

AN INTRODUCTION TO HUMAN RIGHTS

For Under graduate Courses

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**ANNA ADARSH COLLEGE FOR WOMEN
CHENNAI-40**

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CHAPTER 1

ORIGIN OF HUMAN RIGHTS

“**Human rights**” are rights inherent to all human beings, regardless of our nationality, residence, sex, and gender identity, national or ethnic origin, color, religion, language or any other status. We are all equally entitled to our human rights without discrimination. This is the modern concept of our fundamental rights but it was not always this way. **The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new and is something stemming from an evolution of the consideration of human dignity over the last centuries.** Its roots lie in earlier tradition and documents of many cultures.



The origins of Human Rights are ideally pinpointed to the year 539 BC, when the troops of Cyrus the Great conquered Babylon. Cyrus freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other principles were recorded on a baked-clay cylinder known as the Cyrus Cylinder, whose provisions served as inspiration for the first four Articles of the Universal Declaration of Human Rights.

Another cornerstone in Human Rights History is represented by the promulgation of the Magna Charta in 1215 which introduced a raw concept of “Rule of Law” and the basic idea of defined rights and liberties to all persons, which offers protection from arbitrary prosecution and incarceration. Before the Magna Charta, the rule of law, now considered as a key principle for good governance in any modern democratic society, was perceived as a divine justice, solely distributed by the monarch or the king or, in this case, King John of England.

An evolution of the concepts expressed by the Magna Carta is represented by the English Bill of Rights. It was an act signed into law in 1689 by William III and Mary II, who became co-rulers in England after the overthrow of King James II. The bill outlined specific constitutional and civil rights and ultimately gave Parliament power over the monarchy. Many experts regard the English Bill of Rights as the primary law that set the stage for a constitutional monarchy in England. It’s also credited as being an inspiration for the U.S. Bill of Rights (1791).

The Declaration of the Rights of Man and of the Citizen, adopted in 1789, by France’s National Assembly, represents one of the basic charters of human liberties, containing the principles that inspired the French Revolution.

The basic value introduced by the Declaration was that all “men are born and remain free and equal in rights”, which were specified as the rights of liberty, private property, the inviolability of the person, and resistance to oppression. All citizens were equal before the law and were to have the right to participate in legislation directly or indirectly; no one was to be arrested without a judicial order. Freedom of religion and freedom of speech were safeguarded within the bounds of public “order” and “law”. Private property was given the status of an inviolable right, which could be taken by the state only if an indemnity were given and offices and positions were opened to all citizens.

It is in this historical period that the concept, mostly based on political concerns, of Civil and Political Rights was defined. These rights, also known as first generation rights, recognise the existence of certain things that the all-powerful rulers should not be able to do and that people should have some influence over the policies affecting them. The two central ideas were those of personal liberty, and of protecting the individuals against violations by the State.

Significant is the adoption of **the first three Geneva Conventions and the Hague Conventions expressing the deep concern of the public opinion to promote a respect of a basic level of human dignity of individuals even in wartime and posing the foundations of modern International Humanitarian Law.** The concerns over the protection of certain minority groups, which were raised by the League of Nations at the end of the First World War, and the establishment of the International Labor Organization (ILO) to oversee treaties protecting workers with respect to their rights, including their health and safety, manifest the increased positive attitude toward the recognition of the importance of Human Rights as we know them today.

The time for a revolution and a deep progress in the protection and promotion of human dignity was ripe. Eventually, it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience. The unprecedented cruelties perpetrated during the conflict and outside it such as the extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. The idea of human rights thus emerged even stronger than ever after World War II. The Trials held in Nuremberg and Tokyo after World War II, introduced the rather new concepts of "crimes against peace," and "crimes against humanity."

Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. It was the 1945 and the fifty founding members of the United Nations stated, in the preamble of the UN Charter, that they were determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained in order to promote social progress and better standards of life in larger freedom.

A strong political commitment was set and to advance on these goals, a Commission on Human Rights was immediately established and charged with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter.

Three years later, The Commission, guided by Eleanor Roosevelt's forceful leadership, captured the world's attention, drafting the 30 articles that now make up the Universal Declaration of Human Rights.

The Declaration was presented to the world, acting for the first time as a recognized and internationally accepted charter, whose first article states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

The UDHR, although not legally binding, introduces the concept that how a government treats its own citizens is now a matter of legitimate international concern, and not simply a domestic issue, and that the exercise of a person's rights and freedoms may be subject to certain limitations, which must be determined by law, solely for the purpose of securing due recognition of the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Its Preamble eloquently asserts that: recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. It restates the already identified civil and political rights and introduces the so-called second generation rights, fundamentally economic, social, and cultural in nature, furthermore claiming that all rights are interdependent and indivisible.

The message was clear and powerful, the realization of one Right is linked to the realization of the others. All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Similarly, the deprivation of one right hampers the improvement and enjoyment of the others.

The influence of the UDHR has been substantial and together with the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights it constitutes the so defined "International Bill of Rights" that lays down the obligations of Governments to act in certain ways or to refrain from specific acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. Their principles,

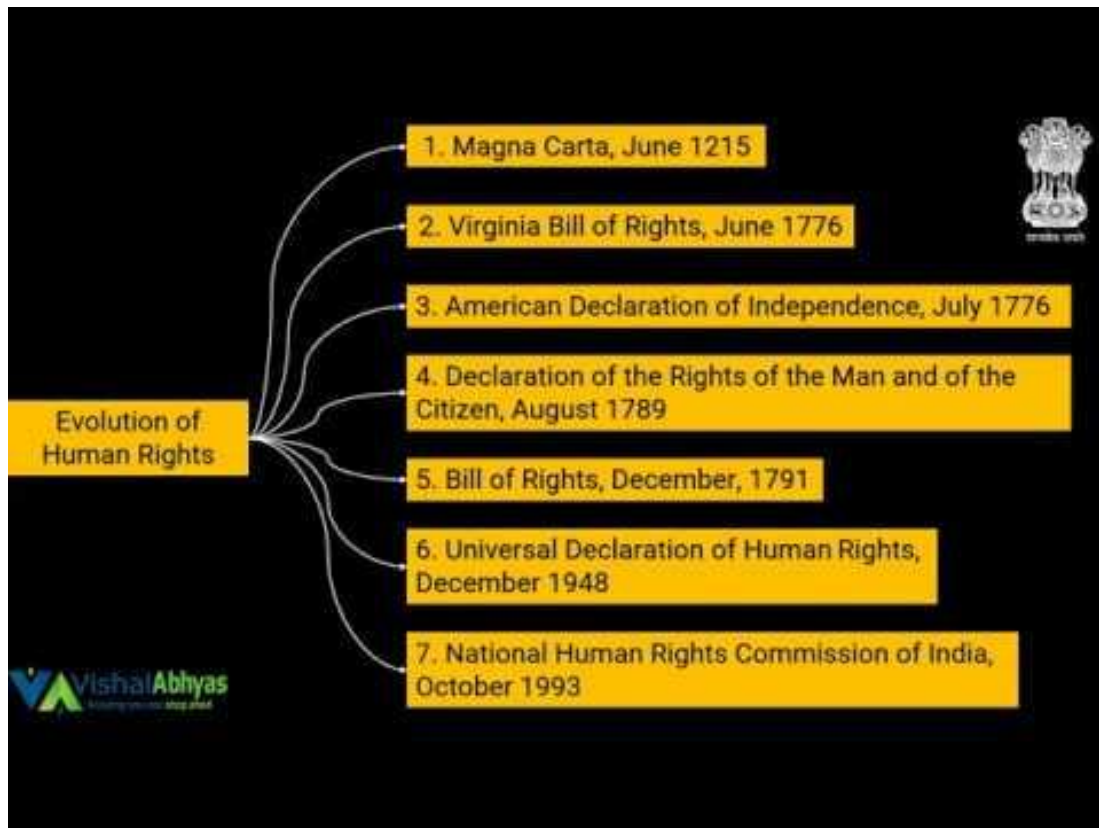
by now, have been incorporated into the Constitutions of almost all the UN members and has achieved the status of customary international law regarded as a common standard of achievement for all people and all nations.

