policies that can enforce the human rights of all people, but especially people in conflict situations, social vulnerability, due to historical and structural social inequalities. We start from the assumption that on a perspective of internationalization of research and Brazilian postgraduate education, we have to contribute to the international discussion in the international field, both in the effectiveness of public policies - or how Brazil has been building this process of ensuring human rights - as the realization of human rights education, since theories of popular education as Freire's pedagogy and the existence of a National Plan on human Rights Education (NPHRE) put Brazil at the forefront of this discussion.

Keywords: *Public Administration, Right-Based Approaches, Human Rights, Human Rights Education, Transitional Justice, conflict mediation.*

1. INTRODUCTION: Flight Plan

The present article, entitled "Public Administration and Approaches Based on Human Rights: A Study about Education in Human Rights applied to the Transitional Justice and the Resolution of International Conflicts" fulfills a dual purpose. Firstly, the article discusses the reorganization of public administration in Brazil and in the world - from the redemocratization of the United States, especially in the Region of Latin America and in Brazil - with a focus of citizenship and human rights as a new paradigm to the public management and, secondly, it discusses the introduction of new methodologies such as Right-Based Approaches (RBA) and the Human Rights Education (HRE) in the construction of public policies that can enforce the human rights of all people, but especially of people in conflict situations, social vulnerability, due to historical and structural social inequalities. We assume here that on a perspective of internationalization of research and Brazilian postgraduate education, we have to contribute to the international discussion the discussion in the international field, both in the effectiveness of public policies - or like Brazil has been building this process of ensuring human rights - as the realization of human rights education, since theories of popular education as Freire's pedagogy and the existence of a National Plan on Human Rights Education (NPHRE) put Brazil at the forefront of this discussion.

Thinking about the internationalization of research as a two-way street, that is, not only study what is being discussed outside Brazil, but think how Brazil can cooperate with the international discussion, this article promotes an initial reflection from the perspective of using both the RBA as the HRE in the resolution of international conflicts along with Transitional Justice processes (where there is also a Brazilian experience being studied), international right mechanism which is also based on the democracy in the Member States of the United Nations and the construction an international system of protection of human rights.

The methodology used to elaborate this text was the literature review of books and articles available printed and by digital medium, as well as the primary analysis of international documents produced mainly by the United Nations. Our objective is, taking as a basis an international high-profile case as Transition Justice in South Africa, analyze how it would use the RBA and HRE in this process, integrating in the discussion the Brazilian experience with the NPHRE and with methodologies such as the popular education method of Paulo Freire. In this sense, we departed from the assumption of the intrinsic relation between right and education, when the proposal is to use the right as a tool for social transformation and construction of the emancipation of individuals and groups of right. That is, according to Lyra Filho (2006), you have, regarding the right, two contrary perspectives, the first is to use the right as a maintenance tool of the status quo. To this perspective, the best way to study the right is a dogmatic, disciplinary way, confusing right with the law. The second perspective is to see the right on a critical way, dispelling the idea of confusion between right and law, thinking on its interdisciplinary integration with other branches of knowledge, in particular, with education for citizenship and how the right can be used to social transformation. It is in this critical perspective that we base this work.

It is important to highlight that this text was elaborated from the studies that are being developed in postdoctoral accomplished at the Nucleus of Study in Right and International Relations, Postgraduate Program in Right of Federal University of Santa Catarina (FUSC), with resources of the National Program of Support to the Postdoctoral (NPSP), public policy administered by the Higher Education Personnel Training Coordination (CAPES), in partnership with the Foundation for the Bahia State Research (FAPESB) and membership of the University of State of Bahia (UNEB) and the state government of Bahia, instances which interests conducting strategic research for the development of the state and the country. The postdoctoral research project called "Education in Human Rights and International Conflicts: a study on Transitional Justice mechanisms" which is underway with support from the UFSC team, aims to study the Human Rights Education (HRE) and the RBA as support mechanism for Transitional Justice in communities that have passed or are passing through conflict situations at international level.

