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The Obligation of Human Rights Education from the Perspective of Bangladesh

Master's Thesis

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Preface

“Human Beings *everywhere*- Human Rights *inherent*- Human Rights Education *universal utility*”

The curiosity for writing a thesis on Human Rights Education from the perspective of Bangladesh lays in the rising of contemporary global arguments for HRE. The focuses of the study are on specific aspects particularly, the meaning and scope of, and state’ obligation for, HRE, as well as the scenarios of implementing HRE in Bangladesh. It is true that the creation of the culture of human rights practice, realization, and promotion in the diverse world, the UN is constantly taking several initiatives by adopting different Resolutions, Declarations, and Recommendations related to HRE. The UN, repeatedly, urges the member states to fulfill and implement the obligations for HRE at the domestic level. In the meantime, several European countries have already taken various measures, including educational initiatives, national plans, and policies for facilitating HRE. The Republic Estonia, for example, which facilitates human rights education as an individual course. However, the facilitation of HRE is not an exclusive international obligation on the European states as other states, including Bangladesh; require taking steps for disseminating knowledge about human rights among the citizens.

Acknowledgment

With full and proper respect for all women, at first, I would like to thank the woman (my mother) for whom I get the opportunity to take breathe in the beautiful world.

I would like to express my profound gratitude to Prof. Lauri Mälksoo who acted as a supervisor during the formation of the thesis by providing proper guidelines and direction, relevant discussion, and precise knowledge in the field. This thesis requires academic scrutiny that reflects in the body of the thesis with his prudent supervision and sincerity throughout the formation process.

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1. INTRODUCTION

Under the international human rights regime, the right to education is unequivocally a human right enumerated in many legal instruments, and the HRE, *ipso facto*, falls under the category of education as an indivisible part of it. The UDHR, a pioneering instrument of universal human rights, envisages an obligation on; *inter alia*, all individuals for striving by education and teaching for the promotion and respect of the enumerated human rights¹. In the legal field, there is an inter-link between the right and duty that is to say ‘one’s duty is others’ rights². Conversely, the idea of human rights, as well as the promotion of such rights through HRE, portrays differently since an individual can neither violate human rights nor be responsible for ensuring such rights. The ensuring human rights are still state-oriented issues under the international legal framework that the states are primarily responsible for the promotion of the HRE as a duty bearer, while human beings deserve to claim the inherent entitlement of human rights from their respective states or the state of others. Although states are committed to ensuring the ‘right to education’ which is unambiguously articulated as a substantive human right in different international as well as regional human rights instruments, the assumption of states’ obligation for HRE is still unclear to a certain extent. Since there is no conclusive code of duties corresponding to the rights, a change of circumstances possibly leads to the emergence of new duties from the existing right³.

On the other hand, the agenda of Human Rights Education has been demonstrated immense significance in the international arena in the recent decade. There is a continuous tendency among the states of reaching a consensus on fulfillment of the obligation for HRE as the UN has been calling for the member states as well as adopting several resolutions particularly, (Res. No-49/184) called the proclamation of the United Nations Decade for Human Rights Education (1995-2004). For increasing contemporary worldwide development and promotion of human rights, the states’ obligation for HRE and its implementation has constantly been argued by the UN and its specialized agencies⁴. Bangladesh is a member state of the United Nations, and it

¹ The preamble of the Universal Declaration of Human Rights, 1948.

² Renteln, Alison Dundes. “The Concept of Human Rights.” *Anthropos*, vol. 83, no. 4/6, 1988, p-344.

³ Saul, Ben. “In the Shadow of Human Rights: Human Duties, Obligations, and Responsibilities.” *Columbia Human Rights Law Review*, vol. 32, no. 3, Summer 2001, p-587-588.

⁴ The Human Rights Council, Plan of Action for the fourth phase (2020-2024) of the World Programme for Human Rights Education (A/HRC/42/23).

requires carrying out all UN obligations, including the obligation of HRE in a good faith. Therefore, the focus of the study will be on the questions: Is there any obligation of HRE on Bangladesh under the international legal field? If yes, does Bangladesh fulfill its obligations? As an attempt to address the research question properly, the legal discourse on the right to HRE requires analysis for confirming the state's obligation of HRE under the human rights instruments.

Generally, all states in the international legal regime enjoy the equal status of sovereignty without considering the political, economic, or any other conditions. Similarly, in respect of international obligations either it may be an obligation for HRE or any other obligations in general, all states are supposed to carry out and fulfill all obligations raised from any international legal instruments; no matter how big or small state in the international legal field. Therefore, the obligation of HRE on Bangladesh comes to play for assessing the arrangement of HRE in Bangladesh from the perspective of pre-existing or existing national legislative measures or governmental initiatives to achieving the goal of HRE. The Human Rights Council estimates the years (2020-24) as the year of a global coalition for HRE focused on youth⁵ to reaffirm the outcomes of the international organizations, civil society, and state authorities' initiatives in recognizing, and strengthening the HRE commitments. Consequently, a legal study on HRE in Bangladesh has become badly needed for finding consistency with the contemporary worldwide human rights education campaign.

As to the significance of this study, the actual scenarios of HRE in Bangladesh requires to be expressed in the academic arena, as well as in the field of legal research for contributing further promotion and implementation of HRE in Bangladesh. Human rights scholar argues⁶ that the knowledge on human rights should be a universally admitted need of every individual for being, and inspiring others to be, vigilant on inherent and inalienable rights enumerated in the different covenants and conventions. Human rights are supposed to be realized and fully exercised, and the concept of human rights *per se* needs to be expressed before the rights holders either formal or informal approaches. It is true that 'One has a human right to understand one's rights' which is

⁵ Human Rights Council, HRE 2020: Global Qualition for Human Rights Education, 17th September,2018, 39th Session, accessible- <http://www.hre2020.org/node/46>.

⁶ Ana Laura Pauchulo, Encountering Breakdowns in Human Rights, Education, Peace Review(2012), A Journal of Social Justice, 24:1, p-14.

a unique and apex mandate of the HRE⁷. For that reason, the significance and value of human rights are constantly drawing the attention of both in the academic and international legal arena. Consequently, HRE has become, in the meantime, a reliable tool or art by which one can realize and acquire the knowledge and skill of, and building attitude to, human rights. Moreover, the study on HRE in respect of Bangladesh has particular significance because states are under a legal obligation- emerged from soft laws and treaties- taking measures for adopting national HRE plans, policies, and legislation for effective implementation of HRE at the national level. At the same time, states require submitting an annual individual report on the progress of HRE implementation in which Bangladesh has not yet proceed for taking such initiatives⁸. The study has significance to the international and regional human rights organizations concerning HRE to get an overview of the implementation of HRE in Bangladesh. For the promotion of human rights education at the national level, states co-operate with international and regional human rights organizations by financial and infrastructural aid.

Methodology

For completing the thesis, the author will utilize the analytical method throughout the study. Various international human rights instruments relating to HRE will be analyzed for the formation of the study based on theoretical literature particularly, contemporary legal literature in the field of human rights. As to the sources of study, both primary and secondary data are required to use to get a constructive analysis of the research question. In the international arena, the concept of, and obligation for, HRE appears still a complex phenomenon, which is constantly evolving in the contemporary field of human rights. To make the study more reliable and comprehensive, the study involves the inclusion of primary sources e.g. treaties, conventions, and covenants in the international legal field as well as national legislation concerning education in Bangladesh. For theoretical analysis, the United Nations' instruments and documents on human rights education and other relevant instruments require to scrutinize for determining the actual obligations for HRE. To that end, the United Nations Treaties Series (UNTSE), as well as the website of the Office of the High Commission for Human Rights (OHCHR), will be used as the

⁷ Nancy Flowers et.al, Human Rights Education Handbook: Effective Practices for Learning, Action and Change, The Human Rights Resource Center, University of Minnesota (2000), p-7.

⁸ Midterm progress report on the implementation of the third phase of the World Programme for Human Rights Education – Report of the Office of the United Nations High Commissioner for Human Rights, access-<https://www.ohchr.org/EN/Issues/Education/Training/WPHRE/ThirdPhase/Pages/ProgressReport3rdPhase.aspx>.

sources of primary data collection for considering both the soft law; UN Resolutions, Declaration, and Recommendations relating to human rights education, and the hard law; treaties, conventions, and covenant on HRE. In terms of secondary data collection, the author needs to find out contemporary writing, articles, and publication on HRE in which Nancy Flowers has a great contribution to the field of human rights education⁹.

Objectives of the Study

The purpose of the study is to increase a comprehensive understanding of HRE as well as contribute to the legal field for compliance and adjustment between the obligation for HRE in the international arena as well as the national plans and policies to fulfill the obligation for HRE taken by the government of Bangladesh. Additionally, finding the HRE implementation gap in the education system by portraying the current situation of HRE in the education curriculum is another objective of the study so that the government of Bangladesh and the concerning authority enrich the education curriculum considering international obligation for HRE. In Bangladesh, there is little existing literature and knowledge in the field of HRE. Nurun Nahar Begum has written an article called “Human Rights Education in School in Bangladesh¹⁰” in which she tries to articulate the situation of HRE in the education curriculum to a certain extent. It also appears that the people in Bangladesh put less emphasized in the academic field to learn, and disseminate knowledge about; human rights which confines in the arrangement of the special event particularly, on 10 December (International Human Rights Day). Consequently, the study will avail the government and the people of Bangladesh to be vigilant and active on HRE.

As to the structure of the study, the first chapter will be the introductory part covering the meaning, scope of the HRE in the international arena. An analytical discussion on HRE as well as its relationship with human rights and human dignity will be included in the introductory part. Additionally, the indivisible connection between education and HRE in respect of objectives inevitably comes to play to have a comprehensive idea. After all, first chapter comprises of the articulation of a fundamental analysis on HRE. The second chapter of the thesis is devoted to the legal framework of the state’s obligation for HRE in the international arena to explain precisely

⁹Nancy Flowers et.al, ‘Human Rights Education Handbook: Effective Practices for Learning, Action and Change’ The Human Rights Resource Center, University of Minnesota (2000).

¹⁰Nurun Nahar Bagum, Human Rights Education in School in Bangladesh, Asia-Pacific Human Rights Information Center(2001), Volume IV.

the research question. In this part, all sorts of legal instruments relating to HRE as well as relevant human rights instruments are primarily analyzed to find out actual states' obligation for HRE. The third chapter of the study is particularly designed for discussion of HRE from the perspective of Bangladesh to find the obligation for HRE, existing HRE in education curriculum, relevant laws and policies in the field of education for inclusion of HRE, and other measures of the government for fulfilling the obligation for HRE. A concluding remark will follow from all chapters discussed for the assessment of initiatives taken by Bangladesh in respect of the promotion of HRE as an obligation under the international legal framework.

Keywords: Human Rights, Right to Education & HRE, the Obligation of HRE, and the implementation of HRE in Bangladesh.

CHAPTER-I: UNDERSTANDING OF THE CONCEPT OF HUMAN RIGHTS, DIGNITY, AND HRE

Human rights are designated as the birthrights of individual human beings. Political philosophy presumes that human rights existed so long as the histories of human beings exist in the world in the name of the so-called natural rights of man¹¹. In his chapter, human rights and dignity will be discussed in the perspective of the meaning, nature, and evolution of them to analyze finally the indivisible relationship of HRE as well as the claim of the right to HRE as a human right.

1. Human Rights- what they mean

The concept of human rights was formally codified and expressly proposed after the Second World War by introducing the prominent instrument called 'the Universal Declaration of the Human Rights, 1948'. Nevertheless, there is no precise and comprehensive definition of human rights in the Declaration, which leads to the consideration of the whole Declaration itself for finding the literal meaning and legal interpretation of human rights. Under the UDHR, the term 'human rights' is not defined as what do they mean (literal meaning), but what they are (a list of substantive human rights). Human Rights refer, generally, to those natural and inalienable rights¹² that are universally inherent to all human beings¹³ without distinction as to race, sex, color, gender, political, or origins of a state. It is admitted that the ambit of human rights denies not only the distinction based on the origin, culture, and state's boundaries but also encompasses all nations either rich or poor for having a unique status under the umbrella of the human rights framework. Those rights derive from 'human dignity' and human beings belong to such rights inherently and unconditionally. Human rights embody a fundamental standard, which enables an individual to realize his or her inherent dignity.¹⁴ It is admitted that human rights formally emerge from the so-called natural rights¹⁵ are those rights granted by nature for all individuals that cannot be denied, for example, natural rights over life, liberty, and property. The 'human nature' gives

¹¹ J. D. van der Vyver, *The Concept of Human Rights: Its History, Contents and Meaning*, 1979 *Acta Juridica* 10 (1979). P-11.

¹² Donnelly, Jack. "Human Rights as Natural Rights." *Human Rights Quarterly*, vol. 4, no. 3, 1982, p-391.

¹³ Henkin, Louis. "The Universality of the Concept of Human Rights." *The Annals of the American Academy of Political and Social Science*, vol. 506, 1989, p-11.

¹⁴ Nancy Flowers et.al, *Human Rights Education Handbook: Effective Practices for Learning, Action and Change*, The Human Rights Resource Center, University of Minnesota (2000), p-3.

¹⁵ Butler, N. C. (1902). *Natural rights*. *American Law Review*, 36(4) p- 481.

rise to human rights as those rights are of human needs not exclusively for life but for having a life of dignity¹⁶. The term ‘human nature’ is less emphasized by human rights scholars, as it is the uncertainty and variation of the human perception from different religious, non-religious, or social perspectives. However, the basis of human rights (human dignity and worth) reflects uniquely in various human rights instruments in which human rights are observed and realized from different perspectives due to global diversity.

2. HRE- what does it mean

The literal expression of ‘Human Rights Education’ consists of Human Rights (adjective) and Education (common noun). When one talks about the right to education in a general sense, it means the right to education of any kind without specification including human rights education which corresponds to particular types of education related to human rights. The HRE is all learning of human rights in terms of acquiring knowledge, skill, and values.¹⁷ There are several dimensions of the HRE by recognizing the commitment for human rights under the UDHR, encouraging democratic principles, contributing to the skill and constructive thinking for democracy, empowering the individual, and validating the concept of the interdependency of the human family.¹⁸ Although the definition of the HRE has been shaping either legal or academic ways over the few decades, the UN (more precisely, the General Assembly) offered the most comprehensive and widely accepted definition of HRE in the Declaration on Human Rights Education and Training, 2011. By the language of the Declaration in defining the HRE;

‘Human rights education and training comprise 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 behaviors, to

¹⁶ Jack Donnelly, *Universal Human Rights theory and Practice*, Cornell University Press (1989), p-17.

¹⁷ Nancy Flowers et.al, *Human Rights Education Handbook: Effective Practices for Learning, Action and Change*, The Human Rights Resource Center, University of Minnesota (2000), p-7.

¹⁸ Nancy Flowers et.al, *Human Rights Education Handbook: Effective Practices for Learning, Action and Change*, The Human Rights Resource Center, University of Minnesota (2000), p-8.

empower them to contribute to the building and promotion of a universal culture of human rights'¹⁹.

However, the activities of the HRE demands not exclusively in the formal education environment; rather it has great appeal in the non-formal education aspects e.g. the training of professionals, such as journalists, teachers, and law enforcement officials, and so on. To understand the scope and depth of HRE, The Vienna Declaration and Programme of Action (1993) simplifies that 'Human rights education should include peace, democracy, development, and social justice, as outlined in international and regional human rights instruments, to achieve common understanding and awareness to strengthen the universal commitment to human rights'²⁰. Human rights education and training comprise of three dimensions particularly a) education *about* human rights which means understanding and acquiring knowledge of different human rights norms and principles, b) education *through* human rights which refers to the process and approach of learning human rights education by respecting rights *vis-à-vis* educators and learners, and c) education *for* human rights which indicates empowering persons reciprocally in enjoying and exercising the individual's rights and respecting the other's rights as well²¹. Besides the various dimensions, an expectation is that teaching content, critical thinking, values, and social actions are the major concern of human rights faculty²².

