

EDUCATION AND HUMAN RIGHTS

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ABSTRACT

All human beings are born free and equal in dignity and rights. Human rights, as commonly understood, are the rights that every human being is entitled to enjoy freely irrespective of his religion, race, caste, sex and nationality etc. Because of being a human being, some rights are inherent. For the first time in history, the international community embraced a document considered to have universal value- a common standard of achievement for all peoples and all nations. Its preamble acknowledges the importance of a human rights legal framework for maintaining international peace and security, stating that recognition of the inherent dignity and equal and inalienable rights of all individuals is the foundation of freedom, justice and peace in the world. Human rights education is also an important strategy for achieving several important ends, notably empowerment, participation, transparency, accountability, the prevention of conflict, conflict resolution, peace-making and peace-building, and the more effective protection and realisation of all human rights for all.

Key words- Human Rights, Preamble, Justice and Peace

INTRODUCTION

Human rights education can be defined as education, training and information aimed at building a universal culture of human rights. Effective human rights education not only provides knowledge about human rights and the mechanisms that protect them, but also develops the skills needed to promote, defend and apply human rights in daily life. Human rights education also fosters the attitudes and behaviours needed to uphold human rights for all members of society. Human rights education activities should convey fundamental human rights principles, such as equality and non-discrimination, while affirming their interdependence, indivisibility and universality. At the same time, activities should be practical—relating human rights to learners' real-life experience and enabling them to build on human rights principles found in their own cultural context. Through such activities, learners are empowered to identify and address their human rights needs and to seek solutions consistent with human rights standards. Moreover, for those who have the responsibility for respecting, protecting and fulfilling the rights of others, human rights education develops their capacity to do so. Both what is learned and the way in which it is learned should reflect human rights values, encourage participation and foster a learning environment free from want and fear.

EDUCATION QUALIFIED AS A HUMAN RIGHT

Education is an institution that typically is established through a collective social desire to have civil and supportive societies. And if one considers the social dynamic found in many countries around the world, there is the suggestion that usually the more education people have, the better off they can be. With this in mind, many societies traditionally view education (at least primary and secondary education) as a genuine public good that adults and educators provide for children until such time that they outgrow their childhood vulnerabilities and inexperience to become contributing members of society themselves. Many existing international laws and UN documents have been created to promote and to protect this notion of education like the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). These documents have helped to establish viable legal mechanisms from which nation- states can and have implemented, supported, and assessed effective social structures necessary to provide for appropriate educational opportunities. Consider for example, Article 13 (1) of the ICESCR, which stipulates:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

This stipulation highlights the need to recognize, beyond a loose symbolic suggestion, not only the fundamental nature of having a right to education but also the instrumental and intrinsic value of this right. Consider also Article 28 (1) of the CRC, which builds upon the ICESCR by stipulating:

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular:

- Make Primary education compulsory and available free to all;

- Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- Make higher education accessible to all on the basis of capacity by every appropriate means;
- Make educational and vocational information and guidance available and accessible to all children;
- Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

THE RIGHT TO HUMAN RIGHTS EDUCATION

Education in human rights is itself a fundamental human right and also a responsibility: the Preamble to the UDHR exhorts “every individual and every organ of society” to “strive by teaching and education to promote respect for these rights and freedoms.” Article 26.2 of the UDHR states that-

Education shall be directed ... to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The International Covenant on Civil and Political Rights (ICCPR) declares that a government “may not stand in the way of people learning about [their rights].”

People who do not know their rights are more vulnerable to having them abused and often lack the language and conceptual framework to effectively advocate for them. All the more reason for introducing human rights education to children!

Growing consensus around the world recognizes education for, about and in human rights as essential to a quality education. It can contribute to the building of free, just and peaceful societies. Human rights education is also increasingly recognized as an effective strategy to prevent human rights abuses.

