



Human rights education: A must for conveying 'common language of humanity

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Abstract

India, usually referred to as one of the glaring examples of 'unity in diversity' in the world. This 'unity in diversity' however is diminishing and paving the way for intolerance. The recent events unfolding, clearly depict the lack of 'universal culture of human rights. Incidents such as 'mob lynching', attacking minorities because of their faith or caste, the attack on students upon showing dissent by the goons. The partisan media demeaning its role of being the fourth pillar of democracy. The role of main stream media in manufacturing the narratives has played a significant role in diminishing the human rights values. Mentioning few, the narratives such as declaring the human rights activists as 'anti-nationals', the student protesters as 'tukde-tukde gang', and labeling intellectuals as 'urban Naxals' etc. has become the routine of the prime-time debates across the national media channels. All these events have led to the categorization of people into 'they' and 'us' and this 'othering' is seriously threatening the age-old tradition of diverse India.

This paper lays down the proposition that Human Rights Education (HRE) is answer to growing discordant among masses. HRE aims at strengthening and fostering the respect for human rights and fundamental freedoms. HRE is a requirement for developing the universal culture of human rights, it emphasizes that people everywhere must learn the 'common language of humanity' and realize in their daily lives. Human Rights Education is necessary for enlightening the people about their rights, as access to justice starts with knowledge of rights and of justice system at home and internationally. If people are not aware of their rights, then what are they going to defend? Who are they going to claim against? Right to live life with dignity includes right to know about one's rights. The consciousness about the right(s) makes people more assertive while standing for their rights and for others rights. This helps in developing a common identity of all diverse people into one 'humanity' and will certainly lessen the divide among masses.

Basic idea covered in this paper is to highlight the importance of human rights education in the time(s) of divide, as a necessary means to achieve the respect for human rights, and in turn justice and peace.

Keywords: human rights education, dignity, national education policy, human rights

Introduction

Every individual and every organ of society...shall strive by teaching and education to promote respect for these rights and freedoms^[1].

When we speak of "human rights", what do we comprise within the term? It may be said to include, the basic fundamental rights that are social, political, cultural and economic in nature, and are inalienable, and are possessed by the human beings by virtue of being humans. The modern concept of human rights more or less derives their origin from the Locke's philosophy. He is regarded as the person who recognized the right to life, personal liberty and right to one's property. Later on, with the growth in the democratic process across the globe, these rights were incorporated within the country's constitutions in the form of fundamental rights. The inalienable rights, which the state can't deny to its people. After the Second world War, Universal Declaration of Human Rights (1948) came into existence followed by the International Covenant on Civil and Political Rights (1966) and International Covenant on Economic, Social and Cultural Rights (1966). These three collectively constitute the international bill of human rights; recognizing the number of basic rights. It was an initiative to uphold the dignity and individual freedom(s) of humans, violated during the period of Great Wars. Before conceding any right, the UDHR talks about the dignity of the individual, that all men are free and born equal^[2]. Dignity is

the important aspect of human existence, life without dignity is not less than that of an animal. The present international bill of human rights did not emerge from a vacuum. It was presented as the latest in a series of facts, covenants and declarations aimed at securing certain rights of citizens in various countries. These Acts, covenants and declarations, which are usually traced back to the English Magna Carta 1215, have almost always emerged as a strategic response to social and political upheaval. The English Bill of Rights (1688-89), which was the first document to use the language of 'rights' and which introduced the system of free elections. These events were significant in so far as they influenced the establishment of the idea of the rule of law. Of the greater significance, perhaps were the American Declarations of 1776-1789 and the French Declaration of the Rights of Man and the Citizen of 1789. Both these declarations upheld the existence of inalienable rights an absolute truth, drawing on the philosophies of Locke, Kant and Rousseau's concept of 'general will'.

