

Initiatives of the National Human Rights Commission of India on Human Rights Education

NATIONAL HUMAN RIGHTS COMMISSION OF INDIA

Human rights, the modern and secular version of natural rights,¹ are usually based on the three basic documents that are known collectively as International Bill of Human Rights (the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights [ICCPR] with its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights [ICESCR]), and also on the Constitution (regarding Fundamental Rights) and domestic laws. In substance they relate to life, liberty, equality and dignity of the individual. Human rights are those that do not relate to citizenship but what is taken to be the entitlement of any human being. Inherent dignity and equal and inalienable rights of all members of human family are the foundation of freedom, justice and peace in the world. Disregard and contempt of human rights have resulted in barbarous acts, which have outraged the conscience of humankind. It is essential, if people are not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression that human rights should be protected by Rule of Law (Preamble, UDHR).

In the last few decades there has been a growing worldwide awareness and explosion of interest in human rights education, which means “all learning that develops the knowledge, skills and values of human rights.” The United Nations proclaims that human rights education is “training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting knowledge and skills and the molding of attitudes.” These efforts are designed to strengthen respect for human rights and fundamental freedoms, facilitate the full development of human personality, sense

of dignity, promote understanding, respect, gender equality and friendship to enable all persons to participate effectively in a free society, and further activities for maintenance of peace.

Human rights education, training and public information are, therefore, necessary and essential for the promotion and achievement of stable and harmonious relations among the communities and for fostering mutual understanding, tolerance and peace. Through the learning of human rights as a way of life, fundamental change can be brought about to eliminate or eradicate poverty, ignorance, prejudices, and

discrimination based on sex, caste, religion, and disability and any other forms among the people at large. All are required to discover the human remedies for human maladies, to eradicate these shortfalls in human rights.

The major international human rights instruments include human rights education as integral part of the right to education and have gained of late larger recognition as human right in itself. Human rights education cannot be reduced to a single introduction of human rights content. It brings about a profound reform of education, which touches upon curriculums for in-service and pre-service training, textbooks, methodology, classroom management and the organization of the education system at all levels. Human rights education implies the learning and practice of human rights. Therefore, human rights education should not be theoretical but must be relevant to people's lives, in the sense that such education must also provide opportunities for young people to develop and practice the skills to respect the human rights and citizenship through school/college life.

Everyone, whose decisions or policies affect the lives of other human beings, needs human rights education. Human rights education serves as means of understanding and embracing principles of human equality, dignity and commitment to respect and protect the rights of all. Once the people grasp the human rights concept, they begin to look for their realization in their own lives, examining their communities, families and personal experiences through the human rights lens.

Dissemination of knowledge of human rights and duties must therefore aim at bringing about attitudinal change in human behavior. It is commonly acknowledged that students are the dynamic and progressive component of citizenry. When properly trained and guided they can become instruments for ensuring social justice and development. Similarly, teachers have a crucial role in developing awareness among the students to translate human rights into social and political realities.

Human rights education has to grapple with three important concerns: one, clarification of contemporary civilizational dilemmas; two, intergenerational transmission of experience; three, acceleration of the process of transformation. The contemporary civilization faces several dilemmas arising from different contradictions. The contradictions at an individual level are located in selflessness vs. selfishness, at institutional level at individual vs. collective, state power vs. democratic culture. The development models have come to increasingly presuppose that self-interest alone can be the propeller of faster development of the productive forces. The crisis of the socialist world added strength to this general belief. Despite the crisis, the potentialities and possibilities of nobility inherent in human nature will have to be rediscovered and realized. This can be made possible by not only recounting and resurrecting the historical memory about the positive achievements and advancements but also transmitting them to coming generations. The indifference to past achievements in such domains not only negates the past but cripples societal capacity to move to higher realms of social life. A critical reflection of the past heightens the consciousness, which in turn can create the necessary climate for not only democratic governance but also a democratic way of life. This effort has to be continuously made at the individual, group, national and international levels. Human rights education can be a catalyst in this process.

The experience of the last five decades in the area of human rights has become a matter of deep concern. Article 26 of the UDHR states that "Everyone has the right to education.... Education shall be directed to the full development of human personality and 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." This is supported by the recognition of human rights education

in other international human rights instruments as a human right in itself. Thus, the knowledge of rights and freedoms of an individual or of others, is considered a fundamental tool to guarantee the respect of all rights in each and every person.