HUMAN RIGHTS EDUCATION IN HIGHER EDUCATION

Higher education is all education taking place at the post-secondary level in universities or other establishments approved by the State authorities, including institutions for the training and certification of professionals such as teachers, social workers, medical and legal personnel. In this context, human rights education promotes a holistic, rights-based approach to education that includes both “human rights through education,” ensuring that all the components and processes of education—including curricula, materials, methods and training—are conducive to the learning of human rights, and “human rights in education,” ensuring that the human rights of all members of the education community are respected. The effective integration of this approach in higher education requires action in at least the following five areas:

1. Policies and related implementation measures

Higher educational policies—legislation, plans of action, curricula, training policies and so on—should explicitly promote human rights education and infuse human rights throughout the higher education system. Policies are to be developed in a participatory manner in cooperation with all stakeholders and fulfil a country’s international obligations to provide and promote the right to quality education. To be effective, policies need a consistent implementation strategy, including the allocation of adequate resources and the setting-up of coordination mechanisms to ensure coherence, monitoring and accountability.

2. Teaching and learning processes and tools

Introducing or improving human rights education requires a holistic approach to teaching and learning that reflects human rights values. Human rights are infused as a cross-cutting issue into all disciplines, and specific human rights courses and programmes—in particular, multidisciplinary and interdisciplinary human rights programmes—are introduced. Practices and methodologies are democratic and participatory. Materials and textbooks promote human rights values. Relevant support and resources are in place.

3. Research

Higher education institutions develop new knowledge and advance critical reflection in the area of human rights, which in turn inform policies and practices in human rights and in human rights education. Through an assessment of existing experiences and comparative studies, research can support the identification and dissemination of good practices as well as the development of innovative methodologies and tools based on those practices; research can also guide lesson-learning and evaluation exercises. Research can be furthered through exchanges, scholarships and fellowships.

4. The learning environment

Academic freedom informs the environment of higher education institutions, where human rights education promotes the daily practice of human rights by fostering mutual understanding, respect and responsibility. Explicit and shared policy statements protect the human rights of all actors. Teaching personnel have a mandate to pursue human rights education, and students can express their views freely, participate in academic life and have extensive opportunities for interacting with the wider community.

5. Education and professional development of higher education teaching personnel

For higher education institutions to serve as a model of human rights learning and practice, all teaching personnel and other staff need to be able to both transmit and model human rights values. Education and professional development must foster educators' knowledge about, commitment to and motivation for human rights. Furthermore, as rights-holders themselves, teaching personnel need to work and learn in a context of respect for their dignity and rights.

PRINCIPLES FOR HUMAN RIGHTS EDUCATION ACTIVITIES

Educational activities within the World Programme shall:

- (a) Promote the interdependence, interrelatedness, indivisibility and universality of human rights, including civil, political, economic, social and cultural rights and the right to development;
- (b) Foster respect for and appreciation of differences, and opposition to discrimination on the basis of race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical or mental condition, sexual orientation and other bases;
- (c) Encourage analysis of chronic and emerging human rights problems (including poverty, violent conflicts and discrimination), also in view of rapidly changing developments in the political, social, economic, technological and ecological fields, which would lead to responses and solutions consistent with human rights standards;
- (d) Empower communities and individuals to identify their human rights needs and to claim them effectively;
- (e) Develop the capacity of duty-bearers (in particular, governmental officials), who have an obligation to respect, protect and fulfil the human rights of those under their jurisdiction, to meet such obligation;
- (f) Build on the human rights principles embedded within the different cultural contexts and take into account historical and social developments in each country;
- (g) Foster knowledge of and skills to use local, national, regional and international human rights instruments and mechanisms for the protection of human rights;
- (h) Make use of participatory pedagogies that include knowledge, critical analysis and skills for action furthering human rights;
- (i) Foster teaching and learning environments free from want and fear that encourage participation, enjoyment of human rights and the full development of the human personality;
- (j) Be relevant to the daily life of the learners, engaging them in a dialogue about ways and means of transforming human rights from the expression of abstract norms to the reality of their social, economic, cultural and political conditions.

OBJECTIVES OF WORLD PROGRAMMES OF HUMAN RIGHTS EDUCATION

The objectives of the World Programme for Human Rights Education are:

- To promote the development of a culture of human rights;
- To promote a common understanding, based on international instruments, of basic principles and methodologies for human rights education;
- To ensure a focus on human rights education at the national, regional and international levels;
- To provide a common collective framework for action by all relevant actors;
- To enhance partnership and cooperation at all levels;
- To survey, evaluate and support existing human rights education programmes, to highlight successful practices, and to provide an incentive to continue and/or expand them and to develop new ones.

