



**MECHANISM IN SCHOOLS FOR THE PROTECTION OF HUMAN RIGHTS:
NGOS, PRESS AND MEDIA**

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Abstract

Education has been specified as one on the fundamental human rights vide article 26 of the 'Universal Declaration of Human Rights' follows:

Article 26 (i) "Everyone has the right to Education shall be free, at least in the elementary and fundamental stage. Technical and professional education shall be equally accessible to all on the basis of merit."

(ii) "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms."

"It shall promote understanding, tolerance and friendship among all nation, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace."

(iii) "Parents have a prior right to choose the kind of education that shall be given to their children."

There is a close correlation between poverty among families, communities and entire countries, and low levels of education among children, and identifying financial obstacles to universal primary education is the crucial first step towards their elimination. This is mandated by universal human rights standards that assert primary education should be free and compulsory. International human rights law asserts the public responsibility for ensuring free and compulsory primary education. Key provisions included in the treaties are summarized below reflecting changes in international human rights law over the last few decades. These changes have reaffirmed that compulsory education should remain free.

The key principle in the Convention on the Rights of the Child (1989) which asserts that education must be designed and implemented with the best interests of each child in mind, necessitates identifying and eliminating factors that impede the child's learning. These include:

- 1. Curriculum which is ill-conceived to the age of the child i.e., is not according to 3A's – Age, Ability and Aptitude of the student.*
 - 2. Methodology of instruction which does not promote learning to learn.*
 - 3. School organization which is authoritarian and rigid.*
 - 4. School discipline which is based on 'do's'.*
 - 5. Discriminatory admission process.*
 - 6. Discriminatory treatment to the students by the teachers.*
 - 7. Textbooks which do not promote open-mindedness, include material which is not conducive to democratic values.*
 - 8. Neglect of 4A scheme of education i.e., (1) availability, (2) accessibility, (3) acceptability and (4) adaptability*
 - 9. Defective language policy which does not protect the language right of the child.*
 - 10. Lack of equal opportunities for education.*
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Legal Prohibition Of Corporal Punishment In The World:

Methods of teaching that use the threat of physical punishment as motivation to conform have been found incompatible with the core objectives and purposes of outlawing corporal punishment started in earnest in the 1990s, leading to changes throughout the world. Box lists countries which have legally prohibited corporal punishment in school, demonstrating how rapid this process of change has been in all regions of the world.

Protection Of Right Of The Tribal Students:

Children belonging to the tribal families should be provided facilities to read and write in their own languages or in the language most commonly used by the group to which they belong.

Students' Council and Parent Teachers Committee for the Protection of Children's Rights-

Every school should have student's council to manage some of the activities of the school and also to look into cases of student's indiscipline.

Constitution of Parent-Teachers Committee for the Protection of Children's Rights the function of the Committee would be to look into all cases of violation of child's rights.

Core Human Rights Obligations In Education:

Mechanism Of Protection Of Human Rights

The school system must ensure the four elements:

- Availability Obligation to ensure compulsory and free education for all children in the country within a determined age range, up to at least the minimum age of employment
- Obligation to respect parental freedom to choose education for their children, observing the principle of the best interests of the child
- Accessibility Obligation to eliminate exclusion from education based on the internationally prohibited grounds of discrimination (race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability).
- Obligation to eliminate gender and racial discrimination by ensuring equal enjoyment of all human rights in practice, rather than only formally prohibiting discrimination
- Acceptability Obligation to set minimum standards for education, including the medium of instruction, contents and methods of teaching, and to ensure their observance in all educational institutions
- Obligation to improve the quality of education by ensuring that the entire education system conforms to all human rights
- Adaptability Obligation to design and implement education for children precluded from formal schooling (e.g., refugee-seeking or internally displaced children, children deprived of their liberty, or working children.)
- Obligation to adapt education to the best interests of each child, especially regarding children with disabilities, or minority and indigenous children
- obligation to apply indivisibility of human rights as guidance so as to enhance all human rights through education, such as the right to marry and raise a family, or the right to freedom from forced and child labour.

Development of the Ability to Learn

The current trend of ranking learners, according to their performance in tests that measure easily quantifiable learning outcomes has, paradoxically, jeopardized the general commitment to learning. Thus, rights-based education provides a useful pointer to the continue learning throughout life.

Right to Learn in the Mother-Tongue

The Convention on the Rights of the child emphasizes that the school must guarantee the right of the child to receive instruction in the mother-tongue during the first stage of education.

Creation Of Proper Environment In School For The Development Of Knowledge, Attitudes And Skill About Human Rights

School is said to be an idealized epitome of the family. It, therefore, is expected to provide a congenial, loving and vibrant environment. It must be remembered that the school is a place where the destiny of a nation is moulded. It is not merely a place for study which prepares for a certificate or a degree. It is places where future citizens are trained, who are well-acquainted with their rights, responsibilities and the relations between those two elements. The school should 'therefore' ensure opportunities for self-discipline and social discipline. Its function is not only to provide for the teaching and practices of human rights but also to look after the human right of the students. As observed by S. Balakrishna Joshi, "A well-conducted school is a happy home, a sacred shrine, a social center, a state in miniature-all beautifully blended into a synthetic structure."

