

HUMAN RIGHTS EDUCATION: A RELIABLE INSTRUMENT TO PROMOTE AND PROTECT HUMAN RIGHTS

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I. INTRODUCTION

While proclaiming the Universal Declaration of Human Rights (hereafter UDHR) as common standard of achievement for all peoples and all nations, the General Assembly of the United Nations called upon every individual and every organ of society to promote respect for these rights through teaching and education. It is hoped that spreading awareness about human rights would lead to their recognition and observance. Education in and for human rights can contribute to the reduction of human rights violations and can prevent human rights abuses. Very often ignorance of human rights gives rise to many prejudices and biases, which militate against the very existence of a human rights culture. In this article an attempt is made to discuss the role of human rights education in the promotion and protection of human rights. A brief summary of human rights education in post Independent India is given. It is suggested that 'Human Rights Education' (hereafter HRE) as a subject should necessarily be made compulsory in legal education.

II. WHAT IS HUMAN RIGHTS EDUCATION?

On the 10 December 1948, the United Nation proclaimed the UDHR as a common standard of achievement for all peoples and all nations. To achieve this it laid down in the preamble, "that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."¹ Article 26 of the UDHR declares that one goal of education should be the strengthening of respect for human rights and fundamental freedoms.² Thus, human rights education is seen as a very crucial instrument in the promotion and protection of human rights.

In simple words, HRE may be defined as the right to know one's own human rights as well as those of other fellow beings. In a broader sense HRE

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, inter alia, to 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 a universal culture of human rights.³ HRE and training encompasses:

- i. Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- ii. Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- iii. Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.⁴

The plan of action for the United Nations decade for HRE⁵ (1995-2004) contains a comprehensive definition of HRE. It stated that for the purposes of the decade, HRE 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:

- i. The strengthening of respect for human rights and fundamental freedoms;
- ii. The full development of the human personality and the sense of its dignity;
- iii. The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- iv. The enabling of all persons to participate effectively in a free society;
- v. The furtherance of the activities of the United Nations for the maintenance of peace.

As per the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education HRE means "education, training, awareness raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes

³ United Nations Declaration on Human Rights Education and Training, 2011, Art. 2.

⁴ *Ibid.*

⁵ Plan of Action For The United Nations Decade For Human Rights Education, 1995-2004: Human Rights Education-Lessons For Life, available at [http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/PlanofActionfortheUnitedNationsDecadeforHumanRightsEducation,1995-2004\(1996\).aspx](http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/PlanofActionfortheUnitedNationsDecadeforHumanRightsEducation,1995-2004(1996).aspx) (last visited July, 2017).

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¹ The Universal Declaration of Human Rights, 1948.

² *Ibid.*

and behaviour, to empower learners to contribute to the building and defence of a universal culture of human rights in society, with a view to the promotion and protection of human rights and fundamental freedoms.”⁶

A. Objectives of HRE as set forth by the United Nations

An important international event that served as an impetus to the spread of HRE was the World Conference on Human Rights, 1993, held at Vienna. Attended by representatives of 171 States, the Conference made a solemn declaration that HRE, training and public information were essential for stable and harmonious relations among communities. The conference was marked by an unprecedented degree of participation by government delegates and the international human rights community. Some 7,000 participants, including academics, treaty bodies, national institutions and representatives of more than 800 non-governmental organizations gathered in Vienna to review and profit from their shared experiences.⁷ Pursuant to the suggestion made by the World Conference, the General Assembly of the United Nations, in its resolution 49/184 of 23 December 1994, proclaimed the United Nations Decade for Human Rights Education beginning on the 1 January 1995.⁸

On the 10 December 2004, the General Assembly proclaimed the World Programme for HRE⁹ to advance the implementation of HRE programmes in all sectors. The objectives of the World Programme for HRE are:

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

⁶ The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, available at <https://rm.coe.int/16803034e3> (last visited July 3, 2017).

⁷ World Conference on Human Rights, 14-25 June 1993, Vienna, Austria, available at <http://www.ohchr.org/EN/AboutUs/Pages/ViennaWC.aspx> (last visited July 10, 2017).

⁸ Report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education, available at <http://www.un.org/documents/ga/docs/50/plenary/a50-698.htm> (last visited September 17, 2017).