The adoption of the UDHR, transfer of power from colonial masters to colonized people, and the adoption of various international human rights instruments have not qualitatively changed the ground realities. There have been massive violations of human rights. Humanity landed itself at the end of the 20th century in a more violent, brutalized and dehumanized world. Nevertheless the assertions of the suffering people continue to hold the hope all over the world. This experience suggests that human beings have to make far more conscious effort to alter the world reality. Human rights education should aim at this goal.

In this context, education is seen as a way to empower people, improve the quality of life, and increase their capacity to participate in the decisionmaking processes leading to social, cultural and economic policies. Thus, it may align with the rights-based approach from development-based agenda. In any case, human rights education cannot be reduced to simple introduction of human rights into already overburdened curriculums. In fact, it brings about a profound reform of education, which certainly touches upon in-service and pre-service training curriculums, textbooks, pedagogy, classroom management, and the organization of the education system at all levels.

To be precise, human rights education implies the learning and practice of human rights. Needless to say, a holistic approach to human rights education means that human rights are implemented at all levels of the education system and that they are taught through both contents transmission and experiences.

Therefore, human rights education should not only be theoretical but should also provide opportunities for young people to develop and practice the skills to respect human rights and

citizenship through 'school life,' i.e., all aspects of school as a living social environment with its collective rules, interpersonal conflicts, time and opportunities for cooperation, and through opportunities for spontaneous initiatives by the students outside the actual teaching activities.

The establishment of an autonomous National Human Rights Commission (NHRC) by the Indian Parliament reflects its commitment for effective implementation of human rights provisions under national and international instruments. The Commission is the first of its kind among the South Asian countries² and one of the few National Human Rights Institutions that were established in early 1990s. The Commission came into existence on 12 October 1993, by virtue of the Protection of Human Rights Act 1993.³ Over the past fourteen years, the Commission has endeavored to give a positive meaning and content to the objectives set out in the Protection of Human Rights Act, 1993. It has moved vigorously and effectively to use the opportunities provided to it by the Act to promote human rights in the country. Seventeen States⁴ in India have also set up their own human rights commissions to deal with violations of human rights within their states. The Act contains broad provisions related to its function and powers, composition and other related aspects.

Wide powers and functions have been given to the Commission under section 12 of the Act. The para (a) of section 12 provides, that the Commission can enquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction of order of any court, into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant. Section 12 (b) provides that the Commission can intervene in any proceeding involving any allegation of a violation of human rights pending before a Court with the approval of such Court.⁵ Section 12 (c) empowers the Commission to visit, notwithstanding anything

contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government. The Commission has already initiated action to improve prison conditions in India, and started studying all prevailing reports related with prisons.⁶ Section 12 (d) empowers the Commission to review the safeguards provided under the Constitution or any law for the time being in force for the protection of human rights and also to recommend measures for their effective implementation. Under Section 12 (e) there is a provision to review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures. Section 12 (f) provides for the study of all treaties related with International Human Rights Instruments and the making of recommendations for their effective implementation. Section 12 (g) provides for promotion of research in the field of human rights. Section 12 (h) empowers the Commission to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means. Section 12 (i) empowers the Commission to encourage the efforts of non-governmental organizations (NGOs) working in the field of human rights. Lastly, Section 12 (j) provides, such other functions, as it may consider necessary for the promotion of human rights.

The Commission since its inception in 1993 has been concerned with the issue of human rights education. Section 12 (h) of the Protection of Human Rights Act, 1993 has clearly mandated the Commission to spread human rights literacy among the various sections of society.

The Commission has had a view that human rights education needs to percolate down to

every citizen in the country. In this process, the Commission thought that one of the ways by which this objective could be achieved was to club it with education, which would bring the understanding of human rights in more effective as well as sustainable manner.

The Commission had suggested to the University Grants Commission (UGC) to set up a curriculum development committee for human rights education in various universities. In light of this suggestion, the UGC constituted the Curriculum Development Committee on Human Rights and Duties Education, headed by Honorable Justice V.S. Malimath, that issued the *Model Curricula for Human Rights and Duties* in 2001 and was subsequently introduced in the universities and colleges across the country.