The rights-based education demands that all upsets of child's personality should be suitable developed.

Summing Up

It may be stressed that the primary purpose of human rights education is to prevent abuses of powers. The school authorities should be fully alive to this.

NATIONAL UNAM RIGHTS COMMISSION (NHRC)

a. Functions of the NHRC

In accordance with the provisions of the protection of Human Rights Act, 1993, National Human Rights Commission was constituted in India in 1994 and its functioning is regulated under the National Human Right Commission (Procedure) Regulations, 1944. The Commission performs the following functions:

- (i) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint of -
- Violation of human rights or abetment thereof; or
 - Negligence in the prevention of such violation, by a public servant;
- (ii) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- (iii) Visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;
- (iv) Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (v) Review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (vi) Study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (vii) Undertake and promote research in the field of human rights;
- (viii) Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- (ix) Encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
- (x) Such other functions as it may consider necessary for the promotion of human rights.

b. Composition of the National Human Rights Commission

1. A Chairperson who has been a Chief Justice of the Supreme Court.
2. One member who is, or has been, a judge of the Supreme Court.
3. One member who is, or has been the Chief Justice of a High Court.
- 4,5 Two members to be appointed from amongst persons having knowledge of, or practical experience in matters relating to human rights.
6. The Chairperson of the National Commission for Minorities.

7. The Chairperson of the National Commission for Scheduled Castes and Scheduled Tribes.

8. Chairperson of the National Commission for Women.

c. Appointment of Chairperson and Other Members

The Committee to recommend the appointment of Chairperson and other members to the President, consist of

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| 1/ | the Prime Minister | : | Chairperson |
| 2/ | the Speaker of the House of the People | : | Member |
| 3/ | minister-in-charge of the Ministry of Home Affairs in the Government of India | : | Member |
| 4/ | leader of the Opposition in the House of The People | : | Member |
| 5/ | leader of the Opposition in the Council of States | : | Member |
| 6/ | deputy chairperson of the Council of States | : | Member |

d. Annual and Special Reports of the Commission

- The Commission submits an annual report to the Central Government and to the State Government concerned and also special report, if any.
- The reports along with the proposed action by the Government on the reports are laid before each House of Parliament or the State Legislature.

STATE HUMAN RIGHTS COMMISSION

Composition of the State Human Rights Commission

1. A chairperson who has been a Chief Justice of a High Court.
2. One Member who is, or has been, a Judge of the High Court.
3. One Member who is, or has been, a district Judge in that State.
- 4,5 Two Members to be appointed from amongst persons having knowledge of, or practical experience, in matters relating to human rights.

Appointment of Chairperson and Other Members of State Commission

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| 1. | The Chief Minister | : | Chairperson |
| 2. | Leader of the Opposition in the Assembly | : | Member |
| 3. | Minister-in-charge of the Department of Home in the State | : | Member |

4. Leader of the Opposition in the Legislative
Assembly : Member

Human Rights Courts

The Protection of Human Right Act, 1993 provides for the Constituent of Human Rights Courts by the States for providing speedy trials or offences arising out of violation of Human Rights.

Ngo's And Human Rights

The United Nations has recognized the importance of a dynamic network of NGOs partnership worldwide for creating a pervasive culture of human rights. NGOs and other representatives of civil society, such as academic institutions and citizens' groups, have been crucial to the United Nations Human Rights work since its inception-from the inclusion of human rights clauses in the Charter to the establishment of the Office of the High commissioner for Human Rights.

NGOs have also been key to developing human rights priorities in the major world conference- from the inclusion of human rights clauses in the Charter to the establishment of the office of the High Commissioner for Human Rights. NGOs have also been key to developing human rights priorities in the establishment of the Office of the High Commissioner for Human Rights. NGOs have also been key to developing human rights priorities in the major world conference-particularly the agreements achieved on human rights in Vienna (1993), on population and development in Copenhagen (1995), on women's rights in Beijing (1995) and on food security in Rome (1996).

NGOs provide leadership in other areas, too. In the preparation of the Rome Conference, which approved the establishment of an International Criminal Court in July 1998, a well-informed and vocal NGO coalition was instrumental in pushing for a strong mandate for the Court. The coalition often led the debate on contentious issues such as the need for an independent prosecutor and the inclusion of the crime of aggression as one of the core crimes under the Court's jurisdiction. The strong NGO partnership with Governments and the United Nations ensured that the International Criminal Court possesses the capacity to exercise its dual purpose of prosecuting individuals responsible for atrocities and deterring future barbarities.

The strength of non-governmental human rights organizations lies in their ability to mobilize public opinion, disseminate information and pressure Governments to conform

to international human rights standards. There is great diversity among these NGOs. Some defend all human rights in general, while others protect the specific rights of particular vulnerable groups, such as women and children, or deal with urgent human rights issues, such as torture, enforced disappearances or the treatment of prisoners.

