**Universal Periodic Review (Third Cycle)**

This report is made as submission for the Third Cycle of the Universal Periodic Review and has no other concern than the improvement of human rights on the ground and in particular human rights education framework and practice in India.

1. **Introduction and actual context:**

On July 11 four young men members of the Chamaar caste, part of the Dalit community, were assaulted and trashed by a group of cow-protection vigilantes in Gujarat’s Una. The victims were stripped, tethered to the back of a car, beaten for hours while hundreds dozens of people were silently witnessing the atrocity.[[1]](#footnote-2) After the divulgation of the new, media was rapidly covered with hundreds of opinions expressing its rejection towards the cow supremacy above dalits dignity and the paper of Government on the increase of violence since Modi took charge in New Delhi, but the instinctive and elementary reflection that everyone should have after reading those kind of atrocities is asking about the values and principles that might have not just the perpetrators but also the witnessed who did not stand up for its neighbors rights. Where did the perpetrators ingest that hate? Which education was given to the observing silent majority? ***Certainly, they did not attend any kind of Human Rights Education Program. What if a critical mass among them had such an opportunity? What if they had been taught to Celebrate Diversity / Difference which in a nut shell is Human Rights Education Training****?*

This is just an example of the actual situation in India: many atrocities are committed due to religion, cultural or sexual discrimination while many state departments as Army Forces or Police officers are receiving sharp criticism from civil society for its constant human rights violations around the country. In this context it really important to bear in mind the true power of Human Rights Education (HRE) which promotes “*respect for human dignity and equality and participation in democratic decision-making*” and “*contributes to the long-term prevention of abuses and violent conflict*”[[2]](#footnote-3). There is a strong bond between human rights and education as this is the best way to develop active subjects with capacities to promote the values of social and democratic states and spread the culture of human rights across global citizenship.

**2- Human Rights Education and Training Legal Duties of the Republic of India**

 **2.1. Treaties and international bodies**

 In the Preamble, the **United Nations Human Rights Declaration** encourages “*teaching and education to promote respect for these rights and freedoms*” and in its article 26.2 it is stated that “*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 nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace*”[[3]](#footnote-4). This general provision contains the spirit and force of common vision contained in dozens of international covenants: education as a mean to achieve a more plural, democratic and tolerant society.

India has general but clear duties relating Human Rights Education which are contained in other international treaties in which the is State member. In article 13 of the **International Covenant on Economic, Social and Cultural Rights** States parties “*agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms*”. States further agree that “*education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups*”.[[4]](#footnote-5) (Another declaration of the HRE spirit. States did agree on the development of human personality and dignity skills. If education shall enable all persons to “participate effectively in a free society”, persons need to know rights and duties and the way to exercise them or claim for them in case of rejection from powers).

In the same sense article 29.1(b) of **Convention on the Rights of the Child** stated that “*education of the child shall be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations*”.[[5]](#footnote-6) Other treaties enshrined the power of education for eradicating specific ways of discriminations. In this direction, article 7 of the **International Convention on the Elimination of All Forms of Racial Discrimination** establishes the obligation for States parties to “*adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination*”.[[6]](#footnote-7)

Other treaties do not impose literally obligations in the field of education, and yet it is clear that education is one of the most critical element in reaching the goals the state has a mandate to fulfil. We can find on example of this open legislative imposition in article 5(a) of The **Convention on the Elimination of All Forms of Discrimination against Women**: “*States Parties shall take all appropriate measures: To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women*”.[[7]](#footnote-8)How could any State change social and cultural patterns? Just through Education, Law and Media**.** That is the reasonwhy the First phase of the World Programme for HRE (2005-2009) was focused on primary and secondary school, the Second phase (2010-2014) was focused on higher education, teachers, educators, law enforcements and military and the Third phase is focused on media professionals and journalists.

There exists also other kinds of international bodies that has HRE mandates as resolutions or declarations of the General Assembly of the United Nations. The clearest example is the **United Nations Declaration on Human Rights Education and Training** adopted in 2011 which do not have binding effect but can assist us in the interpretative task when looking at the commitment of states in comply their duties and can develop into international customary law with the common practice through time.The Declaration recollects brilliantly the content of HRE mentioned dispersed in previous treaties as it states that “*Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training*”.[[8]](#footnote-9) It also brings interesting ideas as describing HRE as a “*lifelong process that concerns all ages*” amplifying the scope of the right to other sectors of society which cannot have institutional education. This is important as those who are illiterate are the ones with more probability to suffer human rights violations due to their lack of knowledge of their rights and the power to raise their voice.

