

International States role in Providing Human Rights – A Sociological View

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Abstract

These days the news is full of stories of attacks on refugees, asylum seekers and migrants. Hatred of ethnic, cultural and religious minorities is expressed more openly, not only by extremist groups, but also by politicians and on social media. This fuels discrimination towards and social exclusion of minorities, which is a growing challenge to countries in Europe and elsewhere. Marginalized and vulnerable groups, such as lesbian, gay, bisexual, trans, and intersex people, face discrimination and exclusion not only by the public but also by professionals in the education, healthcare and law enforcement sectors. Our children are bullied and harassed in schools due to discrimination and prejudice.

Human rights education has a fundamental role to play to ensure the full realization of ALL human rights. Human rights education equips learners with knowledge of human rights and the mechanisms that protect them and instills values and attitudes that uphold human rights. It empowers people to become active participants in their communities, taking action for the realization of their rights and the rights of others. Thus human rights education contributes to social transformation towards rights-respecting societies, sustainable participative democracy and social justice.

States are required under international law to respect, protect and fulfil human rights, and therefore must ensure that education is directed to the full development of the human personality and to strengthening respect for and enjoyment of human rights and fundamental freedoms. The obligation has been recognized in Goal 4.7 of the recently adopted United Nations Sustainable Development Goals which serve as aspirations for all countries to promote “education for human rights, gender equality, a culture of peace and non-violence, global citizenship and appreciation of cultural diversity”. International instruments such as the UN Declaration on Human Rights Education and Training and regional frameworks such as the Council of Europe’s Charter on Education for Democratic Citizenship and Human Rights Education also provide a common framework for action by states to implement democratic citizenship and human rights education, disseminate good practice and raise standards.

Keywords: Human rights, value education, sociology, group think, India, Europe.

Introduction

All components and processes of education must reflect human rights values and principles. This includes not only the curricula, but also extracurricular activities, educational processes and teaching methodologies, school policies, school governance structures and practices, opportunities for participation, and the environment within which education takes place. Human rights education must be learned through experience, through being exposed to human rights in practice. This means that the how and where human rights education is taking place (the context and methodology) must also reflect human rights values.

While teachers are crucial to fostering social and human rights values in education, international and regional institutions and organizations also have a role to play. Such bodies have developed policies and supported the implementation of human rights education, including education aimed at tackling discrimination and exclusion in schools. Education International's recent symposium on Human Rights and Values in Education held from 7 to 8 June in Riga, Latvia saw participants from the educational sector, government, civil society and trade unions of primarily Baltic states, discuss how to instill an appreciation of equality, inclusion and respect for diversity through the educational experience.

Noting that both education workers and unions have been in the forefront of the struggle for democratic change and social equality, Fred van Leeuwen, General Secretary of Education International, said that "Schools should be places where children and young people learn to live together, understanding the richness of diversity, because the societies in which they must live in the future will all be diverse, multi-cultural democracies."

The symposium contributed to dialogue and the sharing of innovative ideas on realizing human rights education. It recognized the need for and encouraged greater coordination, cooperation and collaboration amongst national and European institutions and organizations (including civil society organizations, educational institutions, and trade unions), regional and local authorities, and families and local communities, to tackle discrimination and exclusion, and develop a socially cohesive society based on democracy, the rule of law and respect for human rights.

Objective:

this paper aims to study the role of human rights and the moral side of value education enunciated in sociological context

Public education right and entitlement:

The right to a public education that promotes human rights, fundamental freedoms and respect for the content of specific treaties can be found in multiple international conventions and treaties, which form part of international law and impose obligations on States to ensure enjoyment of human rights, including the right to education and specifically human rights education.¹¹ For example,

Under the International Covenant on Economic, Social and Cultural Rights (1966) State parties recognize the “right of everyone to education”, and 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.” (Article 13)

State parties to the International Convention on the Elimination of All Forms of Racial Discrimination (1965) “undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups.” (Article 7)

Under the Convention on the Rights of the Child (1989), State parties “agree that the education of the child shall be directed to: (a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.” (Article 29(1))

States parties to the International Convention on the Rights of Persons with Disabilities (2006) “recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to... the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity...” (Article 24). Under this Convention, State parties also undertake to adopt immediate, effective and appropriate measures to raise awareness within society regarding persons with disabilities, to foster respect for the rights

States role in providing human rights

The obligation of States to ensure human rights education as an inherent component of the right to education has been developed and expressed in a number of declarations, comments, opinions, frameworks and standards developed by experts and committees of the United Nations. These so called 'soft law' sources give a strong indication that States must ensure enjoyment of human rights education. General comments of the Committee on Economic, Social and Cultural Rights have given content to the right to education, and have read quality education (a component of one of the four "essential features" of the right to education) to include human rights education.

The Committee on the Rights of the Child also has issued general comments that further explains that the right to education includes a right to quality education and in particular human rights education. It is the responsibility of States to ensure that young people and adults have access to quality education. There should be equal opportunity and access to all levels of education, and equal participation and opportunities within education. No one should be disadvantaged due to perceived differences, including those based upon gender, race, ethnicity, sexual orientation, faith, cultural or economic background, disability or personal characteristics.

The rights of all people must be recognized equally. The nondiscrimination principle does not prevent the taking of special measures to reduce or eliminate discrimination. Addressing discrimination may require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes.¹⁶ Every child has a right to an education that should provide the child with life skills, strengthen the child's capacity to enjoy the full range of human rights, and promote a culture which is infused by appropriate human rights values. The Committee has called on states to ensure inclusive education, which means it must be child-centered, child-friendly and empowering, and that educational processes be based upon the very principles it enunciates. The goal of education is to empower the child by developing his or her competencies, learning and other capacities, human dignity, self-esteem and self-confidence.