Human Rights have continued to evolve and, since its foundation, the United Nations has adopted more than 20 principal treaties including conventions to prevent and prohibit specific abuses like torture and genocide and to protect particularly vulnerable populations, such as refugees (Convention Relating to the Status of Refugees, 1951), women (Convention on the Elimination of All Forms of Discrimination against Women, 1979), and children (Convention on the Rights of the Child, 1989).

A multitude of other treaties and documents have clarified and further developed some of the basic concepts that were laid down in the original UDHR, thus envisaging new generations of rights. These additions have been a result of a number of factors, partly as a response to progressively modified ideas about human dignity, and partly as a result of new emerging threats and opportunities. As far as for the specific new category of rights, that have been proposed as third generation rights, these have been the consequence of a deeper understanding of the different types of obstacles that may stand in the way of realizing the first and second-generation rights. The idea at the base of the third generation of rights is that of solidarity and collective rights of society or peoples, such as the right to sustainable development, to peace or to a healthy environment.

In much of the world, conditions such as extreme poverty, war, ecological and natural disasters have meant that there has been only very limited progress in respect of human rights. For that reason, people have felt necessary the recognition of a new category of human rights.

Following emerging threats and opportunities, the so-called 4th generation rights, linked to the recent fast technology development, represent the last discussed frontier of Human Rights. A fusion of material, biological and digital technologies raises existential questions about what it means to be human and how to protect human dignity. Digitalization of almost all human activities create new opportunities of development but also new possibilities for human rights violations.



Test Yourself

1. What is Cyrus Cylinder ?
2. What is Magna Carta ?
3. Who signed the English Bill of Rights ?
4. What inspired the French Revolution?
5. What are first generation rights ?
6. What are third generation rights ?

CHAPTER 2

HUMAN RIGHTS – CONCEPT

The idea of human rights connotes fundamental and inalienable rights which are so essential to life as human beings. Human rights are referred to fundamental in the absence of which one cannot live as human being.



DEFINITION OF HUMAN RIGHTS

Human Rights define relationships between individuals and power structures, especially the State. Human rights delimit State power and, at the same time, require States to take positive measures ensuring an environment that enables all people to enjoy their human rights. However, from a legal standpoint, human rights can be defined as 'the sum of individual and collective rights recognized by sovereign States and enshrined in their constitutions and in international law'.

The Universal Declaration of Human Rights defines human rights as “rights derived from the inherent dignity of the human person.” Human rights when they are guaranteed by a written constitution are known as “Fundamental Rights” because a

written constitution is the fundamental law of the state.

D.D Basu defines “Human rights are those minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a member of human family irrespective of any consideration”.

Coming specifically to the Indian context, the Protection of Human Rights Act 1993 defines Human Rights 'as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India'. So far as Indian Constitution concerned, only rights enumerated in the Part III of the Constitution are enforceable.

CHARACTERISTICS OF HUMAN RIGHTS



1. Human Rights are Universal and Inalienable

Human Rights are universal because they are based on every human being's dignity, irrespective of race, colour, sex, ethnic or social origin, religion, language, nationality,

age, sexual orientation, disability or any other distinguishing characteristics. Since they are accepted by all States and peoples, they apply equally and indiscriminately to every person and are the same for everyone everywhere.

2. Human Rights are Indivisible, Interrelated and Interdependent:

Human Rights are indivisible and interdependent. Because each human right entails and depends on other human rights, violating one such right affects the exercise of other human rights.

3. The Principle of Non-Discrimination

Some of the worst Human Rights violations have resulted from discrimination against specific groups. The right to equality obliges States to ensure observance of human rights without discrimination on any grounds, including sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, membership of a national minority, property, birth, age, disability, sexual orientation and social or other status.

4. Participation and Inclusion

All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups.

5. Human Rights Entails both Rights and Obligations

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses.

Test Yourself

1. Define Human Rights.
2. What are the characteristics of Human Rights ?

CHAPTER 3

CLASSIFICATION OF HUMAN RIGHTS

Although human rights have been classified in a number of different manners it is important to note that international human rights law stresses that all human rights are universal, indivisible and interrelated (e.g., Vienna Declaration and Programme of Action (1993), para. 5). The indivisibility of human rights implies that no right is more important than any other.



Five Primary Categories of Human Rights:

- ✚ Civil Rights
- ✚ Political Rights
- ✚ Economic Rights
- ✚ Social Rights
- ✚ Cultural Rights

1. CLASSIC AND SOCIAL RIGHTS

One classification used is the division between ‘classic’ and ‘social’ rights. ‘Classic’ rights are often seen to require the non-intervention of the state (negative obligation), and ‘social rights’ as requiring active intervention on the part of the state (positive obligations).

In other words, classic rights entail an obligation for the state to refrain from certain actions, while social rights oblige it to provide certain guarantees. Classic rights such as civil and political rights often require considerable investment by the state. The state

does not merely have the obligation to respect these rights, but must also guarantee that people can effectively enjoy them. Hence, the right to a fair trial, for instance, requires well-trained judges, prosecutors, lawyers and police officers, as well as administrative support.

On the other hand, most ‘social’ rights contain elements that require the state to abstain from interfering with the individual’s exercise of the right. As several commentators note, the right to food includes the right for everyone to procure their own food supply without interference; the right to housing implies the right not to be a victim of forced eviction; the right to work encompasses the individual’s right to choose his/her own work and also requires the state not to hinder a person from working and to abstain from measures that would increase unemployment; the right to education implies the freedom to establish and direct educational establishments.

2. CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CIVIL RIGHTS

The term ‘civil rights’ is often used with reference to the rights set out in the first eighteen articles of the UDHR. From this group, a further set of ‘physical integrity rights’ has been identified, which concern the right to life, liberty and security of the person, and which offer protection from physical violence against the person, torture and inhuman treatment, arbitrary arrest, detention, exile, slavery and servitude, interference with one’s privacy and right of ownership, restriction of one’s freedom of movement, and the freedom of thought, conscience and religion. Although not strictly an integrity right, the right to equal treatment and protection in law certainly qualifies as a civil right. Another group of civil rights is referred to under the collective term ‘due process rights’. These pertain, among other things, to the right to a public hearing by an independent and impartial tribunal, and legal assistance.