3. Human dignity and HRE:

Although the knowledge of human dignity and HRs are two distinct philosophical fields, the underlying principle is that HRE clarifies the worth of human dignity exclusively inherited by all human beings²³. The Latin term *dignitas* implies 'status' which can be applied to human beings

¹⁹ United Nations Declaration on Human Rights Education and Training, 2011, GR Res- 66/137, Date of Adoption- 19th December 2011, Article-2(1).

²⁰ The Vienna Declaration and Programme of Action (1993), Adopted by the World Conference on Human Rights, A/CONF.157/23, 25 June 1993, part-ii, Section-80.

²¹ United Nations Declaration on Human Rights Education and Training, 2011, GR Res- 66/137, Date of Adoption- 19th December 2011, Article-2(2).

²² Cargas Sarita, Human Rights Education: Forging an Academic Discipline, University of Pennsylvania Press, Philadelphia (2020), p-21.

²³ Martin Lücke, Felisa Tibbitts, Else Engel, Lea Fenner (Ed.): CHANGE – Handbook for History Learning and Human Rights Education, Wochenschau Verlag, 2016, p- 61.

as well as other entities e.g. institutions or states in respect of honors²⁴. Primarily, human dignity intimately connects to the Christian belief- by comparing human beings to the image of God, which also seems familiar to the other religions.²⁵ The paramount objectives of human rights and their subsequent development focus on recognizing and respecting human dignity even though, human dignity, so many times, has been renounced and curtailed throughout human history. Considering the UDHR and its onward instruments of human rights make unequivocally reference to human dignity as a grounding principle. It is now widely admitted to all that ‘human dignity’ is the basis of human rights- a founding principle- by which the concept of human rights bestowed normative power and legitimacy in the diverse world. Human dignity indicates the inherent worth of a human being. To put it simply, an individual is entitled to neither torture others nor let himself be the subject of torture because of human dignity even though he has consented to it. A decision on human dignity was held by the French Judicial court and the Human Rights Committee confirmed that dwarf-throwing participation violates human dignity notwithstanding it was practiced upon the free consent of the participants.²⁶ Under the scope of the human rights regime, an individual can neither subjectively humiliate others nor objectively himself because of the fundamental pillar of 'human dignity which acts as a bridge for having a common ground to harmonize the whole idea of human rights in the pluralistic world as well as the HRE in subsequent global initiatives. Whatever the meaning and nature of human dignity, it is relevant to consider the question- how are the HRE and human dignity interlinked? In respect of the connection between HRE and human dignity, human rights instruments come to play in assessing the relationship.

The Decade for Human Rights Education (1995-2004) was declared by the UN General Assembly in which the connection of human dignity and HRE are described as “HRE should involve... respect[ing] for the dignity of others...”²⁷. Unlike other human rights instruments, the UDHR also enunciates the human dignity ‘equally’ belonged to all human beings, which

²⁴ Nektaria Palaiologou et. al, Human Rights & Citizenship Education: An Intercultural Perspective, Cambridge Scholars Published (2018), 1st Edition, P-60.

²⁵ Christian Tomuschat, Human Rights-Between Idealism and Realism, Oxford University Press (2014), 3rd Edition, p-87.

²⁶ Manuel Wackenheim Vs France, the Human Rights Committee, Communication No 854/1999: France. 26/07/2002. CCPR/C/75/D/854/1999.

²⁷ The United Nations Decade for Human Rights Education, 1995-2004, General Assembly Resolution 49/184, 23 December 1994, Para-5, p-2.

fundamentally denies any short of the imagination of inequality based on the social, political, or economic perspective. Since human rights emerge from human dignity; all human beings are born with equal inherent dignity and rights, it is indispensable for the sake of human dignity to fulfill the HRE obligations either the civil and political rights as well as the economic social, and cultural rights on an equal scale. As human beings are exclusively entitled to have human rights due to their unique status of possessing 'human dignity', everyone is consequently presupposed to undertake a duty to learn, promote and respect universal human rights. Hence, the concept of HRE and human dignity is required to explain for comprehensive understanding.

4. HRE and Moral Education

The UDHR is itself a moral and educational aspiration to the entire world by introducing the fundamental and minimum standards of achievement for all people and nations for promoting and respecting inherent human rights. However, HRE is connected to human rights, which are the question of law²⁸ backed by the legal enforcement in respect of violation while moral education comprises of, in, and for moral responsibility and freedoms²⁹. Many prominent scholars articulate HRE in the field of educational literature although HRE is primarily accepted as education in, of, and for, each person based on common human dignity and inherent human rights³⁰. As human rights are based on human morality and inherent dignity, HRE covers not only moral education but also civil and political rights, which do not directly fall under the category of moral education. Consequently, the contents of HRE are required for specification and distinction from moral or other relevant education. To that end, the contents of HRE are subsequently expanded by the UN, which does not reflect in several UN resolutions, Declarations, and Recommendations. The United Nations Declaration on Human Rights Education and Training, 2011 was adopted to specify the ambit of HRE in which it was agreed that HRE should be based on UDHR and other international treaties or legal instruments³¹. Some scholars have addressed

²⁸ Murray Print , Carolina Ugarte , Concepción Naval & Anja Mihr (2008) Moral and human rights education: the contribution of the United Nations, *Journal of Moral Education*, p-116.

²⁹ *Ibid*, p-117.

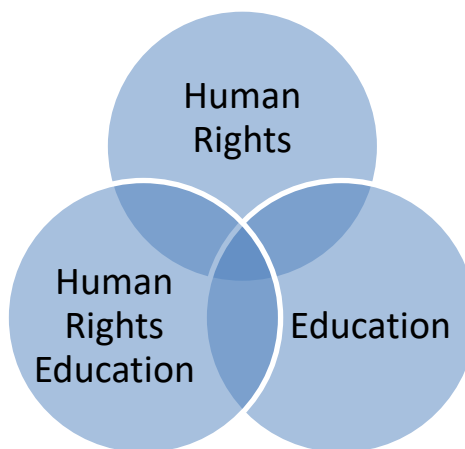
³⁰ *Ibid*, p-117.

³¹ United Nations Declaration on Human Rights Education and Training (2011), Adopted by the General Assembly, Resolution 66/137, A/RES/66/137, 19 December 2011, Article-4.

the UDHR as a blueprint for an HRE curriculum³². Moreover, the World Conference of Human Rights, 1993 elaborately expressed the HRE should contain humanitarian law and rules of law besides the education of peace democracy, development, and social justice³³. Hence, the education about, in and for, human rights are a cornerstone of HRE whereas moral education, though relevant to HRE, can encompass unspecified moral issues in society.

5. Scope of Education & HRE

HRE is a *sine qua non* of all human rights including the rights to education³⁴. The complex relation and indivisibility of the HRE explained below-



The HRE connects the idea of human rights as well as the education itself because of its indivisible nature. It is true that ‘the right to life’ is interlinked with and dependent on the other human rights realization. In the same vein, the whole human rights regime is characterized as a completed house in which human rights without accepting the HRE like having a house without entrances, and education isolated from the HRE seems the house without a roof. The right to education will not be ensured and realized if the right to HRE is denied. Although education and HRE are indivisible, it is necessary, from the nature of the HRE, to distinguish education from HRE.

³² André Keet, It is time: Critical Human Rights Education in an age of counter-hegemonic distrust, Education as Change, Volume-19, Issue-3, The University of Johannesburg (2015), p-48.

³³ Nancy Flowers et.al, Human Rights Education Handbook: Effective Practices for Learning, Action and Change, The Human Rights Resource Center, University of Minnesota (2000), p-35.

³⁴ R.K.M. Smith, Textbook on International Human Rights, Oxford University Press-2003, p-325.

Under the international human rights regime, it is difficult to find the answer to the questions; what should be universal education? Alternatively, one may raise the question about the contents of education upon which everyone has inherent human rights since the value of education defers from state to state and region to region in the diverse world. Education forms and contains different issues and aspects of society by considering the part of the culture, and specific utility to the people in concern. However, any type of education If any kind of education violates, or poses threat to the violation of fundamental human rights will suffer the conviction of international human rights laws even though such education relevant and appealing to a particular state or communities. To put it simply, the education or training for piracy of ship has no legitimacy under human rights instruments treating as education, and similarly, the education aimed at provoking either racial or religious heated are not fallen under the scope of education. It suggests that the human rights laws do not support all kinds of education upon which an individual can have human rights claimed. Education shall be directed to the ‘sense of dignity’ and development of human personality³⁵ under the human rights regime. The association of education with human rights appears inevitable discussion, which formed several dimensions enumerated in HRs instruments. Human rights instruments guide to achieve common objectives of education upon which human beings have the entitlement of inherent human rights.

6. The objectives of ‘right to education’ and HRE

It is admitted that HRE is not an isolated chapter to education in general because HRE, in a broader sense, can be categorized as education. The question is either the objectives of rights to education ultimately serve the goal of HRE in the end. The UDHR draft framers prudently avoided finding the common value of education for strengthening the claim of education as a human right rather they found the non-impartial value of education in the global context. The education can be directed to, and results of, both negative and positive influences depending on the peoples’ perception. The education of tolerance and mutual co-existence may be replaced by the education of hatred and intolerances. However, the right to education under the UDHR portrays that the education shall be directed for certain dimensions; a) the full development of human personality, b) strengthening of the respect for human rights and fundamental freedom, c)

³⁵ International Covenant on Economic Social and Cultural Rights 1966, Article 13 (1).

promoting understanding, tolerance, and friendship among all nations, and d) promoting the activities of the UN for the maintenance of peace.³⁶

Firstly, Article 22, 26, and 29 of the UDHR refer to the full development of human personality. The abstract concept of ‘full development of human personality’ is not a legal, but of a physiological issue. Generally, it indicates the mental and intellectual state with the full potential and responsibility of human beings towards each other. Although the development of human personality requires psychological assessment falling outside of the scope of the thesis, education is, by far, a contributing factor for enabling an individual to have full development of the personality.

Secondly, an individual has the right to such education that is aimed at understanding tolerance and friendship among all nations³⁷. It is not only the UDHR guiding the specific goal of the education but also the UN Convention on the Rights of the Child directing education for children in the same vein. Article 29 of the UNCRC provides that ‘education of the child shall be directed to the specific development of a child;

- 1) Development of the personality, *inter alia*, for fullest potential of mental and physical capacity,
- 2) Respecting attitude to human rights and fundamental freedom as well as the enshrine principles of the UN charter,
- 3) Respecting outlook towards the child’s parents, cultural identity, including language, values of his or her country of origin and civilization,
- 4) Preparing the child to lead as a responsible life in society with the inspiration of mutual and peaceful co-existence, tolerances, the attitude of gender equality, friendship among all people without considering religious, national, the ethnicity of an individual,
- 5) Respect of the natural environment by children.

Moreover, human rights laws consider education as an enabling right, which approaches the generative of other rights. It acts as a vehicle through which one can realize other rights, like the

³⁶ The Universal Declaration of Human Rights, GA Res/217, Adopted-10th December, 1948, Article-26(2).

³⁷ Ibid, Article-26(2).

right to expression, the right to earn a livelihood, and the right to equality. It also ensures that people knowing about their rights and enabling them to both claim and enforce such rights.

The aim of HRE particularly connects the objectives of education as a human right, *inter alia* empowering people, achieving full development of human personality, and realization of other human rights. HRE primarily acts as a server for connecting human rights mainly in three situations; education is, about, and for, human rights³⁸. The paramount goal of HRE is to create the universal culture of human rights where an individual will be able to know and realize his human rights, respect others' human rights, and mutually promote human rights at his capacity. Although the scope and objectives of education and HRE interlink to each other, it is not clear yet in designating the right to education as a right to the human right education.

7. Right to Human Rights Education

Many people get confused, to a certain extent, in determining the status of HRE as a right fallen under the category of human rights. When it is the question of human rights, it is not all about the designation of something (HRE) by someone (states/ institutions) as human rights, but of the question of inherent belongingness to human beings. It would not be a prudent idea to say that the right to HRE falls under the category of human rights merely because sufficient works of literature existed in the legal field or states' accreditation and consent on it. Nevertheless, scholarly contributions to, and states' recognition of something (HRE) as a human right, are still significant factors even though human rights exist in absence of such issues.

Considering the right to HRE, it is true that the recognition of HRE as a human right is more precise and elaborated form in soft law (UN Declarations', Resolutions, and Recommendations) than the human rights treaties. Primarily, the UN global initiatives of disseminating HRE have begun after the termination of the Cold War³⁹, which leads the UN to adopt different HRE instruments with details *inter alia*, the recognition of the right to HRE⁴⁰. However, the UN Declaration, Resolutions, and Recommendations related to HRE, though precise and

³⁸ Alison E.C. Struthers (2015) Human rights education: educating *about, through* and *for* human rights, The International Journal of Human Rights, 19:1, p-55-63.

³⁹ Joanne Coysh, Human Rights Education and Politics of Knowledge, Routledge, Taylor & Francis Group, (2017), 1st Edition, p-67.

⁴⁰ The UN Declaration on Human Rights Education and Training, General Assembly, Res/66/137, 19 th December, 2011, Article- 1.

comprehensive, are not legally binding on states to designate right to HRE. Additionally, the exact substantive provision of 'right to HRE is elusive under the international human rights treaties compare to the right to education or other substantive human rights.

Still, there are some grounds to justify the right to human rights education either legal or moral perspective. In supporting the former ground, all human rights instruments are categorically divided into three groups; a) instruments embracing HRE within the understanding of the right to education, b) instruments tending HRE to include the scope of education in a broader concept and, c) instruments embodying HRE as a right under human rights treaties, UN instruments, etc⁴¹.

Firstly, the instruments embracing HRE within the understanding of the right to education means that the right to education is understood as to the right to human rights education which cannot be treated separately⁴² as the right to HRE consists in the scope of the right to education. By analyzing the components of the right to education under Article-13 of the ICESCR, the Committee on Economic, Social and Cultural Rights has confirmed human rights education is itself a human rights in a sense that the exercise of, and strengthening of respect for, human rights can take place only when there exists an awareness of those rights by both the authorities and individuals⁴³. Hence, a clear indication is that right to HRE is not an alien concept to the human rights regime, and the interpretation of the right to education is needed to understand covering the right to HRE.

Secondly, several human rights instruments⁴⁴ have been demonstrated as legal basis confirming the obligation of HRE in which right to HRE is formulated under those instruments tending HRE to include the scope of education in a broader concept. Falling a part of the concept of education, Human rights education contributes to the outcomes and meaning of provisions of treaties e.g. Article 5 of the ICERD, and Article 14 of the CEDAW, etc. Human rights education creates a certain avenue for fulfilling the objectives of education e.g. building an attitude for respecting all

⁴¹ Monisha Bajaj, *Human Rights Education: Theory, Research, Praxis*, University of Pennsylvania Press(2017), Philadelphia, p-(97-100).

⁴² Simone Emmert, *Education in Terms of Human Rights*, *Procedia - Social and Behavioral Sciences*, Volume 12, 2011, P- 348.

⁴³ The Committee on Economic, Social and Cultural Rights, *Human rights education and public information activities relating to the International Covenant on Economic, Social and Cultural Rights*, 11th Session, 5th December 1994, para-324.

⁴⁴ *Infra note (chapter-2)*.

persons without discrimination of any kind, full development of human personality, and respect for human rights, etc. Therefore, it is urged that the right to have education is a human right, whereby HRE is a means to ensure and fulfill the objectives of the right to education by being part of it in a wider sense.