The methodology that is being used in research is the "case study", as proposed by Robert Yin (2001), research methodology that allows the triangulation of methods and data in the study of the case. The case-unit chosen is the Transitional Justice process in South Africa of Nelson Mandela (MANDELA, 2012). This unit-case was selected by the historical significance of the conflict in South Africa in the fight against racism and all forms of domination, as well as its importance for the construction of a concept for Transitional Justice.

Finally, it should be highlighted the value that the leader Nelson Mandela gave to education as a tool of social change. We consider that this discussion is justified by the need to extend the discussion on Human Rights Education and its relation to building a culture of respect, valuation and defense of human rights around the world, but especially in Brazil. We also consider the role of education and human rights education in the construction process of citizenship concerning the individuals and democracy concerning the State. In this sense, considering internationalization as a two-way street, we have to learn on the application theme of HRE and the RBA in Transitional Justice with the Brazilian and South African experiences confronted. Our research intuition indicates that Brazil and Bahia have much to learn from the experience of South Africa and vice versa.

2. THE PUBLIC ADMINISTRATION FROM THE PERSPECTIVE OF RIGHT-BASED APPROACHES

Is consensus among theorists in Latin America, we highlight in this aspect Bernardo Kliksberg (2008) and Flávia Piovesan (2010), that the redemocratization of National States in the Latin America region - most unequal continent on the planet - has given rise to a new paradigm for public administration in the entire world, based on State responsibility with the consolidation of citizenship and human rights. This perspective intends to be a new way of conceive this right in an integral manner, due to all, interdependent and complementary, overcoming the traditional view of exclusive assimilation of human, civil and political rights of first generation. In this sense, the National States in the Latin America region, at least in the formal field, has taken on the characteristics of an informant State, regulator and promoter of public policies on human rights. When we talk about the role to consolidate the citizenship and promote human rights, the public policies are the concrete path to the realization of these rights and the State assumes with it the function of inform the public about which are their rights and to what extent they can be prosecuted (educator function), of regulate the application and the use of public policies, to promote public policies to vulnerable groups, trying to solve historical problems that structure capitalism in Latin America. This new role of the State is still not well understood by majority of people in Latin America, because of the authoritarian historical heritage of the region and the still large integrated social inequality, although the social struggle today be the release of all forms of domination.

Right-Based *Approaches* (RBA) is a methodology that comes to collaborate with this process. Recommended by the United Nations (UN) and used by multilateral agencies and NGOs for projects and programs that work with

the right to development, especially in sectors such as education, health, governance, water, nutrition, basic sanitation, HIV / AIDS , employment, work relations, social relations, sustainable economic development, among others. Usually the references to this methodology are found in the World Wide Web in several ways, the most common are: the singular "Right-Based Approach"; plural "Right-Based Approaches"; or with reference to human rights "Human Right-Based Approaches". It is also common the expression "Right-Based Approach to Development" (ROCHA,2013).

Users of this methodology agree, however, that there is no single way to use this methodology, each group consider its particular situation, builds his method based on common principles and procedures of the RBA. In this aspect, we agree that there is no single right-based approach, but a diversity of forms of right-based approaches that apply to various areas of knowledge. In our case, we prefer the expression "Human Right-Based Approaches" (2013).

Rights-based approaches are based on the conception that Human Rights are due in all regime and cultures and are inserted in universal norms expressed in declarations, treaties and international agreements. Are human rights: [...] those rights considered essential to all human beings, without distinction of sex, nationality, ethnicity, skin color, age, social class, profession, physical and mental health status, political opinion, religion, level of education and moral judgment (BENEVIDES, 2014).

Human Rights are considered by the RBA as universal, inalienable, indivisible, indispensable, interdependent and interrelated and due to all people regardless of race, color, sex or social status. As its focus, however, is on people and groups that are most vulnerable, excluded or discriminated against, the gender focus, ethnicity and social class is also on the basis of this methodology. This definition of human rights considers them as a multiple indivisible whole, interdependent and interrelated of civil, political, economic, social, cultural and environmental rights (ROCHA, 2013).