From the perspective of the changing global scenario, however, there was a need to review the *Model Curricula for Human Rights and Duties*. In this direction, the Commission collected the human rights education syllabuses being used at different universities and colleges across the country. It found that a very limited number of universities and colleges have introduced courses related to human right education. Of course, it is disheartening to note that in spite of more than fifty years after the adoption of the Universal Declaration of Human Rights by the United Nations (UN) and after observance of the UN Decade for Human Rights Education (1995 – 2004), the prevailing situation of human rights education at the educational system of the country is not satisfactory. Therefore, the Commission took further initiative to look into the human rights education model curriculum developed by the UGC from the point of view of changes taking place from the national and international perspective so as to ensure that the recent advancements made and its perspective are adequately reflected in the curriculum. Human rights education is a lucrative area of study with high level of opening and credibility in the job market for the taker of the human

rights education program at the level of universities and colleges. Justice Shri Y. Bhaskar Rao, Member of the Commission had convened a couple of in-house meetings and deliberated on the issue of human rights education in schools as well as University system. A meeting of potential partners of human rights education was convened on 7 June 2006.

The Commission took an initiative to constitute a Task Force consisting of eminent academicians and legal experts drawn from various parts of the country to develop a module on human rights education for school education and also a Task Force to develop curriculum on human rights education for University education. The Commission on 8 September 2006 convened the first meeting of the task force. The Task Force was in constant touch with the National Council for Educational Research and Training (NCERT), University Grants Commission and various universities and colleges across the country concerning the issue of human rights in the formal education system.

In order to evolve the curriculum and to obtain inputs from the various regions of the country, five regional conferences were organized during 2006-2007. These conferences were organized at Goa, Cochin, Gandhinagar, Hyderabad and Jaipur. Besides the academics and university personnel, the experts from the field of human rights education including the representatives of civil society were also invited to deliberate upon the model syllabus.

The main objectives of the conferences were to come up with a curriculum on human rights for the listed levels of education that will be adopted by the University Grants Commission and implemented in the Universities.

In the conferences, the experts deliberated and evolved a Foundation Course across various disciplines of study that have elements of human rights education, stressing research in human rights which is an important element of human rights education. The experts stressed the development of a core syllabus on human rights that considers the realities of human

rights and uses a practical point of view to make it a popular course owing to its market utility and job prospects.

The Foundation Course covers the basic aspects of law relating to every day life. It covers evaluation, assessment, complaint mechanism and media advocacy and considers psychological, sociological, legal and economic perspectives.

A curriculum leading towards Foundation Courses on Human Rights Education at undergraduate and postgraduate levels and cutting across all the disciplines was evolved. The curriculum for Certificate, Diploma, Under-Graduate, Post-Graduate and Research Degree (PhD) Course was also formulated.

Taking into consideration the recommendations made in these conferences, the UGC *Model Curricula on Human Rights and Duties* and the changes taking place in the area of human rights education at national and international levels, a final set of recommendations on model curriculum on human rights for various levels of programs at universities and colleges was formulated.

Subsequently, the Commission organized on 3-4 May 2007 a meeting of the members of the Task Force for university education to finalize the recommendations made in the regional conferences and prepare the final curriculum for the courses. Similarly, the Commission organized on 9 May 2007 a meeting of the members of the Task Force for school education. In this meeting a module for in-service teachers as well as for Bachelor in Education (B.Ed.) courses was finalized.

Finally, a National Consultation on "Incorporating Human Rights Education in School and University Education System" was held on 6 July 2007 at Vigyan Bhawan, New Delhi. Shri Arjun Singh, Honorable Minister for Human Resource Development, Government of India and Shri S.K. Thorat, Chairman, University Grants Commission as the Guest of Honor, inaugurated the consultation. In this program, the Honorable Minister for Human

Resource Development Shri Arjun Singh released two books namely “Recommendation of National Human Rights Commission - Human Rights Education at the University and College Levels” and “Recommendation of National Human Rights Commission - Module on Human Rights Education for Teaching Professionals Imparting Education in Primary, Secondary, Higher Secondary Levels.”