The elucidation, development and protection of human rights through the U.N has proved to be seminal event. The corner stone of UN activity has been without doubt the UDHR, 1948 adopted by UN General Assembly. It was intended not as a legally binding document as such but as its preamble proclaims "a common standard of achievement for all peoples and nations" but nonetheless with time, it has

succeeded in achieving the status of customary international law.

Human rights reflect basic human needs; they establish the basic standards without which people cannot live in dignity. Human rights are about equality, dignity, respect, freedom and justice including freedom from fear and want. These also include the fundamental freedoms like, freedom of speech and expression, religion, thought, movement and etc. human rights are held equally, universally and forever. Human rights are universal as they are same for all human beings across the democratic countries. They are inalienable, indivisible and interdependent, that is why they cannot be taken away ever, all rights are equally important and they are complementary to each other. Their knowledge is equally important, because when people don't know about human rights, how they can use and defend them? This raises the issue of importance and necessity of human rights education. Which has been acknowledged by various international human rights instruments. The aim of human rights education is to create a world with a culture of human rights. This is a culture where everyone's rights are respected and rights themselves are respected; culture where people understand their rights and responsibilities, recognize human rights violations and take action to protect the rights of others. It is a culture where human rights are as much a part of lives of individuals as language, customs and the arts.

Human Rights Education: A broad outline Meaning, Growth and Significance

The UDHR provides for the right to education that should strengthen respect for human rights and fundamental freedoms^[3]. This right to education was time and again reiterated by the succeeding human rights documents by United Nations and its functionaries^[4]. In 1993 the World Conference on Human Rights declared human rights education as "essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace^[5]." It also lays emphasis on human rights education and should include peace, democracy, development and social justice in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights. In 1994, the United Nations by way of a resolution proclaimed, UN Decade for Human Rights Education (1995-2004)^[6]. The Programme laid emphasis on the fact that teaching and education is essential to promote human rights and freedoms. For the purpose of the Decade, human rights education shall be defined as:

Training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes and directed to: (a) the strengthening of respect for human rights and fundamental freedoms; (b) the full development of the human personality and the sense of its dignity; (c) the promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous people and racial, national, ethnic, religious and linguistic groups; (d) the enabling of all persons to participate effectively in a free society; (e) the furtherance of the activities of the UN for the maintenance of peace^[7].

In this decade the UN urged all members to promote 'training, dissemination and information aimed at the building of a universal culture of human rights^[8]. A draft

plan of action was formulated for the UN Decade for Human Rights Education (1995-2004). The plan was welcomed by the UN General Assembly Resolution 1996 as 'Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004: Human rights Education-Lessons for life'^[9]. The plan lays down inter alia the normative basis and definition, guiding principles and objectives of the decade. The Plan agreed to have the mid-term global evaluation during the year 2000 of the progress made towards the achievement of the objectives of the Decade. Later on, various resolutions and follow up reports of the decade recommended for the second decade of Human Rights Education from 01 January 2005^[10]. The commission on Human Rights has recommended to the ECOSOC at its substantive session of 2004 to recommend^[11] to the General Assembly that it proclaim at its 59th Session a World Programme for Human Rights Education, to begin on 1 January 2005, structured in consecutive phases, in order to maintain and develop the implementation of human rights education programmes in all sectors. The General Assembly passed a resolution in 2004, proclaiming the world Programme for Human Rights Education^[12] and on 14 July 2005, UN General Assembly adopted the revised draft plan of action for the first phase (2005-2009) of the world Programme for human rights education^[13]. The plan of action draws on the principles and frameworks set by international human rights instruments. It defines Human rights education as "education, training and information aimed at building a universal culture of human rights. A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life. Human rights education fosters the attitudes and behaviours needed to uphold human rights for all members of society^[14]." Its focus was to target the primary and secondary school systems. The second phase (2010-2014) was proclaimed by the Human Rights Council Resolution 15/11 of 2011, focusing on those who further mentor tomorrow's citizens and leaders, such as higher education institutions as well as on those who have a major responsibility for respecting, protecting and fulfilling the rights of others- from civil servants and law enforcement officials to the women and men serving in the military. To give impetus to human rights education programming at the national level, in both formal and non-formal settings, UN member states launched the third phase (2015-2019) of the world programme for human rights education. In addition to consolidating the work undertaken in previous years, this new phase focuses specially on human rights training for media professionals, in recognition of the vital role of free, independent and pluralistic media in promoting justice, non-discrimination, respect for human rights. The third phase was adopted by the Human Rights Council Resolution 27/12 of 2014.