⁹ General Assembly Proclaims World Programme for Human Rights Education, stressing its importance to realization of all fundamental freedoms, available at <https://www.un.org/press/en/2004/ga10317.doc.htm> (last visited September 17, 2017).

With these objectives as a general guidance we have witnessed the completion of two phases of **World Programme for HRE with the third one is ongoing**. The first phase (2005-2009) of the World Programme for HRE focused on HRE in the primary and secondary school systems;¹⁰ The second phase (2010-2014) focused on HRE for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel;¹¹ and the third phase (2015-2019), which is ongoing, focuses on strengthening the implementation of the first two phases and promoting human rights training for media professionals and journalists.¹²

B. Role of HRE in the promotion and protection of human rights

With the adoption of the UDHR on 10 December 1948, a new era of human rights was ushered in. Never before was such a global and concerted effort for protection and promotion of human rights undertaken. Selfless and committed human rights advocates will now confront human rights violations and abuses, which had been occurring for long in every part and corner of the earth, fearlessly.

Set as a “common standard of achievement for all peoples and all nations”¹³ the adoption of the UDHR has now become a source of inspirations and legitimacy for many other human rights conventions and covenants. Few of these include International Convention on the Elimination of All Forms of Racial Discrimination, 1965¹⁴; The International Covenant on Civil and Political Rights, 1966¹⁵; International Covenant on Economic, Social and Cultural Rights, 1966¹⁶;

¹⁰ World Programme for Human Rights Education, First phase (2005-2009) available at <http://www.ohchr.org/EN/Issues/Education/Training/WPHRE/FirstPhase/Pages/FirstPhaseIndex.aspx> (last visited July 10, 2017).

¹¹ World Programme for Human Rights Education, Second phase (2010-2014) available at <http://www.ohchr.org/EN/Issues/Education/Training/WPHRE/SecondPhase/Pages/SecondPhaseIndex.aspx> (last visited July 10, 2017).

¹² World Programme for Human Rights Education, Third phase (2015-2019) available at <http://www.ohchr.org/EN/Issues/Education/Training/WPHRE/ThirdPhase/Pages/ThirdPhaseIndex.aspx> (last visited July 10, 2017).

¹³ *Supra* n. 1.

¹⁴ Through the Convention, States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms. The Convention establishes a Committee on the Elimination of Racial Discrimination, which is to report annually to the General Assembly on, *inter alia*, measures undertaken by States parties to give effect to the provisions of the Convention, and which may handle disputes between States parties concerning the Convention. *See*, International Convention on the Elimination of All Forms of Racial Discrimination, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> (last visited January 3, 2018).

¹⁵ The Covenant comprises of six parts. Part I starts out with the right of self-determination which is considered to be the foundational stone of all human rights (article 1). Part II (articles 2 to 5) contains a number of general principles like non-discrimination, equality, etc. Part III

etc. The challenging task is, however, to make the contents of these human rights instruments known to all stakeholders so that their purpose is achieved.

(i) HRE teaches people the value of human rights

Human rights instruments, either international or regional, will become relevant only if knowledge of their contents is transmitted far and wide. It is said that a person cannot desire something he is ignorant of. This is also true of human rights. For example, unless a person knows that everyone has the right to equality before law he will not defend himself or others when being discriminated against. Very often human rights abuses are consequences of ignorance of both perpetrators and victims. Thus, it is not difficult to understand the urgent necessity of educating people about human rights. HRE challenges learners to ask what human rights means to them personally.

On the adoption of the UDHR the General Assembly called upon every individual and every organ of society and every member states to strive for the promotion and protection of these fundamental rights and freedoms set forth in the UDHR. Through progressive measures, national and international, effort are to be made to secure their universal and effective recognition and observance.¹⁷ Many decades later the UN Declaration on HRE and Training, 2011, reiterated the fundamental importance of HRE and training in contributing to the promotion, protection and effective realization of all human rights.¹⁸ Learning and educating about human rights necessarily becomes the first and continuous step in this long and arduous journey of human rights protection and promotion. Eleanor Roosevelt¹⁹, in her address delivered at the UN on the 10th anniversary of the Universal Declaration of Human Rights in 1958, made an

(articles 6 to 27) enunciates an extended list of rights, like the right to life and personal liberty, right against torture or other cruel, inhuman or degrading treatment or punishment, right to equality before law and equal protection of law, etc. Part IV (articles 28 to 45) deals with establishment of Human Rights Committee, which is responsible for the monitoring and implementation of the Covenant by its State parties. See, International Covenant on Civil and Political Rights, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (last visited on January 3, 2018).