The RBA has as reference the notion of human development, normatively guided by the principles of Human Rights present in the declarations, covenants, conventions and international treaties, such as the International Bill of Human Rights which is constituted by the Universal Declaration of Human Rights (UDHR) the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights and its Optional Protocol. Other important documents for the RBA are: the Declaration on the Right to Development (1986); the Declaration of Human Rights and the Vienna Program of Action (1993); and the Declaration of UNU Millennium Development Goals (2013).

The set of these internationally accepted documents, which protect human rights, provides globally recognized standards of what it means to live with dignity, showing up also, as the legal system of considerable strength and social legitimacy in the international and national level, since the end of the Second World War II. According to Romano and Antunes (2002, p.35):

The approach based on rights to development is a conceptual structure that is based on standards and operation focused on the promotion and protection of human rights. It integrates the norms, standards and principles of international human rights system in plans, policies and development processes. The norms and standards are those contained in the rich archive of international treaties and declarations. The principles include: equality, equity, accountability, empowerment and participation.”

The RBA is also a strategy to effect the Right-Based Approach to Development. This strategy erases the distinctions between rights to development and human rights and aims to reduce dependence on foreign aid communities and improve the capacity of governments to meet population's needs. With this strategy we affirm that on the basis of right-based approaches is not only the work of defense and promotion of human rights of the population, but the construction of public policies and affirmative action near to the State.

Human rights such as they are known today, are the result of a long process of struggle and agreements on principles and legal and moral standards. However, a fundamental moment in terms of affirmation of rights at a global level is the UN World Conference held in Vienna in 1993. In it are affirmed the indivisibility and universality and of civil, political, economic, social and cultural within the human rights set. It is also particularly important the Human Development Report of the United Nations 2000, which explores this approach pointing out that the human development perspective must be based on the rights that are, above all, complementary. The World Bank also seem to be moving in that line as a strategy for its policies, as indicated by some of its more recent documents (September 2000). Several European NGOs are also working within this perspective: in

England, Oxfam GB, Cafod, Christian Aid and Save the Children; in Germany, EED e PPM; in Holland, Icco, Novib and Cordaid; and also major alliances such as Oxfam International and Save the Children Alliance (ROMANO and ANTUNES, 2002, p. 35).

This perspective puts citizenship and human rights not only as "the right to have rights" (negative citizenship), but "the right to build new rights" (positive citizenship). In this aspect, the community must be prepared to not only know what are their rights but as they may be required by the State. Thus, the RBA is a strategy used by Multilateral Agencies, NGOs, Research Institutes and Universities to enforce the human right to sustainable development, but also to develop applied research projects and extension of human rights or that bring in its core concerns with citizenship.

In this sense, for the RBA methodology there are two types of interactive public. The first is formed by the so-called rights owners or collective right subjects, who are the people who are in the communities, to organized civil society. The other public is made by public managers, or those responsible for the obligation to serve the population (government / State), within the principles of participatory democracy (ROCHA,2013).

The RBA aims to strengthen the capacity of obligation owners (government / State) and enable rights owners (subject of right) to charge from the authorities to enforce these rights. Therefore, intends to qualify a community to claim the enforcement of his rights by the State. It is concerned with the individual and collective emancipation of the people, with the autonomy of the subject, with the empowerment of the community who wants to be equipped with the means to claim their rights by the community. For this, (in) form the community about their rights and how they can be exercised, is essential. The right-based perspective is based on the following elements, according to Roman and Antunes (2002, p.37):

- I) Express connection between the rights (interdependence, interconnection);
- II) Require accountability from the state, governments and public agents in a broad sense (accountability);
- II) Aims at the community empowerment by strengthening individual and collective autonomy of the right subjects;
- IV) Reinforces the idea of the individual participation in public life, proposition of public policies, affirmative action, construction of public spaces of participation;
- V) Advocates the creation by the State of administrative, judicial, political and social mechanisms of community participation;
- VI) Advocates equity, non-discrimination and attention to vulnerable groups.