As a matter of fact the year commencing from 10 December 2008 was proclaimed as the International Year of Human Rights Learning^[15], to be devoted to activities undertaken to broaden and deepen human rights learning on the basis of the principles of universality, interdependency, indivisibility, impartiality, objectivity and non-selectivity, constructive dialogue and cooperation with a view to enhancing the promotion and protection of all human rights and fundamental freedoms. In the meantime, recommendations were also made for the declaration

concerning human rights education ^[16].

Finally, in 2011, United Nations Declaration on Human Rights Education and Training was adopted by the General Assembly resolution ^[17]. The declaration lays that, Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing to, inter alia, the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of universal culture of human rights. According to the declaration, human rights education and training encompasses education about human rights, through human rights and for human rights ^[18]. It has declared human rights education and training is a lifelong process that concerns all ages, at all levels including preschool, primary, secondary and higher education, taking into account academic freedom where applicable, and all forms of education, training and learning, whether in a public or private, formal or non-formal setting ^[19].

Human rights education and training are essential to the effective realization of human rights and fundamental freedoms, and contribute significantly by promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It is now established fact that HRE helps in combating against racism, racial discrimination, Xenophobia and related intolerance, and the essential role of education, which is sensitive to and respects cultural diversity, especially among youth, in the prevention and eradication of all forms of intolerance and discrimination ^[20].

Human Rights Education: Indian Scenario

In India, human rights have been incorporated within the constitution under Part III and Part IV as Fundamental rights and Directive principles of the State policies respectively. State can't deny fundamental rights as these are negative obligations on the part of the state, whereas Directive Principles are subject to economic condition (s). These are the positive obligations on the part of the state, but nevertheless they are the fundamental principles of the governance. At times, the Indian Judiciary has crafted a number of rights, simply for the protection and preservation of the human dignity. The judiciary has also played an active role in shaping and developing the human rights jurisprudence in India. In 1993, a specific legislation (The Protection of Human Rights Act) was enacted by the parliament of India for the protection of human rights. The law provides for the constitution of a National Human Rights Commission ^[21] with a range of powers and functions. For the purpose of the Act, human rights mean; The rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India ^[22].

The definition is inclusive and lays emphasis on the rights protected by the constitution and the rights provided by the

international human rights instruments applicable and enforceable by Indian courts. The Act lays down the responsibility of the commission to undertake and promote research in the field of human rights ^[23]. The commission has to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means ^[24]. Despite the seminars, workshops, research projects and internships by the commission, the dissemination of the human rights information fails to reach the grass root level, the common masses. It has remained the privilege of the literate class and the people usually associated with higher education, especially law schools.

In the year 1999, the commission with its efforts developed and introduced Human Rights Education curriculum through University Grants Commission (UGC). The model of HRE was developed and introduced by UGC and by the end of March 2000, HRE has been introduced in various universities and colleges ^[25]. However, it is being offered either as a specific degree in human rights, or in law degrees, or diplomas or as certificate course but not to every college or university going student. In its recommendation report (2007), the commission acknowledged that in spite of more than 50 years after UDHR and after the observance of UN Decade of HRE (1995-2004), the prevailing situation of HRE at the educational system of the country is not satisfactory ^[26].