¹⁶ The Covenant aims to ensure the protection of economic, social and cultural rights including: the right to self-determination of all peoples (article 1); the right to non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2); the equal right of men and women to enjoy the rights in the ICESCR (article 3); the right to work (articles 6–7); the right to form and join trade unions (article 8); the right to social security (article 9); protection and assistance to the family (article 10); the right to an adequate standard of living (article 11); the right to health (article 12); the right to education (articles 13–14); and the right to cultural freedoms (article 15). See, International Covenant on Economic, Social and Cultural Rights, 1966, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (last visited January 3, 2018).

¹⁷ *Supra*. n.1.

¹⁸ *Supra* n. 3.

appeal for education about them. She said, “Where, after all, do universal rights begin? In small places, close to home.....Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world. But to uphold their rights, such concerned citizens need first to know them. ‘Progress in the larger’ world must start with HRE in just those small places, close to home.”²⁰ Educating people about human rights helps in sensitizing them on the need to promote and defend these rights in various environment of society. Through HRE people would learn among other things about the inherent dignity of all people and their right to be treated with respect.

(ii) HRE nurtures and strengthens human rights culture

The importance of HRE in promoting a global culture of human rights is becoming more widely recognized. Supporting human rights for all - regardless of ethnicity, language, religious beliefs or other differences - and the role of human rights education in this process, is now deemed essential to the security and welfare of all peoples. Educating people about human rights, in the least, makes them aware of their existence and has a positive influence on their behavior towards others. Through HRE learners are able to understand what their rights are in any given situation. Through it, their mindset is molded in a way that helps in the development, growth and strengthening of a ‘human rights culture’.²¹

While human rights abuses weaken and destroy human rights culture, HRE strengthens it. Once people grasp human rights concepts, they begin to look for their realization in their own lives, examining their communities, families, and personal experience through a human rights lens. Through HRE people find these values not only affirmed, but can also lead them to the recognition of unrealized injustices and discriminations. This sensitization to human rights in everyday life underscores the importance of not only learning about human rights but also learning for human rights. People need to know how to bring human rights home, responding appropriately and effectively to violations in their own communities.²² The United Nations High Commissioner for Human Rights, Louise Arbour, on the occasion of International Human Rights Day, 10

¹⁹ She was the first Chair of the United Nations Commission on Human Rights established in 1946. She oversaw the drafting of the Universal Declaration of Human Rights.

²⁰ The Human Rights Education Handbook: Effective Practices for Learning, Action, and Change, available at <http://hrlibrary.umn.edu/edumat/hreduseries/hrhandbook/copyright.html> (last visited July 12, 2017)

²¹ By human rights culture mean to refer to the prevalence of a way of life wherein human rights values are fostered, respected, promoted, defended and upheld readily.

²² V.C. Pandey (ed.) DEMOCRACY AND EDUCATION (Isha Books, Delhi, 2005) p. 272.

December 2004 said, "...for a society to develop and nurture a human rights culture, HRE is fundamental. It is a tool for promoting equality and enhancing people's participation in decision-making processes within democratic systems. It is an investment in the prevention of human rights abuses and violent conflicts..."²³ Article 1 of the UN Declaration on HRE and Training, 2011 emphasizes that "Human rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, in accordance with the principles of the universality, indivisibility and interdependence of human rights."²⁴

