

Human Rights in University Education from the Perspective of the Law Professor of the National University of Chimborazo UNACH-RIOBAMBA.

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Abstract

Since the existence of humanity, one of several key requirements to meet, has been the respect for Human Rights, because it continues existing while the authority's power abuse, will be no discrimination and inequality which upsets the society in general, this being indicative of change in strategies to govern and the correct application of public policies that seek equitable citizens' welfare, while not satisfy these needs of the population deteriorates the residents' life quality, who seeks to know how the rules and not being listened lead to acts of violence, this paper aims to sensitize public authorities especially university education in order to be recorded in the curriculum of the different faculties the Human Rights Education course as professionals to practice and promote them, constitute the cornerstone of the development of mankind, will discuss the violation of Human Rights since the ancient period, foundations and aspiration of UNESCO, education human Rights, concluding that respect for human dignity is based on the practice of moral values.

Keywords: University Education, Human Rights, UNESCO and Practice of Moral Value

Introduction

Human Rights in University Education is an issue of strategic importance for humanity at the present time because it is necessary to prevent the increase of violence and violation of the rights of people in the context, not only from the perspective of the horrors committed by the soldiers in the First and Second World War and in the wars that may ensue, but from all possible areas, because human beings in certain geographical areas of the world have become increasingly dehumanized and lacking in moral values, so independent or grouped perpetrate the most horrendous crimes attacking the human rights enshrined both in International Treaties and Conventions and in the Constitutions of each State: this violation of human rights occur in addition to the war conflagrations between nations for the commission of horrendous crimes that cause great social alarm or: drug trafficking, human trafficking, terrorism, hired killers, crimes that in their commitment flagellate the dignity of the human being without caring to the perpetrators the consequences that occur; as well as countless abuses of power and authority such as: labor exploitation that is produced by the employer towards workers.

In ancient times, slavery and discrimination was a universal practice human rights involvement occurred under the approval of philosophers and rulers at the time of the ancient

Rome (428 to 347 BC), Plato regarded slavery as a premise required of an ideal State. Towards the role of defender of the aristocratic regime and, in trying to introduce democracy as State that governs the people not prepared to do so, proclaims that the direction of the State should be in the hands of competent men, who have conceived the ideas, which they have dominated the top of scientific knowledge.

In another era Nicolás Maquiavelo historian and Italian philosopher (1469-1527), advocated the formation of a strong national State free of feudal infighting, capable of crushing the uprisings of the people. He considered permissible to apply any means in political struggle, it justified the cruelty and treachery of the rulers in the power struggle.

In the history of humanity at different times up to the present, the man has felt multiple not only humanitarian needs, right to life, or could also be called human rights, but also an issue of dignity, being a problem of quality of life, ultimately, that has not been treated as he deserves.

Almost always, remembered the theoretical discourses formalised, to which is interpreted as distant to the reality itself. Living in cultural spaces where such rights are respected or not, is conducive to or not, are acted or not; It is there where it was decided to the practico-political existence of its entry into force, not in the plane ideal of philosophical justification.

These rights as all social access to values are taken from specific social practices, often not systematized symbolic exchanges. (Follary a. Robert, 2001: 2)

Human rights have been pervasive in much of the political discourse since the second world war. Although the struggle to free themselves from the oppression and misery is surely as old as humanity itself, were tremendous affront to human dignity perpetrated during that war and the need was felt to prevent such horrors in the future, prompting again place the human being at the Centre and codify human rights and fundamental freedoms at the international level. (Nowak Manfred, 2005)

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The fundamental principle that must sustain any concept and foundation of rights, deductible from the term "human right" in itself, is that each human being has and must have equal ownership to the faculties called "human rights", simply by virtue of the quality of being human. This equitable entitlement of all human beings to the enjoyment of human rights has been enshrined at the international level in the International Bill of Human Rights.