Thirdly, the right to HRE is formulated not under the scope of education but of independent treaty instruments. For example, Article 10 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is highly relevant to ensuring education regarding the prohibition of torture categorizing as HRE. Additionally, the Article 42 of the Child Right Convention

On the other hand, the moral ground for justification of HRE as a human right lays on subjective approach, where the reason of holding human rights comes to play for deep understanding; why human beings hold human rights. An affirmative assumption to confirm the right to HRE has shown on the ground of the significance of HRE to human existence and the question of survival of life, which is protected by human rights. However, a controversial but rational statement is raised whether HRE truly related to the human existence and survival of human beings⁴⁵. Nonetheless, the principle of vulnerability is seeking as a shield in justifying the right to HRE, which begins with a human's self-awareness of an individual own vulnerability⁴⁶. To put it simply, the vulnerability in this context means something can possibly be done against human beings even though they do not give consent on it. For strengthening the principle of vulnerability as a moral ground of justifying the right to HRE, it is pointed that human beings are, from historical experiences, suffering or could suffer injustice, which leads humans for taking action to prevent and eliminate such suffering⁴⁷. Hence, some scholars are in favor of accepting HRE (including the Holocaust) as reparation for different transgression against humanity⁴⁸. Consequently, human beings can have, based on moral ground, right to HRE which contributes to rising human's self-awareness on the possible threat of human existence. Although the ground of morality plays a contribution to the legal field for emerging new rules or rights, morality in itself

⁴⁵ Monisha Bajaj, *Human Rights Education: Theory, Research, Praxis*, University of Pennsylvania Press(2017), Philadelphia, p-96.

⁴⁶ *Ibid*, p-(100-109).

⁴⁷ *Ibid*, p-105.

⁴⁸ Polgar Michael, *Holocaust and Human Rights Education: Good Choices and Sociological Perspectives*, Emerald Publishing Ltd.2019(UK), 1st Edition, p-15.

does not create a legal obligation in the ultimate sense. Yet, it is imprudent to say that moral reason is worthless for the justification of the right to HRE. For instance, the UDHR is considered an instrument of moral inspiration, but its provisions are accepted as legally binding on states by concluding subsequent treaties e.g. the ICCPR and the ICESCR, etc. If the right to HRE exists in the international human rights regime, the obligations of HRE for states are also required to analyze under the international legal framework.

CHAPTER-II: INTERNATIONAL LEGAL OBLIGATION FOR HRE

8. The obligation for HRE on whom

It is a frequent question among the human rights scholars and educators that “who are the duty bearers for the HRE?” The linguistic expression of the preamble of UDHR is that there is a duty for every individual, and organs of society to learn and disseminate HRE, while under the human rights mechanism; states are considered the primary duty bearers for ensuring both human rights and HRE at the domestic level⁴⁹. If duties are not expressly stated in the international human rights instruments, interpreting the elements of duties from the enumerated rights is subject to the variable arbitrary interpretation depending on the culture, social and national legislations of concerning state⁵⁰. Hence, the issue of obligation for HRE requires to be clarified.

8.1. State’s Obligation

In respect of the states’ duty for the HRE, each individual is a right holder, whereas states, as duty bearers, are supposed to ensure their obligations. The States, generally, require producing a report on the conditions of human rights⁵¹ as a part of the treaty obligation. The right to education is a progressive human right and the states are obliged to ensure education for all, including HRE as a part of education. States are allowed to have discretion on the fulfillment of human rights obligations particularly when it involves the issue of progressive human rights realization. The

⁴⁹ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998), GA resolution 53/144, A/RES/53/144, 9 December 1998, Article- 2.

⁵⁰ Saul, Ben. "In the Shadow of Human Rights: Human Duties, Obligations, and Responsibilities." *Columbia Human Rights Law Review*, vol. 32, no. 3, Summer 2001, p-587.

⁵¹ The Article 40 of the ICCPR, 1966, Article 17 of the ICESCR, 1966, and other international human rights instruments enumerate the provision for submitting state report on the condition of human rights.

facilitation and dissemination of HRE by the states may differ from state to state due to the socio-economic condition, but no state can exclusively exempt from the duty to promote the HRE at the national level. To that end, the states require co-operation with international, regional, and non-governmental human rights organizations. As a subject of international law, all states shall fulfill international obligations, and the state's obligation for HRE is categorized as an international obligation for all states.

8.2. Non-State Actors' Obligation

In international human rights instruments, the obligations for HRE on NGOs are stressed additional to the state's obligation. The Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998 confirms the contribution to, and paramount significance of, non-state actors e.g. NGOs, national human rights organizations, or relevant institutions for human rights to make public more conscious about their human rights through creating the environment of HRE in the spirit of universal human rights principles at the national level⁵². However, the obligation of HRE for non-state actors is not a legally binding obligation unlike the states' obligation. Yet, non-state actors play a vital contribution in a state for influencing, awaking, and empowering people to know about their rights which leads the non-state actors to stand in the position of duty bearers after states. Consequently, The Asian Human Rights Charter acknowledges that 'Human rights are violated by the state, civil society and business corporations' and the obligation of human rights protection extends towards those groups⁵³.

8.3. Individual's Obligation:

If the dissemination of human rights education is a duty under the human rights regime, it is required to clarify the duty bearers and rights holders. Everyone is supposed to learn and disseminate the HRE as the preamble of the UDHR envisages that every individual is on duty to

⁵² Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998), GA resolution 53/144, A/RES/53/144, 9 December 1998, Article- 16.

⁵³ Asian Human Rights Charter, Our Common Humanity: Asian Human Rights Charter- A People's Charter, 17th May, 1998, Article- 15(2) a.

teach and spread the HRE to promote human rights⁵⁴. The individuals are inevitably interlinked to the state for ensuring the duty of the HRE. In respect of the duty for realizing the right to education, each individual is supposed to have a duty under the Declaration for striving to observance and promotion of human rights specifically enumerated in the present Declaration. However, an individual without the knowledge of human rights will not be able to fulfill his/ her obligation, which suggests that an individual ultimately fails to achieve the full development of personality without access to the HRE.

Whoever is indicated for the promotion and implementation of human rights education, the human being (each individual) is in the position of right holders and duty bearer for HRE at the same time. Taking an individual as an example, one has duty *vis-à-vis* the right to human rights education from others. Therefore, an individual has an obligation (legal or moral) for human rights education not only to realize the significance of human dignity but also to disseminate knowledge on human rights among the various groups of people. Therefore, the United Nations Decade for Human Rights Education (1994) calls upon several actors particularly; social justice groups, human rights advocates and educators, different media, and religious originations for cooperation in implementing the objectives of this resolution related to HRE through formal and non-formal approaches.

9. THE OBLIGATION FOR HRE UNDER INTERNATIONAL LEGAL FRAMEWORKS

In the international arena, states' obligation for HRE emerges in two dimensions; the obligation for HRE under soft laws and obligations for HRE under various treaty laws. Under the UN umbrella, not only the idea of human rights introduced to the international community but also the protection and promotion of human rights via HRE is extensively spread to the whole world. In this chapter, the primary question will be on the issue of state obligations for HRE. Firstly, are there truly state obligations for HRE under the international legal framework? To addressing those questions, the author will take into account various international human rights instruments including, different resolutions, declarations, recommendations of the UN, and its organs or sub-organs for expanding the obligations for HRE at the global level. On the other hand, several international treaties relating to human rights and HRE will be focused on assessing the binding force of such obligation on member states. Therefore, states' obligations for HRE will be initially

⁵⁴ The Preamble of the Universal Declaration of the Human Rights, 1948.

analyzed from non-binding instruments and followed by legally binding instruments e.g. treaties, conventions, or covenants, etc.

9.1. The obligation for HRE under the UN System

The primary purpose of this chapter is to find out the legal obligation for HRE on UN member states that emerged from various human rights instruments adopted by the General Assembly, and subsequent initiatives taken by other sub-organs of the UN. To that end, it is required to articulate not only the overview of the UN legal framework on the state's obligation for HRE but also discuss the nature of such obligation (if any) in a constructive way. For assessing the obligation for HRE, the UN Charter itself, and together with different Resolutions, Declarations Recommendations will be taken into account to have a conclusive and precise assumption.

9.1.1. HRE under the UN Charter

From the very objective of the UN, it appears that the UN shall promote universal respect for, and observance of, human rights and fundamental freedom for each individual based on non-discrimination⁵⁵. The chapter (ix) of the UN Charter deals with international economic and social cooperation to establish stable conditions among all nations based on certain human rights principles. The idea of human rights (later on the HRE) is expressly introduced and subsequently developed under the UN system -either directly by its principle or by sub-organs based on Charter obligation. To that end and to implement the UN provisions more effectively, several UN Resolutions, Declarations, and Recommendations related to HRE were adopted, which imposed on its member states a particular obligation for HRE primarily at the domestic level or even the international arena. As the UN member states collectively express their will, and faithfully obey and co-operate with the UN and its initiatives, the creation of the universal culture of human rights by the UN (through the HRE) has created certain obligations on member states to carry out and fulfill the HRE obligations.

9.1.2. HRE Obligation under the umbrella of General Assembly

The states' obligations for HRE under the instruments General Assembly can be categorized in two ways- the obligations for HRE in the form of GA Resolutions on the one hand and the GA Declaration and Recommendations on the other.

⁵⁵ The Charter of the United Nations, 1945, Article-55(c).

Firstly, the General Assembly has, as a principal organ of the UN, significant contribution in the arena of HRE by adopting several resolutions and recommendations for achieving commitment from the states to take positive actions for further development of HRE. The obligation on states for the HRE has been admitted time and again by adopting several resolutions and declarations under the auspices of the UN, and the United Nations Decade for Human Rights Education (1994) is one of the remarkable resolutions towards the states' commitment for the HRE. For directing education aiming at the full development of human personality as well as eradicating illiteracy, the UN argues all states to initiate effective measures for executing the action plan of HRE so that the respect for human rights and fundamental freedoms have been ensured and strengthened⁵⁶. It is admitted that states are the principal actors for fulfilling the obligation of HRE imposed by the UN. Under the Plan of Actions for HRE introduced by the UN, the governments of the concerned states are in the position of the paramount role for implementing the action plan to introduce HRE in the formal educational system, launching massive national campaign on human rights, creating open access to the human rights resources, information, and training for the public to a greater extent at the national level⁵⁷.

The General Assembly also adopted the resolution called World Programme for Human Rights Education, 2005 for developing such a society in which everyone learns tolerance and respect for human dignity and human values. This resolution was subsequently adopted for taking initiative committed by the states for implementing the plan of action within their capacity⁵⁸ after succeeding the specific period mentioned in the United Nations Decade for Human Rights Education, (1995-2004). Besides states, the national human rights institutions are called upon for assisting in implementing the human rights education program.

In 2007, the General Assembly, as a complementary to the World Programme for Human Rights Education, adopted a resolution called International Year of Human Rights Learning to reaffirm the paramount significance of HRE in the UDHR as well as recalling the purposes and principles

⁵⁶ The United Nations Decade for Human Rights Education (1994) - Adopted by the General Assembly, Resolution; 49/184, A/RES/49/184, 23 December, 1994.

⁵⁷ The Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004 (1996), A/51/506/Add.1, 12 December 1996.

⁵⁸ The World Programme for Human Rights Education (2005), GA Res- 59/113 B, A/RES/59/113 B, 14 July 2005, point-2.

enumerated in the UN Charter. It was convinced that every human being must be made aware of their human rights and fundamental freedoms for realizing their full potential. To that end, Member states agreed to intensify their efforts for the HRE as a continuous process at different levels including; local, national, and international arena⁵⁹.

For adopting the United Nations Declaration on Human Rights Education and Training (2011), the General Assembly invites governments, organizations of the UN system, and different agencies, including IGO and NGO to intensify their activities for disseminating the Declaration to promote universal respect and understanding thereof. By acknowledging the significance of HRE in the realization of all human rights, the General Assembly reaffirms that states are duty-bound to ensure the education⁶⁰, which is directed to, and aimed at, strengthening the respect for human rights and fundamental freedoms. Everyone has not only the right to know, seek, and receive information about such rights and freedoms but also should have access to HRE and training⁶¹. To take effective measures and appropriate implementation of HRE commitments, UN member states reaffirmed that [s]tates...have a primary responsibility to promote and ensure human rights education and training...]⁶² apart from the various institutions and actors within society.

Secondly, The General Assembly has been contributing to the development of the HRE by introducing the Declarations and Recommendations to the global arena. The states express their will to fulfill the obligations for HRE enumerated in the most prominent Declarations.

Apart from the international treaty (Convention on the Rights of Children), the General Assembly adopted the prominent resolution called “Declaration of the Rights of Child” which emphasis not only the free and compulsory education for children but also (HRE objectives) the development of the child’s ability, moral and social responsibility for enabling his/her as a useful member of society. The state’s duty for the promotion of the HRE among the children unambiguously reflected from the text of the Declaration;

⁵⁹ The International Year of Human Rights Learning (2007), GA Res- 62/171, A/RES/62/171, Adopted-18 December 2007, point-2.

⁶⁰ The United Nations Declaration on Human Rights Education and Training (2011), GA Res-66/137, A/RES/66/137, Adopted -19 December 2011, Annex, preamble.

⁶¹Ibid, Annex, Article- 1.

⁶²Ibid, Annex, Article- 7.

‘The child shall be...brought up in a spirit of understanding, tolerance, and friendship among peoples, peace and universal brotherhood...[H]is energy and talents should be devoted to the service of his fellow-men’⁶³.

The General Assembly introduced the HRE obligation on the states under this Declaration in which member states agreed to carry out their obligation for directing the education to a child to promote principles and knowledge on human rights.

Additionally, for establishing a world without discrimination of any kind, the General Assembly introduced a globally significant Declaration known as ‘The United Nations Declaration on the Elimination of all Form of Racial Discrimination, 1963’ for encouraging the states in respect of eradicating all form of racial discrimination as well as taking effective educative measures for that purposes. This Declaration suggested several states’ measures; *inter alia*, teaching, education, and information required achieving the vision for eliminating discrimination based on race by the process of promoting universal brotherhood, understanding, and tolerances among all nations, and respecting the UDHR and the principles and purpose of the UN charter⁶⁴.

In the same vein, the Declaration on the Elimination of Discrimination against Women was exclusively adopted by the General Assembly for not only eliminating discrimination against women but also arguing the states to take educative measures (HRE) to prevent malpractice and prejudices against women. For the very reasons of the provision of the HRE, the state requires to follow the measures particularly; ‘All appropriate measures shall be taken to educate public...towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women’⁶⁵.

Moreover, a Declaration related to the promotion of the HRE was adopted targeting the young generations in the spirit of peace, justice, and freedom by mutual respect and understanding, which contains several human rights principles which will act as the precursor in terms of directing education among the young people aiming at reaffirming the underling the human rights

⁶³ The Declaration of the Rights of the Child, 1959, GA Res/14/1386, Date of Adoption-20th November, 1959, Principle-10.

⁶⁴ The United Nations Declaration on the Elimination of all Form of Racial Discrimination, 1963, GA Res/18/1904, Date of Adoption- 20th November, 1963, Article-8.

⁶⁵ The Declaration on the Elimination of Discrimination against Women, 1967, GA, Res/22/2263, Date of Adoption- 7th November, 1967, Article-3.

morns and principles e.g. human dignity, equality, and non-discrimination. The most remarkable provision of the Declaration relating to the HRE is reflected in the principle (iii) in which it is suggested that young people shall be brought up in light of human rights principles with the knowledge of dignity and equality of all (HRE).

The UN General Assembly also decided to convene, by adopting a resolution called ‘Final Act of the International Conference on Human Rights 1968, an international conference to promote the further principles enumerated in several human rights instruments, particularly the UDHR intended to develop and ensure all categories of human rights as well as the eradication of all discriminations. To that end, the International Conference on Human Rights was held in Teheran whereby the states solemnly proclaimed that ‘the members of the international community are in imperative duty to fulfill their obligation for HRE without distinction of any kind’⁶⁶

Additionally, for preventing and eliminating discrimination based on religion or belief, all states shall act effectively so that fundamental human rights and freedom are fully exercised and enjoyed in every aspect of life. It is suggested that the measures of enacting and rescinding law for preventing such discrimination shall be undertaken by all states at the domestic level. At the same time, the knowledge on HRE (particularly, understanding, tolerance, and friendship among people) shall be guiding principles for bringing up the children with a view to respecting the freedom of religion and belief of others⁶⁷. Moreover, to increase public knowledge in the field of human rights, General Assembly recognizing and reaffirming the states’ role in a special effort for publicizing and facilitating the UN human rights activities and relevant human rights instruments. The Assembly also urges all member states for the inclusion of the HRE and human rights training in the different fields e.g. academic arena, law enforcement agencies, national armed forces, diplomacy, medicine, and other appropriate sectors.