The definition of development objectives in terms of specific rights, as a legally required title, is an essential element of the right-based perspective, as well as the creation of normative bonds and instruments that link human rights in international, regional and national level (ROMANO e ANTUNES, p.38).

From the historical point of view, the right-based approaches arise, for the first time, as a working proposal in 1994, on the International Conference about populations and development (ICPD) in Cairo Consensus, when some UN agencies agreed to integrate human rights principles in the notion of sustainable development.

Before that, the UN system agencies worked with a methodology of provision of basic needs, where the needs of people and groups benefited by aid programs were identified in the perspective of agencies support in the search of improvement of provision of services or its compliance .

In 1997, the then UN Secretary General Kofi Annan convened the agencies of the UN system to integrate Human Rights in their work as a transversal priority for the cooperation programs for development and to adopt the RBA as a work methodology. In a right-based approach, every human will be recognized as owner of individual and collective rights, this methodology aims to ensure freedom, well-being and human dignity of all people everywhere, considering the principles, rights and obligations. The RBA starts from the idea that society, especially social movements and vulnerable populations (collective subjects of right) in their daily struggle, seek basic and essential services to their dignity. These basic and essential services are, ultimately, human rights. A lack of satisfy these essential basic services, in turn, constitute a violation of the human rights of the community (ROCHA, 2013).

RBA is also based on the conception of citizen participation in which democratic States recognize the right and the need to defend society against possible excesses of the State public system, through the division of functions between the powers and reciprocal control mechanisms on behalf of society. In this case, the central category is

no longer the community or the people and becomes the organized civil society, based on the universality of human, economic, social, cultural and environmental rights, on the expansion of the size of citizenship and on a new understanding of the role of the State nowadays. This way, the RBA reinforces not only the civil society role, but the role of the state and the capacity of duty owners (usually governments) to respect, protect and ensure rights. When the person is considered a "subject of right" the State starts to have duties to that community that must be sought by society. The ownership of rights introduces an important concept with regard to the duty of accountability of the State to society, moving the focus of development for the development of people and not only the economic development (BOESEN e MARTIN, 2007). From this point of view, the RBA highlights to the State three obligations levels:

- a) Respect human rights (negative performance of the State, that corresponds to refrain from interfering in the enjoyment of rights);
- b) Protect human rights (positive performance of the State). Corresponds to the construction of a system of laws (legislation) that prevents the violation of human rights by the State or non-state actors, such protection should be granted to all persons, without discrimination;
- c) Comply with the Human Rights (positive performance of the State). It consists in fulfill or create active measures such as public policies that can allocate resources and establish procedures to meet and fulfill human rights.

For the RBA, public managers and institutions can and should be accountable regarding their responsibilities to society as a whole. The "right-based approaches" are different from "approaches based on the needs" or on the "welfare" because, while the first aim the empowerment of civil society, the "approaches on the needs" or "on welfare" create the community dependence on external actors, as the State (RAND e WATSON, 2005).

The RBA sees society as "subject of the social and human development" of a nation and not as a mere respondent of a constructed social order. The use of participatory methodologies that have as objective to promote individual and collective empowerment of people, starting with the recognition of human rights violations, instead of focusing only on human needs, is at the basis of this methodology. Therefore, this methodology aims, on the one hand, to organize society to claim their human, civil, political, social, cultural and environmental rights next to the state and the governments, and on the other hand, contribute to the formation of public policies and affirmative action that aim to meet the rights considered essential for that community. As research and extension methodology that aims at individual and collective emancipation of the people, in the RBA are used a variety of methods - including policy analysis, advocacy and capacity development of both rights owners as of handlers - in order to help to facilitate the process of promoting the empowerment of people and of poor and marginalized communities.

On the basis of the methodology it is an ethical discussion about how all people are entitled to a set of rights; to a standard welfare material. Recognizes the right to equality, moving away welfare perspectives, emphasizing the rights and the responsibility of public agents in serving these rights. The RBA treats people not as simple rights of recipients, but as active subjects, participatory, protagonists of social development. The place is always the starting point for rights-based approaches, once those who are actually concerned about the fight against poverty and human rights violations, starts to work around them. However, in this type of methodology does not fit any bond, and each group can adapt the methodology to their needs. The RBA assumes a different form in Brazil, Haiti and Norway, depending on the material and social conditions involved, even considering the idea of universal human dignity.