To refer to the violation of Human Rights can be exemplified in "any type of human relationship. To analyze slavery, labor exploitation, the criminal phenomenon, and in general any violation of human rights. In torture, the pain of a person's body is used to get information that interests another; In rape, the sexual integrity of one person is disrespected to satisfy the impulses of another. In those cases, it is claimed that dignity is undermined, by using some people as means to fulfill the ends of others, then, human rights are violated. This principle has been cited by almost all authors dealing with the subject of human rights. (Santamaría R, 2010)

DEVELOPMENT

What are human rights

For Professor Díaz Pedroche: "they are a set of ethical demands that precede any legal order of any country, a **horizon of human values** "universalizable over beliefs, religions and philosophies.

They are an attempt for human beings to use their reason and freedom to build a better world, a **"reasonable utopia"**. Human Rights are presented as a kind of "MORAL RIGHTS" because they are ethical requirements, values that must be respected by all human beings and that must be guaranteed by the governments of all the peoples of the world. (Díaz Pedroche, M., 2010)

Human rights are rights that every person has by virtue of their human dignity, they are the most fundamental rights of the person. They define the relationships between individuals and power structures, especially the State. They delimit the power of the State and, at the same time, demand that the State adopt positive measures that guarantee conditions in which all people can enjoy their human rights. (Nowak Manfred, 2005)

One of the most accepted comes from the field of Philosophy of Law, Fish-Beard. For whom Human Rights are "faculties that the Law attributes to individuals and social groups, expression of their needs in relation to life, liberty, equality, political or social participation, or any other fundamental aspect that affects to the integral development of people in a community of free men, demanding the respect or action of other men, of social groups and the State, and with the guarantee of public powers to re-establish their exercise in case of violation or to carry out the benefit "(Maxine Harrison M., 2005: 15)

Philosophical Foundation of Human Rights

The philosophical foundation is enshrined in the Universal Declaration of Human Rights, which states: *"Considering that respect for the inherent dignity of all members of the human family and their equal and inalienable rights is the foundation of freedom, of justice and the peace of the world... the peoples of the United Nations have once again proclaimed their faith in the fundamental rights of man, in the **dignity and worth** of the human person."* (Díaz Pedroche, M., 2010)

Human rights are relevant in practically every sphere of human activity and experience, and are the subject of research and analysis of many different academic fields. It is a concept of scope and universal and multidisciplinary uses. In addition, it has important implications when facing the practical tasks destined to carry out the recognition and protection of rights (Maxine Harrison M., 2005: 15)

A fundamental principle that must support any concept and foundation of rights, deductible from the term "human right" in itself, is that every human being has and must have equal ownership to the faculties called "human rights", simply by virtue of the quality of being human. This ownership has been promulgated on December 10, 1948 in the International Declaration of Human Rights (Follary A. Roberto, 2001: 2)

The Dignity for José Ortega Gacé "what is esteemed or considered by itself, not as a derivative of another. Human dignity means the internal and irreplaceable value that corresponds to man by reason of his being, not by certain yields that he lends or for other purposes than himself "(Jiménez Garrote J.L., 2006)

Dignity is based on the recognition of the person to be worthy of respect, that is, we all deserve respect no matter how we are.

It is not only a humanitarian situation of the right to life, but also a problem of dignity, of shame of the rest of the countries that live their realities so far from the problems and that can help to solve these crises, it is a problem of quality of life, in the end, that has not been taken care of as it deserves. (Montesino Jerez, J.L., 2008)

Historical Background of Human Rights

The Human Rights Declaration instituted on December 10, 1948, is preceded by:

The English Declaration of 1689 called "Bill of Rights" is a law that declares the rights and liberties of the subject and

establishes the succession of the Crown Bill of Rights written in England in 1689, which imposed the English Parliament on the prince William of Orange to be able to succeed King James. The purpose of the declaration was to recover and strengthen certain parliamentary faculties that were either disappeared or notoriously depleted during the absolutist reign of the Stuart brothers (Charles II and James II). It constitutes one of the immediate precedents of. (Pacheco Gómez, M., 2010)