Despite various international instruments advocating for a specific national action plan on human rights education. India is yet to have one such plan or policy specifically laying down human rights education in India. The country's education policy also fails to meet the goal of HRE. For example, In National Education Policy of India 1986, there is not a single mention of human rights education or curriculum, or extra-curricular activities designed in such a way, so as to promote and protect human rights. So far as the policy is concerned, it was framed before the proclamation of UN Decade for Human Rights 1994. It might be the possible reason(s) for the lack of initiatives concerning human rights education within the policy ^[27]. Nonetheless there has been the guiding instruments like International Bill of Human Rights and other instruments of human rights law, and should have been taken into consideration while formulating the education policy of India, one of the largest democracies on earth.

National Curriculum Framework (NCF) drafted by the National Council of Education, Research and Training (NCERT) in 2005 ^[28], accepted that 'education needs to be boldly reconceptualised in terms of the discourse of universal human rights and critical pedagogy' ^[29]. The framework also lays for the 'peace education ^[30]' and 'children rights' and the approach established in the NCF is primary and secondary schools is to teach human rights in an indirect way using subjects like history or science as vehicles of principles and values. The framework contains various declarations on the significance of education 'as a long-term process of building up peace, tolerance, justice, inter cultural understanding and civic responsibility' ^[31]. Which strengthens democracy and helps students to achieve a rational commitment to values. The indirect method of teaching human rights has not worked well, given the human rights condition in the country. This method has not been enough to cultivate universal culture of human rights.

In 2013, Central Board of School Education (CBSE), issued a circular while acknowledging the 'human right to know your rights' directed for the introduction of an elective subject at class XI on 'Human rights and Gender studies' and affirming one of the objectives of NCF^[32]. This is for the first time in the history of India, that a direct method of HRE was introduced, although a pilot project in 50 schools, but it may prove to be a great beginning towards achieving the universal culture of human rights.

In *Federation of Obstetricians and Gynecological Societies of India v. Union of India (UOI) and Ors.*, the Supreme Court of held while emphasizing on the rights of girl child:

'calls upon government, civil society including media and NGO's to promote HRE and full respect for and the enjoyment of human rights of the girl child inter alia, through the translation, production and dissemination and age appropriate and gender sensitive important material on these rights to all sectors of society particularly to children'^[33].

The Court highlighted the significance of human rights education for the protection of human rights of all and particularly of a girl child in this case. There are various other cases, wherein Supreme court has directed the state and the centre to undertake the measure for the dissemination, literacy or for the public information of the rights decided by the Court^[34], although specific rights or a single right but nonetheless a human right like 'rights of a arrestee person', 'right to environment' etc.

In *Navej Singh Johar and Ors. v. Union of India (UOI) and Ors.*, the court said while emphasizing the right to universal enjoyment of human rights:

'... state shall undertake progress of education and awareness to promote and enhance the full enjoyment of rights by all persons...' ^[35]

The court in the case recognized the rights of LGBTQI community and directed the state for the wide publicity of the judgment, through media including TV, radio, print, online media at regular intervals and live programmes to reduce and finally eliminate the stigma associated to the community.

The government of India formulated a new education policy in 2019^[36], the draft policy for the first time referred to article 26 of UDHR, laying emphasis that everyone has the right to education. Education shall be directed to the full development of the human personality and to strengthening the respect for human rights and fundamental freedoms. The policy lays down 'learning to live together' as one of the objectives. 'Learning to live together' includes developing an understanding of other people and an appreciation of interdependence in a spirit of respect for the values of pluralism, mutual understanding and peace. It provides for the social emotional learning, which focuses on the development of the soft skills. The policy for the primary education advocates for the supervised play-based education in groups and individually. That is considered particularly important during the primary age range to naturally build up the child's innate abilities and all important lifelong skills of cooperation, teamwork, social interaction, compassion, equity, inclusiveness, communication, respectfully interact with teachers, and follow students, staff and others for the holistic development of the child in terms of living together in diversity. All stages will heavily incorporate Indian and local traditions as well as ethical reasoning, socio emotional learning, qualitative and logical reasoning, computational