The RBA should be approached with sincerity, adhering to fundamental principles of human rights, focusing on the realization of social justice, since it is constituted by norms of principle that aim the defense and promotion of human rights in national and international systems, as well as plans, projects, methods and activities aimed at the implementation of one or more human rights.

To Boesen and Martin (2007), the right-based approaches recognize poverty with injustice and the cause of marginalization and discrimination, central issues in the poverty debate. To this methodology the poverty never is just responsibility of the individual, nor its solution may be purely personal, it goes through a state action that invests in public policies and affirmative action as a way to combat social injustices. On the other hand, to Boesen and Martin the poverty responsibility cannot be placed in abstract notions such as globalization, economic crisis, climate change and political and economic instability. The methodology invests in the real causes of poverty and marginalization (2007, P.9).

RBA is seen from the perspective of participation, of claim, of fight for rights. The central dynamic of the RBA is, therefore, how to identify the causes of poverty, marginalization and discrimination that act as obstacles to

access to justice and the right, motivating individuals to collectively claim their rights to the public authorities, allowing these authorities to fulfill their obligations. Thus, according to Kierkmann and Matins (p.11), the RBA calls attention to a range of situations that characterize the relation between poverty and development.

Citizen participation in State management as a right (active citizenship) and duty (civic duty of citizenship) is a fundamental issue nowadays for the governance of the State and realization of the right to development of communities and people, especially vulnerable populations including those who are not yet in a position to claim their rights. The recognition that poverty itself is a serious violation of human rights and that this is responsible for the violation of a range of other human rights, as well as that the omission of the State in relation to the extreme poverty of part of society is an active violation of human rights of this group. Poverty is not seen as a complex problem, perceived within a structure of power and inequality associated to local issues, regional and national, and therefore a notion of sustainable development must address complex and root causes of poverty as inequality, discrimination, exploitation and abuse. The need to overcome a notion of development simply concerned with economic growth, without regard the complex causes of poverty.

As a methodology, the RBA implies an effort to involve people in discussions about their needs, problems and potentialities. In this scenario, the RBA is used to discuss rights as water, housing, health, education, security, freedom to seek their goals in life. However, it is central to the premise that human beings are holders of inalienable human rights, indispensable, irreplaceable, and the privation of some needs is also a violation of a right. Thus, the privation of water is just the privation of a necessity, but the withholding of a right.

The RBA is part of the fight not for the satisfaction of a need, but the performance of a right. In this sense, it is necessary to make the distinction between right and need. The HR go beyond the physical concept of need to include a more holistic perspective of human beings in terms of their civil, political, economic, social and cultural rights. To the satisfaction of a right will always correspond an obligation, usually of a public agent. In RBA is not expected gratitude of the people because it is not about assistance to people in need, but instead the support to people marginalized by the system that are elevated to the status of claim their rights as provided on national and international legislation. The image extracted from Boesen and Martins (pg. 12) illustrates these differences in approaches.

Chart 01 - Comparative approach based on charity, necessity and human rights

Approach in charity (philanthropy)	Approach the need (assistentialism)	Right-based approach (citizen participation)
Focus on the entry and not on the result	Focus on the entry and on the result	Concentration on the process and on the result
Emphasizes the increasing charity	Emphasizes the meeting with the satisfaction of needs	Emphasizes the realization of human rights
Blames the poor for poverty	Defends the idea of equality of opportunities	Recognizes individual and collective rights of the community
Individuals are seen as victims	Individuals are object of State interventions	Individuals should have the power to demand their rights
People deserve assistance	People deserve assistance	Individuals have the right to assistance
Focus on poverty manifestation	Focus on the immediate causes of poverty	Focus on the structural causes of poverty

Source: Boesen and Martins, P.11

The RBA recognizes that poverty is a complex and multifaceted phenomenon and cannot be solved by simple solutions. The struggle against poverty as a violation of human rights must be made from a holistic approach to the problem, which can analyze the problem in all its complexity. In this sense the RBA is an important tool, as it allows to work with civil, political, social and cultural rights, as well as with economic causes of poverty.