NGOs are vital actors in human rights advocacy: representing and protecting victims, providing expertise, collecting and dissemination information and encouraging human rights education. Among human rights NGOs, women's groups are among the most active in the world today, playing a vital role in the advancement and empowerment of women by increasing awareness of women's issues, as well as educating women in their human rights.

Among the most important international NGOs, mention may be made of the following:

- Human Right Watch
- International Federation for Human Rights
- Amnesty International

In 1985, to protect human rights activists and NGOs, the Commission on Human Rights established a working group to draft a declaration aimed at guaranteeing individuals the right to publicly denounce violations, to form and participate in human rights NGOs and to communicate with international human right organizations. In 1998, after more than 13 years of discussion, the Commission adopted the draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally, Recognized Human Rights and Fundamental Freedoms, also known as the Declaration on Human Rights Defenders. The Declaration is not a legally binding treaty, but clarifies and reinforces rights that are already recognized in existing international instruments.

Protection Of Human Rights In India: The Protection Of Human Riths Act, 1993 And As Amended In 2000

The Protection of Human Rights Act, 1993 and as slightly amended in 2000 contains the following:

- ♦ Short title, extent and commencement
- ♦ Definitions

The National Human Rights Commission:

- ♦ Constitution of the National Human Rights Commission
- ♦ Appointment of Chairperson and other Members

- ♦ Removal of a Member of the Commission
- ♦ Terms and Conditions of Service of Members
- ♦ Filling up Vacancies, etc
- ♦ Procedure to be followed by the Commission
- ♦ Offices and other staff of the Commission

Functions and Powers of the Commission:

- ♦ Functions of the Commission
- ♦ Powers relating to inquiries
- ♦ Investigation
- ♦ Statement made by the persons to the Commission
- ♦ Persons likely to be prejudicially affected to be heard

Procedure:

- ♦ Inquiry into complaints
- ♦ Steps after inquiry
- ♦ Procedure with respect to armed forces
- ♦ Annual and special reports of the Commission
- ♦ State Human Rights Commission
- ♦ Constitution, Appointment and Functions etc
- ♦ Human Rights Courts
- ♦ Finance, Accounts and Audit
- ♦ Miscellaneous

Nelson Henry has very rightly observed in Media and Symbols, “Educational institutions, left to them may not be successful in achieving the educational objectives of the developing societies without the support of the new media.” New media, implying mass media, as channels of education gain relevance from their capacity to disseminate information to a great number of people (masses) and make the present educational programmes more effective and meaningful.

According to Dr. Marshall McLuhan whose books *The Gutenberg* and *Understanding Mass Media* throw a lot of light on the subject of mass media, it is the medium which is the message. This means that the medium by which a piece of information or knowledge is communicated to us exerts a profound influence on us. The effectiveness of a piece of information depends upon the medium through which it is imparted. Dr. McLuhan thinks that electronic media affect the sensibilities greatly because they tend to massage the

senses. Thus the media is not only the message but also the message because it massages the sensory organs and stimulates them to respond actively. Therefore, it is important that the mass media be utilized in the classroom teaching so that the students may obtain sensory stimulation as a part of the process of instruction.

As observed by Wilbur Schramm in his book *Big Media-Little Media*, mass media can be made use of in education “as support models in two basic but overlapping ways.”

1. They can be made part of environment into which learning activities are designed as seen in distance teaching institution.
2. They can be brought into the environment as indirect partners or as tools in the hands of the teachers, by supplementing additional or supportive information that is educationally important and useful.

Mass media are means of impersonal communication via some medium, imported through mediated situation mass media are means or instruments of communication that reach large number of people or pupils with a common message. The matter may be printed like newspapers or it may take the form of radio, television and cinema. Carlton W.H. Erickson observes, “In recent years technology has swept through society from research laboratories into manufacturing communications, the space age, and finally now, into education”

In early times, the teacher was the only medium of communication for children. He taught his students orally. During the course of time the invention of the printing press, led to the printing of books. Then came newspapers. Now for quite some time new mass media like radio and T.V. are increasingly used in education. They reach large members and also help in improving the quality of education.

Schools and college for long have been the sole medium for imparting information and aiding in the acquisition of knowledge. But with the technological development and fast expanding knowledge, new avenues of education have come up. These media disseminate information which the schools can no longer but needs to be integrated into the teaching-learning process. The National Policy on Education 1986 and modified policy, 1992 has observed, “The media has profound influence on the minds of children. The mass media make the constraints of time and distance manageable. Modern education technology must reach out to the most distant areas and the most deprived section of beneficiaries simultaneously with the areas of comparative affluence and ready availability.”

Mass media serve some important function. They are helpful in teaching large number of people. They are helpful in the spread of human rights education. They are useful in making instruction more effective and meaningful. The press and media highlight the need for the protection of human rights. They publish news regarding violation of human rights. They draw the attention of the government to various issues. The press includes articles on the various dimensions of human rights. It creates awareness among different section of population regarding their rights.

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