Thus we can identify clear obligations emanating from international binding treatises and declarations that State must ensure human rights education in the educational field: develop human personality, spread the respect on the human rights, enable people to participate effectively in a free society with respect for human rights and fundamental freedoms and combating discrimination with special attention to gender or race in particularly.

**2. Assessment of the UPR recommendations**

**2.1. Human Rights in the school curricula**

In the Second Universal Periodical Review the Republic of India noted the recommendation expressed by Sri Lanka to “*continue with action to include human rights education in the school curricula*”.[[9]](#footnote-10) This commitment is similar to the provision contained in the paragraph 79 of the Vienna Declaration and Programme of Action which “*calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings*”. *[[10]](#footnote-11)* In the next pages we are going to explore the developments and failures on implementations since May 2012 when the recommendation was accepted.

**2.1.2 Development since last review**

**A) Government action**

The actual situation in the formal school curricula is the same that in 2012 as no changes had come in the National Curriculum Framework adopted in 2005 by the National Council of Educational Research and Training. Actually, Human Rights in Indian primary and secondary schools are commonly taught in an indirect way using other subjects with history, science, sociological or political content as vehicles of human rights values. For example, in Social Sciences there has been an attempt to have “*interdisciplinary approaches, promoting key national concerns such as gender, justice, human rights, and sensitivity to marginalised groups and minorities*”[[11]](#footnote-12).

This approach of inculcating human rights culture might not be enough if we look to the alarming human rights violations rates in India. As Pranati Panda says “*the basic approach to human rights education in schools is to integrate it into various subjects and not treat it as a separate area of study*”[[12]](#footnote-13). Another Aquila’s heel of this indirect way is the teachers’ training as most of them lack in having any kind of human rights education knowledge that can assist them in inculcating students the values of the United Nations Human Rights Declaration.

This static state of affairs in school curricula might be quite different in the higher education steps. Recently, the Indira Gandhi National Open University (IGNOU) started a certificate course in HRE and the University Grants Commission granted 10.000 lakh to take activities related to human rights education and human rights development, in concrete 25% of the ceiling to research, another 25% of the ceiling to teaching and a 50% of the ceiling to organization of seminars, workshops and conferences.[[13]](#footnote-14)

**B) Civil Society action**

**Instead of this slowl and leaden path of the government towards HRE, civil society counts in some cases with more than 15 years spreading human rights education through the country. NGOs are providing HRE with various formula: by themselves, jointly with other organizations and in some cases associated with the UN departments. Some examples of this action are discussed below as good examples that the State scale up to fulfill its responsibility towards human rights education, strengthen the human rights education programs that it has already intiated.**

**(i) Amnesty International Human Rights for Education Programme has done several workshops and training during the last years in more than 30 schools in Bangalore as part of its wider program called Human Rights Friendly Schools.**

(2) The Institute of Human Rights Education (IHRE) has a National Plan in 15 States (Andra Pradesh, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, Maharastra, North Eastern, Orissa, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttar Pradesh and West Bengal) in collaboration with different NGOs. At this moment, the program has trained more than 4476 teachers in 3909 schools involving 316832 children.

(3) People's Action For Rural Awakening program of setting up 1000 human rights club in 525 government schools in the two states of Andhra Pradesh and Telangana with the express collaboration of the government educational department. Despite the willingness of the government to the idea of human rights education and human rights clubs in schools getting the actual permissions for scheduling training session for teachers and students have been a hassle.

**2.1.3. Regressive actions if any and actions that remain to be taken for full implementation**

The vindictive action by the government against those NGOs who question its commitment to the social and secular ideals of preamble of the constitution and to the rule of has hampered implementation of human rights education program that the those NGOs have assiduously tried to take forward as a response to the call of the UN. A case in point is the punitive action against Institute of Human Rights Education and against SICHREM (ref needed) Bank account frozen due to foreign donations during several years that affected programs as the one carried on by IHRE.

One of the main omissions in the fulfillment of the school curricula implementation recommendation is the lack of National Action Plan on Human Rights Education.[[14]](#footnote-15) Countries like Senegal, Brazil, France or Japan have national systems in which they develop HRE guidelines and principles and distributed the main responsibilities in the implementation and assessment of the program among different national agencies or department.[[15]](#footnote-16) The actual legal framework in India just brings confusion and does not distribute obligations. The Republic of India is ultimately responsible for the omissions regarding its HRE legal duties and should encourage the draft of a National Plan coming from a joint and participative dialogue between government, the civil society, universities, educative centers, experts in a democratic proceeding. This National Plan should be take into account the country particularities and should create a national organ in charge of its development and assessment.

