

## HUMAN RIGHTS EDUCATION: CURRENT ISSUES AND POSSIBLE SOLUTIONS

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### **Abstract**

*Human Rights Education is all about educating human beings for exercising their rights to live a happy, prosperous and independent life with dignity in the society. The rights of human beings are known as natural, inherent, fundamental and basic rights which have been given by the Constitution of India as well as by Universal Declaration of Human Rights (UDHR). Central and State Govt., and other well known Non Governmental Organizations (NGO's) are striving for imparting education relating to human rights throughout the globe. National Council for Teacher Education, University Grants Commission, National Council for Educational Research and Training and Department of Higher Education, Ministry of Human Resource Development are taking keen interest for imparting human rights education through various means and ways from school to university levels. However, human rights have been violated in different spheres of the society in different ways by different stakeholders. Domestic violence of women, violation of child rights, violation of disabled persons' rights and violation of free and compulsory education are some of the crucial issues existing in the society. These issues cannot be resolved only by just imparting education about human rights. Proper training is also very much needed to stakeholders such as lawyers, judges, police personnel, members of legislatures and responsible citizens of India to change their attitudes and to maintain their professional and personal ethics for the welfare of the nation.*

*The present paper discusses the meaning of human rights education, its need and importance, role of apex bodies in implementing human rights education and also highlights the current issues with their possible solutions. This paper also helps not only just understanding the various current crucial issues of the human beings but also a tool for effective implementation of human rights education for all the stakeholders to protect and preserve their rights to create happy and prosperous nation.*

**Keywords:** *Human Rights Education, Training of Stakeholders, Violation of Human Rights, Role of apex bodies, Legal Literacy*

### **Introduction**

Human Rights Education is all about educating human beings for exercising their rights to live a happy and prosperous and independent life with dignity in the society. The rights of human beings are known as natural, inherent, fundamental and basic rights which have been given by the Constitution of India as well as by Universal Declaration of Human Rights (UDHR). Central and State Government and other well known Non Governmental Organizations (NGO's) are striving for imparting education relating to human rights throughout the globe. National Council for Teacher Education, University Grants Commission, National Council for Educational Research and Training and Department of Higher Education, Ministry of Human Resource Development are taking keen interest for imparting human rights education through various means and ways from school to university levels. However, human rights have been violated in different spheres of the society in

different ways by different stakeholders. Domestic violence of women, violation of child rights, violation of disabled persons' rights and violation of free and compulsory education are some of the crucial issues existing in the society. These issues cannot be resolved only by just imparting education about human rights. Proper training is also very much needed to stakeholders such as lawyers, judges, police personnel, members of legislatures and responsible citizen's of India to change their attitudes to maintain their professional and personal ethics for the welfare of the nation.

### **Meaning and Nature of Human Rights Education**

Human Rights Education means educating human being about learning their rights and exercising their rights to live happy and prosperous life. UNESCO's International Congress on Education for human Rights and Democracy adopted definition of HRE as "Human Rights Education is a human right, a precondition for sustainable development, the civil society and democracy". The United Nations Decade for Human Rights Education (1995-2004) has defined Human Rights Education 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 (Ganesh Chavan, 2011) attitudes which are directed to:

1. The strengthening of respect for human rights and fundamental freedoms;
2. The full development of the human personality and the sense of its dignity;
3. The promotion of understanding, respect gender equality, and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
4. The enabling of all persons to participate effectively in a free society;
5. The furtherance of the activities of the United Nations for the Maintenance of Peace".

Human rights are known by different names such as basic rights, natural rights, inherent rights and fundamental rights. Human beings have been given rights to live happy and independent life in the society as per their own choice of interest and style. These rights are protected by the Indian Constitution as well as Universal Declaration of Human Rights (UDHR). Human beings are not only children, men, women but also transgender group of our society. Most of us are concerned with men and women but less concerned with transgender group. They also have their rights of living with dignity as other human beings have.