(iii) HRE has a positive influence on development activities

While development activities are important for the growth of a nation they may not necessarily be sustainable ones, thereby affecting the human rights of both the present and future generations.²⁵ HRE can influence development in several ways. First, it helps the more effective monitoring of existing development activities in terms of their human rights impacts. Thus, illegitimate and perverse development, which violates rather than promotes human rights can be halted. Such development can be redesigned to limit the human, social and environmental damage caused. Secondly, HRE is vital to the struggles for justice for victims of development. HRE can help the public rally behind such victims in their arduous struggle for rehabilitation, redress, and justice. Thirdly, HRE can promote understanding of the rationale of development as the betterment of human condition. This in turn can help catalyze people-initiated development. Fourthly, HRE can help secure effective participation in all stages of development processes, of project design, initiation, management, monitoring, evaluation, and redesign. Fifth, HRE can help secure the accountability of development actors with respect to projects, policies, and budgets and to acts of both commission and omission.²⁶

(iv) HRE can remove prejudices and complexes in a caste-based society

India is a caste-based society, which brings with it many prejudices and complexes leading to many human rights violations, very often by the high castes

²³ Message of United Nations High Commissioner, Louise Arbour, for Human Rights on the occasion of International Human Rights Day, 10 December 2004, available at <http://www2.ohchr.org/english/events/day2004/messagehc.htm>. (Last visited July 20, 2017).

²⁴ *Supra* no. 3.

²⁵ The Brundtland Commission's report defined sustainable development as "development which meets the needs of current generations without compromising the ability of future generations to meet their own needs" See, Sustainable development—concept and action, available at http://www.uncece.org/oes/nutshell/2004-2005/focus_sustainable_development.html (last visited on January 6, 2018).

²⁶ George J. Andreopoulos & Richard Pierre Claude (eds), HUMAN RIGHTS EDUCATION FOR THE TWENTY FIRST CENTURY (University of Pennsylvania Press, 1997) p. 52.

against the low castes. Though the Indian Constitution vide Article 15 prohibits discrimination based on caste, the reality of caste-based discrimination is still a major concern. Caste divisions in India are predominant in housing, marriage, employment, and general social interaction-divisions that are reinforced through the practice and threat of social ostracism, economic boycotts, and physical violence. In India, manual scavenging constitutes a caste-designated occupation that is mainly imposed upon *dalits*, particularly *dalit* women, who represent 95 per cent of manual scavengers. Despite the passing of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act in 2013²⁷, the practice reportedly persists, institutionalized through State practice, with local governments and municipalities employing manual scavengers. This rigid and stratified allocation of work results in *dalits* having not only limited job opportunities, but also lower wages, particularly in rural areas.²⁸

Caste-motivated killings, rapes, and other crimes are regular in India. Recently a *dalit* woman and her unborn child were killed for the accidental contact she made with the bucket of a higher caste.²⁹ The police have systematically failed to protect *dalit* homes and *dalit* individuals from acts of looting, arson, sexual assault, torture, and other inhumane acts such as the tonsuring, stripping and parading of *dalit* women, and forcing *dalits* to drink urine and eat feces.³⁰

Crimes against *dalits* or Scheduled Castes (SCs) are committed with impunity. As per the National Crime Records Bureau a total of 45,003 cases of crimes committed against SCs were registered in 2015. The highest incidents of crime against SCs were reported from Uttar Pradesh (8,358 cases) followed by Rajasthan (6,998 cases), Bihar (6,438 cases) and Andhra Pradesh (4,415 cases), they accounted for 18.6%, 15.5%, 14.3% and 9.8% of total such crimes registered during 2015 respectively. During 2015, crimes rate of 22.3 was reported under crimes committed on persons belonging to SCs.³¹

²⁷ S.5 of the Act prohibits the engagement or employment, either directly or indirectly, of a manual scavenger.

²⁸ Human Rights Council, Report of the Special Rapporteur on minority issues, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/013/73/PDF/G1601373.pdf?OpenElement> (last visited August 2, 2017).

²⁹ In Uttar Pradesh, a Dalit woman, her unborn child killed for 'defiling' bucket, available at <http://indianexpress.com/article/india/in-up-a-dalit-woman-her-unborn-child-killed-for-defiling-bucket-4906854/> (last visited September 27, 2017).

³⁰ Hidden Apartheid: Caste Discrimination against India's 'Untouchables', available at <https://www.hrw.org/report/2007/02/12/hidden-apartheid/caste-discrimination-against-indias-untouchables> (last visited August 10, 2017).

³¹ National Crime Records Bureau, 2015, available at <http://ncrb.gov.in/> (last visited August 2, 2017).