POLITICAL RIGHTS

In general, political rights include freedom of expression, freedom of association and assembly, the right to take part in the government of one’s country and the right to vote and stand for election at genuine periodic elections held by secret ballot.

ECONOMIC AND SOCIAL RIGHTS

These rights provide the conditions necessary for prosperity and wellbeing. Economic rights refer, for example, to the right to property, the right to work, which one freely chooses or accepts, the right to a fair wage, a reasonable limitation of working hours, and trade union rights. Social rights are those rights necessary for an adequate standard of living, including rights to health, shelter, food, social care, and the right to education

CULTURAL RIGHTS

The right to participate freely in the cultural life of the community, the right to share in scientific advancement and the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production .

INDIVIDUAL AND COLLECTIVE RIGHTS

Although the fundamental purpose of human rights is the protection and development of the individual (individual rights), some of these rights are exercised by people in groups (collective rights). Freedom of association and assembly, freedom of religion and, more especially, the freedom to form or join a trade union, fall into this category. It is generally accepted that collective rights may not infringe on universally accepted individual rights, such as the right to life and freedom from torture.

FIRST, SECOND AND THIRD GENERATION RIGHTS

First generation rights are related to liberty and refer fundamentally to civil and political rights. The second generation rights are related to equality, including economic, social and cultural rights. Third generation or 'solidarity rights' cover group and collective rights, which include, inter alia, the right to development, the right to peace and the right to a clean environment. The only third generation right which so far has been given an official human rights status - apart from the right to self determination, which is of longer standing - is the right to development. The Vienna Declaration confirms the right to development as a collective as well as an individual right, individuals being regarded as the primary subjects of development.

Test Yourself

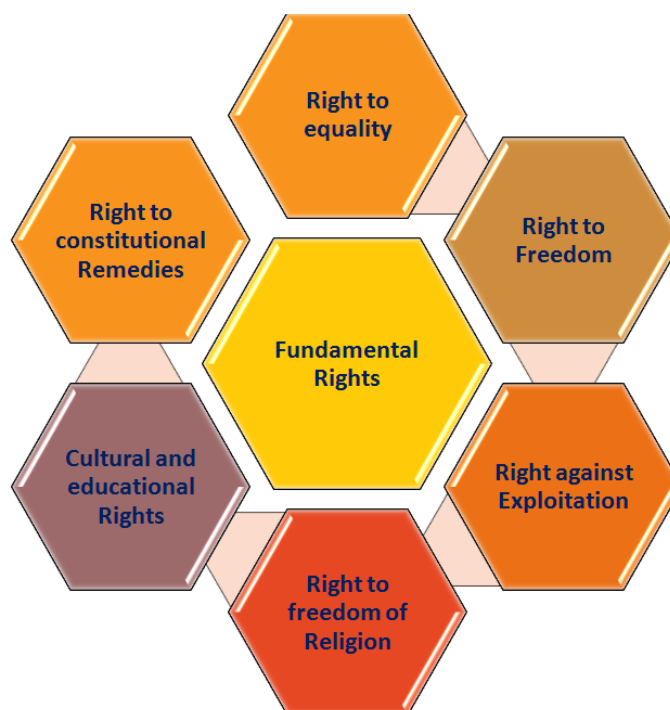
1. Define Social Rights
2. What are Economic Rights.
3. Define Political Rights
4. Find out Cultural Rights.
5. What are Civil Rights ?
- 6, Identify individual rights from collective rights
7. Differentiate first, second and third generation rights.

CHAPTER 4

FUNDAMENTAL RIGHTS AND DUTIES

FUNDAMENTAL RIGHTS

Enshrined in Part-III of the Indian Constitution, Fundamental Rights are the basic human rights guaranteed by the Constitution of India. The six fundamental rights include the Right to Equality, Right to freedom, Right against exploitation, Right to freedom of Religion, Cultural and Educational Rights and Right to constitutional Remedies.



Fundamental Rights in India (Article 12-35)

The development of Fundamental Rights in India is heavily inspired by the United States Bill of Rights. These rights are included in the constitution because they are considered essential for the development of the personality of every individual and to preserve human dignity.

Fundamental Rights are included in Part-III of the Indian constitution which is also known as the Magna Carta of the Indian Constitution.

These rights are called fundamental rights because they are justiciable in nature allowing persons to move the courts for their enforcement, if and when they are

violated

Article 12 of the Indian Constitution defines The State as: The Government and Parliament of India, The Government and legislatures of the states, All local authorities and Other authorities in India or under the control of the Government of India.

Article 13: Defines Laws Inconsistent with or in derogation of Fundamental Rights

Article 13 of the Indian Constitution states that: The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

Right to Equality

Article 14 Equality Before Law

Article 15 Prohibition of Discrimination

Article 16 Equality of Opportunity in Public Employment

Article 17 Abolition of Untouchability

Article 18 Abolition of Titles

Right to Freedom

Article 19

Protection of 6 Rights

Right to freedom of speech and expression.

Right to assemble peaceably and without arms.

Right to form associations or unions or co-operative societies.

Right to move freely throughout the territory of India.

Right to reside and settle in any part of the territory of India.

Right to practice any profession or to carry on any occupation, trade or business

Article 20 : Protection in Respect of Conviction for Offences

Article 21 : Protection of Life and Personal Liberty

Article 21A: Right to Education

Article 22: Protection Against Arrest and Detention

Article 23: Prohibition of Human Trafficking and Forced Labour

Article 24: Prohibition of Child Labour

Article 25: Freedom of Conscience, Profession, Practice and Propagation

Article 26: Freedom to Manage Religious Affairs

Article 27: Freedom from Taxation for Promotion of a Religion

Article 28: Freedom from Attending Religious Instruction

Article 29: Protection of Interests of Minorities

Article 30 : Right of Minorities to Establish and Administer Educational Institutions

Article 32 : Right to Constitutional Remedies

Right to remedies for the enforcement of the fundamental rights using five writs:

Habeas Corpus - to direct the release of a person detained unlawfully.

Mandamus - to direct a public authority to do its duty.

Quo Warranto - to direct a person to vacate an office assumed wrongfully.

Prohibition - to prohibit a lower court from proceeding on a case.

Certiorari - the power of the higher court to remove a proceeding from a lower court and bring it before itself.

Article 33: Empowers the Parliament to restrict or abrogate the fundamental rights of the 'Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies and analogous forces

Article 34: Provides for the restrictions on fundamental rights while martial law(military rule) is in force

Article 35: Empowers the Parliament to make laws on Fundamental Rights

Features of The Fundamental Rights

Fundamental Rights are protected and guaranteed by the constitution.

Fundamental Rights are NOT sacrosanct or absolute: in the sense that the parliament can curtail them or put reasonable restrictions for a fixed period of time. However, the court has the power to review the reasonability of the restrictions.

FRs are justiciable: The constitution allows the person to move directly to the Supreme Court for the reinforcement of his fundamental right as and when they are violated or restricted.

Suspension of Fundamental Rights: All the Fundamental Rights are suspended during National Emergencies except the rights guaranteed under Articles 20 and 21.