Educating about the rights of human beings is called a "Human Rights Education". It is education for understanding human rights in the lights of religion as well as Constitution of India. Human rights education is all about helping people to develop to the point where they understand human rights and where they feel that they are important and should be respected.

### **Needs and Significance Human Rights Education**

Research studies evident that rights of human beings are violated in every sphere of life. In order to protect human rights, human rights education is very much needed. There is no doubt that NGO's; state and central Govt. are taking initiative for imparting education about human rights. National Council for Educational Research and Training, University Grants Commission and other apex bodies have taken initiatives for human rights education.

However, it is very much needs to bring changes in values, attitudes, behaviors, to develop knowledge and analytical skills, to develop attitudes of solidarity across issues and nations, to empower social justice and to produce participator education for protecting all rights of human beings.

### **What are Human Rights**

The Constitution of the Republic of India, which come into force on 26<sup>th</sup> January, 1950 with 395 articles in 22 parts and 8 schedules at the time of commencement. New Constitution of India has 448 articles in 25 parts and 12 schedules. There are 101 amendments have been made in the Indian Constitution. Part-III (12-35 articles) deals with fundamental rights which are general rights of human being such as right to equality, right to freedom, right to education, right against exploitation, right to freedom of religion, cultural and educational rights, Savings of certain laws and right to constitutional remedies. Educating all human being about the fundamental rights is very essential for the peace and prosperity in the nation.

### **Role of Apex Bodies in Implementing Human Rights Education**

The National Policy on Education (1986) with (Naseema, 2005) its stress on the national curriculum with a common core, has further strengthened human rights education by making it an integral part of the curriculum in every subject and at all stages of education. Most of the “Common Core” elements laid down in the policy are related to one or other dimension of education for human rights and democracy. The Constitution of India lays down the basic framework for the direction of the development of the country as an independent nation. The preamble to the constitution proclaims the resolve of the people of India to constitute a sovereign socialist secular Democratic republic that will assure to all its citizens social, economic and political justice, liberty of thought, expression, belief, faith and worship, equality of status and opportunity and promote among them fraternity, the dignity of the individual and the integrity of the nation. Part-III and IV of the constitution deal with Fundamental Rights and directive principles of State policy respectively. The human rights and fundamental freedom laid down in the universal declaration of human rights are included in parts III and IV and various other provisions of the Constitution. The resolution on the National policy on Education issued in 1968 prescribed a common structure of education throughout the country. The implementation of this structure, generally known as the 10+2 structure of school education, has been nearly completed throughout the country. A national curriculum was also developed as a part of implementation of the new structure.

National Human Rights Commission (NHRC) has been working over the years with the Department of Education, Ministry of Human Resource Development, the National Council for Educational Research and Training and National Council for Teacher Education.

In 1997, the UGC constituted s standing Committee on human rights Education to start post-graduate course in the universities and to deal with matters relating to the organizing of seminars, workshops and symposiums at the university level. The standing committee approved proposals for starting certificate, diploma and degree courses in human

rights at the Indira Gandhi National Open University (IGNOU), New Delhi, University of Mumbai, Andhra University, Waltair, Manipur university, JamiaMilliaIslamia, New Delhi, Nagpur university and Aligarh Muslim University, Aligarh, U.P.

The most important aspect of the UGC's initiative has been the emphasis on going beyond mere intellectual exercise. It envisages linkages between colleges/universities and NGO's. It expects the students to do field work as part of the course. This is a vital development in the mainstreaming of human rights education.

### **Current Key Issues with Possible Solutions**

There are numerous issues with regard to human rights education. All the issues exist only because of misunderstanding about the fellow beings in a society, disrespect of each other and lack of knowledge and skills about their own rights. Domestic violence of women, child labour and violation of child rights, violation of disabled persons rights, misuse of powers by police personnel, low financial conditions of poor families, negative attitudes of political leaders, lack of current knowledge among police and lawyers, and lack of judges in the courts are some of the key issues have been discussed with their possible solution for effective implementation of human rights education for the development of the nation.