In the methodology of the RBA, poverty is not only generated by the lack of resources, but by the denial of access to those resources when they are available. Access to these resources is denied, especially to the poor because of who they are, where they live, or simply by negligence or lack of action. Discrimination can be a consequence of the social norms and values that cause the marginalization of communities or can be the result of discrimination of government policies. The RBA is based on the concept that the poor people should be protected from social injustice.

According to Romano and Antunes (2002), to the current policy of the United Nations is unacceptable that are implemented policies, projects or activities that have the effect the violation of rights, or that the rights serve as a basis for negotiation for development (exchange labor rights by access to investment of transnational capitals investment in free zones has been a frequent policy in several countries in Central America).

The intervention of this perspective seeks to increase the levels of accountability, through the identification exercise which are the existing and agreed rights, who are the holders of such rights (entitlements) and the correspondents responsible for perform and promoting access to these rights. The orientation adopted by many of those working in the field of rights has been to identify a wide range of relevant actors who have responsibility in the promotion, provision and protection of rights, enumerating on this list governments, local authorities and organizations, private companies and institutions and international donors (ROMANO e ANTUNES, 2002).

One of the reasons of this approach is the adoption of the current human rights standards as a universal mark to measure the promotion and progress of human rights in all parts of the world, and to ensure a level for accountability. By the International Covenant on Civil and Political Rights, the national States are primarily responsible for provide, secure and protect rights (ROMANO e ANTUNES, 2002).

In view of this, we can conclude that the Right-Based Approaches (RBA) can be used by the United Nations Multilateral Agencies, NGOs, etc., such as universities and researchers concerned with developing research and extension projects on human rights, as is already happening in some cases where researchers are concerned not only with the results of their research, but also with the humanization of this process and with the respect for human rights of people who have the right to know and decide on what is being done.

2. HUMAN RIGHTS EDUCATION (HRE)

The Universal Declaration of Human Rights (UDHR) is considered the fundamental rule of the International Human Rights System that drives all other system standards. Its function is to declare the principles and values that support the actions on human rights, as well as guide the legislation of the signatory countries in this field. It is, therefore, the theoretical, legal, political and educational frame of human rights and also of the Human Rights Education. The Universal Declaration deals with the Human Rights Education since its preamble, when it states that: "[...] The Member states are committed to develop, in cooperation with the United Nations, the universal respect for human rights and fundamental freedoms and the observance of these rights and freedoms (UNIVERSAL DECLARATION OF HUMAN RIGHTS, 2014) In his introduction to the Declaration establishes that:

" Each individual and each organ of society, always keeping this Declaration in mind, strive itself through teaching and education, to promote respect for these rights and freedoms and by adoption of progressive measures, national and international, to secure the their recognition and their universal and effective observance, among the peoples of Member States themselves and among the peoples of territories under their jurisdiction (UNIVERSAL DECLARATION OF HUMAN RIGHTS, 2014)."

In this sense, the UDHR resulted in a set of responsibilities from the Member States to adopt national and international progressive measures of effectiveness and protection of Human Rights, especially through teaching and education. In the same perspective, the International Congress on Education in support of Human Rights and Democracy, organized by the United Nations (UN) in March 1993, established the Global Plan of Action for HRE, which was countersigned at the Vienna World Conference 1993, to promote, stimulate and guide commitments in support of education in defense of peace, democracy, tolerance and respect for human dignity at the Vienna World Conference on 1993 to promote, stimulate and guide commitments for education in support of peace, democracy, tolerance and respect for the human dignity (ZENAIDE, 2008).