In 1992, the General Assembly adopted two prominent Declarations called Declaration on the Rights of the Persons Belonging to the National or Ethnic, Religious and Linguistic Minorities⁶⁸,

⁶⁶ The Proclamation of Teheran, 1968, Proclaimed by the International Conference on Human Rights, Teheran, Iran, 13 May 1968, point-1.

⁶⁷ The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), GA Res/A/36/55, Date of Adoption-25th November, 1981, Article-5.

⁶⁸ The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Resolution 47/135 of 18 December 1992, Article-4.

and Declaration on the protection of All Persons from Enforced Disappearance⁶⁹ in which states' obligations for HRE was affirmed by the UN member states. Concerning HRE, the former Declaration seeks states' co-operation with the persons belonging to minorities not only in exchanging the information, interest, and question on what they demanded and experienced shared to the states⁷⁰ but also promote the rights of the persons belonging to minorities set out in the Declaration among the citizens in the respective state⁷¹. The later Declaration confirms the training of law enforcement officials shall emphasize basic knowledge on human rights e.g. non-justification of any public order in case of enforced disappearance in which state shall ensure the prohibition of such disappearance in every aspect⁷².

States' obligation for HRE is also reaffirmed under the Vienna Declaration and Programme of Action, where 'states are duty-bound for the direction the education aim at promoting and strengthening the respect of the human rights and fundamental freedoms, as states are parties *ipso-facto* member of the UDHR, ICESCR, and other human rights instruments. The Conferences also call upon the states for incorporating the HRE in the national education curriculum either theoretical or practical form which will contribute to promote and respect human rights on a significant scale. States should take intensive effort to eradicate illiteracy through the HRE, and the national institutions are suggested to include the HRE in either formal or non-formal settings in the field of human rights, humanitarian laws, rule of law, and democracy in the curriculum as individual subjects⁷³.

By adopting the Declaration on the elimination of violence against Women, 1993, the General Assembly also urges that states should not only condemn the violence against women but also combat the discrimination that emerged from social customs, tradition, and religious considerations. To this end, states are encouraged to initiate all effective measures particularly, in

⁶⁹The Declaration on the Protection of All Persons from Enforced Disappearance, resolution 47/135 of 18 December 1992, Article-3.

⁷⁰ The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), the General Assembly, resolution 47/135, A/RES/47/135, 18 December 1992, Article-6.

⁷¹Ibid, Article-7.

⁷² The Declaration on the Protection of All Persons from Enforced Disappearance (1992), the General Assembly, resolution 47/133, A/RES/47/133, 18 December 1992, Article- 6 (1,2,& 3).

⁷³ The Vienna Declaration and Programme of Action (1993), Adopted by the World Conference on Human Rights, A/CONF.157/23, 25 June 1993, part-ii, section-79.

the field of education, for modifying cultural and social concepts raised from customary and other practices as well as eliminating the prejudicial stereotyped attitude to the role of men and women based on the idea of inferiority and superiority⁷⁴.

9.1.3. The Obligation of HRE under the Human Rights Council

The Human Rights Council (formerly called Human Rights Commission) has been playing a paramount contribution to the promotion of HRE at a global level as the Council has been adopting, as an integral part of its functions, several resolutions, and recommendations for that purpose. The Council subsequently devoted itself to take initiative for recalling the previously adopted and afterward resolutions of the Assembly. In 2007, the ‘World Programme for Human Rights Education⁷⁵’ was adopted by the Council focusing on the progress report of the United Nations High Commissioner for Human Rights as well as the UN millennium of education for all by 2015. The Council encourages all states to implement, within their capacity, the plan of action for HRE with the coordination of national human rights institutions, IGOs, NGOs for creating the culture of human rights education. Additionally, a plan of action for the second phase (2010)’ was adopted by the Council for reaffirming and recalling that states are duty-bound as enumerated in different Covenant, Convention, and Declarations for directing the education aiming at the promotion of respect of human rights and fundamental freedoms. It is suggested that member states should continue the implementation of the HRE through formal and informal education at a very basic level, and at the same time, states should facilitate training programs at all levels for teachers and educators, law enforcement officials, civil servants as well as military personnel.

By adopting the Resolution called the ‘Right to Education⁷⁶’, the Human Rights Council urges all states to improve the quality of education by taking into account, *inter-alia*, human rights education which will ultimately contribute to enforcing human rights and fundamental freedom of the individual⁷⁷.

⁷⁴ Declaration on the Elimination of Violence against Women (1993), GA Res/ A/48/104, Date of Adoption- 20th December, 1993, Article-4(j).

⁷⁵World Programme for Human Rights Education, The human Rights Council, resolution 6/24, A/HRC/RES/6/24, 28 September 2007.

⁷⁶ The Right to Education, the Human Rights Council, resolution 8/4, A/HRC/RES/8/4, 18 June 2008.

⁷⁷The Right to Education (2008), the Human Rights Council, resolution 8/4, A/HRC/RES/8/4, 18 June 2008, Article-7 (f & j).

9.1.4. The Obligations for HRE under Framework of the UNESCO

The UNESCO acts as a pioneer, *inter alia*, in the field of education for contributing the global peace and security. This organization is devoted to promoting the universal respect for justice and fostering respect for human rights and fundamental freedoms, which indicates the HRE. In the Constitution of UNESCO, human rights education is clearly expressed as an essential tool for the inherent human dignity, which emerges as a special duty to the state parties in fulfilling such obligation mutually.⁷⁸ Additionally, the Convention Against Discrimination in Education was adopted by UNESCO in which the member states agree that education shall be directed in such a manner consistent with the objectives 29(1) of the CRC and it shall promote not only the objectives of the UN e.g. maintaining peace and security but also the principles of the UN e.g. understanding, tolerance, and friendship among all nations⁷⁹. For ensuring the implementation of the enumerated principles, state parties to this convention also require undertaking all necessary steps as a treaty obligation. Moreover, in the prominent instrument called Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, the UNESCO urges for national policy, plan and administration of efficient education⁸⁰ directed at principles of human rights and development of human personality enumerated in the Charter of United Nations and other international human rights instruments⁸¹.

Different Declarations, Resolutions, and Recommendations related to HRE are adopted as non-binding legal instruments. The question emerges- do the UN Declaration, Resolution, and Recommendation concerning HRE legally binding on states? Alternatively, do the UN and its specialist agencies create a binding obligation for the HRE on the states? The UN Resolution and Decision are treated as the formal expression of the organization's will and opinion on the concern issues.

⁷⁸ The constitution of UNESCO, 1945, date of adoption-16th November, 1945, Entry into force- 4th November,1946, preamble- para-5.

⁷⁹ The Convention Against Discrimination in Education (1960), Adopted by UNESCO, Date of adoption-14th December, 1960, Entry into Force- 22nd May,1962, Article-5(1).

⁸⁰ Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, 1974 (in Paris), 18th session(17th Oct-23rd November) , date of adoption – 19th November,1974, part-IV, Article-7.

⁸¹ IbidArticle-3.

10. Treaty Obligation for HRE

HRE is reflected in several human rights instruments either international or regional. Some human rights instruments unambiguously address the HRE with a positive obligation on the state parties while other instruments recognize the HRE as a blurred concept. In this chapter, the assessment of the states' obligation for the HRE is divided into two parts; the first part exclusively deals with the states' obligation found in the various international human rights instruments concerning several human rights issues on HRE at the international level. The second part covers the states' obligation of HRE under International humanitarian law.

10.1. The Obligation of HRE under the International Human Rights Instruments

The states' obligation for HRE is depicted in several human rights instruments, which incur expressly or impliedly a duty on the ratifying states to carry out all obligations including the HRE obligation. The idea of the HRE is enumerated in International human rights instruments which comprise two prominent branches of the public international law- core international instruments⁸² in the field of human rights law e.g. the UDHR, ICCPR, ICESCR, CAT, CRC, and so on in the one hand, and on the other hand the international humanitarian law e.g. Geneva Conventions and its protocols, etc. The state's duty for the HRE will be discussed by commencing first from the international instruments in the field of human rights and followed by the humanitarian law at the end of this part.

Universal Declaration of Human Rights (UDHR)

Primarily, the UDHR is not a treaty but an important document for concluding subsequent international and regional human rights treaties. The UDHR represents the minimum international standard of universal human rights in which each state obtains a direction or guideline for further human rights development at the international or regional level. The Declaration itself is a pioneer human rights instrument for recognizing and presenting, *inter alia*, the right to education; whereby the HRE is portrayed and reflected from the theme of the right to education. The right to education, according to the Article-26 (2) of the Declaration, is guided to a direction for 'the human rights strengthening' as well as 'development human personality' and then followed by the objective of the universal tolerance and friendship among the nations according to the principle and purpose of the UN particularly the maintaining the global peace.

⁸² The Core International Human Rights Treaties, OHCHR, United Nations Publication, HR/Rev.3,p-(iii-iv).

Moreover, the preamble of the UDHR unambiguously demonstrates the significance of the HRE for understanding the whole idea of human rights.

[...whereas member states have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge...] ⁸³

In the text of the preamble, it appears that the human rights understanding and its promotion (HRE-one of the ways) are the fundamental commitment of the member states towards human rights recognition and full realization. However, the UDHR is categorized as a Declaration (a non-binding instrument) and the provisions of the Declaration do not impose legal obligations on the states to undertake the responsibility to ensure the enumerated rights.

Yet, the codified list of human rights enumerated in the Declaration is accepted as binding in the sense that they are subsequently incorporated in many binding human rights instruments or accepted as customary norms. The Declaration was the center of further expansion of binding international and regional human rights instruments based on the basic and minimum human rights standards. For example, the ICESCR enlists the rights to education in its corps as substantive human rights and the state parties shall require fulfilling and respecting such rights. Additionally, the prohibition of torture has, in the meantime, gained the universal consensus as customary and peremptory norms of international law and it is immaterial for justification whether a particular state has ratified the CAT or not in respect of ensuring binding obligation. By definition, the UDHR has no binding force, albeit the contents of the Declaration have achieved its binding force by the conclusion of several human rights instruments at the international and regional levels.

International Covenant on Civil and Political Rights (ICCPR)

The ICCPR contains and focuses on the basic civil and political rights of the human person because of the title of the Covenant itself. On contrary, the HRE falls under the category of economic, social, and cultural rights, which are, in a strict sense, excluded from the scope of the present Covenant. In the ICCPR, neither the rights to education nor the HRE is expressly mentioned anywhere in the corpus of the Covenant. There is, however, a commitment of the state

⁸³ Universal Declaration of Human Rights, 10 December 1948, GA, Res- 217 A (III), A/RES/3/217 A.

parties that they require taking initiative both legislative and other measures for giving the effect of the rights and freedom enumerated in the Covenant⁸⁴. The Human Rights Committee comments on the nature of general obligation on the member states under the Covenant that apart from the administrative, legislative, judicial, and educative measures, states parties require raising the level of awareness about the Covenant to a significant extent among the public, which does not necessarily and exclusively limited to the public official⁸⁵.

In order to realize and giving the effect of all enumerated rights in the Covenant, one can invoke the HRE for the nature of indivisibility of all civil and political rights even if the covenant itself does not include the substantive provision for HRE. However, for the sake of promoting and full enjoyment of all civil and political rights, state parties require depending on the HRE as a measure for fulfilling the objectives of the Covenant. Consequently, disseminating information and creating the culture of HRE in every sphere of public life will be appropriate measures for the effective realization of all civil and political rights. However, state parties are impliedly bound by the Covenant for the HRE.

International Covenant on Economic Social and Cultural Rights (ICESCR)

The provision of Article 26 of the UDHR has direct influences for incorporating the right to education under Article 13 of the International Covenant on Economic Social & Cultural Rights. In this covenant, an individual's right to education is guided to the specific directions (to the objectives of HRE) that are strengthening the human rights and fundamental freedom, and the education requires, at the same time, devoted to the complete development of the human personality.⁸⁶ The states' obligation in respect of Article 13 is imposed in three aspects; the obligation to respect, protect, and fulfill human rights in which the obligation to fulfill corresponds to the obligation both facilitating and providing⁸⁷. Moreover, it is obvious that the member states have primary responsibility under the human rights framework for respecting and

⁸⁴ The International Covenant on the Civil and Political Rights(1966), Date of adopted- 16th December, Entered into Force- 23rd March, Article- 2(2).

⁸⁵ The Human Rights Committee, 8th Session, CCPR/C/21/Rev.1/Add.13, 29 March 2004,General Comment No-31.

⁸⁶ The International Covenant on the Economic Social And Cultural Rights (1966), Date of Adoption- 16th December, 1966, Entered into Force- 3rd January 1976, Article 13.

⁸⁷The Committee on Economic, Social and Cultural Rights, 21st Session, E/C.12/1999/10, 8 December 1999, General Comment No. 13, point- 46.

promoting the treaty obligation (ensuring the right to education) and such obligation requires compulsory positive action due to the very nature of the covenant. For precise interpretation of the state's obligation for taking action, the Committee on Economic, Social and Cultural Rights holds that the words 'other measures' shall include, in respect to the Article 2 (1) of the ICESCR, other appropriate measures, but not limited to financial, social, educational, and administrative initiatives⁸⁸. It is emphasized that the measures of creating the culture of human rights through the HRE will not fall outside of the scope of appropriate measures taken by the state parties as a part of the treaty obligation. The Committee also specifies the direction for submitting the state report (under Article 16 & 17) to what extent state parties are directing the education towards the objective of setting out in Article 13 (1) of the Covenant by including the form and substance of such education, and the requirement of ensuring the economic, social and cultural rights in the school curriculum⁸⁹.

The ICESCR primarily concerns the so-call second-generation of human rights; particularly rights related to the Economic Social and Cultural Rights and the right to education is functioning as an inter-connecting right to all other human rights. In respect of states' obligation under the Covenant, the impossibility of retrogressive measures is a highly prevailing presumption, which suggests that the arbitrary discontinuation or abrogation of excising the rights to education leads concerning the state to prove with reasonable justification for such initiatives⁹⁰. Hence, the state parties are bound to ensure the right to education by using maximum state resources within its jurisdiction as they are party to the Covenant legally binding upon them.

International Convention on Elimination of All Forms of Racial Discrimination (CERD):

The CERD is a binding international instrument, which is primarily concerned with not only abolishing discrimination of all forms but also combating the emergence of racial discrimination through education for raising awareness among the nations. The HRE comprises the teaching of

⁸⁸ The Committee on Economic, Social and Cultural Rights at the Fifth Session, E/1991/23, 14 December 1990), General Comment No. 3, point-7.

⁸⁹ The Committee on Economic, Social and Cultural Rights, 41st Session, E/C.12/2008/2, 18 November 2008, point-58.

⁹⁰ The Committee on Economic, Social and Cultural Rights, 21st Session, E/C.12/1999/10, 8 December 1999, General Comment No. 13, point-45.

tolerance and universal brotherhood among all human races. Article 2 of the CERD specifies an indication of the member states' obligation for the HRE;

“States parties...undertake to pursue by all appropriate means and policy of eliminating racial discrimination in all its forms and promoting understanding among all races”.⁹¹

The appropriate means and promoting understanding among all are the indication of the obligation of HRE. The word ‘appropriate means’ includes the methods of education and teaching regarding the human rights mentioned in article 7 of this convention. As the CERD is a binding international instrument, State parties of the CERD require ensuring the treaty obligation arising out of such an instrument in respect of the HRE.

Moreover, the obligation of the HRE is enumerated in the CERD as *expressis verbis* although the purpose of this instrument focuses on abolishing racial discrimination as *latu sensu*.⁹² A strong and unambiguous argument in favor of the HRE whereby states parties' obligation has expressed thus-

States Parties undertake to adopt ...measures...in the field of teaching, education, culture, and information [for] combating prejudice which leads to racial discrimination and to promoting understanding, tolerance, and friendship among nations or ethnic groups...”⁹³

Eradication of discrimination through education is the aim of this convention by which the objective of the HRE will be achieved. The scope of the HRE suggests the teaching and knowledge about non-discrimination and prohibits all forms of discrimination based on race, color, gender, ethnicity, or origin. Therefore, the HRE appears an obvious obligation on the state parties in which state parties are not exempted from such mandatory treaty-based obligation.

