Abstract

Human rights education (HRE) has become an integral part in recent human development and has been promoted as part of general education in some countries. However, HRE has never been the focal point within the curriculum program for Bachelor of Laws (Hons) in local universities in Malaysia, except for Universiti Malaya (UM). While UM has introduced Human Rights as an elective course, other universities briefly introduce Human Rights as a component of the Public International Law course or a component of the Constitutional Law course. Perhaps this situation occurs because Human Rights courses are not considered to be part of the core courses outlined by Malaysian Qualification Agency (MQA) in its Programme Standards: Law and Syariah. Although there are some elements of HRE inside the legal curriculum in local universities, the curriculum is far from substantively developed. Therefore, it is important for us to find the best teaching methods and the curriculum contents, so that the Human Rights curriculum would be more appropriately suited to the Malaysian context and eventually help to preserve the social unity. More importantly, the relation between HRE and social unity in a multi-ethnic population such as Malaysia has to be recognized and adopted in such curriculum development. Thus, this paper discusses the relationship between HRE and social unity. The analysis adopted here is purely theoretical, in the form of literature analysis. This paper demonstrates that HRE is an important instrument in the maintenance of social unity. Educating multi-ethnic students about their legal rights will help to ensure the respect of the rights of others and encourage continuing social unity within Malaysian society.

Keywords: Human Rights Education; Teaching; Human Rights; Multi-ethnic;

1. Introduction

The focal points of HRE in our context are to determine and identify the contents as well as the suitable teaching methods in the process of introducing the Human Rights subject for undergraduate level at the Faculty of law Universiti Kebangsaan Malaysia (UKM). With full understanding of the composition embodiment of the country which consists of multi-ethnic background, inevitably, the proposed content must also conform to this factor. Thus, discarding and eliminating other external factors which may not be relevant to our society. Perhaps, the original spirit of this research was triggered by the initiation of 1 Malaysia concept by the current Prime Minister. The concept strongly emphasizes on ethnic harmony, national unity, and efficient governance within Malaysian multi-ethnic society.
Basically, HRE has become an integral part in recent human development. However, in Malaysia HRE can be said as an exclusive subject that would be learnt only by those who chose law or legal pathway for their tertiary education. Despite that, HRE has never been the focal point within the curriculum for Bachelor of Laws (Hons) in local universities except for Universiti Malaya. While Universiti Malaya introduced the subject as part of their elective courses other universities seem to put the Human Rights as a components of the Public International Law course or component of the Constitutional Law course. Perhaps, this situation occurs because Human Rights subject is not considered as part of the core courses as outline by Malaysian Qualification Agency (MQA) in its Programme Standards: Law and Syariah. Although, there are some elements of HRE inside the legal curriculum in local universities, nevertheless, most of them are more centered with the Western perspectives of Human Rights which emphasize more on ‘universalism’ rather than the ‘cultural relativism’ that deem the be more suited with structure of multi-ethnic society that Malaysia’s has.

Thus in developing the Human Rights curriculum for the Bachelor of Laws (Hons) programme in the Faculty of Law UKM, determining the most suitable methods of teaching and contents of the course is very important. However, more important here is to establish the relation between HRE and the social unity. This positive relation will be one of the main objectives of introducing the subject at the faculty as an independent subject instead of being a component of the Public International Law course or component of the Constitutional Law course. Arguably, Human Rights subject should be considered as part of the core courses by the MQA in its Programme Standards: Law and Syariah. While the curriculum development (teaching methods and contents of the Human Rights subject) will be discussed in a later paper, the present paper will mainly focus on establishing the relationship between HRE and social unity. The relationship will be demonstrated through the analysis of all relevant literatures in the field.

2. The Significance of Human Rights Education in Contemporary World

It is interesting to see that, in some countries HRE has been pushed to be an integral part of general education. Sabine Hornberg (2002) argues that this is due to the fact that HRE is, by its very nature, a topic which has the potential to help students transcend national, social, cultural and economic and other boundaries. It is a good vehicle to make them become aware of global interdependencies (for example regarding environmental matters or processes of migration) without neglecting their personal situation, but rather taking it as a starting point.²

In fact, Human Rights is also seen as integral and essential to peace and peace education that is, without human rights peace education lacks a primary component of its core and essential substance. Human rights are the essence and the arbiter of peace, the antithesis of violence, touching on multiple and complex aspects of the human experience, illuminating the necessity of holism to the field.³ Perhaps, the main objective of effective HRE is not to sow the seeds of social unrest but instead by educating people about their rights in accordance with the law, including international human rights law, they will be able to be responsible citizens in an open society that value human rights, respect the rule of law, encourage popular participation and have an accountable system of governance provide a better and more enabling environment for sustainable economic development.⁴

