



Human Rights for the Development of Education

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ABSTRACT

Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. This was included in number of human rights treaties like the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1981). All these treaties gave emphasis on free, compulsory primary education for all children; an obligation to develop secondary education, supported by measures to render it accessible to all children, as well as equitable access to higher education; and a responsibility to provide basic education for individuals who have not completed primary education. This paper highlights human rights, right-based approach to education and other aspects which protect and enhance education etc

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Every human being is entitled to all rights, freedom, remedy and protection set forth in the declaration. These rights are enshrined in the Indian Constitution too, as our preamble of our Indian Constitution indicates:

"We, the People of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:

Justice : Social, economic and political
 Liberty : of thought, expression, belief, faith and worship;
 Equality : of status and of opportunity and to promote among them all,
 Fraternity: assuring the dignity of the individual and the unity and integrity of the Nation".

EDUCATION AS A HUMAN RIGHT

Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. This was included in number of human rights treaties like the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1981). All these treaties gave emphasis on free, compulsory primary education for all children; an obligation to develop secondary education, supported by measures to render it accessible to all children, as well as equitable access to higher education; and a responsibility to provide basic education for individuals who have not completed primary education.

The most important aim of education is to enhance individual development, respect for human rights and freedoms, make humans able to take active part in a free society, and increase the level of understanding, friendship and tolerance. The right to education helps to enhance access and remove discrimination at all levels of the educational system, to set minimum standards and to improve quality. Education is necessary for the awareness of civil, political, economic or social right. The United Nations Convention on the Rights of the Child (1989) develops and increases the concept of the right to education by the implementation of the Convention's four core principles:

1. Nondiscrimination
2. The best interests of the child
3. The right to life, survival and development of the child to the maximum extent possible;
4. The right of children to express their views in all matters affecting them and for their views to be given due weight in accordance with their age and maturity

According to these principles children should be recognized as active agents in their own learning and education should be designed to promote and respect their rights and needs. The Convention elaborates an understanding of the right to education in terms of universality, participation, respect and inclusion.

Perspectives on the Rights of the Child

Perspectives on the right of child are as under:

- The right to education is to be achieved on the basis of equality of opportunity.
- Measures must be taken to encourage regular school attendance and reduce dropout. It is necessary to remove such barriers as poverty and discrimination and to provide education of sufficient quality, in a manner that ensures children can benefit from it.
- Discipline must be administered in a manner consistent both with the child's dignity and with the right to protection from all forms of violence, thus sustaining respect for the child in the educational environment.
- The aims of education are defined in terms of the potential of each child and the scope of the curriculum, clearly establishing that education should be a preparatory process for promoting and respecting human rights.
- In its General Comment on early childhood, the Committee on the Rights of the Child interprets the right to education as beginning at birth and encourages governments to take measures and provide programmes to enhance parental capacities to promote their children's development.

The right to education is an internationally recognized right in its interrelationship with the right to development, and that the legal and constitutional protection of this right is indispensable to its full realization.

HUMAN RIGHTS-BASED APPROACHES TO DEVELOPMENT

The important principles of a rights-based approach are as under:

- Universality and inalienability
- Indivisibility
- Interdependence and interrelatedness
- Equality and non-discrimination
- Participation and inclusion
- Empowerment
- Accountability and respect for the rule of law

ADOPTING A RIGHTS-BASED APPROACH TO EDUCATION

A rights-based approach has the potential to achieve the goals of governments, parents and children. This approach adds some values as under:

- It promotes social cohesion, integration and stability
- It builds respect for peace and non-violent conflict resolution
- It contributes to positive social transformation
- It is more cost-effective and sustainable
- It produces better outcomes for economic development.
- It builds capacity

APPLYING A RIGHTS-BASED APPROACH TO POLICY AND PROGRAMMING

The elements are necessary, specific and unique to a rights-based approach for policy and programming in the education sector as follows:

- Assessment and analysis identify the claims of human rights in education and the corresponding obligations of governments, as well as the immediate, underlying and structural causes of the non-realization of rights.
- Programmes assess the capacity of individuals to claim their rights and of governments to fulfil their obligations. Strategies are then developed to build those capacities.
- Programmes monitor and evaluate both the outcomes and processes, guided by human rights standards and principles.
- Programming is informed by the recommendations of international human rights bodies and mechanisms.