Restriction of Fundamental Rights: The Fundamental Rights can be restricted during

military rule in any particular area.

FUNDAMENTAL DUTIES

Fundamental duties basically imply the moral obligations of all citizens of a country and today, there are 11 fundamental duties in India, which are written in Part IV-A of the Constitution, to promote patriotism and strengthen the unity of India.

Fundamental Duties is Covered in Part IV A, Article 51 –A. Borrowed from USSR . 42nd Amendment 1976, introduced Article 51 A in the constitution Recommended by Swaran Singh Committee. Originally -10 duties Now -11 duties (added by 86th Amendment ACT, 2002)

LIST OF FUNDAMENTAL DUTIES

To oblige with the Indian Constitution and respect the National Anthem and Flag

To cherish and follow the noble ideas that inspired the national struggle for freedom

To protect the integrity, sovereignty, and unity of India

To defend the country and perform national services if and when the country requires

To promote the spirit of harmony and brotherhood amongst all the people of India and renounce any practices that are derogatory to women

To cherish and preserve the rich national heritage of our composite culture

To protect and improve the natural environment including lakes, wildlife, rivers, forests, etc.

To develop scientific temper, humanism, and spirit of inquiry

To safeguard all public property

To strive towards excellence in all genres of individual and collective activities

The 11th fundamental duty which was added to this list is:

To provide opportunities for education to children between 6-14 years of age, and duty as parents to ensure that such opportunities are being awarded to their child.

However, by the 86th Amendment in 2002, the original 10 duties were then increased to 11, under Article 51A, Part IV-A of the Constitution of India.

NEED & IMPORTANCE OF FUNDAMENTAL DUTIES

In case there is a violation of fundamental duties, Article 51A of the Constitution categorizes it as contempt of the constitution which is punishable under the Prevention

of Insults to National Honour Act, 1971.

It is easy to assume that constitutional duties are similar to the fundamental duties of the Indian citizen. The Indian Constitution provides a list of fundamental rights and duties to the citizens and lays down the State's duties toward ensuring that these rights are protected and provided equally to everyone.

These duties were drafted on the lines of moral, ethical, and cultural code of conduct which is to be followed by the people to uphold and protect the sovereignty, unity, and integrity of our country. It also helps the government in maintaining proper governance and enabling the proper functioning of a democratic society.



Test Yourself

1. What are Fundamental Rights ?
2. What are Fundamental Duties ?

CHAPTER 5

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, it set out, for the first time, fundamental human rights to be universally protected.

The Universal Declaration of Human Rights (UDHR) is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings. Drafted by a UN committee chaired by Eleanor Roosevelt, it was accepted by the General Assembly as Resolution 217 during its third session on 10 December 1948 at the Palais de Chaillot in Paris, France.

BACKGROUND

During World War II, the Allies known formally as the United Nation adopted as their basic war aims the Four Freedoms: freedom of speech, freedom of religion, freedom from fear, and freedom from want. Towards the end of the war, the United Nations Charter was debated, drafted, and ratified to reaffirm "faith in fundamental human rights, and dignity and worth of the human person" and commit all member states to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". When the atrocities committed by Nazi Germany became fully apparent after the war, the consensus within the world community was that the UN Charter did not sufficiently define the rights to which it referred. It was deemed necessary to create a universal declaration that specified the rights of individuals so as to give effect to the Charter's provisions on human rights.

The Declaration consists of the following:

The preamble sets out the historical and social causes that led to the necessity of drafting the Declaration.

Articles 1–2 establish the basic concepts of dignity, liberty, and equality.

Articles 3–5 establish other individual rights, such as the right to life and the prohibition of slavery and torture.

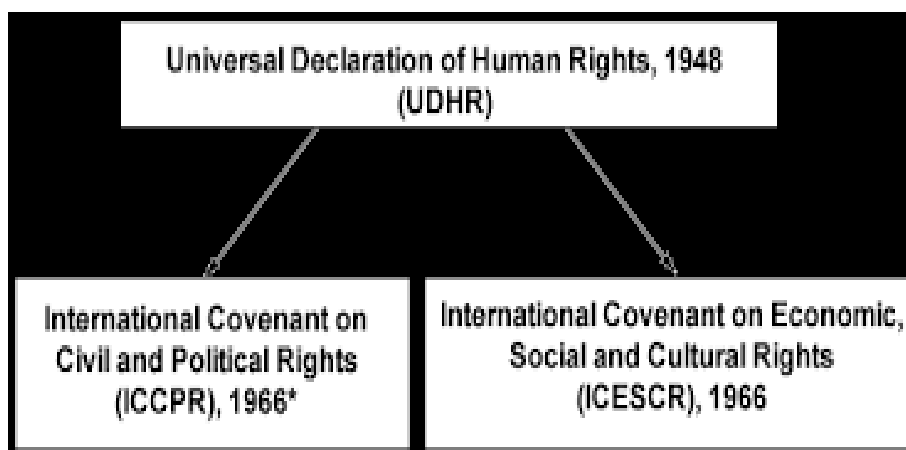
Articles 6–11 refer to the fundamental legality of human rights with specific remedies cited for their defence when violated.

Articles 12–17 set forth the rights of the individual towards the community, including freedom of movement and residence within each state, the right of property and the right to a nationality.

Articles 18–21 sanction the so-called "constitutional liberties" and spiritual, public, and political freedoms, such as freedom of thought, opinion, expression, religion and conscience, word, peaceful association of the individual, and receiving and imparting information and ideas through any media.

Articles 22–27 sanction an individual's economic, social and cultural rights, including healthcare. It upholds an expansive right to an adequate standard of living, and makes special mention of care given to those in motherhood or childhood.

Articles 28–30 establish the general means of exercising these rights, the areas in which the rights of the individual cannot be applied, the duty of the individual to society, and the prohibition of the use of rights in contravention of the purposes of the United Nations Organization.



ADOPTION

The Universal Declaration was adopted by the General Assembly as UN Resolution on 10 December 1948 in Paris. Of the 58 UN members at the time, 48 voted in favour, none against, eight abstained, and Honduras and Yemen failed to vote or abstain.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) 1966



International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. It was adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966 and entered into force 23 March 1976 after its thirty-fifth ratification or accession. As of June 2022, the Covenant has 173 parties and six more signatories without ratification, most notably the People's Republic of China and Cuba; North Korea is the only state that has tried to withdraw.

The ICCPR is considered a seminal document in the history of international law and human rights, forming part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).

Compliance with the ICCPR is monitored by the United Nations Human Rights Committee, which reviews regular reports of states parties on how the rights are being implemented. States must report one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee normally meets at the UN Office at Geneva, Switzerland and typically holds three sessions per year.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR) 1966



International Covenant on Economic Social and Cultural Rights

Economic, social and cultural rights are socio-economic human rights, such as the right to education, right to housing, right to an adequate standard of living, right to health, victims' rights and the right to science and culture. Economic, social and cultural rights are recognised and protected in international and regional human rights instruments. Member states have a legal obligation to respect, protect and fulfil economic, social and cultural rights and are expected to take "progressive action" towards their fulfilment.