International Convention on Discrimination against Women (CDAW):

Non-discrimination based on gender is a part of the lesson of the HRE. There is an implicit expression of the HRE in the text of the CDAW as the provisions of the convention are silent in

⁹¹ International Convention on the Elimination of All Form of Racial Discrimination(CERD), Adopted- 21st December,1965, Entered into force- 4th January, 1969, Article-2.

⁹²H. Victor Conde, "Human Rights Education: The Ultimate Sanction," Trinity Law Review, 10 (2000), p-70.

⁹³ International Convention on the Elimination of All Form of Racial Discrimination(CERD), Date of Adoption- 21st December,1965, Entered into force- 4th January, 1969, Article-7.

covering the HRE in a strict sense. Yet, the state parties have a treaty obligation for the disseminating knowledge and teaching of gender-based equality and non-discrimination among the citizens in every sphere of public life. The traditional attitude to the role of men and women in every aspect of the society shall be eliminated by the state parties as an obligation by encouraging education for achieving this goal, and if necessary, the state shall adopt the methods of teaching and revise the textbook and school programs⁹⁴. The indirect obligation for the HRE and its implementation can also be traced from the context and purpose of this Convention as the states parties require not to discriminate and ensure equal treatment among men and women by taking positive measures (making laws and policies for equal treatment to all) and refrain from discriminatory treatment by the state itself. The Committee on the Elimination of Discrimination against Women also urges all member states, for eliminating prejudice and all discriminatory practices which lead to the social inequality of women, to involve effectively in adopting education and public information policy⁹⁵. Thus, the claim of the HRE can impliedly be found from the linguistic expression-

“States parties have an obligation to condemn any discrimination against women and to that end, undertake...all appropriate measures to eradicate discrimination committed by any individual person, or organization or enterprise...”⁹⁶

The phrase ‘all appropriate measures’ includes not only the legal and institutional measures for eliminating discrimination against women but also encompasses the obligation of teaching and raising public awareness. Hence, it is obvious that the teaching and promotion of non-discrimination among the people is purely the objective and corpus of the HRE. It is, therefore, a reflection of the HRE obligation on state parties within the framework of the Convention.

Convention Against Torture And Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT):

⁹⁴ The Convention on the Elimination of All Forms of Discrimination against Women, GA Res-34/180 of 18 December 1979, Entry into Force-3rd September, 1981, Article-10 (c).

⁹⁵ The Committee on the Elimination of Discrimination against Women, 6th Session, A/42/38, 1987, General Recommendation No-3.

⁹⁶ The Convention on the Elimination of all Form of Discrimination Against Women (CEDAW), Date of Adoption-18th December,1979, Entered into Force- 3rd September,1981, Article- 2(e).

The CAT, having the status of the treaty, provides both positive and negative obligations (prevention of, and omission from, torturing individual). This convention imposes not only the obligation for preventing and abstaining from the practice of torture but also taking positive initiative for ensuring the education and information to the concerning persons under the Convention. The knowledge on human rights suggests the prohibition on torture either physical or mental for the reason of inviolability of the human body recognized as a peremptory norm of international law. Under the Convention, member states the preventive measures comprise the teaching, training, and making aware of the persons who are in the position of governmental office e.g. police, military, law-enforcing personnel, etc. There is a state's obligation for HRE reflected from the linguistic expression of the Convention;

“Each state party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personal, civil or military, medical personnel, public official and other persons who may be involved...to any form of arrest, detention or imprisonment”.⁹⁷

From the text of the Convention, state parties are under a positive obligation to ensure the HRE which ultimately suggests the prohibition and practices of torture in every aspect. In the preamble of the Optional Protocol of the CAT, state parties are convinced that educational measures act as an effective prevention measure against malpractice of torture besides other initiatives e.g. administrative, legislative, or judicial measures.

Convention on the Rights of the Child (CRC):

Pursuing Article 2 of the CRC, state parties have to fulfill their treaty obligation by respecting and ensuring all rights enumerated in the convention without any kind of discrimination relating to each child within its jurisdiction.

“State parties shall take all appropriate...educational measures...to protect the children from all forms of physical or mental violence...such protective measures

⁹⁷ The Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment, Adopted- 10th December 1984, Entered into force- 26th June, 1987, Article-10.

should...includes the effective procedure for the establishment of social program to provide the necessary support for the child...”⁹⁸

The CRC is a binding international human rights instrument which imposes an obligation on state parties to take educational measures (indicates HRE) for protecting the children from all form of abuse and violence so that the rights ensured under the Convention are fully realized and enjoyed. The states’ obligation for disseminating the Convention and raising public awareness on children rights (HRE in the ultimate sense) can be traced from the text of the Convention in two perspectives; obligation to teach the children about their rights, and obligation to informing the Convention to other persons concerning to, and care of children. As to educating children about their rights, the provisions and principles of the CRC are required by the state parties to be widely spread and known to the adult and children by active and appropriate means⁹⁹. By recognizing the significance and effect of mass media on the development of a child’s social, spiritual, physical, and mental aspect, state parties are under an obligation to ensure access to the diverse information and resources either national or international by encouraging mass media to disseminate information and material consistent with the objectives enumerated under article 29 of the CRC ¹⁰⁰. Additionally, the Committee on the Rights of Children especially emphasis incorporating the rights enumerated in the Convention and the knowledge on human rights into the school curriculum at each level¹⁰¹.

Moreover, the Convention imposes the duty on member states not only respecting, ensuring, and respecting, protecting the child rights but also the duty of publishing the Convention and making it known to the public in general including, adult and children. State parties’ obligation for taking appropriate measures also include rising awareness among the persons who are in the care of the child and other persons or official concerning activities involving in the investigation, reporting, preventing, referring, and identification of a child in respect of maltreatment for the judicial involvement so that the child rights under the Convention are properly respected and ensured. It

⁹⁸ The Convention on the Rights of the Child, GA Res- 44/25 of 20 November 1989, Entry into Force- 2nd September, 1990, Article-19(1) & (2).

⁹⁹ The Convention on the Rights of the Child, GA Res- 44/25 of 20 November 1989, Entry into Force- 2nd September, 1990, Article 42.

¹⁰⁰Ibid, Article- 17.

¹⁰¹ The Committee on the Rights of the Child, 34th, CRC/GC/2003/5, 27 November 2003, General Comment No-5, point 68.

clear that the state parties require undertaking to disseminate information about child rights and making the principles and provision of the Convention (HRE) known to the children and the public in general.

Convention on the Rights of Persons with Disabilities (CRPD):

Under the framework of the convention on the Rights of Persons with Disabilities, state parties require fulfilling the obligation of HRE in respect of persons with disabilities as well as the public in general. State parties shall undertake, as a part of treaty obligation, effective and appropriate awareness-raising measures throughout the society including family level for promoting respect to persons with disabilities concerning their rights and dignity. To that end, the state's measures include; a) initiating public awareness campaigns, promoting positive perceptions, b) fostering the level of education among the children at an early age to respect for the rights of persons with disabilities, c) patronizing the media to portray the persons with disabilities conformity with the purpose of the Convention, and d) promoting the training programs for rising awareness regarding rights of the persons with disabilities¹⁰². The HRE obligation of the state parties is also reflected under Article- 24 of the Convention-

‘[s]tates parties recognize the rights of persons with disabilities to education... at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and the strengthen the respect for human rights, fundamental freedoms and human diversity...¹⁰³.

It appears that the education is directed at promoting the respect for human rights and fundamental freedoms characterized as the HRE in which states parties cannot repudiate their treaty obligation.

International Convention for the Protection of all Persons from Forced Disappearance (ICPPED):

The state parties' obligation for the HRE can be traced from the substantive provision of the ICPPED that state parties shall ensure training of concerned persons, *inter alia*, civilian or any

¹⁰² The Convention on the Rights of Persons with Disabilities (2006), 61st Session, GA Res- 61/106, A/RES/61/106, Adopted-13th December 2006, Entry into Force- 3rd May, 2008, Article- 8(2).

¹⁰³Ibid, Article- 24 (1).

other persons who associate with person deprived of liberty, by education and information about the provision of this convention.¹⁰⁴ The preamble of this Convention also reaffirms and recalling the awareness of ICCPR, ICESCR, and other relevant human rights instruments, humanitarian law, and international criminal law in which the victim has the right for seeking, receiving, and disseminating information. As a preventive measure for abolishing or mitigating the forced disappearance, State parties have a treaty obligation for arranging and facilitating training, education, and information (categorized the HRE) among the law enforcement agency, military, or other personnel.

10.2. Treaty Obligation for HRE under International Humanitarian Laws

International humanitarian law (IHL) is, in a narrow sense, treated as human rights law and the provisions and principles of the IHL are consistent with human rights principles for ensuring the rights of the specific protected groups. As the IHL, in most of the cases, is connected to, and comprise of the knowledge of human rights, the states have a very precise and expressed duty to disseminate the knowledge of the IHL among the people in the respective territory. The linguistic expression of the Geneva Convention unambiguously refers to states' obligation for disseminating the knowledge of the IHL (or HRE in the ultimate sense) because the high contracting parties require, as extensive as possible, disseminating the contents of the Convention to the whole population within their respective territory for introducing the knowledge and principle of the IHL.¹⁰⁵ There are similar provisions of distributing text of the Convention among the civilian populations and military personnel under the Additional Protocols I & II of the Geneva Convention as well as Article 25 of the Hague Convention for the Protection of the Cultural Property, 1954. The dissemination of such text of the Convention shall continue regardless of the situation of war or peace in the country in question.

Moreover, states shall ensure that each military and civilian authority are supposed to know all the responsibilities enumerated in the text of the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977). Signatory states are obliged for fulfilling their treaty obligation for

¹⁰⁴ International Convention for the Protection of all Persons from Forced Disappearance (ICPPED) , GA Res-61/177, Date of Adoption- 20th December, 2006, Entered into Force-23rd December, 2010, Article- 23.

¹⁰⁵ The Article 47 of the 1949 Geneva Convention I, Article 48 of the 1949 Geneva Convention II, Article 127 of the 1949 Geneva Convention III and Article 144 of the 1949 Geneva Convention IV.

disseminating specific IHL norms and basic human rights issues among the military and civilian officers during international armed conflict¹⁰⁶ and widespread distribution of the text on the Protocol Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977)¹⁰⁷.

From this chapter, it appears that the obligation of HRE for states is well established international obligation that emerged from both treaties and soft laws, while there is no individual substantive human right as a right to HRE, unlike the states' obligation for HRE unambiguously enumerated in different treaties. Some treaty instruments confirm the states' obligation for HRE as a binding obligation whereas soft laws impose a directive obligation for states. The Committee on Economic, Social, and Cultural Rights-a treaty body for monitoring human rights- considers states' activities and inclusion of the HRE in the formal curriculum under the spirit of right to education enumerated in the ICESCR. Additionally, all member states of the UN are supposed to fulfill obligations and co-operate with the UN in implementing its initiatives; UN Plan of Action, Declarations, Resolutions, and Recommendations for HRE. Therefore, a member state cannot simply overlook the obligation of HRE merely it is a soft law obligation.

States require, under the human rights treaties and soft laws, to take administrative, legislative, judicial, and educative measures for ensuring and promotion of HRE at the national level. To that end, the UN has been adopting different Plans of Action for HRE in detail since the termination of the Cold War. States are suggested to adopt the HRE curriculum in formal education and to arrange non-formal activities for human rights promotion by facilitating training among the law enforcing agencies, military personnel, civil societies. All kinds of the obligation of HRE are equally applicable for all nation-states, including Bangladesh. Hence, the obligation of HRE in the perspective of Bangladesh requires analysis considering the scenario of HRE implementation at the national level.

¹⁰⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977), Date of Adoption- 8th June 1977, Article-83.

¹⁰⁷ Ibid, Article-19.

CHAPTER- III: THE OBLIGATION FOR, AND FULFILLMENT OF, HRE IN
BANGLADESH

PART 1: CURRENT SITUATION & PROSPECT OF HRE IN BANGLADESH

11. Why & for Whom HRE Needed in Bangladesh

Bangladesh is one of the most densely populated countries in the world. In so many ways, the protection of human rights has become a major concern in Bangladesh¹⁰⁸ As human rights exclusively belong to human beings; the knowledge of human rights is the demand of a huge population in Bangladesh. On the other hand, Bangladesh is under the treaty obligation to ensure the right to education for all by ratifying the ICESCR for human rights promotion and protection. The objective of HRE is also to create a culture of human rights where each individual will be able to enjoy, practice, and mutually respect human rights. Hence, the dissemination and inclusion of HRE in the education curriculum in Bangladesh is a necessary tool to realize the ‘right to education and other human rights enjoyment.

The legal instruments of human rights education demand HRE for all human beings from child to old aged person, worker to high government officers, civilian to military. There is no classification in receiving human rights education on the ground of human dignity. One needs education for the development of human personality and strengthening respect for human rights. The development of human personality is a process of change through different aspects of life.¹⁰⁹ The right to development is also ‘an inalienable human right in which every human being and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized¹¹⁰. All students in Bangladesh, whatever the curriculum they follow, deserve the HRE depending on their mental and intellectual capacity.

¹⁰⁸ Amnesty International, the State of the World’s Human Rights Report,2020/21, p-79-82.

¹⁰⁹ See, Appendix No-1

¹¹⁰ The UN Declaration on the Right to Development 1982, GA Res-41/128, Article-1.

12. International Commitment of Bangladesh for HRE

The international commitment of a state generally indicates the will of the state to do or omitting from doing something under treaty or soft-laws in the international legal field. As a member state of the UN, Bangladesh has several international commitments by either ratifying international treaties or fulfilling voluntarily soft-law obligations. In respect of HRE, the obligations of states emerge not only from various UN Resolutions, Declarations, and Recommendations but also from legally binding instruments such as treaties, covenants, and conventions, etc¹¹¹. Therefore, the commitment of Bangladesh for HRE emerges from the international treaties in which Bangladesh has committed by ratifying such treaties as well as other non-binding legal instruments as a member state of the UN as well as a subject of international law. In 1998, Bangladesh ratified the International Covenant on Economic, Social, and Cultural Rights with a commitment to fulfill all treaty obligations. Although certain articles of the ICESCR are still under state observation, Bangladesh did not deny the effectiveness of Article 13, which deals with the state's obligation for strengthening human rights and fundamental freedom by ensuring education for all citizens¹¹².

The HRE commitments of Bangladesh appear from the non-binding international human rights instruments such as to other states. Member states of the UN adopt several HRE instruments in the different forms of UN Resolutions, Declarations, and Recommendations, which are not legally binding on the states in the eye of international law. It is immaterial to discuss the international obligation of a state if such obligations lacked legal enforceability due to the nature of the conclusion of instruments. However, in one sense international laws are the collection of all international moral norms accepted by the civilized nations, which are subsequently recognized by states in a form of a treaty. The most obvious example would be the UDHR, a non-binding instrument, which can be found in several treaties or conventions.

A treaty commitment of HRE acts as a binding obligation on Bangladesh as it ratifies various international human rights treaties. When an obligation arises from the treaty, ratifying states are legally bound to comply and execute all provisions. Noticeably, the government of Bangladesh has, in the meantime, ratified various human rights treaties, which confirm the state obligation for

¹¹¹ Supra note, Chapter-2

¹¹² The United Nations Treaty Collection, Chapter (iv), vol-3, Bangladesh, 5th October, 1998, Accessible-https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en#EndDec.

HRE either expressly or impliedly to fulfill the commitment. Hence, the treaties ratified by Bangladesh come to play for confirming international legal obligations for HRE.

By ratifying the Convention of the Rights of the Child, 1989 Bangladesh has committed to ensuring all provisions of the Convention *inter alia*, the obligation for HRE. Some articles¹¹³ of CRC expressly set out the state obligation for HRE to take various measures including, wide dissemination of the text of the Convention among the public as well as taking educative initiatives for making awareness of children about their rights. Other remarkable international human rights treaties ratified by the Bangladesh government are the International Convention on the Elimination of All Form of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment (CAT), The Convention on the Rights of Persons with Disabilities (CRPD), etc. All those treaties impose the obligation on Bangladesh for implementing HRE at the domestic level. Consequently, the issue of the fulfillment of HRE obligation by the government of Bangladesh comes to play to find out the actual compliance of international obligation.