HRE can remove prejudices and complexes transmitted through the social environment and the accident of birth. By appealing to the universal principles of non-discrimination, inherent human dignity and equality, a sense of brotherhood can be nurtured and strengthened in the hearts of the learners.

(v) HRE can contribute to the protection of the rights of children

Children are the most vulnerable section of the society. Being fragile in mind and body they are prone to exploitation and victimization. Violence against children happens on a regular basis, at home, school, work places etc. As per the National Crime Records Bureau, a total of 94,172 cases of crimes against children were registered in the country during 2015 as compared to 89,423 cases during 2014, showing an increase of 5.3%. Maharashtra accounted for 14.8% of total crimes committed against children registered in the country. The next in order was Madhya Pradesh (13.7%), Uttar Pradesh (12.1%) and Delhi (10.1%).³²

Under our Constitution children enjoy certain rights, which are meant to safeguard their wellbeing. In particular, children have the right to live with dignity in a wholesome environment conducive for their growth,³³ right to equal protection of law,³⁴ right to free education,³⁵ right against exploitation,³⁶ right to early childhood care³⁷ etc. Similarly the Convention on the Rights of Child, 1989 recognizes various rights of children.³⁸ It is obvious, however, that unless these rights are widely disseminated and defended they will not serve the purpose. Children themselves have the right to know about their human rights, which in many ways contribute to the nurturing of a human rights consciousness necessary for a development of human rights culture. If at a young age children are taught that both boys and girls are equal and have equal rights then many gender-based discrimination may not arise.

³² *Ibid.*

³³ Constitution of India, 1950, Art, 21.

³⁴ *Id.*, Art, 14.

³⁵ *Id.*, Art. 21A.

³⁶ *Id.*, Arts. 23 & 24.

³⁷ *Id.*, Art. 45.

³⁸ The Convention recognizes the various rights of a child including the inherent right to life (Art. 6); right to protection by the State without discrimination (Art. 2); the right to be registered, to have a name from birth and to be granted a nationality (Art. 7); the right to live with his or her parents (Art. 9); the right to express an opinion (Art. 12); the right to freedom of expression (Article 13); the right to freedom of thought, conscience and religion (Article 14); the right to protection of privacy (Art. 16); the right to special care, education and training in case of Children with a mental or physical disability (Article 23); the right to benefit from social security (Art. 26); the right to an adequate standard of living (Art. 27); the right to education (Art. 28); the right against child labour (Art. 32) etc. *See*, Convention on the Rights of Child, 1989, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (last visited January 4, 2018).

III. HRE AND GENDER EQUALITY

Discrimination³⁹ against women is a stark reality in India. Women have been facing unjust discrimination at each and every stage of their lives. Discrimination starts with sex-selective abortions to lower nutrition intake and the neglect of health care among girls and women. As per the Human Development Report 2016, published by the United Nations Development Programme, a girl between her first and fifth birthdays in India has a 30–50 percent greater chance of dying than a boy.⁴⁰ Male are better educated than women as shown by the Census of 2011-literacy rate of male is 82.14% while that of female is 65.46%.⁴¹ Before the Hindu Succession (Amendment) Act, 2005, the daughters did not have a share in the joint family property. Women's labour force participation in India stood at 27.2 per cent in 2011-12.⁴²

The unhappy state of women in India is also reflected by the rising crime against them. Crime statistics like the National Crime Records Bureau shows that the proportion of IPC crimes committed against women in total IPC crimes has increased from 9.4% in the year 2011 to 10.7% during the year 2015. Cruelty by husband or his relatives accounts the highest with 1, 13, 403 cases registered in 2015.⁴³

Despite the various constitutional⁴⁴ and legal provisions guaranteeing the human rights of women, they continue to be a vulnerable lot of society. Partly, this situation is brought about due to the lack of awareness relating to human rights in general and those of women in particular. And the patriarchal system has no doubt contributed to the misconception that men are superior to women leading to the disdain of the rights of the latter by the former. Through HRE, misconceptions and biases towards women can be laid bare. By emphasizing on the equal rights of women as a family member, as equal partner

³⁹ Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women defines discrimination against **women** as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, or enjoyment or exercise by **women**, irrespective of their marital status, on a basis of equality of men and **women**, of human rights and fundamental freedoms in the political, economic, social, cultural, and civil or any other field. *See*, Convention on the Elimination of All Forms of Discrimination against Women, available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (last visited on January 4, 2018).