thinking and digital literacy, scientific temper, languages and communication skills, in a manner that is developmentally appropriate. It lays the provision for moral and ethical reasoning of doing what is right? Will this hurt somebody? Is that a good thing to do? The focus is also being laid on the development of constitutional values- the process and content of education at all levels will also develop constitutional values in all students and the capacities for their practise. This goal will inform the curriculum as well as the overall culture and environment of every school. Democratic outlook and commitment to liberty and freedom, equality, justice, fairness, embracing diversity, plurality, inclusion, humanness fraternal spirit, social responsibility and the spirit of service, ethics of integrity, honesty, scientific temper and commitment to rational and public dialogue, peace, social action through constitutional means, unity and integrity of nation and true rootedness and pride in India with forward looking spirit. There should be establishment of the mechanisms to address discrimination, harassment and intimidation^[37].

Development of ideas of personal freedom and responsibility among students. At the same time, ideas of personal freedom and responsibility will be important to develop a free society, but that freedom comes with responsibility for all citizens, in order for society to truly function and prosper. It aims at sensitising the learners, that all students will develop sensitivity and appreciation of the diverse cultures and traditions to which we belong. A concerted set of actions on various fronts will be implemented through inclusion of narratives around different socio-economic situations in the curriculum. Individuals should be made aware of basic human values of tolerance, inclusiveness, equity, empathy, helpfulness, service etc. will be incorporated throughout the curriculum. Curriculum shall be designed in such a way, so as to foster women participation and leadership in education. Gender sensitization awareness shall include the awareness of POCSO, Prohibition of Child Marriage, The Maternity Benefits Act, and Prohibition of Sexual Harassment Act^[38]. In higher educational institutions, the liberal education should be provided to develop constitutional values. The curricula of all programmes in tandem with the overall culture and environment of the higher education institution, will enable this. The duties and rights in action of all citizens of India informed by these values will also be highlighted. Some of the constitutional values that will thus be developed, as evidenced in action through the life of the students are: democratic spirit and commitment to liberty and freedom; commitment to equality, justice and fairness; embracing diversity, plurality and inclusion; humanness and fraternal spirit; social responsibility and the spirit of service; spirit of universalism with rootedness in India, scientific temper and commitment to rational dialogue and public reasoning and an ethic of integrity and honesty^[39].

The draft policy side-lined the initiative by the CBSE of direct teaching of human rights, the various directions by the Supreme Court at times for the education of human rights and the vision of NCF 2005. The document fails to provide for the concrete mechanism for HRE in India. Although, the policy refers to the UDHR mandate for human rights education and provides for the indirect means and methods for sensitizing the people with respect to the human rights and freedoms. It fails to mainstream the human rights education according to world Programme for

HRE. The policy has ignored the human rights education by not including the subjects like human rights law, humanitarian law and other human rights related subjects in the school curriculum and not even at the college or university level.

Concluding Remarks

From the last decade, there has been the rise of intolerance and divide among the masses due to the lack of respect for one common identity i.e. humanity. Albeit constitution guarantees every individual the right to equality, liberty and fraternity, dignity and religious freedom. The society at large has failed to pay due respect and regard to the rights, which is evident by the day to day acts of hatred, intolerance, bigotry, persecution of minority communities, caste-based violence and etc. It is well known fact that education plays a significant role in transforming the lives of people. So human rights education, that aims at building the universal culture of human rights should be made compulsory at all levels of school, college and university education.

Universal culture of human rights is a culture where everyone is respected and all people live their life with dignity, liberty and equality irrespective of religion, colour, political or other opinion, caste, language, race, gender and region. It was also affirmed by the Human Rights Council that human rights education and training are important for realization of human rights and fundamental freedoms^[40]. States were called upon to increase their efforts to implement, disseminate and promote universal respect for and understanding of the United Nations Declaration on Human Rights Education and Training. Human Rights Council encourages states in its resolution, to develop, as appropriate, comprehensive and sustainable national plans of action for human rights education and training, with dedicated resources^[41].