The Universal Declaration on Human Rights recognises a number of economic, social and cultural rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) is the primary international legal source of economic, social and cultural rights.[1] The Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women recognises and protects many of the economic, social and cultural rights recognised in the ICESCR in relation to children and women. The Convention on the Elimination of All Forms of Racial Discrimination prohibits discrimination on the basis of racial or ethnic origin in relation to a number of economic, social and cultural rights. The Convention on the Rights of Persons with Disabilities also prohibits all discrimination on the basis of the disability

including refusal of the reasonable accommodation relating to full enjoyment of economic, social and cultural rights.

Test Yourself

1. What are Universal Declaration of Human Rights ?
2. When was the UDHR adopted ?
3. Who abstained from voting the UDHR ?

CHAPTER 6 RIGHTS OF WOMEN AND CHILD

States are often known by the rights they guarantee to their Citizens, especially the vulnerable whose rights often get violated. Despite the importance of viewing human rights within a universal context and not simply as something for the disadvantaged, instances arise when particular groups often require more attention to ensure human rights of those groups. The term vulnerable refers to the harsh reality that these groups are more likely to encounter discrimination or other human rights violations than others. Thus the aim of human rights instruments is the protection of those vulnerable to violations of their fundamental human rights.

To simply say that women enjoy the same human rights as men does not make it so. Consequently, the human rights of women receive additional consideration within a human rights context and Indian constitution thus incorporates certain special provisions providing additional safeguards for women.



WOMEN'S RIGHTS

Women Rights therefore help women acquire the same rights as their male counterparts. Since Independence lots of provisions have been introduced to improve

the social condition of women and to give them a platform where they can utilize their potential for their betterment and contribute positively towards the growth of their country.



CONSTITUTIONAL PROVISIONS TO ENSURE DIGNITY OF WOMEN

Article 14 of constitution of India ensures equality before the law or the equal protection of the laws within the territory of India

Article 16 of constitution of India ensures equal employment opportunity to every citizen of India.

Article 42 of constitution of India obligates a duty on every employer to ensure just and humane conditions of work and for maternity relief

LEGAL PROVISIONS TO RIGHTS OF WOMEN

In order to ensure adherence to constitutional provisions for women welfare, there was a need to enact specific laws by the state and central Government to ensure safety and protection of women. Major crimes against women along with the legal provision which penalize the criminal are listed below :

1. Adultery is a very serious crime against women in India and affects married women by and large. In simple words adultery means having voluntary sexual

relationship with a married person other than the spouse. The offence of adultery is dealt with by section 497 of the Indian Penal Code, 1860, As per section 497, the offender shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

2. Child marriage is a very awful offence against child as it does not only harm the future of child but also damage social values. The major step was taken by the Law Commission of India by fixing the minimum age for marriage which is 18 years for girls and 21 years for boys. Another major step was mandatory primary education and moreover for girls provision for free education provided by the Government of India.

3 Female Feticides: Female feticide means identifying and killing of female foetus before they take birth. This is the most brutal way of killing women. Punishment of 3 years imprisonment and Rs. 10,000 fine has been prescribed by Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994, for the offence of Female feticides.

4 Trafficking and Prostitution: Trafficking means import and export of humans for sex business. Prostitution is one of the biggest problems in this world which is damaging the women in many ways. There are quite a few laws in India in order to prevent the crime of prostitution like **Suppression of Immoral Traffic in Women and Girl Act 1956 and Immoral Traffic (Prevention) Act 1956.**

5. Domestic Violence : It has become a very serious problem for women. In general the term Domestic violence means mental, physical, emotional and economical harassment of a woman by family members. **Domestic violence Act, 2005** was introduced to handle the cases of Domestic violence in India.

6. Rape & Murder: Rape is another very serious crime against women and this crime is increasing day by day like anything. Provisions related to rape are given in **section 375 and 376 of the Indian Penal Code, 1860.**

7. Dowry: It is one of the strong and biggest reasons of increasing domestic violence. Every year thousands of dowry deaths along with mental trauma cases reported and registered in India. In case of inadequate dowry, incidents like burning, suicides,

physical and mental torture of women is very common by husband and his family. Keeping in view the increasing cases of dowry deaths another legislative provision called “**Protection of Women from Domestic Violence Act 2005**”, was introduced in order to reduce domestic violence cases and to protect women's rights.

RIGHTS OF CHILDREN



Children are the most vulnerable section in the Society. The crime against children is a worldwide concern. The children are supposed to go to school, get clean and healthy environment, decent care of parents, nutrient diet, and overall conducive environment for their all-round development. But unfortunately in India, the children have been murdered, kidnapped, sexually harassed, raped, sold and bought for flesh trade, girls forcefully indulged into prostitution, and the male children are indulged into begging or smuggling of drugs. The problem of crime against children in India is very complex and complicated

Major categories of crime against children include murder of children, infanticide, rape of children, kidnapping and abduction, foeticide, abetment of suicide, Exposure and abandonment, procurement of minor girls, buying and selling of girls for prostitution, child marriage etc. They are also prone to abuse in more than one way. Such abuses include Neglect, Emotional abuse, physical abuse, sexual abuse and Child Labour. It becomes the prime responsibility provide legal protection against the

abuses of Children

CONSTITUTIONAL AND LEGISLATIVE PROVISIONS FOR CHILD RIGHTS

The constitution of India has guaranteed the promotion and protection of the rights of the children through various provisions in the Fundamental Rights under the Part III as well as Directive Principles of State Policy under Part IV.

Article 15 (3): It empowers the state to make special provisions for children.

Article 21A of the constitution of India directs the State to provide free and compulsory education to all children within the ages of 6 and 14 in such manner as the state may by law determine.

Article 23 prohibits trafficking of human beings and forced labour.

Article 24 reveals that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39 (e) asserts that the health and strength of workers, men and women, and the tender-aged children should not be abused and that citizens are not forced by economic necessity to enter in the vocations unsuited to their age or strength.

Article 39 (f) divulges that children are given opportunities and facilities to develop in healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45 emphasizes that the state shall endeavour to provide, within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.

Article 47 reveals that the state shall regard the raising of the level of nutrition and the standard of living its people and the improvement of public health as among its primary duties.

Article 243 (g) provides for institutionalization of child care by chalking out entrust programmes of women and child development through Panchayats.

LEGAL PROVISIONS

The Juvenile Justice Act, 2000

'The Juvenile Justice Act 2000' deals with the conflict relating incidents egarding children and provides protection in case of violation of children rights.

The Protection of the Child Rights Act, 2005

It has been passed to provide constitutional status to the formation of a National Commission as well as various State Commissions for protecting the child rights and establishing children courts for providing speedy trial of offences against children or violation of child rights.

Protection of Children from Sexual Offences Act, 2012

The Ministry of Women and Child Development made sincere efforts to bring a special law, the Protection of Children from Sexual Offences Act, 2012 which came into force from November 14, 2012. The Act provides protection to children from the offences of sexual assault, harassment and pornography through stringent punishment.