In respect of the implementation of HRE in Bangladesh, the government has committed to implementing HRE at the domestic level in a progressive way by taking various national initiatives and co-operation with regional or international organizations by adopting HRE plans, policies, and training. When it comes to the context of fulfilling the international obligation of either HRE or human rights, the government of Bangladesh requires considering several socio-economic aspects as well. To put it simply, Bangladesh has a special approach and attitude in realizing the human rights enumerated in different international human rights instruments. ‘Human Rights, according to the National Human Rights Commission Act, 2009, implies rights to life, liberty, equality, and dignity of a person guaranteed by the constitution of the People’s Republic of Bangladesh as well as other human rights enumerated in various human rights instruments which are ratified by the Bangladesh government and enforced by the existing laws of Bangladesh¹¹⁴. Although ‘human rights (by definition) are a unique and universal concept to

¹¹³ The Convention on the Rights of the Child, GA Res- 44/25 of 20 November 1989, Entry into Force- 2nd September, 1990, Article- 4, 17, 19 & 29.

¹¹⁴ The National Human Rights Commission Act, 2009, (Act no.53 of 2009), Entry into Force-1st September 2008, Article 2(f).

all states, human rights defer from state to state in realizing and implementing at the domestic level depending on several aspects and circumstances. It is true that international human rights instruments, on the one hand, express the universal reorganization and realization of all human rights, and on the other hand, allow states to implement such rights depending on the economic situation of respective state(s). Some human rights are absolute, and states are precluded to apply discretion on such rights. In the same vein, no human rights are absolutes and the realization of those rights is required considering various socio-economic conditions of the state. For example, the right to education in Bangladesh falls under the category of progressively realizable rights, and the government of Bangladesh gradually ensuring the right to education for all citizens. The right to education in Bangladesh also encompasses the claim and implementation of HRE and, it is, therefore, necessary to portray the existing scenario of the Right to education in Bangladesh before analyzing the implementation of HRE.

13. Implementing the 'Right to Education' in Bangladesh

Bangladesh has, by becoming a member state of several international human rights treaties, committed to ensuring education for all in the spirit of the objective of education¹¹⁵. The discussion on the realization of the right to education in Bangladesh helps to get an idea of the possibility of understanding the realization of HRE in the end. The scenario of ensuring HRE is closely connected to the current situation of ensuring education in a state even though the obligation of HRE has emerged and subsequently developed in the international arena from a distinct domain. The state's obligations for ensuring education as well as HRE stand in parallel position in implementing at the national level in a particular sense that the measurement of HRE in a state indivisibly depends on the realization of the right to education to a certain extent. Therefore, the articulation of the condition of ensuring the 'right to education in Bangladesh is required in the context of fulfilling the obligations for HRE.

The government of Bangladesh has accepted the 'right to education as a human right in terms of ensuring education available, accessibly, acceptable, and adaptable to all the citizens. The 'right to be educated' has to be understood in the context of 'right to education'¹¹⁶ With a promise for directing education for the development of human personality, and strengthening the respect for

¹¹⁵ Supra note, chapter-1 (the objectives of education).

¹¹⁶ Arpeeta S. Mizan & et.al, 'Study Report on Diverse Streams of Education in Bangladesh and Realization of Right to Education', National Human Rights Commission, p-(13-14).

human rights, Bangladesh has taken positive initiatives, *inter alia*, enacting laws relating to education particularly; making primary education compulsory for all. The government of Bangladesh has introduced a unified schooling system by introducing several compulsory subjects consistent with the normative aspect of Article 13 of the ICESCR¹¹⁷. In Bangladesh ensuring the ‘right to education for all, the government has significant achievement set out in various state reports and individual reports. However, the inclusion of HRE in education in Bangladesh is still a considerable issue besides ensuring the right to education. Bangladesh is under the obligation not only to ensure and realize the significance of education but also to implement and perceiving the importance of HRE in the modern era.

14. Diversified Education System and Implementation of HRE in Bangladesh

In general, today’s education in Bangladesh has been shaped primarily in three major forms e.g. primary education, secondary education, and tertiary. The diversification in the education system in Bangladesh was influenced over time; from the British colonial period to the present independent country. In 1947, after the end of the British colonial period, East Bangle School Textbook Committed was formed to develop a national curriculum. When Bangladesh got independent in 1971 from Pakistani rules, the ‘Bangladesh Textbook Board and National Curriculum Development Center’ was established in 1983 which is still in charge to develop a sustainable education system in Bangladesh. The socio-economic structures, as well as religious aspects, have contributed to introducing the diverse nature and dissemination mode of education at the root level. Consequently, the system of education in Bangladesh has been developed in three distinct approaches; a) General Education b) English Medium Education c) Madrasha Education/Religious Education.

As to the general education curriculum, primary education comprises 5 years study cycle with a unique curriculum commenced at the age of 5 years. All curriculum of primary education are common, and there is no division in the educational curriculum. Secondary education has been shaped into three stages; Junior Secondary (duration 3 years), Secondary (duration 2 years), and Higher Secondary (duration- 3 years)¹¹⁸. The level of Higher Education commences after the end

¹¹⁷ National Human Rights Commission, Bangladesh ‘ International Covenant on Economic, Social and Cultural Rights: A study on Bangladesh Compliance, December, 2012, p-64.

¹¹⁸ Md. Mustafizur Rahman et.al ‘Historical Development of Secondary Education in Bangladesh: Colonial Period to 21st Century’, International Education Study, Vol.3, No-1. February 2010, p- 115.

of higher secondary level, which comprises of 4 years study cycle in the field of general, medical, technology, and technical and followed by the master's degree average duration 1-2 years.

As to the Madrasah Education/ religious Education, the education system can be categorized into several stages of education; *Ebtedayee* (Primary level), *Dakhil* (Secondary level), *Alim* (Higher Secondary Level), *Fazil* (Bachelor degree), and *Kamil* (Master Degree)¹¹⁹. There are two types of religious educational institutions in respect of conducting the religious institutions namely, *A'liya* supported by the state and *Qaumi* conducted without the state's patronizing.

As to English medium education, the categorization of different levels defers from general education in Bangladesh. Primarily, the English medium education system was introduced in Bangladesh during the British period when Bangladesh did not appear as an independent state. There are two curriculums in English medium education in which a section of the curriculum is based on the National Curriculums and Textbook Board, and the other curriculum follows different foreign English authors. English medium curriculum includes HRE as same as the national curriculum and textbook reflected in the general education.

It appears that the education curriculum in Bangladesh has been shaped in diverse approaches depending on the needs of education to the society. There is no unique study curriculum among the different educational institutions operating in Bangladesh. However, the government of Bangladesh is not supposed to introduce a unique study curriculum for all students. It is the international obligation of Bangladesh to ensure education for all citizens at least a certain level (primary education) in which Bangladesh has made a progressive achievement. While the obligation for HRE, the government shall ensure HRE for all citizens not only in the primary education system but also every level of education as well as every sphere of society. As to the concern of formal education, the insertion of HRE in the study curriculum is needed for equal development of human personality. A student in the general curriculum may learn and follow different education from a student of the religious curriculum while there is no diversification in HRE based on the education curriculum of a state. The need for HRE encompasses all students without considering their study backgrounds. In Bangladesh, the government can approve several forms of educational systems but the inclusion of HRE in the study curriculum requires reflecting

¹¹⁹ Mohammad Saiful Islam, "Modernization of Madrasah Education in Bangladesh: A New Approach for Future Development", SelPTI (2012), p-4.

uniquely depending on the stage of education in concern. Therefore, the assessment of the inclusion of HRE in the existing education curriculum has become a vital issue for assessment to find out the actual scenario of implementation of HRE in Bangladesh.

15. Scenario of HRE in the Existing Education System in Bangladesh

Learning of human rights and the creation of the culture of exercising such rights in practice all stages of education, from primary to higher education, shall be facilitated and equipped for HRE either formal or informal approach. Ensuring the proper practice and learning human rights in all formal education is primarily incurred upon the government, *inter alia*, education ministry. In this section, the reflection of HRE in the existing education in Bangladesh will be discussed from the textbooks of education curriculum, national education policies, and contemporary writing about HRE in Bangladesh.

15.1 HRE at Primary Level

As to the contents of human rights education (education of human rights), HRE varies depending on the levels of education in concern. The contents of human rights at the primary level defer from the secondary stage, and in the same vein, diversification of HRE can be identified from secondary to higher studies. Considering the mental maturity and understanding capacity of pupils, HRE is not properly in the study curriculum as substantive provisions e.g. right to life, liberty, and property mentioned in the UDHR or other relevant human rights instruments. In the primary education curriculum in Bangladesh, some principles of human rights, as well as basic moral norms, are included in a different heading e.g. all creation needed to be loved, everyone should have respect and tolerance for all religions, respect for all based on non-discrimination without considering gender, sex, physical capacity or other personal or social qualification, awareness of the rights of other citizens including family members, respect to, and tolerance for, freedom of expression of people as well as capacity to express of own opinion, etc¹²⁰. It appears that the children at the primary level are not expressly acquainted with the UDHR or other international human rights instruments in their textbooks¹²¹. An affirmation for the insertion of

¹²⁰ Nurun Nahar Bagum, Human Rights Education in School in Bangladesh, Asia-Pacific Human Rights Information Center(2001), Volume IV, p-65.

¹²¹ Badsha Mia, Human Rights Education and Realization in Bangladesh: Implementation of Right to Education, South Asian Journal of Multidisciplinary Studies (SAJMS) ISSN:2349-7858 Volume 2 Issue 1, p-5.

HRE at the primary level in Bangladesh is that basic moral education primarily covers HRE to a certain extent. However, moral education and HRE are not juxtapositions or interchangeable terms in the human rights encyclopedia. The core concept of HRE has been highlighted subsequently in different UN resolutions, declarations, and recommendations, which do not fall under the scope of moral education. It is admitted that some lessons in primary education convey the message and value of particular articles of UDHR e.g. Art.25- children have rights to get parents' care, Art.18-everyone has a duty to, and right of, freely expressing thought and conscience and exercise religion and beliefs, and Art.20- the political rights, *inter alia*, right to political participation or right to vote, etc¹²². There is a chapter in class -1 namely, 'We are all equal' in which children are taught not to discriminate his/her classmates either in the classroom or outside of it as well as respect the physically challenged persons. As to the duties of an individual, the pupils at primary education are taught not only their rights from a legal guardian or state authority but also there are introduced their duty to a family member, other persons in society, or even the state in general.

According to the National Education Policy, the education policy for primary education aims to conduct the study for preparing mental and physical enthusiasm although the policy itself is under criticism in achieving the goal¹²³. In pre-primary education, the teaching of tolerance to others, and inspiring to participate in class are highly focused. The strategies are followed to demonstrate images, singing songs, games, and introducing attractive study materials. No formal HRE is introduced rather than moral and ethical education. On the other hand, the aims and strategies for primary education little bit different in the sense that primary education is considered as a starting point of formal education after a certain age. The aim and objectives of primary education are, according to the National Education policy, determined for, *inter alia*, humanistic values, the idea of justice and human rights, co-operation and friendly relation, facilitation of indigenous and ethnic people in the stage of primary level, etc¹²⁴. Ensuring primary education for all is the constitutional mandate of the government and the state requires fulfilling obligation by itself. It is also a constitutional commitment of the government to ensure uniform basic education for all

¹²² Nurun Nahar, *ibid*, fn-120.

¹²³ Khandaker Lutful Khaled, 'Is the Right to Education Part of Bangladesh Education Policy?', CHALKBOARD, 8th November, 2013, Accessible- <http://chalkboard.tol.org/the-citizens-right-to-education-in-bangladesh/>.

¹²⁴ National Education Policy, 2010, Ministry of Education, Government of the People's Republic of Bangladesh, p-12.

children even there is a diverse stream of the education system. To that end, the National Education Policy was adopted in the primary curriculum by introducing specific subjects, for example, Bangla, English, Moral Science, Mathematics, environmental study, etc. However, there is no specific subject such as Human Rights Education although it is claimed that some moral lessons are included in the Moral Sciences subject which covers HRE to a certain extent. It appears that ensuring primary education is a strategy of the government, although ensuring human rights education is not precisely indicated in the National Education Policy.

15.2. HRE in Secondary Education:

The inclusion of HRE in the secondary education curriculum is supposed to poetry equally in all streams of education. The government introduces few common and compulsory subjects at the secondary level e.g. Bangla, English, Mathematics, Bangladesh Studies, and Information Technology for maintaining uniformity among the different streams of education. It is also suggested that the assessment of those subjects will be based on a single format of the question. However, all those compulsory subjects fall outside of the scope of HRE. There is no specific subject devoted to Human Rights Education in the curriculum of Secondary and Higher Secondary education¹²⁵ because both education curriculums are more scattered than the curriculum of primary education in Bangladesh. At the Secondary level, some lesson relating to HRE can be traced in the textbook called ‘Civics & Citizenship’ such as Chapter-3 deals with Law, Freedom & Equality in which lessons are comprised of rule of law, equality in, and freedom of, individual, social, political and economic aspects¹²⁶. Although an idea about HRE reflects in the ‘Civics and Citizenship’ textbook, it is neither a compulsory course nor taught in all curriculum of education. In terms of Higher Secondary Education, the lesson related to human rights can be found in the specific course for the specific students particularly, humanities background students. The students of Higher Secondary who choose the subject called ‘Sociology’ can have a lesson about social and gender equality as well as the knowledge on how social and gender discrimination emerges in chapter 8 of Sociology book. Pupils are also taught

¹²⁵ National Curriculum and Textbook Board, Bangladesh national Portal, Last Update- 7th August, 2017, accessible-
<http://www.nctb.gov.bd/site/files/cfea465e-02d9-4aef-ae75-1ea7ca891753/->

¹²⁶ Civics & Citizenship, National Curriculum & Textbook Board, (Class- 9-10), Chapter-3, p-(22-29).

in the Civics class that non-citizens enjoy all social and citizen rights in Bangladesh¹²⁷. Concerning the other field of studies except for Humanities, students have few or no lessons for human rights in their respective curriculum. Even if Humanities background students, get basic knowledge on the human rights that is not ensured for all students. Only the students who registered for the course called ‘Sociology’ or ‘Civics and Citizens’, can have first-hand experiences of HRE.

15.3. HRE in Higher Education:

The arrangement of HRE in the field of higher education in Bangladesh is very complex due to the universities’ specialization. Public universities are autonomous statutory bodies established under specific legislation or presidential Ordinances. Consequently, there is no unique curriculum among the different universities. On the other hand, introducing HRE in higher education is not expected to have unique courses in the name of HRE among all universities but the government of Bangladesh and concerning university authorities has obligation to facilitated HRE either formal or informal approach. HRE in higher education requires not only the contents of HRs but also the process of conducting and learning HRE in the academic arena in a right-based approach. At the community level, the integration of HRE into higher education requires support for social justice¹²⁸. ‘Higher Education in the context of HRE refers to any kind of study, research, or training which is conducted after passing of secondary level of education provided by any institution or university recognized by the concerning state authority¹²⁹.

In Bangladesh, the University Grant Commission (UGC) has adopted a policy to finalize a syllabus for university students in which law students formally learn HRE as a specific course¹³⁰. However, HRE is not included in the syllabus of the other departments such as BBA, MBA, CSC,

¹²⁷ Nurun Nahar Bagum, Human Rights Education in School in Bangladesh, Asia-Pacific Human Rights Information Center(2001), Volume IV, p-68.

¹²⁸ N. Kingston Lindsey, Human Rights in Higher Education: Institutional, Classroom, and Community Approach to Teaching Social Justice, Library of Congress(2018), 1st Edition, p-11.

¹²⁹ The second phase (2010–2014) of the World Programme for Human Rights Education: a plan of action for human rights education in higher education and for human rights training for civil servants, law enforcement officials and the military, Human Rights Council, Resolution- A/HRC/15/28, Date of adoption -30 September, 2010, Article-16, p-17.