Some actions which will help to develop the HRE in the school curricula. The first one is to include HRE course in teachers’ training syllabus. Actually, the syllabus in the diploma of elementary education drawn up by the National Council for Teacher Education does not include human rights in a formal way as there is no concrete subject dedicated to the learning of human rights. It can be argued that it is learned in an indirect context as some subjects have political contents which can be related to, but it is not enough as teachers need to have a clear idea of the specific rights, the way to avoid violations and the institutional channels to that can redress them / actualize those rights.

The second one is the reiteration of the recommendation of the Sri Lankan government: the creation of a Human Rights subject, module or course for students in primary and secondary schools, adapted to the different ages and necessities with progressive and more complex contents to achieve in the final steps of education to develop skill of promoting human dignity culture and the awareness and commitment to avoid violations.

**2.2. Human Rights training law enforcements:**

In the Second Universal Periodical Review the Republic of India noted the recommendation expressed by Malaysa[[16]](#footnote-17) and Iraq[[17]](#footnote-18) to intensify and improve the training programmes on human rights for law enforcements officials, judicial, legal officials and police officers. This recommendation and the moment of the implementation matches with the Second Phase Universal of the World Programme for HRE (2010-2014) that is directed to law enforcement.

**2.2.1 Developments since last review**

**A) Government action**

The main agency in India in charge of promoting human rights culture and principles is the National Human Rights Commission (NHRC).In the Section 12 (h) of the Protection of Human Rights Act 1993, the Commission is mandated to “*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*.”[[18]](#footnote-19) The NHRC has targeted different groups which are required special attention in relation to its Human Rights Education or Training among the ones we can find police, judiciary, prison officials, army, para-military forces and civil servants. In the performance of this ‘*literacy’* task they provide in-house, short-term, long-term, collaborative programs, internships to students and online basic courses on human rights to police personnel. In the year 2010-2011, when the Commission “*approved 123 training programmes relating to various aspects of human rights. Out of these****,*** *67 training programmes were successfully**organized by 57 institutions/universities/NGOs*”[[19]](#footnote-20). In the same sense, 125 training programmes relating to various aspects of human rights were successfully organized by 50 institutions, universities and NGOs during the year 2011-2012. The problem to evaluate its developments during the last 4 years is due to the lack of publication of the repots – this fact in itself is a clear indication of the human right education situation in India: the main agency is not observing the basic rules of transparency and accountability. And what has been done in no way matches the enormity of the task that needs to be done.

Other Government organizations has developed training programs during the last years. One example is the National Legal Service issued a resolution on 9 December 2011 in which orders every State Legal Service Authority (SLSA) to implement and provide annual trainings to juvenile or child welfare officers attached to police stations and to the members of special juvenile police unit. It its order it commands the SLSA to “*undertake periodic review and appraisal of training programmes and will revise and upgrade such training programmes*”.[[20]](#footnote-21) Since then juveniles rights courses are being provided to the members of special juvenile police, but as ERIKA RICKARD says “*A further complication with the creation of SJPUs is that officers are transferred in and out of these positions more frequently than the trainings take place (…) Officers are rotated in and out of these specialized positions more frequently than they are given training*”.[[21]](#footnote-22)The lack of information available makes it difficult to know the periodicity of its trainings.

The National Judicial Academy India in coordination with State Judicial Academies also provide different courses on Human Rights. For example, last August held the “*Annual National Seminar on Working of Human Rights Court in India*” and Andra Pradesh Judicial Academy had provided 7 workshops on “*Fair Trial in Criminal Cases – Role of Judge as Human Rights Protector and Provider*” for 3 District Judges and 3 JFCMs during the year 2013 and is providing two weeks “*Refresher Courses for Junior Civil Judges*” working in the states of Telangana and Andhra Pradesh every year.

Specific trainings are being provided to different law enforcements and police officers especially in the field of child and juveniles, domestic violence and atrocities against scheduled cast and scheduled tribes, etc.

The above citations show that when the government puts is mind to it, we see a movement in creating awareness on critical legislations for protection of human rights of particular section of society on specific thematic areas. Government should use this experience in taking forward the mandate for human rights education. When this task is taken seriously there will be greater scope for reduction of human rights violations in general. Thus we can surely notice a certain reticence to impart general courses covering all human rights.

**B) Civil Society action**

 As in the primary and secondary school HRE mission, civil society has made significant efforts to impart human rights trainings to police officers and law enforcements. Some of the programs have been done in collaboration with more NGOs, UN programs or local governments.

The following examples may be cited in this regard:

 (1) The HAQ Centre for Child Rightshave been giving trainingto police personnel, including Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables since several years. The modules cover various aspects of the JJ Act, the persistence and implications of child trafficking and wider child rights issues.