Child Labour (Prohibition and Regulation) Act, 1986 had been passed by the Parliament of India to prohibit employment of children in the field of factories, companies etc. other than private employments

Right to Education

In India, the 86 Constitutional Amendment (2002) is an important milestone to provide right to education to all the children of the age of 6 to 14 years and it became as a Fundamental Right under Article 21A of the Constitution of India

WOMEN & CHILDREN SAFETY INITIATIVE



Test Yourself

1. What are the Constitutional provisions to ensure the dignity of women ?
2. What are the legal provisions to rights of women ?
3. List out the major crimes against women.
4. What are the constitutional and legislative provisions for Child Rights?

CHAPTER 7

HUMAN RIGHTS MOVEMENTS IN INDIA

The national emergency period remains to be a watershed in the history of Human rights in India giving birth to numerous new human rights movements that came to play significant role in Human Rights protection in India. The notion of human rights is founded on core values of freedom, equality, equity and justice. It insists on equality of treatment for all and no discrimination against anyone.

Guided by this philosophical belief like in many other countries the Human Rights Movement in India took its birth is significantly striving towards the promotion and protection of rights of individuals and groups, often mediating between them and the state.



1 The Civil Liberties Movement

The major civil liberties movement began in the late 1960s with the brutal attack by the state on the naxalites. This movement raised the issue of democratic rights' of the oppressed sections of society for justice and equality. Notable amongst these were the Association for the Protection of Democratic Rights (APDR) in West Bengal, the Andhra Pradesh Civil Liberties Committee (APCLC)

It was only after Jayaprakash Narayan launched a major agitation against the growing authoritarianism of Mrs. Gandhi that a large number of prominent liberals and humanists came together with radicals in 1975 to form the first (and only) National Human Rights Organization, the **People's Union for Civil Liberties and Democratic Rights (PUCLDR)**



2. Women's Movement

The women's movement has been among the most articulate, and heard, in the public arena. The woman as a victim of dowry, domestic violence, liquor, rape and custodial violence has constituted one discourse. Located partly in the women's rights movement, and partly in the campaign against AIDS, women in prostitution have acquired visibility.

Saheli, Delhi, Vimochana, Bangalore and Forum against Oppression of Women, Mumbai are a few that represent the organizations that contributed for the furtherance of Women Rights in India.

Environmental Rights Movements in India

Environment Movements in India:-

1. Bishnoi Movement
2. Chipko Movement
3. Appiko Movement
4. Silent Valley Movement
5. Jungle Bachao Andolan
6. Narmada Bachao Movement
7. Tehri Dam Conflict
8. Navdanya Movement

3. Chipko movement

Chipko movement came into existence in 1973 to protect trees from cutting down. It was a non-violent movement initiated by the women in Uttar Pradesh's Chamoli district (now is a part of Uttarakhand, India) for the conservation of forests to maintain ecological balance in the environment. After some time, the movement spilled onto the other Northern states of India.



4 Public Interest Litigation

In the late 1970s, but more definitively in the early 1980s, the Supreme Court devised an institutional mechanism in public interest litigation (PIL). PIL opened up the court to issues concerning violations of rights.

5 Struggle against Pervasive Discrimination

Dalit movements have kept caste oppression, and the oppression of caste, in public view. Moving beyond untouchability, which persists in virulent forms, the movement has had to contend with increasing violence against dalits even as dalits refuse to suffer in silence.

6 Resisting Displacement Induced By 'Development' Projects

There has been widespread contestation of project-induced displacement. The recognition of inequity, and of violation of the basic rights of the affected people, has resulted in growing interaction between local communities and activists from beyond the affected region, and the articulation of the rights and the injuries has been moulded in the process of this interaction.

This way the Human rights movement in India has rallied around fundamental rights guaranteed in the Constitution of India as human rights. They kept themselves promoting secular humanism and voicing the concerns of the oppressed, suppressed and brutalized human beings. Their commitment to human rights is not based merely on individual rights but that which includes the collective rights of the people. Under the pressures of the United Nations Organisation (UNO), Amnesty International and human rights groups within the country, the Indian parliament passed the Protection of Human Rights Bill in 1993 which became an Act in 1994. Under this Act, the National Human Rights Commission (NHRC) and various State Level Human Rights Commissions and Human Rights Courts came into existence in strengthening the movement for the promotion and protection of Human Rights



NEW MOVEMENTS AND CAMPAIGNS

The professionalizing of the non-governmental sector has had an impact on finding public space for certain issues and in making work on the issues sustainable. Child labour, AIDS-related work, the area of devolution and aiding women's participation in panchayat institutions, and battling violence against women have found support and sustainability in funding infrastructure development and support.

Test Yourself

1. What are human Rights Movement ?
2. Mention some Human Rights Movement.

CHAPTER 8

NGOs AND HUMAN RIGHTS

On December 10, 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) – and since then the day has been marked as #HumanRights Day. The UDHR is a milestone document that proclaims “the inalienable rights which everyone is entitled to as a human being – regardless of race, colour, religion, sex, language, political or other opinions, national or social origin, property, birth or other status”.

Fundamental to being human

Human rights are essential rights and freedoms of each and every person in the world based on shared values such as respect, dignity, equality, and independence. These values are defined and protected by international law.

The right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, and the right to work and education are among the most basic to human life. Each one of us is inherently entitled to these rights, without discrimination, simply because we are human beings. These fundamental rights are universal and the same for everyone.

The term non-governmental or non-profit is normally used to cover the range of organisations which go to make up civil society. Such organisations are characterised, in general, by having as the purpose of their existence something other than financial profit. However, this leaves a huge multitude of reasons for existence and a wide variety of enterprises and activities. NGOs range from small pressure groups on, for example, specific environmental concerns or specific human rights violations, through educational charities, women's refuges, cultural associations, religious organisations, legal foundations, humanitarian assistance programmes – and the list could continue – all the way to the huge international organisations with hundreds or even thousands of branches of members in different parts of the world.

NGOs are part of the “civil society” „Civil society” is a broader term – includes also churches, religious associations, trade unions, interest groups, organizations of employers

etc. NGOs are intermediary between individuals and the government in transmitting ideas and concepts .

NGOs acting in a public interest vs. NGOs pursuing particular interest (e.g. lobbying NGOs) Some NGOs are concentrated on protection of human rights Most NGOs are independent from the government

Examples of NGOs :

International

Amnesty International

Human Rights Watch

International Committee of Red Cross

European Human Rights Advocacy

International Mental Disability Advocacy Center

Civil Liberties Union Reprieve (UK)

Helsinki Foundation for Human Rights (Poland)