The required steps of right-based approach are:

- **Situation assessment and analysis.**
- **Assessing capacity for implementation.**
- **Programme planning, design and implementation.**
- **Monitoring and evaluation.**

Access and quality

Access is necessary where resources are limited for the requirement to make education universally. Due to high teacher-student ratio, overcrowded classes, fewer materials and resources per class, and lower building standards reduce the quality of education at each and every level of schooling. Therefore efforts should be made to increase the budgetary allocation to ensure there is access to quality education for all children. Funding should be done for the provision of education without discrimination on any grounds.

Equity and efficiency

The approaches necessary to make schooling available for all children may be less efficient and cost-effective. Although it may be more costly to create small satellite schools in villages, for instance, this might be the only way of motivating parents to allow young girls to attend. It may be less expensive and efficient to place all children who do not speak the national language in a separate school, but doing so may deny them the right to an education on an equal basis with other children. Effective guidance is important for the children, parents and communities for constructive participation in their environment. This will help build a sense of ownership and collaboration in finding solutions that will best strengthen access to education.

Universality and diversity

The respect for difference and the right to be different in regard to cultural, linguistic and religious identity needs to be reconciled with the universal right to education as part of a broader set of human rights. Approaches to education provision for determining universal education should be considered with due regard for local and regional differences, particularly in regard to language and culture. Failure to do so implies a failure to reach out to all communities.

Priorities and trade-offs

Scarce and limited resources can lead to trade-offs, such as the decision to invest in primary education at the cost of limiting access to secondary education, or to postpone the development of educational opportunities for children with disabilities. It is impossible to complete the need of education immediately by the government at all stages for people in any country. However, where financial and human resources are scarce, the principle of progressive attitude desires governments to have a strong strategy and time frame work for obtaining the objective of universal access to primary and secondary education, and each action should be effective for the complete realization of the right to education for all.

Outcomes and process

The strategies should be designed to produce and obtain immediate results regarding the Millennium Development Goals but most of the cases fail to invest in long-term social change to sustain a genuine commitment to and capacity for meaningful education. For instance, an increased number of school places and teachers may lead to higher levels of enrolment, only to result in increased drop-out rates because no accommodation has been made to children's particular circumstances. Ensuring attendance, completion and reasonable attainment in school involves consultations with children and parents; policies to address poverty; the development of more relevant curricula; and respect for children's rights in school, including the abolition of physical and humiliating punishments.

Emergency responses in the short and longer term

In emergencies, the immediate focus is inevitably on survival and the provision of food, water, shelter and medical treatment. For children, however, the immediate re-introduction of education is not only a right but can also be a vital resource in restoring normality, overcoming psychosocial trauma, building capacities for survival and providing structure out of chaos. There are a growing number of positive examples of programmes designed to provide immediate schooling in the aftermath of crises. Ensuring that a maximum number of children attend school under these difficult circumstances has to be balanced, however, with the parallel need to guarantee quality education in the short and longer term.

Teachers' and children's rights

The proper teacher-child relationship must be maintained in conducive environment of school. Respecting the rights of children does involve some transfer of power; this does not necessitate the loss of rights on the part of the teacher. In practice, without mutual respect, the pedagogic relationship is fragile. Creating a school environment in which children's rights are respected is more likely to enhance respect for the role of the teacher, although this outcome can only be achieved if teachers are appropriately supported and resourced.

Work and school

The Convention on the Rights of the Child makes clear that children must be protected from all forms of work that are harmful to their development or that interfere with their education. International Labour Organization (ILO) Convention 182 elaborates the worst forms of child labour and makes clear governments' obligations to protect all children from these areas of work. Governments need to introduce legislation and policies that guarantee these protections. It is also incumbent on governments to provide education that offers a viable alternative to employment in terms of its quality and relevance; to introduce policies that address the poverty and livelihood insecurity that force many children into work; and to make education sufficiently flexible and inclusive to allow those children to attend who have no choice but to work.

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