



INCLUSION OF 'HUMAN RIGHTS EDUCATION IN THE POST GRADUATE CURRICULUM

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Abstract:

Laws are for man, man is not for laws. Today it is unfortunate that the Civilised Society and People need vigilance by some force – a body to govern us, and an individual freedom is given by Law, as if it were divine theory that there is a force or there should be force to govern us. Human Rights are the rights of every individual. The concept of Human Rights emerged because the society ever since its existence has been divided on the basis of class, caste, religion and discrimination, always did exist, in the form of – social, political or economic conditions. Human Rights are generally defines as the fundamental rights that humans have by the fact of being human, and that are neither created nor can be abrogated by any government. The Universal Declaration of Human Rights was proclaimed by the UN General Assembly as “a common standard of achievement for all people and all nations.” In this paper the researcher main aim is to create awareness on Human rights. And the objectives are to introduce the Universal Declaration of Human Rights to present the ideals of human rights and freedoms in order to inspire everybody to work for their realisation so that create awareness among students. The methodology used to create insight through secondary data and the primary data with few case studies.

Index Terms: Law, Human rights, Violation & Constitution

Introduction:

Human Rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our Human Rights without any discrimination. These all rights are interrelated, interdependent and indivisible. Human Rights are based on the principle of respect for the individual. The fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called Human Rights because they are universal. Whereas nations or specialised groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled – no matter whom they are or where they live – simply because they are all alive.

Human Rights exclusively belong to human beings. They accrue to an individual by virtue of his birth as a human. The rights of all the human beings begins in the womb and end in the tomb. They arise only in an organised society. Human Rights are universal and they are everlasting. It can neither be given up nor taken away. They are protected by both National and international Laws. It is more comprehensive than Fundamental Rights.

Universal Declaration of Human Rights:

The United Nations has been playing a significant role in the protection, promotion and monitoring of human rights. The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10th December 1948 at Paris. The declaration arouses directly from the experience of the Second World War and represents the first global expression of rights to which all human beings are inherently entitled. It is a landmark in the history and a major

development in the international movement in the protection and promotion of human rights.

Another major development in the international movement for the promotion and protection of human rights is the Two International Covenants on Human Rights adopted by the United Nations General Assembly are: i. The International Covenant on Civil and Political Rights and ii. The International Covenant on Economic, Social and Cultural Rights, The Universal Declaration of Human Rights was proclaimed by the UN General Assembly as “a common standard of achievement for all people and all nations.” The main objective of the Universal Declaration of Human Rights is to present the ideals of human rights and freedoms in order to inspire everybody to work for their realisation.

Meaning of Human Rights:

Times World Conference on Human Rights, held in 1993 in Vienna, defines human rights in its Declaration as “All human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedom.”

Section 2(a) of the Protection of Human Rights Act of 1993 of India defined human rights as, “the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants and enforceable by courts of India.”

Case Study (Sheela - Name is Changed) 1:

As part of Government collaborating organization, the outreach programme, to work as ground field worker sheela, was appointed to visit to identify the beneficiaries in rural and urban area. Sheela was appointed as she completed her graduation and one year experience at private sector. She is happy with her work because she had communication skills and passion to meet the people. She had to report the project head every week on the progress of her work. There was other four staff who is also appointed at the same time of her appointment to work at different district. She was performing all her job and duties exceedingly well. It was obvious that project head liked the work.

Over the six months, the project head’s behaviour toward sheela began to change. As they worked in a team and the regular meeting were held. And these meetings were always kept in the evening and which used to continue late till 8.00 to 8.30 pm. And during the meeting he often boost her with her qualities and performance and appreciating her. Sheela too liked the appreciation but she did not know his motive behind this. He wanted to flatter her and after the meeting, he had concern to drop her home after the supper. Later his attitude is slowly changed towards her. He started approaching near to her. Put his hands on her shoulders or lean over closer to her. At these times, she would quickly draw away from him. He then began to send messages and videos to her mobile. He used to tell stories about his wife and used to share how he was sick of his wife and that he needed “satisfaction” from another woman.

Sheela did not encourage him and started avoiding the meetings by sending reports directly to the office. She did not say anything to him. Later she got threat for her job, saying if she cooperates then job will continue or else the project will close she as to leave the job and go home. However, she was becoming increasingly uncomfortable with the situation and tried to avoid the project head. A few days later other four junior staff was appointed two male and two female. She started thinking that, if there is no continuity of the project, why to appoint the new ones? It was his idea to take her off from the job. Immediately after a month she was asked to leave the job

and terminated her from job saying no further project, even though other new staffs were appointed in my place.

Case Study (Ananda) 2:

After couple of months searching for a job, the Ananda, indigenous man got job in the Hotel, who was from lower caste secured job in a food supply canteen for 1000 workers. All the customers are from the local area. The owner also used to take orders for marriage and other functions, and also running the Dabas in many places. Ananda's job, along with others is to cut the vegetables and the fish every day. He also had to handle boiler for the chicken and the cutting machine. He had to work in coordination with other eight men who also have to do the same job and complete the task based on the need and demand of the customers. His owners seemed reluctant to hire him for job. The owner gave him the job, saying that he would be working on a weekend shift also. All the workers including the manager and the owner are from the local area. They were given training in different fields related to hotel industry.