¹³⁰ University Grant Commission of Bangladesh, Bangladesh National Portal, Accessible-<http://www.ugc.gov.bd/site/view/policies/>-

EEE, and MA in English, etc. However, the students in higher education can have informal HRE arranged by the university or other concerning organization through seminars, conferences, or training programs. HRE in the formal curriculum and training can also be traced to a certain extent in the law department of the universities in Bangladesh.

15.4. HRE in Legal Education:

The aims and objectives of the legal studies are determined, under the National Education Policy, to be analytical and pragmatic for the students to play effective contributions for establishing rule of law, human rights, and justice¹³¹. Law students in Bangladesh are expected to know all about human rights through formal and informal education. HRE indicates the knowledge of inherent human rights in which ‘rights’ are purely legal issues. The inclusion of HRE in the curriculum of legal education in Bangladesh depends on what kind of educational institution is in concern. There are two types of educational institutions- a public university and a private university- primarily contributing to provide legal education among the students in Bangladesh. Additionally, law colleges under the affiliation of National University have been launching graduate and post-graduate law programs in the contemporary legal field. The curriculum of public universities construes as a traditional form selected by the academic expertise according to the professional experiences. Many legal educationalists suggested that legal education in the public university of Bangladesh is needed to enrich by the inclusion of different subjects in contemporary social demand¹³². Under the UGC guideline for LL.B and LL.M program, the course on human rights is not specifically inserted in the curriculum of the Bachelor of Law¹³³. Under Graduate law students get acquainted with Human Rights in the course called ‘Public International Law. On the other hand, postgraduate law students are formally taught Human Rights as a substantive course in the LL.M program in Bangladesh. Traditionally, law students are supposed to know only domestic law to a greater extent and international law is less emphasis in legal education in Bangladesh. By observing the legal education in Bangladesh, Jay Erstling from the University Of St. Thomas, Minnesota, expressed his opinion that legal education must not confine within the existing laws rather it must include many critical social issues as well as

¹³¹ National Education Policy, 2010, Ministry of Education, Government of the People’s Republic of Bangladesh, p-46.

¹³² Mohammad Monirul Azam, Reforming Legal Education in Bangladesh, Journal of Legal Education, December 2005, Vol.55, p-564.

¹³³ See, Appendix No- 2.

human rights¹³⁴. Moreover, Bangladesh Law Teacher Association holds a seminar in which it was concluded that human rights in the law school curriculum are not properly portrayed in the spirit of the constitutional guarantee¹³⁵.

15.5. HRE in Informal Education:

The formal education sector of a state is not the only means of promoting human rights education. The government of Bangladesh requires ensuring HRE through the informal process of learning may be formed differently e.g. adult & mass education, holding seminars and conferences, broadcasting HRE programs on TV, radio, etc. However, ensuring education to all citizens is needed to discuss before the issue of HRE in the informal arena of education. Under the National Education Policy, informal education in Bangladesh is considered as a complementary step to formal education particularly, primary education. The strategies for adult education through informal education are directed to the development of human qualities, social awareness, literacy, and the development of professional skills.¹³⁶ As to the content of the informal adult course, some basic issues are determined under the National Education Policy such as health, family welfare, environment, and so on. Nevertheless, the Policy is silent to teach and introduce human rights before the adult citizens through informal education.

It appears from the existing education system in Bangladesh that the articulation and introduction of HRE seems a forgotten issue concerning education authority in Bangladesh. Even though few stages of education include HRE to a little extent, the contents of HRE are ambiguous and selective for a specific section of pupils. The inconsistent equality of education varies in a different stream of education in Bangladesh¹³⁷ which makes complex the realization of the right to education as well as HRE. Nonetheless, the improvements of the policy of education, and the clarification of HRE in the education curriculum, are the demand of time in the contemporary global appeal for HRE.

¹³⁴ Mohammad Monirul Azam, Reforming Legal Education in Bangladesh, *Journal of Legal Education*, December 2005, Vol.55, p-562.

¹³⁵ *Ibid*, Vol.55, p-565.

¹³⁶ National Education Policy, 2010, Ministry of Education, Government of the People's Republic of Bangladesh, section-3, p-19.

¹³⁷ Committee on Economic, Social and Cultural Rights, Economic and Social Council, 63rd Session, 18th April, 2018, E/C.12/BGD/CO/1, Section-(68) b.

PART-2. EXISTING LEGISLATION, PLANS, POLICIES IN BANGLADESH & THE ISSUE OF HRE

16. The Constitution, the Right to Education, and HRE in Bangladesh

The legal basis and guarantee of a right normally emerge from the constitution of a state. Although the constitution of a state is considered as an apex source of invoking legitimate claims/rights in a state, all rights of citizens either existing or subsequent may not be expressed in the constitution in a written form. The Constitution of the Peoples' Republic of Bangladesh (hereinafter 'the Constitution of Bangladesh') was adopted in 1972 before commencing the extensive initiative taken by the UN for the development of, and further mass global campaign for, human rights education. The Constitution of Bangladesh is characterized as the supreme law of the land,¹³⁸ in which the constitutional supremacy prevailed in interpreting the rights of citizens- either it may be the rights to education or human rights education. In the same vein, the responsibility of all state organs in justifying the legitimacy of the actions required conformity to the Constitution for carrying out duties and implementing the citizens' rights. Hence, the assessment of provisions of the Constitution of Bangladesh has become inevitable throughout the discussion concerning guaranteeing and ensuring education in general and HRE

In respect of HRE according to the Constitution of Bangladesh, a constructive assessment can be divided into two ways; a) the assessment of Constitutional provisions related to HRE, and b) the reflection of HRE in the Constitution as a whole.

As to the right to education or even human rights education, the constitutional guarantee comes to play for claiming the rights of citizens and the responsibility of the government. If human rights education falls under a certain category of education in general, the analysis of the constitutional guarantee for education in Bangladesh, therefore, has become relevant to express the situation of the state's obligation for HRE at the end. The linguistic expression of education enumerated in the Constitution of Bangladesh is that;

¹³⁸ The Constitution of the Peoples' Republic of Bangladesh, 1972, Article-7.

‘The State shall adopt effective measures- (a) for establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (b) to relate education to the needs of society and producing properly trained and motivated citizens to serve those needs (c) for removing illiteracy within such time as may be determined by law’¹³⁹.

From the Constitutional Article, it appears that the ‘uniform and mass-oriented education’ does not correspond to the universal human rights education, and the word universal system of education does not necessarily mean a unique education curriculum consistent with human rights education conducted at a global level. However, the government shall introduce such an education system that has common values and acceptance to the people in the country as an equal platform at the domestic level. Nevertheless, the phrase ‘education to the needs of society is purely an issue of interpretation based on the discretion of the people in the society.

Although human rights are universally inherent to all human beings in every human society as well as HRE has universal utility to all nations, the government of Bangladesh is still exercising legitimate discretions in recognizing the right to education or even HRE at the domestic level as a guarantee for all citizens. Neither the right to education nor the HRE has enlisted in the Constitution as fundamental rights of citizens; rather those rights are enumerated in the chapter-II of the Constitution of Bangladesh as a Fundamental Principle of State Policy (FPSP)¹⁴⁰. Hence, the Committee on Economic Social and Cultural Rights express concern that the rights enshrined in the Covenant have not been fully incorporated into the domestic legal order, particularly the Constitution of Bangladesh¹⁴¹

As to the reflection of HRE in the Constitution, the whole Constitution of Bangladesh requires to assess as itself a book of human rights/ fundamental rights of citizens. There are several provisions related to human rights enumerated in the Constitution of Bangladesh even though the citizens are not aware of such rights. Some human rights provisions are articulated as a guiding principle of state policies and some other human rights provisions included fundamental human

¹³⁹ The Constitution of the Peoples’ Republic of Bangladesh, 1972, Article- 17.

¹⁴⁰ FPSP refers to those principles which act as a precursor in legislating laws and state policies of the peoples’ Republic of Bangladesh but citizens are precludes claiming such rights or principle before the courts.

¹⁴¹ The Committee on Economic, Social and Cultural Rights, Economic and Social Council, 63rd Session, 18th April, 2018, E/C.12/BGD/CO/1, Section (c) 5.

rights/ constitutional guarantee. For instance, state secularism- one of the principles of human rights- prevails in the constitution¹⁴². Additionally, the Constitution contains the provisions relating to democracy¹⁴³ and human rights and promotion of international peace, security, and solidarity¹⁴⁴ in part-ii of the Constitution. Moreover, the part-iii of the Constitution enumerates basic fundamental rights characterized as human rights namely; equal protection of the law, the principle of non-discrimination based on religious grounds, right to property, right to life and personal liberty, the prohibition of forced labor, the principle of double jeopardy, freedom of movement, assembly and association, freedom of thought and consciences, and religious freedom, etc. However, the constitution itself is silent in teaching the fundamental rights (including human rights) among the citizens of Bangladesh although every citizen of Bangladesh is supposed to know and obey the law of the land¹⁴⁵. The new laws are generally published in the official gazette but the majority of the people of Bangladesh do not have access to, and ability to seek, such laws or rights newly introduced.

17. Legislative measures under Ordinary Laws in Bangladesh

The Parliament of the Peoples' Republic of Bangladesh (the House of Nations) is, as an organ of state, primarily responsible to enact, amend, and repeal laws, rules or regulations by considering the needs of society. The parliament of Bangladesh deals with not only the domestic issues in the context of social or legal in Bangladesh but also consider international aspects particularly; ratifying treaties. As a legislative organ of state, the parliament of Bangladesh requires to take cognizance of any international obligation on government when it is the question of international obligation for legislative measures. The government of Bangladesh has, in the meantime, committed to taking legislative measures of HRE at the national level, and the parliament of Bangladesh is in the position of enacting new laws considering by the obligation emerged either national or international field. It is, therefore, necessary to find out how so far the national legislation of Bangladesh introduced the law concerning the HRE at the domestic level. To address more exactly the issue- are there existing national legislative initiatives for HRE in the field of education in Bangladesh?

¹⁴² The Constitution of the Peoples' Republic of Bangladesh, 1972, Article-2(A).

¹⁴³ Ibid, Art-11.

¹⁴⁴ Ibid, Article-25.

¹⁴⁵ Ibid, Article-21.

17.1. The National Human Rights Commission Act, 2009

As a part of international human rights commitment, Bangladesh Government has taken initiative to adopt legislation called the National Human Rights Commission Act, 2009. The Act was primarily enacted by the House of the Nation (the parliament of Bangladesh) to establish a National Human Rights Commission for fulfilling international human rights obligations in the domestic arena as well as performing other activities enumerated in the Act. The Act is relevant to examine whether it contains any HRE provisions or policy which obliged the government or relevant institutions. In the preamble of the Act, the guarantee of human rights will apply to Bangladesh to the extent, which is enshrined in the Constitution of Bangladesh. However, the right to education or HRE in respect of Bangladesh is neither a constitutionally enforceable claim nor the government's obligation for ensuring education or HRE for all would be a ground for held responsible. Additionally, the National Human Rights Commission is a national human rights body to perform the specific duty for human rights. If the Act is considered as legislative measures taken by the government to promote human rights, it is necessary to find out the provision how so far the Act enumerates the obligation for HRE. The Act unambiguously expresses the Commission's obligation for HRE in the section of the function of the Commission that is

“[t]o research into the field of human rights and to take part in their execution in educational and professional institutions; [and] to publicize human rights literacy among various sections of society and to promote awareness of the safeguards available for the protection of those through publications and other available means”¹⁴⁶.

Although this provision of the Act undoubtedly incurs the duty on the Commission to take HRE initiative, the ultimate authority of the Commission in discharging its function regulates for introducing the provision of consistency with the Constitution limitation. The Committee on Economic and Social Rights notes that the Commission (NHCR) has limited mandate, which is not sufficient for the fulfillment of the enumerated rights in the ICESCR¹⁴⁷. Yet, the National

¹⁴⁶ The National Human Rights Commission Act, 2009,(Act No-53 of 2009), Entry into force- 1st September,2008, Chapter-iii, Article- 12(i) & (j).

¹⁴⁷ The Committee on Economic, Social and Cultural Rights, Economic and Social Council, 63rd Session, 18th April, 2018, E/C.12/BGD/CO/1, Section (C)9.

Human Rights Commission Act has positive influences on promoting knowledge of human rights (HRE) by the Commission of his/her official capacity.

17.2. The Compulsory Primary Education Act, 1990

Bangladesh's government has already adopted several legislations relating to education to make it free and accessible for all to maintain constitutional commitment as well as to fulfill the obligation that emerged from international human rights instruments. By enacting the Compulsory Primary Education Act, 1990, the government took the legislative initiative to ensure primary education for all in Bangladesh. This act, even though confirms the basic right to education, does not introduce the provision related to the obligation for HRE for all children. In the title of the Act, it was stated that this Act may be called an obligation to Primary Education Act. The exclusive aim of this Act is to ensure primary education for all, but not to ensure HRE for all. Although the government has taken partial legislative measures for making compulsory education for all under Article 13 of the ICESCR, this Act does not enumerate other objectives such as education for strengthening respect for human rights and fundamental freedom.

17.3. The National Curriculum and Textbook Board Act, 2018

As a part of legislative measures for the development of the educational curriculum, the government of Bangladesh has recently enacted a new law called the National Curriculum and Textbook Board Act, 2018. It is necessary to find out how so far the provisions of the Act include HRE in any part of it. In the preamble, this Act deals with a promise for sustainable improvement of the National Curriculum as per the demand of time. Nowadays, the significance of HRE has been growing in the international arena, and Bangladesh does not fall outside of contributing to HRE development. The National Curriculum and Textbook Board Act suggests the formation of the Board (Committee) which entrusted to function *inter alia*, revision of the curriculum and syllabus of school, providing the grant for work in scientific and literature and cultural aspects, and evolution of the effectiveness of the curriculum¹⁴⁸. However, the Act does not enumerate a clear indication of HRE in its body part. The Board has discretion for improvement of the education curriculum by the inclusion of HRE as a part of its functions although the functions of the Board are subject to the assignment of the governments from time to time. Therefore, it does

¹⁴⁸ The National Curriculum and Textbook Board Act, 2018 (Act No. 62 of 2018), date of adoption- 14th November, 2018, Article- 8(1).

not mean to presume that the Board has no obligation and power for the introduction of HRE in the national education curriculum on the ground that there is no express provision in the Act.

17.4. The Madrasa Education Ordinance, 1978

For recognizing religious education equal to the status of general education in Bangladesh, the president of Bangladesh promulgated the Ordinance under the presidential decree in 1978. Although this Ordinance primarily concern to religious education, the issue of HRE does not fall outside of the provisions of the Ordinance. It is immaterial to think that only the students of mainstream education are supposed to learn HRE but not the religious background students. However, it is required, under the provision of the Ordinance, to establish a separate Madrasa Education Board for improving the quality of religious education consistent with mainstream education in Bangladesh, some private madrasa education is far beyond the general system of education¹⁴⁹. In the general education system, the National Education Board has taken initiative to include basic HRE in the general education curriculum according to the National Education Policy, while Madrasa Education Board still, in the absence of proper guideline in the Ordinance, does not ensure the quality of education same as to the general education in Bangladesh.

18. HRE under National Education Policy and Commissions

18.1. National Education Policy, 2010

Considering the Child Rights Convention, the government of Bangladesh formulates the National Education Policy, 2010 for ensuring the rights of children as the aim and objectives of education policy. The Convention is itself an international human rights instrument, which deals with, *inter alia*, the rights of Children and duties of the state parties. According to the Child Rights Convention, state parties have to fulfill the conventional obligations meaning that Bangladesh has an obligation for HRE in two ways; an obligation to teach children about their rights, and an obligation to make public awareness about the Convention through formal or informal education. Hence, it is necessary to assess the National Education Policy more deeply to find out how the aiming and objectives are directed to fulfilling the obligation for HRE. It is expected that the Education Policy will be effective equally to all kinds of the education system in Bangladesh with a unified and universal reflection. The principles of the Education Policy are directed;

¹⁴⁹ The UNESCO Country Programming Document for Bangladesh (2012-16), UNESCO Office in Dhaka,p-6.