### **Domestic Violence of Women**

Domestic violence is one of the crimes against women which are linked to their disadvantageous position in the society. It refers to violence against women especially in matrimonial homes therefore domestic violence is recognized as the significant barriers of the empowerment of women with consequences of women's health and health-seeking behavior and their adoption of small family norm. The reasons for violation of women rights include: domestic violence, outraging the modesty of women, dowry harassment, property dispute, rape, etc. Violence is described (Naseema, 2015) as a physical act or aggression of one individual or group against another or others. Violence against women means any act of violence which results in, or is likely to result in physical, sexual or psychological harm or suffering to women. There are the more latent and unquantifiable aspects of aggression or invasion of the self by outside agents namely emotional violence and other forms of cruelty which ends up in suicide, self-mutilation, negligence of ailments, sex determination tests, and denial of food. In India, there has been a significant increase in reported crimes against women at least in certain metropolitan cities. Apart from dowry-death or suicides, the incidents of wife-beating, cruelty, torture and humiliation were on the risk. This made the women's group demand that wife abuse and treated as an offence.

In order to address the problems of women's rights, parliament enacted the National Commission of Women Act, 1990. Though the Act empowers the Commission to investigate, examine and review all the matters relating to the safeguards provided for women under the constitution and other relevant laws, the commission feels that its powers are not equal to its tasks, and that it should have power to prosecute/summarily decide on cases of violation of gender justice.

Harrasment, threatening, physical abuse, sexual abuse, verbal and emotional abuse and economic abuse are some of the types of domestic violence. It has become common in India. In order to protect woman from domestic violence, The Constitution of India guaranteed her rights under protection of Women from domestic violence Act, 2005 enacted by Parliament in the Fifth – Sixth year of the Republic of India. However, woman does not reveal and disclose with the others in order to live happy life. The Act provides more protection of the right of women under the constitution who are victims of violence of any kind occurring within the family and for matters their with.

Murthy (2004) revealed that number of family members, type of marriage and husband's education besides menstrual problems has significant violence on domestic violence. While many researchers (McKenry et al 1995; Rao, 1997) come out with finding that lifestyle of men such as smoking, alcoholism and drugs promote men to commit domestic violence.

It was found (Daga et. al, 1999) that many of the victims of domestic violence has either refused to name the perpetrator of the assault or attributed the injuries to other reasons.

Young girls in a child marriage are more likely to experience domestic violence in their marriages as opposed to older women. A study conducted in India by the International Centre for Research on Women showed that girls married before 18 years of age are twice as likely to be beaten, slapped, or threatened by their husbands and three times more likely to experience sexual violence. Young brides often show symptoms of sexual abuse and post-traumatic stress. Marriage at a younger age makes women vulnerable to domestic violence (Mishra, 2000; and Rao, 1997).

There are two possible solutions with regard to overcome the issues of domestic violence. Firstly, man should change his traditional attitude to modern attitude. He should have positive attitude towards woman. He also should realize the services of woman dedicated not only to domestic work but also outside work. He should appreciate her services given as mother, grandmother, sister and wife. Respect and salute her duties rather than criticizing her always and involving her in various domestic violence. There is no doubt that sometimes woman argues with men unnecessarily but man has to understand her nature and treat her with positive attitude and compromising nature. *"No fundamental change in favour of women is possible without massive change in male attitude"* well argued by Dr. Nafis Sadik, Executive Director of the United Nations Population Fund.

Secondly, encourage girl's education. In India, girl's education is ignored in the families whereas it is very important issue. Gerstein (2000) reported that low educational level and poverty are important reasons for domestic violence. Girls should be educated as par with the boys in the society. They should be made eligible to all the administrative and academic positions without any discrimination on the basis of gender. It was suggested that (Jagadeesh et al, 2010) education of the girls should be encouraged, which will undoubtedly works as deterrent to domestic violence.

No law and Government helps for empowering woman until unless bring change in the attitudes of men towards women and educate them since childhood.

### **Violation of Child Rights**

Children occupy a special role (Singh, D.K., 2011) within human rights protection. In its convention on the Rights of the Child, the United Nations states that the “Child , by reason of his physical and mental maturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.