The Declaration of Independence of the United States on July 4, 1776, which proclaims: "We hold as evident, in and of themselves, these truths: that all men are created equal; who are endowed by their Creator with certain inalienable rights; among which are *life, liberty, and the pursuit of happiness*. "This statement took place due to the abuse of power of the King of Great Britain and in his preamble disposes" Such has been the patient suffering of these colonies; Such is now the need that forces them to reform their previous system of government. The history of the current King of Great Britain is a history of repeated wrongs and usurpations, all aimed directly at the establishment of an absolute tyranny over these states, among other causes. That submitted to the judges to his exclusive Will, for the purpose of the permanence in their positions and the amount and payment of their salaries. "*For having created a multitude of new organisms, and having sent swarms of officials here to harass our people and devour their livelihood.*" (Univ. Cat. Val. Paraíso, 2008)

The Declaration of the Rights of Man and of the Citizen, insignia of the French Revolution of 1789, proclaims in Article 1: "Men are born and remain free and equal in rights". Article 2. The object of any political association is the conservation of the natural and imprescriptible rights of man. These rights are freedom, property, security and resistance to oppression. (National Assembly France, 1789)

The factors that influenced the Revolution among others were the monarchical regime that would succumb to its own rigidity in the context of a changing world; the emergence of a bourgeois class that was born centuries ago and had reached a great economic power and that now began to advocate the political; the discontent of the popular classes; the expansion of new enlightened ideas; the economic crisis that prevailed in France after the bad agricultural harvests and the serious financial problems caused by the military support to the War of Independence of the United States.

On the other hand the population showed a widespread resentment directed towards the privileges of the nobles and the high clergy, who maintained their dominion over public life by preventing access to a thriving professional class and merchant. The example of the American revolutionary process opened the horizons of political change among others.

Human Rights in Ecuadorian Legislation

The approval of the 2008 constitution, determined the need for a thorough process of regulatory, institutional and public policy adaptation to advance in the construction of the constitutional State of rights and justice. (Ayala Mora E., 2011) The Constitution provides that Human Rights are of direct and immediate application by and before any servant

or public servant, administrative or judicial, ex officio or at the request of a party. It is the responsibility of the state to respect human rights and fight for their fulfillment.

It empowers the authorities of indigenous communities, peoples and nationalities, apply their own norms and procedures for the solution of their internal conflicts, and that they are not contrary to the Constitution and to the human rights recognized in international instruments.

Judges will administer justice subject to the Constitution, international human rights instruments and the law.

That the Constitution and international human rights treaties that recognize rights more favorable to those contained in the Constitution, will prevail over any other legal norm or act of public power.

It prohibits torture, forced disappearance and cruel, inhuman or degrading treatment and punishment. Prohibits slavery, exploitation, servitude and trafficking and trafficking in human beings in all its forms.

Thus, in Ecuador, any national or foreign citizen who is a victim of the affectation to their rights enshrined in the Constitution and in international treaties has the faculty to demand the respect and the repair of the damages caused by the omission of the legal precepts against him (Constitution, Ecuador., 2008)

The report of the Andean Human Rights Program of the Andean University Simón Bolívar Headquarters Ecuador (PADH) maintains its characteristic of being an instrument that allows, from the social political position, to contribute to the defense of human rights through the permanent monitoring of the compliance with the state obligations to respect, protect, fulfill and enforce rights, takes as a benchmark of analysis the degree of coherence between the Ecuadorian constitutional framework, international instruments, public policies and institutional design. (Ayala Mora E., 2011)

Human Rights in University Education

Education according to the pedagogical dictionary of Garcia Hoz (1974) expresses that "etymologically education is evolution from the inside out. The Latin voices ex and duco, from which this word derives, point to the internal potentiality of man that education to act and bring to the surface".