‘to inspire the students with the spirit of...good citizens (i.e. sense of justice, non-communalism, dutifulness, awareness of human rights, cultivation of free-thinking and discipline, love for an honest living, the tolerance of corporate life, friendliness and perseverance)¹⁵⁰’

The expression of the aim of the Education Policy demands the introduction of HRE in the national education curriculum because the awareness of human rights is one of the objectives of the HRE. The goals of the education policy also focus on the other prominent human rights issues; creating the culture of expression though and consciences, enhancing tolerances, and promoting brotherhoods among the nations. In another clause of the Education Policy, it is enumerated that the objective of education policy is;

‘to remove socio-economic discrimination irrespective of race, religion, and creed and to eradicate gender disparity; to develop non-communalism, friendliness, global fraternity, fellow-feeling and respect for human rights¹⁵¹’.

It appears that the objective of the Education policy in Bangladesh is consistent with the objective of several human rights education instruments. The government of Bangladesh has considered education directed to the respect of human rights and fundamental freedom by inserting the provision in the Education Policy.

18.2. Qudrat-e-Khuda Education Commission, 1972

After the independence of Bangladesh, the first national education commission was formed in 1972, called Qudrat-e-Khuda Education Commission (hereinafter Commission) for making the education reform. On the other hand, the state’s obligation for HRE has already been enumerated in several human rights treaties long before the establishment of the Education Commission in Bangladesh. It is admitted that the Commission took consideration of education in the contemporary world in its recommendation¹⁵². The Commission brought major changes in the national curriculum and syllabus in the Primary, Secondary and, Higher Secondary Stage of

¹⁵⁰ National Education Policy, 2010, Ministry of Education, Government of the People’s Republic of Bangladesh, section-3, p-8.

¹⁵¹ National Education Policy, 2010, Ministry of Education, Government of the People’s Republic of Bangladesh, section-7, p-8.

¹⁵² The Ministry of education , Bangladesh National Portal, Last updated: 30th August 2016, access to-
<https://moedu.gov.bd/site/page/7d53c1a6-d131-4631-a790-078acf879bb3/->

education according to the constitutional mandates. Although a uniform study curriculum for the Primary level was recommended by the Commission, the question of the inclusion of the HRE in the education curriculum was merely an issue to the Commission. Consequently, education policy in Bangladesh has been changing by subsequently establish Education Commission e.g. Mofiz Uddin Education Commission-1988, Shamsul Haque Education Committee- 1997, Dr. M.A. Bari Commission-2002.

18.3. Mohammad Moniruzzaman Mia Commission, 2003

As a recent attempt of governmental action for education reform, Mohammad Moniruzzaman Commission was established in 2003 for developing the quality of existing education in Bangladesh. While modification of the education quality, the Commission requires considering not only the Constitutional mandate but also international commitments of the government- HRE implementation in the education curriculum. The Commission has suggested comprehensive recommendations and submitted the report to the government on several issues to improve the quality of education at different levels. Among the improvement initiatives of education, the Commission argued equal access to education for all on the ground of non-discrimination. By invoking the assurance of equal access to education¹⁵³, the government of Bangladesh was aware to take effective measures for fulfilling the obligation for education enumerated in international human rights treaties. The commission also suggested that the goal and objectives of education shall be pre-determined at all stages of education. In terms of multiple streams of education in Bangladesh, the fundamental principles of human rights; social justice, and solidarity are presumed to be hampered in which the coordination of existing diversified study curriculums must be taken for adjusting the mainstream education. Additionally, the Commission recommends to the government for the improvement of the quality of education by introducing modern technology, approaching education towards work force and livelihood, launching distance education via a digital platform, etc. Although the implementation of education at the primary and secondary level is recommended to fulfill based on human rights principles (equal access), the Commission ultimately abstains from suggesting inclusion or specification of HRE in the education curriculum.

¹⁵³ The Ministry of education , Bangladesh National Portal, Last updated: 30th August 2016 ,access to-
<https://moedu.gov.bd/site/page/c9b470c1-80b1-44dd-8bed-9cf074fa9f0c/->

19. Other Initiatives of Government for HRE in Bangladesh

International human rights instruments recall states recalled to taking such other measures for HRE, which are necessary to give the effective implementation of obligations arising from treaties, conventions, or other non-binding instruments. There is no classification of what would be the other measures in the context of implementing the HRE at the domestic level. Other measures for HRE may include any measures for HRE including co-operation with national and international human rights organizations for fulfilling the obligations, taking administrative measures, arranging awareness seminars, etc. Consequently, the government of Bangladesh requires international and domestic cooperation for fulfilling obligations for HRE besides introducing national legislation, plans, policies for HRE. At the domestic level, human rights NGOs and agencies play an effective role¹⁵⁴ to create the culture of human rights by taking formal and informal measures for HRE, and the government is supposed to co-operate with those Organizations established under the international human rights instruments. Madaripur Legal Aid Association, as an NGO in Legal aspects, has taken a project called “Human Rights Education” targeting the rural students for introducing the human rights concept and principles before them through formal education¹⁵⁵.

For enhancing collaboration among the governments, media, and academicians, UNESCO has a great contribution in Bangladesh in respect of dissemination of information about human rights to right holders. The UNESCO took the initiative of HRE in Bangladesh by launching a program called ‘Capacity Development in Human Rights Issues for Community Members through Community Radio Programming ‘for improving the ability of the village people to know about their human rights, and building capacity to express and enjoy their rights via community radio program. As part of the program, people are taught several human rights issues e.g. rights of children, gender equality, violence against women in both domestic and public sphere, other social and economic aspects, and so on¹⁵⁶.

¹⁵⁴ Habib Zafarullah and Mohammad Habibur Rahman, Human Rights, Civil Society and Nongovernmental Organizations: The Nexus in Bangladesh, The Johns Hopkins University Press, Human Rights Quarterly, Vol. 24, No. 4 (Nov., 2002), p-1033-34.

¹⁵⁵ Human Rights Education in Bangladeshi School, Madaripur Legal Aid Association, P-6, Accessible-
<https://www.pdfFiller.com/232422304-01HRE-in-Bangladeshi-Schoolspdf-Human-Rights-Education-in-Bangladeshi-Schools-hurights-or->

¹⁵⁶ The UNESCO Country Programming Document for Bangladesh (2012-16), UNESCO Office in Dhaka, p- 64-65.

CONCLUSION

The concept of human rights education is indivisibly connected to the human rights regime and the state's obligation for implantation of HRE at the domestic level is well-established international obligation enumerated in several human rights instruments including treaties as well as soft laws. The confirmation of the state's obligation of HRE involves analyzing HRE from both right and obligation perspectives.

Firstly, the right to education acts as a legal ground for claiming the right to HRE which falls under the scope and interpretation of education in a broader sense. The Committee on Economic, Social, and Cultural Rights-a treaty body for monitoring human rights- considers states' activities and inclusion of the HRE in the formal curriculum under the sprite of right to education enumerated in the ICESCR. Moreover, the right to HRE is itself a right articulated in international human rights treaties to a certain extent, although HRE is not expressly incorporated as a substantive human right under international human rights treaties.

Secondly, the state's obligation of HRE emerges from legally binding and non-binding international instruments. In respect of international treaty obligation, the Convention on the Right of the Child, *inter-alia*, imposes multiple obligations of HRE on the member states since the Convention affirms that a child has the right to known his/her rights enumerated in the Convention. The member states are duty-bound to disseminate the Convention among the children, parents, law enforcing authority, the public, and media for raising awareness of child rights. Additionally, the states require fulfilling the treaty obligation of the HRE under international humanitarian law. The Geneva Convention, 1949 unambiguously refers to states' obligation for disseminating the knowledge and principles of the IHL (or HRE in the ultimate sense) during the war and peacetime. Hence, the treaty obligation of HRE is clearly reflected under international human rights and humanitarian law.

Besides treaty instruments, the obligation of HRE emerges from the soft laws. A state cannot simply overlook the obligation of HRE merely it is a soft law obligation. All member states of the UN are supposed to fulfill obligations and co-operate with the UN in implementing its initiatives including; the UN Plan of Action, Declarations, Resolutions, and Recommendations for HRE. States require, under the human rights treaties and soft laws, to take administrative, legislative, judicial, and educative measures for ensuring and promotion of HRE at the national level. States are suggested to adopt the HRE curriculum in formal education and to arrange non-formal

activities for human rights promotion by facilitating training among the law enforcing agencies, military personnel, civil societies.

The obligation of HRE is not exclusively incurred upon the civilized states/ western countries under the human rights laws. Bangladesh has also an equivocal obligation as a subject of international law for ensuring HRE through the formal and informal approach. The government of Bangladesh requires introducing separate and unambiguous legislation, plan, and policies for HRE in which the government shows less interest to do so. If the implementation of HRE at the domestic level is a strategic plan of the government, a clear reflection of HRE in the existing education system is supposed to reflect in the national education curriculum. Although HRE is reflected in some states of formal educations, the diverse stream of education system precludes the students from learning HRE on an equal scale. There is a tendency for amalgamation between moral education and HRE both in the religious and general education system in Bangladesh even though several international organizations have already been adopted for specification of the contents of HRE, which are different from moral education.

It admitted that ensuring education for all, at least primary level, Bangladesh has significant achievement, although the ambiguousness remains in the question of how so far education is directed to the development of human personality and strengthening the respect for human rights and fundamental freedom. For ensuring the right to education, the existing education in Bangladesh demands appropriate measures and attention of the government to the inclusion of HRE in the mainstream education since the state's obligation for HRE in respect of Bangladesh appears as a forgotten international human rights obligation.

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List of Abbreviation

HRE	Human Rights Education
UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
CRED	International Convention on Elimination of All Forms of Racial Discrimination
ILC	International Law Commission
ACHPR	African Charter of Human and Peoples Rights
CDAW	International Convention on the Discrimination against Women
CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UNC	The Charter of the United Nations
CRC	Convention on the Rights of the Children
CRPD	The Convention on the Rights of Persons with Disabilities
ICPPED	International Convention for the Protection of all Persons from Forced Disappearance
UNDHRE	The United Nations Decade for Human Rights Education
DRC	The Declaration of the Rights of the Child
NHRC	National Human Rights Commission
NEC	National Education Policy
CPEA	Compulsory Primary Education Act
NCTBA	The National Curriculum and Textbook Board Act
MEO	The Madrasa Education Ordinance

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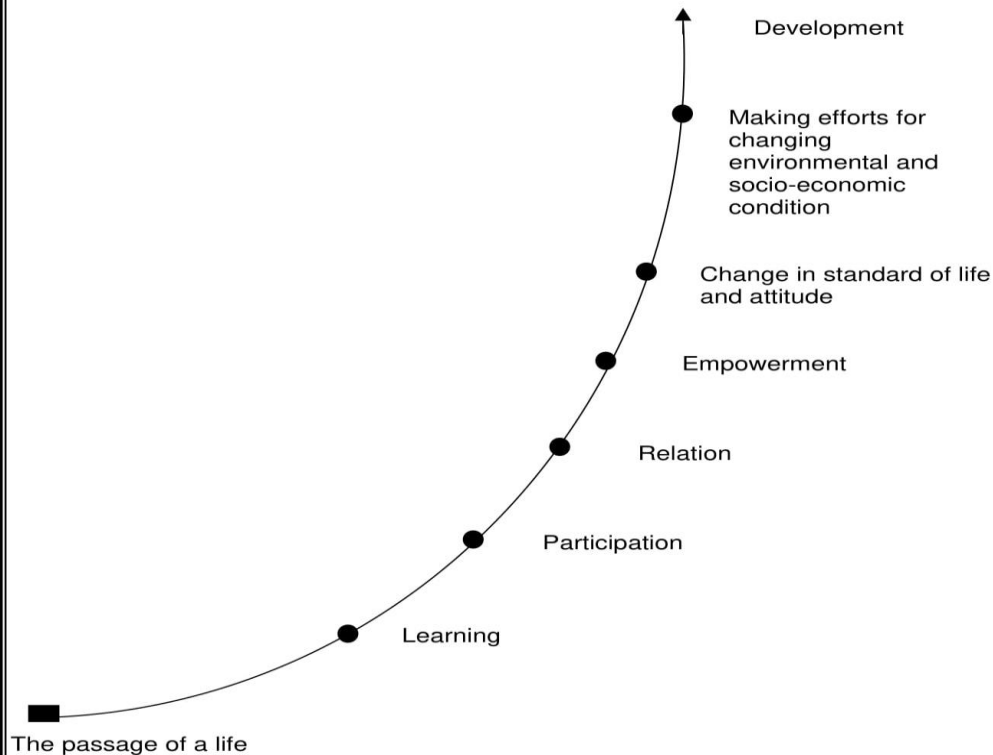
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THE FLOW CHART OF DEVELOPMENT

Development is the process of creating permanent change in the lives of people and their surroundings. Positive change becomes visible in the skill, views and values of people, the change starts with the teaching - learning process.

The continuing process of this change is shown here in the chart:



Sources: Training Manual on Participatory Education Planning by the UNESCO, Dhaka Ahsania Mission.

Guideline for Syllabus

Bachelor of Laws (Honours)

LLB (Honours)

The Bachelor of Laws (Honours)/(LLB Honours) Degree programme extends over a period of four academic years which consists of eight semesters. In each semester not more than four courses shall be offered. Each course will carry 100 marks which shall be distributed as follows:

Continuous Assessment	30%
Semester Final Examination	70%
Total = 100%	

Marks allocated for continuous assessment shall be distributed as follows:

Class Attendance	5%
Assignment	5%
Two Mid-Semester Examinations (10%+10%)	=20%
Total = 30%	

In the semester final examination 40% marks out of 70% shall be considered as pass marks. The medium of instruction shall be English and/or Bangla. A student shall have to complete the programme within a maximum period of six academic years from the admission year.

The programme for the Degree of LLB (Honours) comprises studies on variety of areas of law and other related courses. As an integrated programme, it carries 3400 marks and 136 credit points designed as under:

First Year First Semester

Course Code	Course Title	Marks	Credits
LAW 1101	Jurisprudence	100	04
LAW 1102	Law of Contract	100	04
LAW 1103	Law of Torts and Consumer Protection	100	04
LAW 1104	Muslim Law	100	04
<i>Total</i>		400	16

First Year Second Semester

Course Code	Course Title	Marks	Credits
LAW 1201	Hindu & Christian Personal Laws	100	04
LAW 1202	Law of Labour Relations	100	04
LAW 1203	Legal and Constitutional History of Bangladesh	100	04
LAW 1204	Public International Law	100	04

1.



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Guideline for Syllabus

Master of Laws (LLM)

The Master of Laws (LLM) programme will be for a period of one academic year which consists of two semesters, carrying 850 marks and 34 credits. In each semester a student will be required to take four courses offered by the Law Department of the concerned University. Each course will carry 100 marks. The *viva-voce* will be compulsory for all at the end of the second semester and will take place after completion of written examinations. The courses will be chosen from the following list of courses:

First Semester

Course Code	Course Title	Marks	Credits
LAW 5101	Comparative Legal Theory	100	04
LAW 5102	Comparative Family Law	100	04
LAW 5103	Law on Good Governance	100	04
LAW 5104	International Human Rights Law	100	04
LAW 5105	International Law of Trade and WTO	100	04
LAW 5106	International Humanitarian Law	100	04
LAW 5107	International Law of the Sea	100	04
LAW 5108	Intellectual Property Law	100	04
LAW 5109	Civil Litigation in Comparative Context	100	04

Second Semester

Course Code	Course Title	Marks	Credits
LAW 5201	Comparative Legal Systems	100	04
LAW 5202	Comparative Criminal Procedure	100	04
LAW 5203	Judiciary in Comparative Perspective	100	04
LAW 5204	International Environmental Law	100	04
LAW 5205	International Law of Crimes and Justice	100	04
LAW 5206	International Law of Refugees and Migrants	100	04
LAW 5207	International Commercial Arbitration and ADR	100	04
LAW 5208	International Business Transactions	100	04
LAW 5209	Research Monograph (8000-9000 words)	100	04
LAW 5210	<i>Viva-Voce</i> (Compulsory)	50	02