Despite hectic planning, welfare programmes, legislation and administrative action, a large majority of children all over the world continue to remain in distress and turmoil. The National Commission for Protection of Child Rights has reported 2404, 3281, 3340 and 2270 cases of violation of child rights in 2012-13, 2013-14, 2014-15 and 2015-16 (till 30.06.2015) respectively. The reasons for violation of child rights include violations under the Right of Children to Free and Compulsory Education Act, 2009 and violation under the Protection of Children from Sexual Offences Act, 2012. Child rights violations are also related to displacement, violence, trafficking, etc. The actions taken by National Commission for Protection of Child Rights include conduct of summon hearings and giving directions to concerned officials, giving recommendations to State Governments, etc. The government has also enacted several laws such as the Juvenile Justice (Care and Protection of Children) Act, 2000, the Protection of Children from Sexual Offences Act, 2012, the Prohibition of Child marriage Act, 2006 and is implementing schemes for the protection of children such as the Integrated Child Protection Scheme, etc.

Children are future products for our nation. Hence, they should be protected their rights by the stakeholders. Parents should encourage them for imparting good education and give their rights especially right of education, right of freedom and expression.

### **Lack of Protection of Disabled Person’s Rights**

As per 2001 census, 21.9 million people are disabled in India, who constitutes 2.13 per cent of the total population. Out of the 21,906,769 people with disabilities, 12,605,635 are males and 9,301,134 are females. This includes persons with visual, hearing, speech, locomotors and mental disabilities. Seventy five per cent of persons with disabilities live in rural areas, 49 per cent of disabled population is literate and only 34 per cent are employed (Sriastava, Kumar, 2015).

Persons with disabilities need special protection within a human rights context. United Nations declaration defines a person with a disability as ‘Any person unable to ensure by himself, wholly or partly the necessities of a normal individual and/ or social life, as a result of deficiency, either congenital as not, in his or her physical or mental capabilities. The issue of disability seems to be enveloped by the clouds of misinformation and misconception; as a result discrimination against the physically and mentally disabled individuals still persists. The problem of disabled has confronted man since the inception of civilization. It is essentially a multi-faceted problem and requires the active co-operation and involvement of all sections of human society including the disabled persons themselves.

Moverover, attitudinal change in society is required in order to protect the rights of disabled children. Suitable employment opportunities should be created for persons with

disabilities by the implementing the act 2016. They should also be involved in all the works as per their interest and choice.

### **Violation of Free and Compulsory Education Act**

The right to education is recognized as a human right by the United Nation and is understood 'to establish an entitlement to free, compulsory primary education for all children, an obligation to develop secondary education accessible to all children, as well as equitable access to higher education and a responsibility to provide basic education for individuals who have not completed primary education (Bhoi, A.K., 2011)'. The right to education is enshrined in Article 26 of the Universal Declaration of Human Rights and Article 14 of the International Convenent of Economic, Social and Cultural Rights. The right to education is also been reaffirmed in the 1960 UNESCO Convention against discrimination in Education. The right to education is also include the right to freedom of education. Also in Article 37 of the Declaration of Human Duties and Responsibilities adopted by a high-level group chaired by Richard J. Goldstone under the auspices of the city of Valencia and UNESCO.

It is a duty of Central and State Govt. to provide free and compulsory education to all children of the age six to fourteen years without any discrimination under the Free and compulsory Education Act came into force in the year 2009. However, this has been violated in various states of the county. Just nine months after the Right to Education (RTE) Act was implemented in India, promising free and compulsory education to all children in the age group of 6-14, over 10,000 cases of violation have been registered by a child rights body in the capital New Delhi (as on 12.12.2013).

Awareness should be created among parents especially in the rural areas among parents. Children also unable to access the education due to their poverty. Goverment should provide good scholarship along with free education. They should be given quality education in the schools as par with the corporate schools.