On the basis of education the definition of education, whose meaning and Latin root reserve us the following meanings: "educate (of the lat., Educare) tr., Direct, direct, indoctrinate. Develop or perfect the intellectual and moral faculties of the child or young person through precepts, exercises, examples, etc. Develop physical forces through exercise making them more suitable for their purpose. Perfect, refine the senses. EDUCATE the taste. Teach the good uses of civility and courtesy" (Vázquez S., 2002)

It is valid since the creation of the United Nations (UN), in the year 1945, at the end of World War II, the same International Organization that places in a privileged place the respect of human rights and the fundamental freedoms

of all people without distinction on grounds of race, sex, language or religion, within the purpose stated as "international cooperation" With the approval and the foundation of the UN, the United Nations Organization for Education, Science and Culture (UNESCO) was created in London in 1945, an organization that, since 1946, established its headquarters in the city of Paris. and has one of its main mandates human rights education.

UNESCO Declares that human rights education finds the first ethical foundation as the central axis of a culture of rights. Understand the need to establish the issue of human rights in public life, for which there must be numerous efforts to disseminate and reflect on the text and its meaning. Being from the beginning the aspiration of UNESCO, whose Constitution establishes that only a culture of human rights can guarantee a full culture of peace. (UNESCO, 2008)

In 1995, UNESCO approved a discussion instrument to motivate reflection on the needs of higher education, which subsequently gave rise in 1998 to the World Conference on Higher Education in the 21st Century, and the framework of priority action for the change and development of Higher Education. This path traveled to the most important moment for university teaching in Human Rights (Salvioli Fabián, 2009)

The World Declaration on Higher Education is committed to joint action..... taking all necessary measures to realize the principles of higher education contained in the Universal Declaration of Human Rights and in the Convention on the fight against discrimination in the field of education ... (UNESCO, 1998)

The Guiding Principles of all human rights education are: equality, non-discrimination, education in gender and women's human rights.

It highlights the role to be played by human rights education in order to achieve the recognition of otherness and the safeguarding of diversity ... "human rights education has a very important proactive role to play in this regard. For the time being, it is essential that you identify and note that diversity is a right enshrined in many national and international instruments. It requires linking this right with another series of social, cultural, economic and political rights and showing the tensions that the validity of these rights has in a society that promotes homogenization for the purpose of domination. Education in human rights is also called to deliver normative, ethical and political arguments that show that only in a respectful society and promoting diversity is it possible to build a democracy where everyone has the right to say their word, to deliberate public from different perspectives, to eradicate discrimination ... "(Salvioli Fabián, 2009)

Higher education is a social public good, a universal human right, and a duty of the State. This is the conviction and the basis for the strategic role that must be played in the processes of sustainable development of the countries of the region.

Human rights, democracy and education are concepts that are combined and interrelated in a profound way; nevertheless, the axes of the university debate in recent

years were not characterized by focusing the discussions on the mission of the university as an educational agent in the service of democracy and the enjoyment of human rights and fundamental freedoms of people (Salvioli Fabián, 2009)

These positions are not always explicitly stated, but rather are usually assumed from the omission in the design of public policies so, in education, the Latin American States neglected the formal areas of higher education for training requirements in human rights, and the needs identified in this matter were not only taken out of the university field but reduced in their content to the most basic ones (formation of good people, citizens and citizens that respect the rights of others and others, and acquire conscience of their own in a framework that favors the participation and construction of knowledge in a horizontal manner), leaving aside political frameworks that seek to respond to other needs that are already individual but mainly of societies and countries (Salvioli Fabián, 2009)

The University has the obligation to act in society as a catalyst for the pursuit of higher objectives. Because if in the political it is necessary that it fight for the definitive validity of the liberties and the consolidation of the republican system, the main objective must be to achieve the dignification of the human being in its individual and collective manifestations.