Among other policies, the approved program in Vienna has consecrated issues such as eradication of illiteracy, the inclusion of human rights in the curricula of all institutions of formal and non-formal education, as well as the need to promote the implementation of programs and educational strategies to expand to the maximum the HRE. Aiming to reiterate the importance of a HRE, the UN declares in December 1994 the decade of HRE, through the Resolution 49/184, equivalent to the period from January 1 to December 31, 2004. With that, the UN recognizes and defends the right of every human being to education at all levels with the full exercise of fundamental freedoms and respect for human rights (2008).

Access to education, thus, is put as a way of increase the potentiality of individuals to participate and make decisions in defense of their rights. Education as good and right goes stimulate a range of commitments to education and human rights. The International Covenant of Human, Economic, Social and Cultural Rights

(ICHESCR) corroborates an education for human rights as an indispensable condition to a sustained economic and social development, just and supportive, focused on the construction of citizenship in relation to the individual and of democracy in relation to society. The Declaration and Plan of Integrated Action on Education for Peace, Human Rights and Democracy, ratified by the UNESCO General Conference in 1995, states the commitment to give priority to education of children, adolescents and young people in relation to forms of intolerance, racism and xenophobia (UNESCO, 2014).

On this line of thought, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (RFI) held in Durban, South Africa in 2001, indicated to the States the commitment to the fight against racism, racial discrimination, xenophobia and religious intolerance, the implementation of cultural and educational programs which include anti-discrimination and anti-racism components, the holding of public information campaigns, HRE programs at all levels, production of educational materials and programs of formal and informal public education that promote the cultural and religious diversity and the implementation of policies to promote the equality of opportunities (ZENAIDE, 2008).

To implement the goals and objectives of this decade, the UN High Commissioner for Human Rights prepared the international plan of action that intends to, among other things, evaluate needs and define strategies in the field of HRE; create and reinforce education concerning human rights at the international, regional, national and local level; coordinate the elaboration of educational materials concerning human rights; strengthen the role of media; promote and disseminate the UDHR around the world (UN, 2014).

By analyzing the major world problems, the United Nations established eight (8) Millennium Development Goals (8 Ways to Change the World) in the Millennium Declaration, ratified in 2000. This Declaration assemble the plans of all UN Member States to improve the lives of all the inhabitants of the planet in the XXI century. By 2015 all 191 Member States will compromise to: eradicate extreme poverty and hunger; achieve the basic and primary education; promote gender equality and autonomy of women; reduce child mortality; improve maternal health; combat HIV / AIDS, malaria and other diseases; ensure environmental sustainability and establish a global partnership for development (MDG, 2014).

There have been several contributions on the devices, measures and specific human rights instruments to which the Millennium Development Goals can align, but all have the common feature that the connections are extensive and obvious. As the Millennium Declaration considers the development from the perspective of human rights, we can say that are relevant all the measures established in international conventions and treaties such as the UDHR and the ICHESCR (ROCHA and ROCHA, 2009).

Regarding the monitoring process, the UN Resolution 52/127 of 12.12.1997 defined the application control treaty body on human rights matters, such as monitoring body of the UN Action Plan for the Decade of education actions and information concerning human rights. In Brazil, this monitoring is being conducted by the National Committee and state committees (ZENAIDE, 2008).

According to UNESCO and UN documents, education in a globalized world is increasingly putting emphasis on the importance of values, attitudes and communication skills as an essential complement to the cognitive knowledge and skills. The educational community is also providing increasing attention to the importance of education in comprehension and resolution of social, political, cultural and global issues. This includes the role of education for peace support, human rights, equality, acceptance of diversity and sustainable development. Educate for human rights is to become aware for a view of the other, equal anywhere in the world. The right to education, as a statement, or as values formation, is one of the ways that modern society generates so little heat ratio that illuminates our way lights up in each individual and in all people, so that everyone can enjoy the freedom and equality opportunities. Such a right it would be a function of the State, in order that the undisciplined individual right it should not become a privilege of few (CURY,2013. P.134).