### **Negative Attitudes of Political Leaders**

All the issues with regard to religion, region and cast are not only on the basis of negative attitudes of political leaders towards nation but also lack of adequate education towards human rights or legal knowledge. All the problems would be resolved if they bring change in their attitudes towards the nation as well as get Human rights Education. They should have positive and secular attitudes towards the nation. In order to bring change in their attitudes the election commission could take initiative to conduct political eligibility test (PET) nationwide. The minimum qualification should be master's degree in Human Rights Education and maximum qualification is Ph.D. degree in HRE. The validity of the test should be for 5 years. This measure not only helps them but also helps for the welfare of the nation. The leaders would be engaged in enhancing their knowledge.

### **Lack of Current Knowledge among Police and Lawyers**

Most of the advocates are unable to draft their cases properly and most of the times they copy the content from previous cases and submit in the courts. The advocates should be

well trained for their professions. Govt. should provide them fellowship for their training programmes.

Consequently police personnel are misusing their powers in order to arrest the criminals. They should be trained properly for understanding their duties and responsibilities. Especially they torture the human being in rural areas to accept allegations made against them.

### **Online Legal Services**

Now, the present era is a technological era. Everybody is user friendly with new technologies especially with the use of smart phones. It is very difficult to get a bail for an alleged person from the court. Therefore, the bail should be provided through online services in case of false or baseless cases registered against men and innocent persons of the society. First Information Report (FIR) should be accepted through online. All the courts should make this provision for the entire citizen's of India for their welfare and better living.

It is also very difficult to a person to pay the fee to his/her advocates in order to get bail from the courts. All the details of bails with fee should be made available through online. The Government should take initiative to fix prices of the legal services.

### **Lack of Legal Literacy or Human Rights Education**

All the basic problems rise only because of lack of adequate knowledge among the stakeholders about their fundamental rights. Legal literacy, therefore, is a tool for bringing about qualitative change at the grassroots level. Experience shows that better awareness of laws helps people work more effectively in diverse spheres. The non-implementation of many laws is partly attributed to the beneficiaries' lack of awareness.

Schimmel and Militello (2007) found that teachers responded correctly to questions regarding students' rights and teachers' rights with only 50% accuracy. They also reported that 75% had not taken a course in education law, prompted the researchers to recommend that every initial teacher preparation program require such a course.

Certainly, competence in content and the ability to deliver instruction are critical; but once assigned to a position, teachers are legally responsible agents of the state who need at least a baseline understanding of students' rights, parents' rights, and their own rights (Militello & Schimmel, 2007). Gullatt and Tollett (1997) revealed that preparation programs in medicine and business provide courses in legal issues for students. Teachers need appropriate knowledge and skills about legal matters affecting teaching and learning.

Well-educated and highly-placed professionals too are often not conversant with legal provisions and the implications of their violation. Many do not know the nitty-gritty of several statutory laws and their applications. For example, the legislated Act for the Protection of Women against Domestic Violence is purportedly to be complied by vibrant administrative machinery. However, the fact remains that vast majority of the officers and professionals like clinical psychologists, therapeutic counselors, welfare officers, social workers, institutional heads and members of the academe are ignorant of their roles and responsibilities as provided in the Act.

At present, Human Right Education is being taught from school to university level as an optional paper and also with the integrated subjects. It is not enough only to theoretical aspects of the human rights. It should be made compulsory subject in the schools as well as for teachers and teacher educators.

Legal education i.e. Human Rights Education should also be imparted through Open Universities with free of cost to all the stakeholders such as engineers, doctors, Police, lawyers, Judges, Teachers in the universities and colleges and schools through open universities and all other citizen's of India. There should not be any age limit for obtaining admission in the Human Rights Educations course/programmes. The learners should also be given fellowship and increments during the pursuance of the courses.

Everybody should be given chance of knowing about his/her own rights. In order to understand education free of cost through the open universities. There should not be any admission fee in the programme. The employment opportunities should also be created open for all. There should not be any age limit as far as these programmes are concerned.