In this consultation the members of both Task Forces on Human Rights Education, Secretaries in-charge of the Department of School Education, Department of Higher Education, Union Secretaries of various other Ministries, officials of University Grants Commission, eminent Vice Chancellors of universities, Heads of Departments of universities/colleges where human rights have been taught at Graduate and Post-Graduate levels, Directors of NCERT, National Council on Teacher Education (NCTE), All India Council for Technical Education (AICTE) and Central Board of Secondary Education (CBSE) were invited.

The modules on Human Rights Education for Teaching Professionals and Human Right Education at the University and College levels containing the recommendations of the Commission have been sent to all the stakeholders for implementation at various levels of educational system. These modules are available at the NHRC website (<http://nhrc.nic.in/publications.htm>).

Thus, the Commission has played a catalytic role in the promotion of human rights education in the universities and colleges across the country.

Conclusion

Out of the various dimensions of human rights, only civil and political rights were focused upon for a long time. However, today the economic, social and cultural rights are also given prominence. As such, human rights in the broader sense have paved the way to new

laws, charters and covenants. Notwithstanding this, with changing national and international contexts as a result of globalization, a serious threat to human rights has arisen. One of the ways by which this threat could be met is by bringing human rights education at all levels of education. Through the learning of human rights as a way of life, fundamental change can be brought about to eliminate or eradicate poverty, ignorance, prejudice and discrimination based on sex, caste, religion and disability. Human rights education cannot be reduced to a single introduction of human rights content. Such education brings about a profound reform which touches upon curriculums for in-service and pre-service training, textbooks, methodology, classroom management and organization of the education system at all levels. Human rights education serves as a means of understanding and embracing principles of human equality, dignity and commitment to respect and protect the rights of all. An attitudinal change in human behavior is required so that knowledge of human rights is disseminated.

Human beings have to make far more conscious effort to alter the world reality considering the recent changes in the global scenario, including massive violation of human rights. Human rights education should aim at this. Being concerned of these issues, the Commission made the effort to bring out its recommendations for model curriculums for schools and universities. At the same time, the Commission has sustained its effort of ensuring that the recommendations do take care of human rights concerns at national and international levels.

Endnotes

¹ Editor’s note: A study of the drafting of the Universal Declaration of Human Rights shows that the drafting committee agreed not to use “by nature” or any reference to divine source in the document. This means that the drafters did not want to limit the interpretation of human rights to one perspective (such

as natural rights view). Seeing human rights as “natural rights” is an interpretation of the existing United Nations concept of human rights, at least as far as the UDHR is concerned.

² The Human Rights Commission of Sri Lanka was established under the *Human Rights Commission of Sri Lanka Act, No. 21 (1996)* and became operational in September 1997. The National Human Rights Commission (NHRC) of Nepal is an independent and autonomous statutory body established in the year 2000 under the *Human Rights Commission Act 1997*.

³ The Commission was constituted by an Act of Parliament, which was amended in 2006. The Act is divided into eight Chapters consisting of 43 Articles. The Commission has special powers under Article 10 (2) which says that, “the Commission shall have the power to lay down by regulations its own procedure.”

⁴ The seventeen States are: Assam, Chhattisgarh, Himachal Pradesh, Jammu & Kashmir, Kerala Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal, Andhra Pradesh, Karnataka, Gujarat. See <http://www.nhrc.in>.

⁵ The Commission has decided to intervene in the pending court proceeding in the Punjab & Haryana Court relating to the disappearance of Harjit Singh. *Human Rights Newsletter*, vol. 2, no. 7 (1995), page 1.

⁶ Report of the All India Jail Manual Committee of 1957-59; the Report of the All -India Committee on Jail Reforms 1980-83 Chaired by the Justice A.N.Mulla (popularly known as Mulla Committee Report); The Report of the National Expert Committee on Women Prisoners of 1987 chaired by Justice V.R.Krishna Iyer; the Report of the Group of Officers on Prison Administration chaired by Sri R.K.Kapur in 1987. In addition to this, the Commission remains mindful of the need for the country to abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners of 1957.