TEACHING ABOUT AND FOR HUMAN RIGHTS

Every student and teacher needs to understand the universal elements of Human Rights as a basis for promoting social progress, better living conditions and greater freedom. Therefore human rights education becomes an integral part of the general education and be integrated into all subjects, in particular social science education. The Delors Commission report can form an important part of the educational discussion. The “Four Pillars of Education” that the Delor Commission gave in its report to UNESCO Learning –the Treasure Within (1996): Learning to Know- forms the base for cognitive learning and acquisition of Knowledge; Learning to Do- forms the base for categorizing Learning that is work related and action oriented; Learning to Live Together- forms the base for teaching acquisition of social and moral competencies and Learning to be- that is to say help in personality related and existential learning.

EDUCATION AND TRAINING OF TEACHERS WITH HUMAN RIGHT ISSUES

In fact, everybody should know about ones rights and the rights of the others. Teacher as a torchbearer must keep always in mind the human rights aspect in their usual practice of teaching and learning. Any education hard work loses its strength, if it does not give sufficient attention and importance to the teacher, one of the most important pillars of education. The role of teachers has been held sacred from time immemorial. The NPE 1986 while defining the role of teachers says that their principle role is and will always be teaching and guidance of their pupils, not only through classroom teaching and tutorials but also, by personal contact and many other ways. The Kothari Commission way back in 1966 had said that no nation could rise above the level of its teachers. A teacher has to perform two roles simultaneously: a conservator in order to conserve and preserve the continuity of traditions and secondly as an advocate for change towards desirable objectives- national and humane. The teachers therefore should be sensitized towards the constitutional goals of justice, liberty, equality and fraternity assuring dignity of an individual and integration of nation.

The other ways is to make it multidisciplinary i.e. incorporating human rights concept in all subjects at teacher education curriculum covering philosophy, psychology, sociology, history and all other school subjects. Yet another approach that can be followed in reorientation of all courses so that the human rights component is not seen as an add-on to the existing syllabi, but instead the academic packages should be so offered as to have people as the central theme. The focus and issues should be regional, national and international. Only an integrated approach of these three levels will solve the problems of human rights education. For example today especially the life science face severe moral questions from gene manipulation to cloning, which cannot be answered without knowing what the ethics and international community as well as national consensus upon the human rights pacts, another example is of traditional practices such as female genital mutilation which are deeply entrenched across generations due to certain religious beliefs cannot be treated as intentional forms of child abuse. One more example is that soldiers have a duty to fight and permission to kill in a legal battle. This legal task of their mission makes them especially susceptible to perpetrating human rights violations. The examples envisage that human rights aspects must be included with the due stress on the ethical consciousness. Hence the framework for research and teaching should be in Indian Social Context. It is my belief that in order for human rights education – and human rights teaching- to be a lasting contribution to human rights culture in our country we need to truly understand our teacher education programmes with the bent of mind towards enshrined constitutional provisions. The idea that the human rights education should be included in teacher–training institutions was also emphasized by the third world congress on human rights in New Delhi in 1990.

CURRICULAR ASPECTS OF HUMAN RIGHTS EDUCATION

Teaching about human rights should go hand in hand with a greater democratization of school life and be supplemented by a broad range of extra-curricular activities. Human Rights to be taught effectively calls for participatory teaching and learning which leads to the acquisition of human rights skills. Along with this school social milieu should encourage pupils to recognize the rights of other people to express their personalities and to tolerate other people's ideas and conceptions- that is, to practice human rights. The school efforts should be reinforced, strengthened by the other forces operating in the environment, particularly, state agencies, community institutions, the home, family and the mass media.

Before introducing the curricular aspects for human rights, we will have to address certain pertinent questions regarding the present state of educational scenario. Rather than teaching human rights as a separate subject at the school level it should be incorporated in general syllabus. Different aspects of human rights issues can be highlighted in different subjects. The foundation course with aim of making the learners acquire conceptual clarity and develop respect for norms and values of freedom, equality, fraternity and justice with their philosophical, ethical, social, economic and political dimensions is prerequisite for any course on human right. A full understanding of UDHR and the relevant Constitutional-legal provisions and institutional mechanism for realization and enforcement of rights in the country also must constitute an objective. It should include awareness of civil society organizations and movements promoting human rights.