In this regard, Professor Pablo Latapi made some suggestions almost two decades ago, by which he visualizes, identifies and understands human rights education: ... fundamentally as a transversal dimension of all the plans and programs of study, with a view to to provide a knowledge base, to train relevant professional skills and, above all, to form an ethical conscience to act in their own profession in accordance with human rights....

The conservatism in the universities, as well as the rigidity of their structures; They have made the subject of Human Rights a quite forgotten aspect. In addition, when it has been taken into account, it has been approached from a legal-legal perspective (analyzing pacts, protocols, conventions, statements ...); and not from an integral vision that contemplates the psycho-social and ethical-moral rights of people in their daily lives ... (Salvioli Fabián, 2009)

The profile of potential professional graduates in and for human rights

The Inter-American Institute of Human Rights (IIDH) raises the profile of the university graduate and raises the search for answers to the question of what is the basic knowledge that a person must acquire to obtain a professional university degree and use it in a useful way within the sectors of A society that through the State validates these titles by giving them recognition with specific qualities, should not stop asking themselves questions raised from the parameters of the principles and principles of human rights. In other words, the human rights of the democratic state of law today, have much to ask the universities regarding the training they carry out for the future professional exercise of the students. That "basic knowledge of every person graduated from the university "is (and should be) by the way a lot and deep (Instituto Interamericano de DH, 2009).

Higher education in Ecuador, in recent decades has been eminently neglected in the human area, as the priority has been to build scientific knowledge and develop skills and skills related to the professional field neglecting the educational part: the construction of its ethical, moral and social values, because the man, with the passing of the years, shows his quality of "person" and the values that govern his life. Therefore, in order for these values to manifest themselves, especially in the exercise of their professions, it is necessary that they be cemented at all levels of education, especially in the higher one (Felipe Burbano de Lara, s.f.).

The dignity of Man

The dignity proper to man is a singular value that can easily be recognized. We can discover it in ourselves or we can see it in others. But neither can we grant it nor is it in our power to withdraw it to someone. It is something that is given to us. It is prior to our will and demands from us a proportionate, appropriate attitude: recognizing it and accepting it as a supreme value (attitude of respect) or ignoring or rejecting it.

This singular value that is human dignity is presented to us as a call to unconditional and absolute respect. A respect that, as has been said, should be extended to all those who possess it: to all human beings. For that reason, even if the whole society decided by consensus to stop respecting human dignity, it would remain a present reality in every citizen. (Vidal Bota, J, 2009)

What are values; The dictionary of the Royal Academy of the Spanish Language (1992) defines it as "quality possessed by some realities called goods, for which they are estimable. The values have edge polarity are positive or negative, and hierarchy as they are higher or lower.

According to teacher Silvia Vázquez Cedeño, highlights 4 options:

1. Values are ideal projects to behave and to exist that the human being appreciates wants and seeks.
2. Values are personal options that are acquired from the active possibilities of the will.
3. Values are beliefs that are integrated into the structure of knowledge
4. The Values are characteristic that the human action that moves the conduct, guides the life and marks the personality.

The four meanings highlighted by Vázquez, serve as guidelines to consider that a university graduate must, in addition to having a knowledge system in the area of knowledge in what form, have an ideal project to behave, consistent with its social function and with that knowledge system; that he must acquire as he passes through the university and that they function as a reference for his actions with other human beings and with himself. Hence, we intend to define the values that should serve as references to graduates of the career of Law, for their professional performance.

Conclusions

In general, it is evident that

1. Human rights education is a priority in the University in general and in particular in the students of the Faculty of Jurisprudence, who once trained guarantee respect, fulfillment and promotion of human rights.
2. From the study carried out, it is determined that there is a great concern on the part of the authorities of the National University of Chimborazo, in giving a solution to the social problems caused by the disrespect for human rights.
3. Education in Human Rights requires a change in the curriculum of different careers in order to provide comprehensive training for all university students.

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