India needs a resourceful national action plan for human rights education, so that the diverse fabric of country should be preserved and protected and the secular nature of constitution duly respected. Once people start paying respect to rights and freedoms of others, the goal of peace and justice will be ultimately achieved.

References

1. Preamble to the Universal Declaration of Human Rights, 1948.
2. Article 1 of the Universal Declaration of Human Rights, 1948.
3. See: Article 26(2) UDHR, 1948.
4. See: Article 13 of International Covenant on Economic, Social and Cultural Rights, 1966, Article 29 of Convention on the Rights of the Child, 1990, Article 10 of Convention on the Elimination of All Forms of Discrimination Against Women 1979, Para 33 of Vienna Declaration, 1993, Para 78,79,80,81 of Vienna Programme of Action, 1993.
5. Para 78, Part II; Vienna Declaration and Programme of Action, 1993.
6. United Nations General Assembly, Resolution: A/Res/19/184, 23 December, 1994.
7. Ibid.
8. United Nations General Assembly, Resolution: A/Res/19/184, 23 December, 1994.
9. United Nations General Assembly, Resolution: A/51/506/Add.1, 12 December, 1996.
10. See: Specific Human Rights Issues E/CN.4/Sub.2/2003/L.14 2003, ECOSOC Decision 2004/268.
11. See: Commission on Human Rights Resolution, 2004/71.
12. UN General Assembly Resolutions: 59/113 A, 2004.
13. UN General Assembly Resolution:59/113 B, 2005.
14. Plan of Action, World Programme for Human Rights Education, First phase (2005-2009).
15. International Year of Human Rights Learning, UN General Assembly Resolution: A/RES/62/171, 2008.
16. See: A/HRC/AC/3/NGO/2, 2009.
17. See: A/HRC/RES/16/1, 2011.
18. Article (1) of UN Declaration on Human Rights Education and Training, 2011.
19. Article (3) UN Declaration on Human Rights Education and Training, 2011.
20. See: World Programme for Human Rights Education; A/HRC/RES/39/3, 2018.
21. See: Sections 3 &12 of The Protection of Human Rights Act, 1993.
22. See: Section 2(d) of The Protection of Human Rights Act, 1993.
23. See: Section 12(g) of The Protection of Human Rights Act, 1993.
24. See: Section 12(h) of The Protection of Human Rights Act, 1993.
25. See: National Human Rights Commission, Annual Report, 1999-2000, P-73.
26. See: Recommendations of NHRC, Human Rights Education at the University and College level. *available at:* <https://nhrc.nic.in/sites/default/files/HREduCollege.pdf> (accessed on Jan 28, 2020).
27. See: India's National Education Policy, 1986.
28. See: National Curriculum Framework, 2005 (NCERT), *available at:* <http://www.ncert.nic.in/rightside/links/pdf/framework/english/nf2005.pdf> (accessed on Jan 28, 2020).
29. Ibid, P-9.
30. Ibid, P-62.
31. Ibid, P-61.
32. See: Circular no. Acad-21/2013, *available at:* <http://cbseacademic.nic.in/circulars2013.html> (accessed on Jan 28,2020).
33. See: Para 29, MANU/SC/0663/2019.
34. See: Para 40, D.k Basu v. State of West Bengal (MANU/SC/0157/1997), M.C Mehta v. U.O.I, 1992 AIR 382.
35. See: Para 341, MANU/SC/0947/2018.
36. See: Draft National Education Policy, 2019, India.
37. Ibid.
38. Ibid.
39. Ibid.
40. World Programme for Human Rights Education, A/HRC/RES/39/3, 03 October 2018.
41. Ibid.