Since a decade ago, there have been increasing efforts by international community to promote HRE worldwide. These foundations originated from the United Nations Decade for Human Rights Education 1995 - 2004, proclaimed by the General Assembly in its resolution 49/184 of December 1994 where the Plan of Action of the United Nations Decade for Human Rights Education affirms that:

"States should develop specific programs and strategies for ensuring the widest human rights education and the dissemination of public information through promoting, encouraging and focusing on the Human

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³Betty A. Reardon, Human Rights Learning: Pedagogies and Politics of Peace, a lecture delivered for the UNESCO Chair for Peace Education Master Conference at the University of Puerto Rico, April 15, 2009, p 3.
Rights education activities. Human Rights Education contributes to a concept of development consistent with the dignity of women and men of all ages that takes into account the diverse segments of society such as children, indigenous peoples, minorities and disabled persons, and that each woman, man and child, to realize their full human potential, must be made aware of all their human rights - civil, cultural, economic, political and social. 5

The above development eventually has paved the way for a program known as World Programme for Human Rights Education (2005-ongoing), proclaimed by the General Assembly of the United Nations on 10th December 2004 with the aim to advance the implementation of HRE programmes in all sectors. 6 It is desired that through this programme, by promoting respect for human dignity and equality and participation in democratic decision-making, HRE contributes to the long-term prevention of abuses and violent conflicts. 7

In addition, HRE is also part of UNESCO’s proposed educational programme under the concept of ‘learning to live together’. This concept has been identified among the fundamental types of learning essential to full personal and social development in 21st century. It is a concept targeting on the development of understanding, consideration, respect for others, their beliefs, values and cultures that would eventually lead to avoidance of conflicts, non violent resolution and for ongoing peaceful coexistence. 8 It is believed that, HRE supports this concept by promoting universal agenda of international justice (as precondition of peace) through the teaching of its values, examining the violations of rights as well as encourage action to resolve them in amicable ways. 9

Perhaps, it is suggested that, introducing human rights themes into university courses, programs of study and other opportunities to see the application of human rights principles to current events or daily practice helps to promote understanding for the value of human rights and to use a human rights "lens" in interpreting societal and global problems. This is because the students can become engaged in civil society and activism or will then be better positioned to integrate human rights values into their working life. 10

3. Curriculum Development in Higher Education: Possible Models

Is also imperative for us to know what are the basic concepts and factors to be considered when we working on formulating a curriculum for higher education? As suggested by UNESCO through Guide to Teaching and Learning in Higher Education: Curriculum Development in Higher Education, there are few models could be adopted for that purpose. There are known as the objective model, process model or situation analysis model. 11 In the objective model, the most important feature is that the general aims, goals and objectives are emphasized. Aims are formulated in line with the wider social context in which learning is taking place; hence they should be influenced by society’s accepted needs and values. The aims of higher educational institutions are normally embodied in their mission statements enacted by Parliament at the time the institution was founded. Goals and objectives are also formulated in line with the general policy framework.

Process model on the other hand, is a model of curriculum development in which content as well as principles and procedures are specified rather than anticipated outcomes in terms of objectives. Developing a curriculum using the process model involves devising teaching methods and materials which are consistent with the principles, concepts and criteria inherent in such activities. In this design, the process is specified (i.e. the content being studied,

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5 UNESCO, Intercultural and Human Rights Education in Albania, Situation Analysis, Tirana, 2002, p 7; General Assembly resolution 49/184.
8 Felisa Tibbits, Literature Review on Outcome of School-Based Programs Related to “Learning to Live Together”, Human Rights Education Associate (HREA), Cambridge, p 4.
9 Felisa Tibbits, Literature Review on Outcome of School-Based Programs Related to “Learning to Live Together”, Human Rights Education Associate (HREA), Cambridge, p 12.
10 Felisa Tibbits, Universities and Human Rights Education: Mapping Growth and Opportunities Worldwide, Presentation prepared for Norwegian Human Rights Centre, Oslo, 16 November 2006, Human Rights Education Associate (HREA).
11 Guide to Teaching and Learning in Higher Education: Curriculum Development in Higher Education by UNESCO.
the methods being employed and the criteria inherent in the activity). The end product is not specified before hand in terms of behaviour but can be evaluated using the criteria inherent in the field of knowledge.\textsuperscript{12}