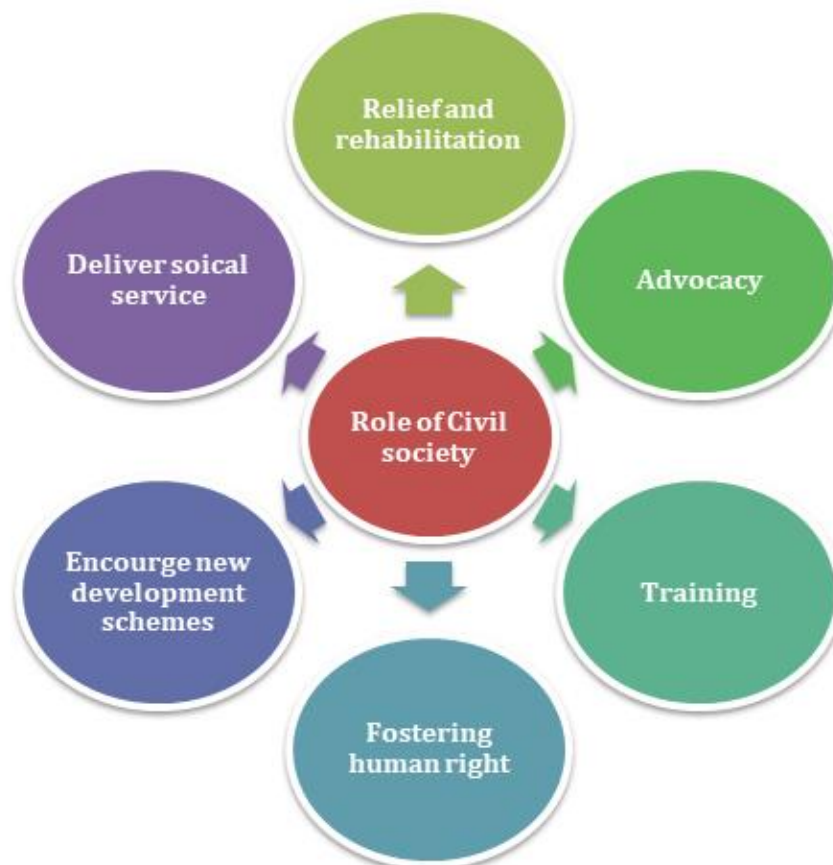
NGO Roles

- Humanitarian work
- Economic Development
- Education
- Public Health
- Environmental
- Social Development
- Agriculture
- Literacy
- Anti-Corruption
- Disaster Relief
- War Relief/Conflict Resolution
- Rehabilitation
- Human Rights
- Peace
- Community Empowerment
- Conservation
- Land Rights
- Information Freedom
- Microfinance
- Lobbying
- Consultation

NGOs play a crucial role in:

- fighting individual violations of human rights either directly or by supporting particular 'test cases' through relevant courts
- offering direct assistance to those whose rights have been violated
- lobbying for changes to national, regional or international law
- helping to develop the substance of those laws
- promoting knowledge of, and respect for, human rights among the population.

The contribution of NGOs is important not only in terms of the results that are achieved, and therefore for the optimism that people may feel about the defence of human rights in the world, but also because NGOs are, in a very direct sense, tools that are available to be used by individuals and groups throughout the world. They are managed and co-ordinated – as many organisations are – by private individuals, but they also draw a large part of their strength from other members of the community offering voluntary support to their cause. This fact gives them great significance for those individuals who would like to contribute to the improvement of human rights in the world.



NONGOVERNMENTAL ORGANIZATIONS

Globally, the champions of human rights have most often been citizens, not government officials. In particular, nongovernmental organizations (NGOs) have played a primary role in focusing the international community on human rights issues. NGOs monitor the actions of governments and pressure them to act according to human rights principles.

Amnesty International:

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all. With more than 2.2 million members and subscribers in more than 150 countries, they conduct research and generate action to prevent and end grave abuses of human rights and to demand justice for those whose rights have been violated.

Children's Defense Fund (CDF):

The CDF is a child advocacy organization that works to ensure a level playing field for all children. CDF champions policies and programs that lift children out of poverty, protect them from abuse and neglect and ensure their right to equal care and education.

Human Rights Action Center:

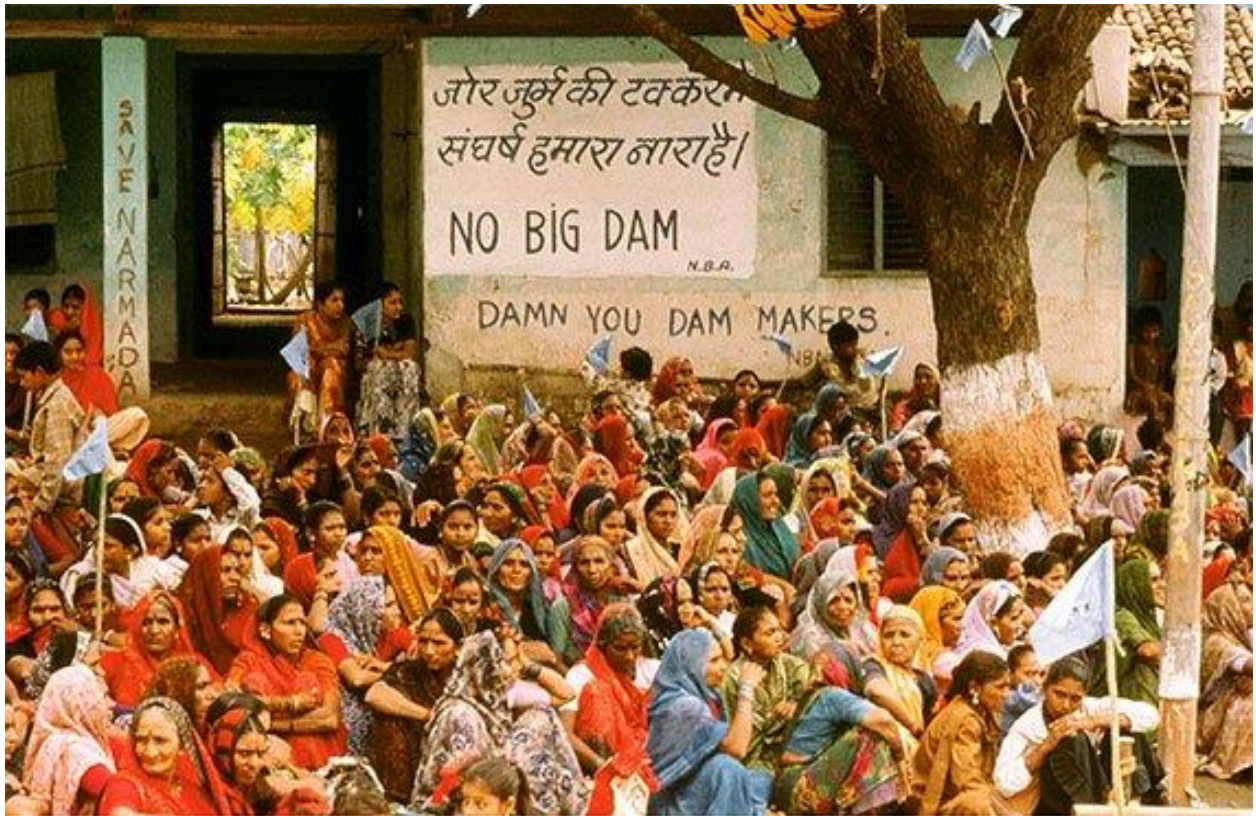
The Human Rights Action Centre is a non profit organization based in Washington, DC, headed by Jack Healey, world-renowned human rights activist and pioneer. The Center works on issues of the Universal Declaration of Human Rights and uses the arts and technologies to innovate, create and develop new strategies to stop human rights abuses

Human Rights Watch:

Human Rights Watch is dedicated to protecting the human rights of people around the world. They investigate and expose human rights violations, hold abusers accountable, and challenge governments and those who hold power to end abusive practices and respect international human rights law.