Considerate dialogue

The principles of inclusion and nondiscrimination should be applied to curriculum content, educational processes, the pedagogical methods and the environment within which education takes place. An inclusive learning environment includes not only a spirit of shared understanding through dialogue and a respect for difference, but also a physically inclusive environment that ensures access and safe spaces for learning for all.

There is an overwhelming need for effective human rights education in Europe. At the 2009 Forum on Human Rights Education with and by Young People, Living, Learning, Acting for Human Rights, the situation of young people in Europe was presented as one of "precariousness and instability, which seriously hampers equality of opportunities for many young people to play a meaningful part in society ... human rights, especially social

rights and freedom from discrimination, sound like empty words, if not false promises". The forum participants, concerned with equality of opportunity and discrimination, agreed. In a number of countries, there has been a marked increase in attacks on refugees, asylum seekers and migrants, some of which have been fatal.

Hate speech rooted in hostility to ethnic, religious and cultural diversity is being expressed ever more openly, not only by extremist groups but also by politicians from across the political spectrum and on social media. Such rhetoric fuels discrimination towards and social exclusion of ethnic and religious minorities, which is a growing challenge to countries in Europe making immediate and resolute action by governments and state authorities all the more urgent. Also highlighted is the need for enhanced coordination, cooperation and exchange of information between and amongst national and European institutions and organizations (including national human rights institutions, civil society organizations, and trade unions) and regional and local authorities, in order to effectively tackle current issues of discrimination and social exclusion, and develop a socially cohesive society based on the principles of democracy, the rule of law and respect for human rights. In a number of countries, there has been a marked increase in attacks on refugees, asylum seekers and migrants, some of which have been fatal. Hate speech rooted in hostility to ethnic, religious and cultural diversity is being expressed ever more openly, not only by extremist groups but also by politicians from across the political spectrum and on social media. Such rhetoric fuels discrimination towards and social exclusion of ethnic and religious minorities, which is a growing challenge to countries in Europe making immediate and resolute action by governments and state authorities all the more urgent.²⁸ Balancing security with fundamental rights, integration, religious freedom, respect for diversity, and security (both physically and online), are current issues

Productivity of cultural and linguistic diversity

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A human rights based approach is a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities and redress discriminatory practices and unjust distributions of power that impede progress. A rights based approach encourages the development of school environments where children feel included and their views valued. It can promote understanding of other cultures and peoples, contribute to intercultural dialogue and respect for the richness of cultural and linguistic diversity, and the right to participate in cultural life. It can also foster understanding of diversity and differences, based on gender, race, ethnicity, sexual orientation, faith, cultural or economic background, disability or personal characteristics. In this way, it can serve to strengthen

social cohesion. Schools and communities must create learning environments that eliminate all forms of physical, sexual or humiliating punishment by adults and challenge all forms of bullying and aggression among students. The lessons children learn from school-based experiences in this regard can have far-reaching consequences for the wider society.

Human rights education break-through

It contributes to positive social transformation: A rights based approach to education that embodies human rights education empowers young people and other stakeholders to become active participants in their communities (at local, national and global levels). It fosters the development of knowledge, competencies and positive attitudes of individuals, motivating them to take action for the realization of their rights and the rights of others. Thus human rights education is a major building block in efforts to achieve social transformation towards rightsrespecting societies, democracy and social justice. It also results in improved and long term realization of human rights.

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At the individual and community level, human rights education facilitates the development of knowledge, personal and social skills; increases appreciation and understanding of differences and diversity; builds mutual respect for human dignity and shared values; encourages dialogue and promotes non-violence in the resolution of problems and disputes, with respect for each other's rights; and combats all forms of discrimination and violence, including bullying and harassment.

Plan of action: Roadmap

At the societal level, human rights education contributes to and fosters the establishment of sustainable and participative forms of democracy based on respect for human rights and good governance. Human rights education is therefore an ongoing investment for societies that value human rights principles such as respect, non-discrimination. The Declaration can be a valuable tool for advocacy and awareness raising to support human rights education initiatives. It also offers support to educators and policy makers by providing a framework for implementation and assessment of national policies and priorities in the light of international standards, as well as providing support and legitimacy to human rights education programming and activities.

Human rights education should take place in environments that are safe, child and youth-friendly, non-discriminatory and democratic in atmosphere. Educators should demonstrate a motivation for and an understanding of human rights in lesson content and delivery. Instruction and learning processes should

motivate students and encourage their interest in and commitment to human rights. Cooperation should be facilitated and encouraged amongst schools, parents, communities, including nongovernmental organizations, youth organizations, local government agencies, higher education institutions, trade unions, media and businesses.

Conclusion

Pre-service and in-service teacher education and training is central to equipping teachers with the knowledge and competencies to integrate a rightsbased approach in the classroom. Such training should be an entitlement for all teachers to support their understanding and use of human rights education or participatory methodologies in their teaching practice in order to promote equality, diversity and respect and to enhance the learning experience. Human rights education should be practical, systematic and integrated into regular professional training in order to maximize its impact and sustainability. Such human rights training should itself use participatory methods.

Professionals should therefore be equipped with the required human rights education competencies enabling them to interact with children and young people in a manner that respects their rights, dignity and self respect. A whole school (or holistic) approach to human rights ensures that all components and processes of education – including curricula, materials, extracurricular activities, teaching methodologies, training, school policies, school governance structures, opportunities for participation, school environment, programme planning and implementation – reflect human rights values and principles, and are conducive to learning and experiencing human rights in an environment where all school community members feel respected and valued. The educational experience of young people should instill in them.

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