HUMAN RIGHTS EDUCATION AND OTHER EDUCATIONAL FIELDS

Compasito is structured around thirteen human rights-related themes, each of which relates directly to one or more concrete human rights Citizenship

♣Democracy

- ♣Discrimination
- ♣Education and leisure
- ♣Environment
- ♣Family and alternative care
- ♣Gender equality
- ♣Health and welfare
- ♣Media and Internet
- ♣Participation
- ♣Peace and human security
- ♣Poverty and social exclusion
- ♣Violence

None of these themes is more important than another. Indeed, they are so interrelated that addressing any one of them provides a common link with any other. This is a direct consequence of the fact that human rights are indivisible, interdependent and interrelated: they cannot be treated in isolation, because all are connected to one another in various ways.

HUMAN RIGHTS EDUCATION IN AN INTERNATIONAL CONTEXT

...democracy is not fixed and immutable, but rather that it must be built and rebuilt every day in every society.
The Dakar Framework for Action

Human rights education has emerged as one of the most important means for developing a human rights culture. Although since 1948 human rights legislation has been increasingly elaborated on at both the international and European levels, and most human rights documents endorse human rights education, the potential of human rights education has so far remained unrealised. Insufficient political will, lack of resources and inadequate teaching materials have limited the effectiveness of human rights education. However, the development of human rights-related non-governmental organisations in the last decades and the democratic transition in dozens of countries in Central and Eastern Europe have given the human rights education movement a vital impetus. International organisations have played an essential role in developing more effective and consistent human rights education strategies at the national level.

United Nations

In December 1994 the UN General Assembly proclaimed 1995-2004 the United Nations Decade for Human Rights Education. The official recommendation recognizes human rights education as key for the promotion and achievement of stable and harmonious relations among communities and for the fostering of mutual understanding, tolerance and peace. It calls on all states and institutions to include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

UNESCO

UNESCO, the United Nations Educational, Scientific and Cultural Organization, had a key role in the development, implementation and evaluation of the projects foreseen during the UN Decade for Human Rights Education. Bearing in mind that learning should focus on the acquisition of values, attitudes and skills required to meet the emerging challenges of contemporary societies, UNESCO contributes to the development of national strategies in human rights education, develops learning materials and works on advocacy and networking. UNESCO continues to have a key role in the implementation of the World Programme for Human Rights Education (2005-ongoing).

UNICEF

For sixty years UNICEF has been a global force for children, and today it is present in 191 countries of the world. It works in partnership with a broad coalition of UN agencies, governments, NGOs, and local grassroots organizations to help build a world where the rights of every child are realised. UNICEF's work is guided by the Convention on the Rights of the Child.

CONCLUSION

The claim that a right to education is a human right is an important claim. It is an important claim because there is a responsibility to enable children to develop an acquired set of capabilities to lead their own lives in a meaningful and fulfilling way. UNESCO's aim to construct a 21st century learning society by promoting the MDG to achieve free universal basic primary public education for all by 2015 is both an important and a worthwhile objective. Currently almost 70 million children of primary school age do not, or cannot, attend school— a staggering statistic that suggests that the establishment of a right to education is a high- priority claim in today's world. The establishment and maintenance of a stable society depends on social norms and institutions that all members can accept as reasonable without unnecessarily distorting their own sense of justice in the process. This understanding of the basic structure of society is important because it can achieve two things. First, it can deepen our understanding of the role institutions should play in the creation, and maintenance, of a mutually beneficial, rights- respecting social infrastructure. Second, it can deepen our understanding of why we should be morally motivated to recognize and support these institutions. Typically, the

institutions that are deemed to be essential to a society are institutions that govern property, security, politics, and the economy, but I have argued that education is an essential institution as well. Education plays a large role in achieving just societies because education can develop a child's sense of self, sense of community, and sense of citizenship. While it is true that the provision of education is costly and multifaceted, a public institution of education needs to be in place to manage the kinds of educational opportunities that are available and to secure the kinds of resources that are necessary. A human- rights approach stipulates that there is a duty on the part of all governments, especially wealthy governments, to influence and support the institutional reforms necessary to achieve at least the provision of free basic primary education for all children— an important claim but one that cannot stand alone. It cannot stand alone because it fails to address adequately those cases where children are said to have a right to education but are unable to act on that right.

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