(2) ENFOLD in collaboration with UNICEF and the Government of Karnataka has trained since 2012 about 1.850 stakeholders among police personnel, social workers, doctors and dept. prosecutors on Child Rights and Child Abuse.

(3) The Centre of SocialResearchin collaboration with Un Women and the NHRC has also imparted women’s rights and gender equality trainings in different police academies. Actually, they have a gender sensitization training of trainers program at SVP National Police Academy, Hyderabad.

**2.2.2. Regressive actions if any and actions that remain to be taken for full implementation**

The evaluation of this recommendation has to be valued in a more positive way than the previous recommendation as government had implement at least several training programs among the law enforcements and police officers. Despite that still a lot of actions need to be taken in order to ensure that human rights consciousness among takes root in this vital group of our society.

The training provided was basically specific courses on child or women issues and in the majority of cases the trained police officers were the ones tasked to perform special roles as the Special Juvenile Police Units and Officers. Government seems to be reluctant to give Human rights training per se, while they are comfortable providing training on specific fields. The specialization of human rights content to specific units is as necessary as a general course on human rights where is learned the duties, boundaries and guide lines principles on daily proceedings in accordance with human rights standards. This double dichotomy regarding the specific content and assistants to the training programs shall be addressed.

Another action that should be carried out is the incorporation of a course in human rights in the higher education, at least in the syllabus of those professions which would have later a position to affect in a deeper manner the human rights. This could bring the chance to study the possible violations of human rights that will be shown in the daily before it occurs in reality.

1. QUARTZ India. Harish C. Menon: <http://qz.com/738758/indias-dalits-strike-back-at-centuries-of-oppression-by-letting-dead-cows-rot-on-the-streets/> [↑](#footnote-ref-2)
2. Plan of Action. World Program for Human Rights Education. First Phase. United Nations, United Nations Educational, Scientific and Cultural Organization and the Office of the United Nations High Commissioner for Human Rights. New York and Geneva 2006. [↑](#footnote-ref-3)
3. United Nations Human Rights Declaration adopted by United Nations General Assembly in Paris on 10 December 1948 General Assembly resolution 217(III) A. [↑](#footnote-ref-4)
4. International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December. [↑](#footnote-ref-5)
5. Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990. [↑](#footnote-ref-6)
6. International Convention on the Elimination of All Forms of Racial Discrimination adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965. [↑](#footnote-ref-7)
7. Convention on the Elimination of All Forms of Discrimination against Women adopted in New York, 18 December 1979. [↑](#footnote-ref-8)
8. United Nations Declaration on Human Rights Education and Training adopted by resolution General Assembly resolution 66/137 on the 19 of December 2011. [↑](#footnote-ref-9)
9. A/HRC/21/10 - Para. 138 & A/HRC/21/10/Add.1 - Para. Page 2 [↑](#footnote-ref-10)
10. Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights in Vienna on 25 June 1993 [↑](#footnote-ref-11)
11. *National Curriculum Framework 2005*. National Council of Educational Research and Training. page 127 [↑](#footnote-ref-12)
12. *Human Rights Education in Asian Schools. Human Rights Education in Indian Schools: Curriculum Development*. Pranati Panda.Page 91 [↑](#footnote-ref-13)
13. Annual Report 2012-2015 University Grants Comission. Page 170. [↑](#footnote-ref-14)
14. http://www.ohchr.org/EN/Issues/Education/Training/Pages/NationalActionPlansHumanRightsEducation.aspx [↑](#footnote-ref-15)
15. Idem [↑](#footnote-ref-16)
16. A/HRC/21/10 - Para. 138 & A/HRC/21/10/Add.1 - Para. page 4 [↑](#footnote-ref-17)
17. A/HRC/21/10 - Para. 138 & A/HRC/21/10/Add.1 - Para. page 4 [↑](#footnote-ref-18)
18. Protection of Human Rights Act 1993 [↑](#footnote-ref-19)
19. Annual Report 2010-2011. National Human Rights Commission. Chapter 12, page 123 [↑](#footnote-ref-20)
20. *Guideline for training the designated juvenile/child welfare officers attached to every police station and the members of the special juvenile police unit established under the section 63 of the juvenile Justice (care and protection of children) Act, 2000*. U. SARATHCHANDRAN MEMBER-SECRETARY. National Legal Services Authority [↑](#footnote-ref-21)
21. *Bringing Justice to India’s Children: Three Reforms to Bridge Practices with Promises in India’s Juvenile Justice System*. ERIKA RICKARD & JASON M. SZANYI. Page 120. [↑](#footnote-ref-22)