The situation analysis model views curriculum development as a means where teachers modify and transform learners’ experiences through providing knowledge of each specific situation. This model underlines the importance of the curriculum development process and its inevitable political character as different pressure groups and ideological interests seek to influence the process of education. The model is based on the assumptions that focus for curriculum development should be on the context where learning is taking place including national, and societal and institutional. However, Okebukola (1997) suggested the usage of a hybrid model that features elements of the objective, process and situation analysis models.\textsuperscript{13}

Nevertheless, one of the early steps in the development of a curriculum is the assessment of the needs of the target group or users of the curriculum. Learners need is important to ensure the relevancy of introducing the curriculum. One must remember that the learner has needs in the sense of purposes which he or she accepts as his or her own and pursues. Second, the learner has needs in the sense of developmental tasks which are set by his or her developmental stage in relation to the society in which he or she is growing up. Third, there are so-called basic needs or psycho-social needs within the individual that cause him or her to seek certain goals related to his or her biological nature.\textsuperscript{14} In a nutshell, the best curriculum development is the curriculum that meets the demand of the learners as well as the needs of the society at large. Thus, in the context of our HRE at UKM, the objective will be much in fulfilling the demands of the multi-ethnic learners as well as the multi-ethnic Malaysian society at large.

4. Designing Human Rights Curriculum within the Malaysian Context

Speaking about the learners and the society’s needs has actually brought us to the most important part of this research which is finding the best solution to assimilate HRE with the multi-ethnic societal background in our country. The issue to be resolved is what would be the best method or approach to teach the subject so that it will reflect the multi-ethnic composition in this country. For that reason, referral to historical background is inevitable. Historically, this country was built with long history and past experiences. When the British left our soil, the country was intended to evolve into a nation comprised of three main ethnics, Malays, Chinese and India. The contract or compact between these three major ethnics was the political formula of the new Malayan Nation formed in 1957.\textsuperscript{15} Subsequently, when the new nation called as Malaysia was formed with the joining of Sabah and Sarawak into the Federation of Malaya, thus widen its composition of plural society.

Since then, Malaysia occupies an interesting position from international eyes for many reasons such as for being practicing moderate Islam, success story of modernization by countries of the South as well as its contribution and active participation in numerous international organizations like Organization of Islamic Countries (OIC) and Non-Aligned Movement (NAM), just to name a few.\textsuperscript{16}

Nevertheless, despite all that, the country has also experienced difficult moment especially regarding its ethnic relation. Open and bloody ethnic violence was once broke out on May 1969. Although, the incident was finally contained, it was seen as the first test to ethnic relations after independence and since then differences among ethnic has been handled with great sensitivity.\textsuperscript{17} As result of it, Malaysia had been in a state of ‘stable tension’, a term used to describe society which experiences many contradictions but manage to solve it amicably through process of consensus and negotiations.\textsuperscript{18}

\textsuperscript{12}Guide to Teaching and Learning in Higher Education: Curriculum Development in Higher Education by UNESCO.
\textsuperscript{13}Guide to Teaching and Learning in Higher Education: Curriculum Development in Higher Education by UNESCO.
\textsuperscript{14}Guide to Teaching and Learning in Higher Education: Curriculum Development in Higher Education by UNESCO.
\textsuperscript{15}Ravindran Kumar Jain, Plural Society, Ethnicity, Class: Malaysian Indians and the Crisis of Political Economy. KITA Public Lecture No 1. Institute of Ethnic Studies (KITA), Universiti Kebangsaan Malaysia, Bangi, 2010, p 15.
\textsuperscript{16}Shamsul Amri Baharuddin, Culture and Governance in Malaysia’s Survival as Nation, Kertas Kajian Etnik UKM Bil. 3. September 2009, Institute of Ethnic Studies (KITA), Universiti Kebangsaan Malaysia, Bangi, 2010, p 9-10.
\textsuperscript{17}Shamsul Amri Baharuddin, Many ethnicities, many cultures, one nation: The Malaysian Experience, Kertas Kerja Kajian Etnik UKM Bil. 2 (November) 2008, Institute of Ethnic Studies (KITA), Universiti Kebangsaan Malaysia, Bangi, 2010, p 2-3.
According to Shamsul A.B. (2008), the aftermath of May 1969 has resulted in new phenomena where Malaysians prefer “tounge wagging not parang (machete) wielding”. Nevertheless, despite all that, ethnic relations in Malaysia remain as the main concern. The debate prolong when Professor Khoo Kay Kim in The New Sunday Times, 19 February 2006 commented that the relationship between ethnic groups still in “worrying state” and “fragile state”. He then suggested in order to stopping this problem, cultural history need to be taught to Malaysians. Shamsul A.B further states that it is irony to see primary level of education system continues reproduce ethnic differences and integration effort at higher level is also incomplete.