### **Misuse of Powers by Police Personnel**

Arrest of a person (Azeez, 2015) by the police is yet another controversial area in the criminal justice process as a result of the wide discretionary powers enjoyed by the police and the practical misuse of those powers by them. According to the National Police Commission's third report, the power of arrest is one of the chief sources of corruption by the police and around 60 percent of the arrests made by the police are unnecessary and unjustified. There lies the point of misuse of power of arrest by the police. Even when arrest is necessary, the police do not comply with the procedural requirements provided by the Constitution of India and the Criminal Procedure Code. This had come to the notice of the Supreme Court in different cases and the Court has been obsessive in the matters connected with unlawful arrest, illegal detention and non-compliance of the procedural requirements while affecting arrest and detention.

It is evident from the research studies that the police officers misuse their powers for the sake of earning money and with the pressure of the political leaders. In such cases strict action should be taken against them.

Police personnel should be trained properly and frequently refresher courses should be organized for them to enhance their knowledge in the field of police department and its updates.

### **Unnecessary Complaints against Men by Women**

Now it has become common practice among women is that some of the women make allegations against men particularly with their husband, brothers, father, colleagues and employers who are very sincere in their duties and responsibilities. The police personnel should verify before accepting such baseless cases.

### **Politics with Religion and Region and Caste**

Political leaders make unnecessary issues with regard to religion, region and caste. It should be treated as separate and should not be mixed with the religion, region and cast. Political leaders should focus on the national development goals and welfare of the people rather than simply stating negative and unconstructive comments with regard to any particular religion and region and caste. These types of comments adversely affect the development of the nation.

The major problem with political leaders is they are uneducated and less educated. It is very difficult to run a state without proper education. At least qualification of masters in human rights should be made compulsorily for the political leaders. It helps them to understand the citizen's rights easily.

### **Lack of Understanding among fellow beings**

All human beings are equal before the court of law. They have to respect each other and maintain dignity with each other. If they maintain this principle then there should not be any kind of discrimination with the fellow being. All problems and issues rise when we do not value and degrade others in the society. Every individual should understand his/her own duties and responsibilities in the nation and for work for the development of the nation.

### **Lack of Judges in the Courts**

Human beings are suffering with their pending cases. The reason is there are no permanent judges in the local and higher courts. Judges should be appointed in the courts as early as possible in the states as well as throughout the country.

In India, the problem is the pending cases in the local and higher courts. Due to this there is a late hearing of the cases in the courts. Sometimes judgment is also delayed. Hence, there should be quick hearing of the cases in the court. All the vacant positions of the judges in the courts should be filled by the state and central Govt. through a national level recruitment.

### **Lack of Awareness about the Rights**

People face difficulty without knowing their fundamental rights in case they have been violated. It is true that the human rights education has been taught at school as well as higher education levels. But the knowledge is limited within the educated groups but it is not reaching among the people. Therefore, there should be a huge publicity with regard to legal education among the rural communities through newspapers, televisions and new technological tools. Awareness should be created among the people regarding legal education or human rights.

### **Concluding Remarks**

Thus, human rights education is all about educating people about their rights to live happy and dignified life in the society. Yet, it is being imparted from school to university level as a optional paper. Human rights education should be imparted to all the stakeholders

such as Law enforcement personnel, police and security forces, prison officials, lawyers, judges, prosecutors, members of legislature, public officials (elected and appointed) and members of military through open universities with free of cost. The cost of certificates, diplomas and degrees should be made free of cost to all the peoples and all the personnel. Training programmes should also be made free of cost. Job opportunities should also be created in order to encourage legal education or human rights education among the people. Moreover, it is impossible to protect all human rights until unless bring changes in the attitudes of men towards women, positive and secular attitude of the political leaders towards the nation and attitudes of fellow human beings. All should work together for protecting and preserving the fundamental rights of human being especially relating to women, children and disabled children of our society. Proper training should also be given to police personnel and lawyers and other stakeholders to understand human rights and discharge their duties and responsibilities.

Last but not the least, awareness relating to human rights education or legal literacy should be created among stakeholders through education, media and with the use of new use of technologies.

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