Annex

Teacher Training Module

I. Draft Syllabus of Human Rights Education for the Teachers

1. Concept of Human Rights
 - Human Rights – Meaning and Concept (Theories)
 - Generational Classification of Human Rights
2. International Development of Human Rights
 - United Nations (System) and Universal Declaration of Human Rights (UDHR), 1948
 - UN Council on Human Rights
 - United Nations Development Programme Reports: Human, Social, Economic Development
3. Human Rights in the Indian Constitution
 - Rights in Indian Constitution - their background, overview and contemporary debates
 - Relationship between Fundamental Rights and the International Covenant on Civil and Political Rights (ICCPR), Directive Principles of State Policy and International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - Fundamental Duties as Constitutional Obligations
4. Human Rights Violations of Marginalized/Disadvantaged Groups
 - Children, Women, Scheduled Castes and Scheduled Tribes, Backward Classes, Minorities, Refugees, Aging Persons, Physically and Mentally Challenged, Prisoners, Unorganized

- Workers and others
5. Globalization: Impact on Human Rights
 - Impact on Employment, Livelihoods, Working Conditions and Worker Rights
 - Emergence of Market Forces and Challenges to Human Rights
 - State and Corporate Sector Relationship
 - Impact on Society and Culture – Inequality and Growth Without Justice
 - Agrarian and Industrial Distress and Urban Poor
 - Special Economic Zones
 6. Emerging Issues in Human Rights
 - Challenges to Democratic State and Civil Society – Communalism and Terrorism, Corruption and Muscle Power
 - Good Governance and State Accountability
 - Debates on Big Dams, Displacement and Rehabilitation
 - Tribal Rights and Forest Protection
 - Environmental Issues and Sustainable Development, Traditions, Culture and Human Rights
 7. Human Rights Protection Mechanism in India
 - Law Enforcement Agencies
 - Judicial System, Adjudication Process and Judicial Activism
 - Remedies: Writs, Public Interest Litigation (PIL), Judicial Review, Right to Information Act (RTI)
 - Protection of Human Rights Act 1993
 - Institutional Mechanisms
 - National/State Commissions for Human Rights, Women, Scheduled Castes, Scheduled Tribes, Backward Classes, Minorities, Minority Educa-

- tional Institutions and others
 - Role of Civil Society Organizations and Media
8. Promotion of Human Rights Education
 - Right to Education and Universalization of Education
 - National Policy of Education and Human Rights
 - Constructing Child Centered Education
 - Human Rights Education – India and International
 - Human Rights Education: Problems and Prospects
 9. Human Rights Education cannot be effectively transacted within the four walls of the classroom, but must be learned in the world outside and be linked to ground reality. The following are suggested for internalizing the meaning and message of Human Rights Education.
 - (1) Exposure programs of various forms
 - (2) Short placement with programs/projects addressing human rights issues conducted by civil society organizations and human rights defenders
 - (3) Case Study based report as a required project by each student
- II. Guidelines for preparation of syllabus content
1. Concept of Human Rights is to be developed in western and non-western perspectives
 2. For Historical Development of Rights in the West: the documents that were milestones like Magna Carta (1215), English Bill of Rights (1689), the Bill of Rights of the Constitution of the United States of America, the French Declaration of the Rights of Man and of Citizen

- (1789), Charters of League of Nations and United Nations.
3. Perspectives on the rights of each Marginalized/Disadvantaged Group should be developed in terms of their respective violations of human rights, constitutional provisions, international conventions, movements, landmark judgments.
 4. For the United Nations System: International Convention on the Elimination of all forms of Racial Discrimination, 1965, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Convention on the Rights of the Child, 1989, Convention on the Elimination of All forms of Discrimination against Women, 1979, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, UN Millennium Declaration, 2000, UN Global Agenda for Dialogue among Civilizations, 2001.
 5. For Development of Human Rights in India in specific reference of Fundamental Rights and Economic Program for the Swaraj Government adopted by the Indian National Congress at its 45th Session held at Karachi in March, 1931, Objectives Resolution, 1947 has to be brought out.
 6. For Human Rights in Indian Constitution: Protection of Civil Rights Act, 1955, SC and the ST (Prevention of Atrocities) Act, 1989, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Environment (Protection) Act, 1986, Prevention of Domestic Violence Act 2006.
 7. Constant reference to website of National Human Rights Commission

Source:

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