In summary, human rights education is not a new theme, it comes since the Universal Declaration of Human Rights of 1945 as a requirement with the signatory States, but only from the Vienna Declaration, June 1993, with the World Program of Action (ROCHA, 2009), the Human Rights Education became systematically discussed by the State, having been created in 2003 and revised in 2006, Brazil, the National Plan for Human Rights Education (PNEDH), programmatic document that guides the inclusion of Education on Human Rights in all education levels. Education is therefore a fundamental human right and the main instrument in the formation of the citizen and the constitution of democratic societies.

3. TRANSITION JUSTICE

The Transitional Justice concept has been discussed in recent times in several parts of the world. For the first approach to this category we turn to the lesson of Louis Henkin - teacher at the University of Columbia - for whom the history of human rights can be divided into before and after the Second World War (HENKIN, 1978). Despite finding elements which characterize the Transitional Justice since the First World War and, perhaps even before that, this instrument of international law will be consolidated in the second half of the 20th century, after world conflict from 1945, as universal justice mechanisms. For Ruti Teitel (2010) is after the Second World War, the Transitional Justice begins to be understood as extraordinary and international, mainly in the 80s, when the international policy began to worry vigorously with conflicts resolution and with the legal discourse in the world of law and society.

In this period (end of the 20th century) is presented a relatively stable state of transitional justice, associated with contemporary conditions of persistent conflict. For this, it can be referred that the current patterns of understanding of transitional justice, its development is the result of events from the 20th century, characterized by conflicts and wars (HOBSBAW,2010). In this historical period, it creates an environment for the advent of transitional justice, given the internationalization of social relations and conflicts (Vieira, 2011). According to the Brazilian dictionary of human rights of the Federal Public Ministry (FPM), Transitional Justice can be conceptualized as a set of approaches and mechanisms (judicial and extrajudicial) and strategies to study the legacy of mass violence of the past, to attribute responsibilities, to require the effectiveness of the right to memory and truth, to strengthen institutions with democratic values and ensure the non-repetition of atrocities (BRAZIL, 2014).

Founded on the pillars of justice, truth, repair, reconstruction of public and democratic institutions, the transitional justice was structured from the second half of the 20th century, with the contribution of multilateral organizations, States, non-governmental organizations and human rights activists who managed, progressively, proclaim a vision of human rights in the public sphere, synthesized in national and international human rights documents, and has served as a response to the groups in Latin America and Eastern Europe who ask for justice, reparation and right to the truth.

To Vieira (2011) the idea of Transitional Justice concerns the area of activity and research focused on the way how societies deal with a legacy of human rights abuses, mass atrocities, or other forms of severe social trauma (genocide and civil war e.g.), aspiring the construction of a more democratic and peaceful future (p.02). According to this author, the concept is commonly understood as a structure to confront abuses of the past and as a component of a higher political transformation. This usually involves a combination of judicial strategies and complementary non-judicial, such as prosecute criminals; establish truth commissions and other forms of research concerning the past; reconciliation efforts in fractured societies; development of repair programs for those who were most affected by violence or abuse; memory and remembrance initiatives around the victims and the reform of a broad spectrum of abusive public institutions (such as the security services, police or military) in an attempt to avoid new human rights violations in the future (Vieira, 2011, p.02).

4. CONCLUSION

Returning to our initial aim of presenting the existing relation between the Transitional Justice, the RBA and HRE, we can conclude that these three institutes had their origin in the same conjuncture - the struggle for democratization of the National States, the state's responsibility to the consolidation of citizenship and its people and the need for the realization of human rights, the empowerment of communities and the fight against all forms of oppression and domination. These institutes are not antagonistic or equivocal, but analogous, that is, there is a relation of complementarity between them and there is a complementarity between the desire of peace and development, right and education, public policies and the affirmation of human rights. These mechanisms complement each other to meet an object that becomes more complex every day. However, the adoption of these institutes requires an interdisciplinary approach, the overcoming of supremacy of vision of a field of knowledge about the other, the ethical concern to hear the victims and the public managers. Both the RBA as the EDH - while extra-judicial mechanisms - can be used efficiently in the process of (re) construction of citizenship and democracy, even because communities cannot overcome the consequences of conflicts and the existing residual violence, without an education and development policies that put people first.

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