Nevertheless, as General Editor of the “Ethnic Relations Module”, the pilot program that introduce compulsory university course called “Ethnic Relations”, he is looking forward to see the impact upon the students who followed it. Fortunately, evident so far is encouraging because the feedbacks indicate that both students and teachers have given their own idea on how education to understand and respect of differences could be developed and improved. This is actually considered as the large step to develop empathy, mutual respect, trust and finally sharing.

For the purpose of promoting solidarity and integration in Malaysia context, he also suggested four important processes that need to be taken into consideration. First, the assimilation process in which a joining process between ethnics with cultural differences that eventually will create a group that share same identity and culture. Secondly, a process that involves ethnics that realize their differences but at the same time respecting the norm and collective values among others and this process is known as the accommodation process. Thirdly, the process of acculturation in which the process of accepting or borrowing others cultural behavior whenever appropriate and suitable and adapting it (i.e. food, costume). Finally, a process known as amalgamation process. This is a process done in interventionist way whereby it may involves the government’s participation to fuse certain different elements between ethnics in one uniform entity. The best example of this process can be seen through the pilot project of Sekolah Wawasan commenced by the Ministry of Education.

5. Multicultural Education in the United States

Perhaps, for comparison, a developed country like United States also has found difficulty when dealing with the issue of ethnic relations. History revealed that ethnic discrimination was not uncommon to that country which also consists of multi-ethnic society. Discussion on multi-ethnic education was not new for the nation. Margaret Alison Gibson (1984) has analyzed five approaches to multicultural education in the United States namely (i) Education of the Culturally Different or Benevolent Multiculturalism, (ii) Education About Cultural Differences or Cultural Understanding, (iii) Education for Cultural Pluralism, (iv) Bicultural Education and (v) Multicultural Education as the Normal Human Experience. While outlining the strength and weaknesses of the first four approaches, she favours the fifth approach and regards it as the most ideal approach. She stresses that the first four approaches tends to restrict its view of culture to only the culture of an ethnic group. This leads to unintentional pigeonholing and stereotyping of students. However, the fifth approach recognizes that there may be a culture shared by members of an ethnic and this provides members with a common sense of ethnic identity. Thus, such a perspective leads to an exploration of the differences among members of any given ethnic group and of the similarities of persons across ethnic lines. At glance, the approach suggested by Margaret found its similarity with the accommodation process.
as suggested by Shamsul A.B. The salient feature that can be deduced from both scholars is that, regardless of whatever method that we choose, it must not result to further expansion of the gap or maintaining the status quo of ethnic differences.

Hence, all the above factors should become the guiding compass to this research in finding the best way to introduce Human Rights course for undergraduate studies in Faculty of Law, UKM. I suppose the biggest challenge for this research is finding the best approach to mould the theoretical concept of Human Rights with our societal background of multi-ethnic so that the course would become as useful tool for the nation building. The hypothetical question to be answered is that, would or would not the HRE be able to supplement approaches for multiculturalism and interculturalism in order to promote unity? However, to my view, in the process of introducing Human Right course for the Faculty of Law, UKM, the concepts suggested by both scholars must be always kept in mind by those responsible in developing the curriculum for the course.

6. Conclusion

While the methods and contents of teaching human rights will be discussed in greater detail, in the second part of this research, we have in this paper establishes the relation between HRE and social unity in a multi-ethnic population like Malaysia. The discussion in this paper has demonstrated the significance of HRE in the contemporary world especially in maintaining social unity. The main objective of effective HRE is not to trigger social unrest within multi-ethnic students but instead by educating them about their rights in accordance with the law, they will be able to be responsible citizens in an open society that value human rights, respect the rule of law, encourage popular participation and have an accountable system of governance provide a better and more enabling environment for sustainable economic development. Thus, by virtue of the status of HRE as an important instrument in the maintenance of social unity it is important for all Faculty of Law of Malaysian universities to teach human rights as part of the core courses.

The next important challenges for the universities now are to find the best teaching methods and the curriculum contents, so that the teaching would be more suitable with our context and eventually help to preserve our social unity. In the process of developing such curriculum, it is important to remember that the best curriculum development is the curriculum that meets the demand of the learners as well as the needs of the society at large. Thus, in the context of HRE at the Faculty of Law UKM, the objective will be much in fulfilling the demands of the multi-ethnic learners as well as the multi-ethnic Malaysian society at large, demand of which is to preserve social unity. All these relevant issues on curriculum development for human rights subject will be undertaken in the later part of this research.

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