On first day of Ananad's duty given by the manager by giving him only a few minutes of instruction on the equipment and the method. Anand watched what the other men were doing, but when he asked questions, they were not very helpful. Over the next few weekends, Anand concentrated on his work but because of certain events, he increasingly began to stay by himself. Others were not mingling feely with him. A few co-workers invited him to join their little group for lunch or breaks, but others consistently commenting on other aspects of colour and figure. One day Anand overheard the manager say that all good jobs were taken and reserved to the indigenous people. About the facilities given in government field, which made Anand to feel that this work and industry is not meant to him. He lost interest in his job and even though he was hard working and putting extra work, which was not, considered and recognised by the manager.

One busy Thursday Morning, a whole section of the boiler and the cutting machine system was broke down because someone had allowed the system and kept it on overnight previous day. Anand worked in the machine till evening previous day. Later he moved to other work which was assigned to him. The same machine was used and took over by his co-workers. The system had broken down at some point after that. But the blame came to Anand. He explained and he believed the system was fine when he left. It was handled by somebody else after finishing his work. And it is due to mishandling and not switched off the machine before closing the mess. The equipment failure was not his fault, the shift manager fired him. Anand believed he was discriminated against because he is low caste, while his co-workers and managers are not.

Case Study (Shivani) 3:

Shivani, 24, applied for a job in the office Assistant at private College sector at administration office. She had graduation and two years of work experience in one private school office. With this qualification and experience she was considered as eligible candidate to work in the office. She applied for the job along with many others. All others were fresh graduates except Shivani who had two years of experience. So she had the possibility of getting selected for the job without any second word. The Administrator told Shivanin that she was an ideal candidate and that she probably would be hired. She was given a pre-employment written letter and application drafting test along with computer test. And they confirmed that she could meet the requirement of being able to handle the office tasks.

At a second meeting, the interviewer reviewed that Shivanin as low eye site and noticed that she lack site for one eye which is little squint. Following this, the interviewer and another person in the panel spent much time discussing Shivani's disability and the job requirements. Even though they both really wanted to hire Shivani, they didn't think she would be able to cope with this. Although Shivani said she could perform the duties and had done similar tasks in her previous job without any problem, she was not hired.

The rights of various marginalized group and communities in the society such has women, indigenus people, disabled people, prisoners, religious and ethnic minorities, unisex etc are taken away without notice in dark without making any noise. However, one significant absence in international human rights law has been an express articulation of the specific interests of sexuality minorities. Human rights do product transgender like any other common man but the society has not accepted them as normal human beings. They are unaware of their rights just like others. All the articles mentioned in the Universal Declaration of Human Rights are applicable to the transgender also. The various Articles spell about the Human Rights as follows;

All human beings are born free and equal endowed with reason and conscience and should act towards one another in a spirit of brotherhood (Article1). Everyone is entitled to all the rights and freedoms set in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non self – governing or under any other limitation of sovereignty (Article 2). Everyone has the right to life, liberty and the security of the person (Article 3). No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms (Article 4). No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5). Everyone has the right to recognition everywhere as a person before law (Article 6). All are equal before the law and are entitled without any discrimination to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination (Article 7). Everyone has a right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him by the constitution or by law (Article 8).

Everyone as a member of society has the right to social security and in entitled to realisation through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and free development of his personality (Article 22). Article 23(a) says everyone has the right to work, to free choice of employment to justice and favourable conditions of work and to protection against unemployment. (b) Everyone without any discrimination has the right to equal pay for equal work. Article 28 says everyone is entitled to a social and international order in which the rights and freedom set forth in this Declaration can be fully realised.

Article 29 (b): In the exercise of his rights and freedom, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedom of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (c) The right and freedom may in no case be exercised contrary to the purposes and principles of the United Nations

Article 30 says nothing in the Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedom set forth herein.

Findings:

In the present society, work place harassment is quiet common. As the first case does reveal about a girl being abused and she is unable to voice it out. This type of discrimination is not found more in India but in the West Countries it is quiet prevalent. This also speaks about Human Rights violation on the basis of colour where people do not have a chance to prove their calibre in area of employment or education.

The people who are disabling have certain talents in them and much more competent in certain tasks they perform. Disability in not an end in itself. They should secure equal opportunities and their rights need to be protected.

Transgender do have feeling of the opposite sex. The general public treat them like not normal beings. The general people are unaware of their feelings till of late when the Human Rights Commission declared equivalent rights for them.

Gender inequalities began from time immoral. Earlier women were curtailed a lot of freedom and they were suffering. In the present times still in the work field women are not given higher preference to a male but they are still competent. Society feels that basic responsibility of a woman is a home maker. Empowerment of women should be stronger in order to help women gain equality in varied areas.

Suggestions:

Human Rights should be educated to the general public and they should be made aware of it. A common man needs to be taught how to become assertive and express the violation that they face. Human Rights can be included in the curriculum in the schools so that children are taught much earlier in life on these important issues. The awareness has to be created at the school and college level which should be added as one of the important topic in the curriculum of both Under Graduates and at the Post Graduate level and society should be more and more alert of the impact violation of Human Rights and precaution not to violate any of the rights.

Conclusion:

We have reached a stage where silence and violence is by consent. If no individual likes the other and no society likes the other but by force they are to hide their arms and speak honey with no real harmony, then where are we heading to? When this is the case, the possibility of a great change in the world towards a hope of better living is an imagination. More and more awareness among the general public can raise their voices against the injustice and law should be watch dog and extend its hand to protect the rights of the vulnerable.

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