⁴⁰ Human Development Report 2016, available at http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf (last visited August 27, 2017)

⁴¹ Literacy Rate of India 2011, available at <http://indiafacts.in/india-census-2011/literacy-rate-india-2011/> (last visited September 13, 2017).

⁴² Women's labour force participation in India: Why is it so low?, available at http://www.ilo.org/wcmsp5/groups/public/—asia/—ro-bangkok/—sro_new_delhi/documents/genericdocument/wcms_342357.pdf ((Last visited September 13, 2017).

⁴³ *Supra* n. 31.

of development and as citizens endowed with same rights as male citizens, HRE can be very instrumental in bringing about an attitudinal change in the learners, both men and women.

IV. OVERVIEW OF HRE IN POST-INDEPENDENT INDIA

Post Independence, India's immediate challenge was to stay united as a nation. Constitution makers were fully aware that the great diversity and disparity that India has could become obstacles for its unity and progress. One way to bind India together was through the recognition and guarantee of basic human rights to all in the form of Fundamental Rights. The Fundamental Rights enshrined in our Constitution provide an assurance to the people of all sections of society that their rights and welfare are being taken seriously.

However, as witnessed by history itself constitutional provisions by themselves do not guarantee that human rights are observed and protected. The State, which is expected to uphold these rights often turned as violator itself. Gross human rights violations have been committed in the name of religion, caste, language, development etc. Thus creation of a citizenry conscious of their rights and duties and committed to the principles of liberty, equality, and fraternity embodied in our Constitution becomes indispensable for the full realization, promotion and protection of human rights. HRE is no doubt one effective instrument to form such citizens who would uphold the high ideals of our Constitution.

Efforts to promote HRE in post Independent India is evidenced in the recommendations of three major Commissions (University Education Commission, 1949, Secondary Education Commission, 1952, and Education Commission, 1964) set up to suggest reforms in the education system at different levels. For instance, the Report of Education Commission (1964-66) stated that one of the main functions of the universities was "to strive to promote equality and social justice and to reduce social and cultural differences through diffusion of education."⁴⁵ The National Policy on Education, 1986 and Programme of Action, 1992, laid emphasis on the removal of disparities and equalization of educational opportunity by attending to the specific needs of those who have

⁴⁴ Equality before law and equal protection of law (Art.14); non-discrimination on ground of sex (Art.15); equality of opportunity for employment and appointment under the state (Art.16); equal right of both men and women to an adequate means of livelihood (Art. 39); equal pay for equal work for both men and women (Art. 39); Reservation of seats in favour of women in *Panchayat* (Art. 243) and Municipality (Art. 243 T).

⁴⁵ Human Rights in Education Perspective and Imperatives, National Institute of Educational Planning and Administration, 2003 New Delhi, at p. 16, available at <http://www.nuepa.org/new/Download/Publications/Human%20Rights%20in%20Edu-2003-K%20Sudha%20Rao.pdf> (Last visited September 18, 2017).

been denied equality so far.⁴⁶

In pursuance of the declaration of a United Nation Decade for HRE (1995-2004) by the General Assembly, the Government of India came up with an 'Action Plan-Human Rights Education' which among other things made proposals for introduction of Human Rights issues in the school curricula and introduction of courses of Human Rights at the Undergraduate and Post-graduate levels.

In the field of higher education several initiatives have been taken by the University Grants Commission (UGC) to promote HRE. In 1985, the UGC prepared guidelines for human rights teaching and research at all levels of education.⁴⁷ For the first time during the year 1997-98, the UGC sanctioned Rs 7.43 lakhs to eight universities for starting human rights courses.⁴⁸ These universities included Aligarh Muslim University, Jamia Millia Islamia University, Jawaharlal Nehru University, Cochin University, Andhra University, Saurashtra University, Nagpur University and Mumbai University. Many universities in India are now offering HRE as a certificate or diploma and postgraduate courses on human rights. In 1999 the UGC constituted a Curriculum Development Committee for HRE, under the Chairmanship of Justice V.S. Malimath, to develop model curricula for Human Rights and Duties Education in order to ensure a certain degree of uniformity in the course content and standard of teaching on human rights at various levels. It developed Curriculum for introduction of: Foundation Course in Human Rights and Duties, Certificate Course in Human Rights and Duties, Under-graduate Degree Course in Human Rights and Duties, Postgraduate Diploma Course in Human Rights and Duties and Post-Graduate Degree Course in Human Rights and Duties.⁴⁹

A very important institution promoting HRE is the National Human Rights Commission (hereafter NHRC) constituted under Protection of Human Rights Act, 1993. Since its constitution it has been playing an active role to spread awareness on human rights. The NHRC asked the National Council for Education, Research & Training (NCERT) to undertake a review of the then existing text books with a view to eliminate from them those passages that were inimical to human rights. In 1996, the Commission, in collaboration with

⁴⁶ *Id.* at 18.

⁴⁷ UGC XI Plan Guidelines for Human Rights Education, available at <https://www.ugc.ac.in/oldpdf/xiplanpdf/humanrights.pdf> (Last visited September 20, 2017)

⁴⁸ Rumki Basu (ed.), GLOBALIZATION AND THE CHANGING ROLE OF THE STATE (Sterling Publishers Pvt. Ltd, 2008) 225.

⁴⁹ UGC Model Curriculum for Human Rights available at <http://www.ugc.ac.in/policy/modelcurr.html>. (Last visited September 20, 2017).

the NCERT, brought out a source book on Human Rights.⁵⁰ The source book was prepared for the promotion of HRE in the country, particularly at the school level. Its purpose was to make human rights information available to teachers and students, policy makers, curriculum developers and other personnel involved in formulating and implementing educational programmes. The NHRC has extensively used the medium of the press to promote HRE to the masses. The Newsletters that it publishes provide a continuous flow of information on the work and preoccupations of the NHRC to a lengthening list of readers, both at home and abroad.⁵¹ Not only were the newsletters of interest to human rights activists, non-governmental organizations, the academic community and the media but it was also increasingly read in political and administrative circles. NHRC has also published books relating to the Guidelines for police personnel on various Human Rights issues,⁵² module on HRE for teaching professionals imparting education at primary, secondary, and higher secondary levels.⁵³

V. CONCLUDING OBSERVATIONS

HRE is universally accepted as an effective means to promote and protect human rights. Educating people about human rights instills in them a sense of responsibility and empowerment. Conscious of one's own rights and those of others people will learn to look at events and developments in society through the human rights perspective. Though many steps have been taken to incorporate HRE in the Indian education system, making it a compulsory subject will make greater emphasis on its importance especially in legal education. It may be mentioned here that subjects like Human Rights, Humanitarian and Refugee Law, and Gender Justice, which are directly dealing with human rights issues are optional subjects in the LL.B Course of University of Delhi.⁵⁴ Though there are compulsory subjects containing human rights topics, example Constitutional Law, Environmental Law and Public International Law, such human rights topics form only a very small portion of the subject. Teaching students about human rights would orient them towards the upholding and promoting of human rights values. They will be better equipped in dealing with human rights issues in the course of their career.

⁵⁰ See, National Human Rights Commission, Annual Report 1995-96, Para VI, available at http://nhrc.nic.in/ar95_96.htm (last visited January 6, 2018).

⁵¹ See, NHRC News & Newsletters, available at <http://nhrc.nic.in/> (last visited January 6, 2018).

⁵² See, Guidelines for Police Personnel on Various Human Rights Issues, available at http://nhrc.nic.in/Documents/Publications/guideline_for_police_personnel_on_various_HR_issues_Eng.pdf (last visited January 6, 2018).

⁵³ See, Module on HRE for Teaching Professionals Imparting Education in Primary, Secondary, Higher Secondary levels, available at <http://nhrc.nic.in/Documents/Publications/ModuleonHR.pdf> (last visited January 6, 2018).

⁵⁴ Subjects and Courses of Study for LL.B, available at http://lawfaculty.du.ac.in/files/Subjects_and_Courses_of_Study_for_LL.pdf (last visited January 3, 2018).