Human Rights Without Frontiers: (HRWF)

HRWF focuses on monitoring, research and analysis in the field of human rights, as well as promotion of democracy and the rule of law on the national and international level.



NGOS IN INDIA

India has a long history of human rights NGOs which were active in cultural promotion, education, health and humanitarian relief in times of natural disaster, during medieval times. During the colonial rule of the British, NGOs in India increased, with a focus on providing literacy, education and various aspects of social welfare. Friend-in-Need Society (1858), Arya Samaj (1875) and the National Council for Women in India (1875) were some examples. In the early decades of 1900s, as the nationalist movement started, the focus shifted from developmental activities to economic self-sufficiency. After independence of India in 1947, the civil society groups became invigorated as the government, in the first Five Year Plan, recognized their potential to complement governmental efforts in creating social and economic development. Examples of NGOs in India include -

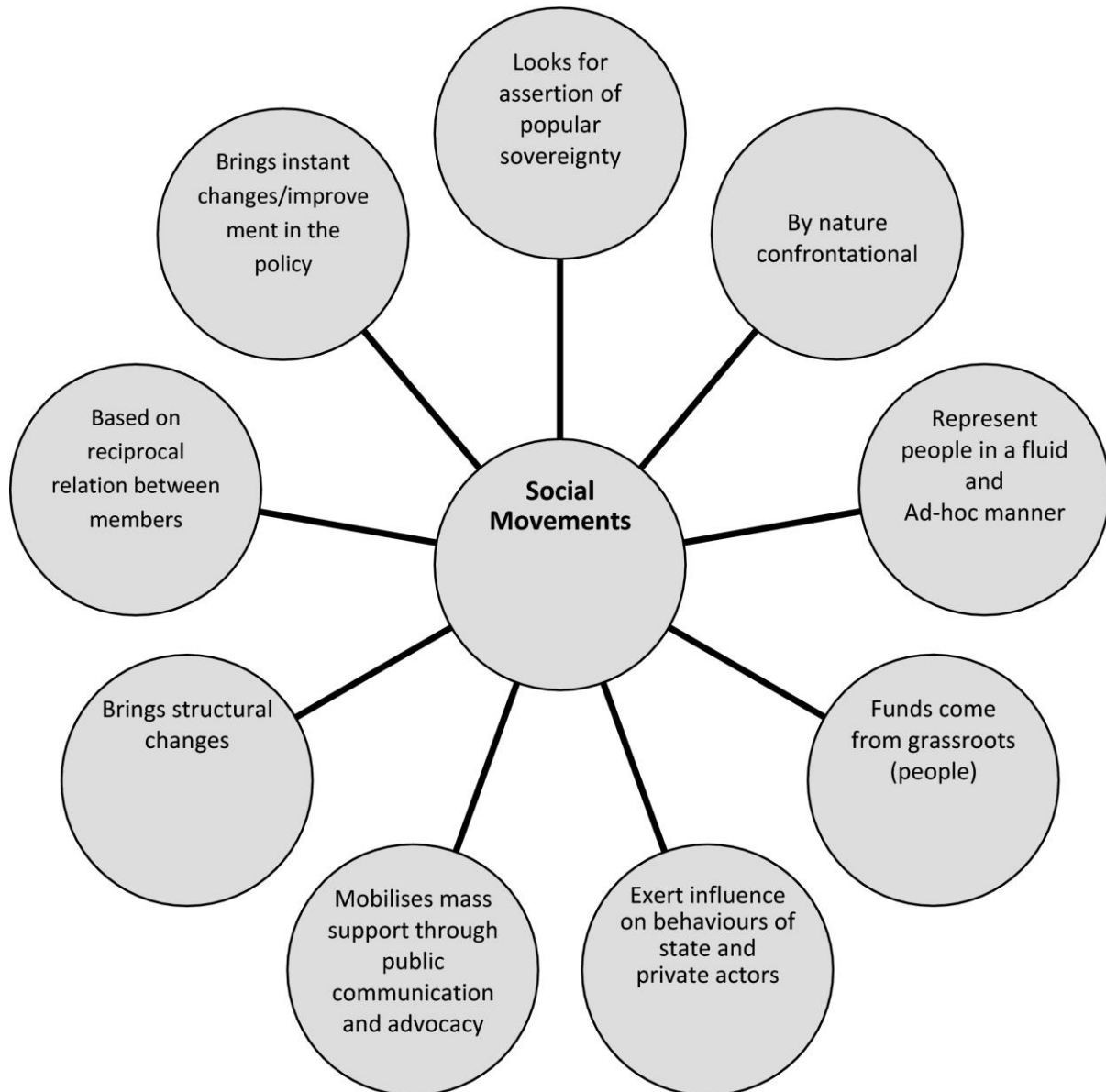
People's Watch

Action Aid India

National Centre for Promotion of Employment for Disabled People

Voluntary Association of India

Helpage India



Test Yourself

1. What are NGOs ?
2. Mention the role of NGOs.
3. List out few Human Rights NGOs.

CHAPTER 9

HUMAN RIGHTS COMMISSION

It has been rightly said by H.J. Laski that every state is known by the rights it maintains. India, keeping in line with the obligation of a mature and responsible democracy, is committed to provide and protect all reasonable rights and liberties of the people. India has made sincere efforts for the protection and promotion of human rights. India has established different ways of protecting human rights. A written Constitution incorporating fundamental rights, a pluralist and an accountable parliament, an executive who is ultimately subject to the authority of elected representatives and an independent, impartial judiciary are the features of Indian polity which work to protect and enhance the human rights of people.

In India's post-independence history, there have been continuous complaints of human rights violations. But until 1990s, the Indian government displayed negligible regard for the promotion and protection of human rights. Hence, besides the constitutional provisions, there was lack of any formal and effective institution to safeguard the human rights.

On January 08, 1994, the 'Protection of Human Rights Act (PHRA), 1993 received the assent from the President of India. The PHRA 1993 came into force with retrospective effect from September 28, 1993.



**National
Human
Rights
Commission
(NHRC)**

COMPOSITION OF THE NATIONAL HUMAN RIGHTS COMMISSION

As per the Article 3 (2) of the PHRA, 1993, The National Human Rights Commission (NHRC) consists of: a Chairperson who has been a Chief Justice of the Supreme Court; one Member who is or has been, a Judge of the Supreme Court; one Member who is, or has been, the Chief Justice of a High Court; two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

Besides, The Chairperson of the National Commission for Minorities, the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission. Additionally there is a Secretary-General who will act as the Chief Executive Officer of the Commission and he/she will exercise all the powers and functions as delegated by the commission.

The headquarters of the Commission is located in Delhi and the commission, with the prior approval of the Central Government can establish offices at other places in India.

NATURE, POWERS AND FUNCTIONS OF THE COMMISSION

Under section 12 of the Act, the Commission exercises several powers and they include:

- a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant;
- b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;
- d) review the safeguards provided by or under the Constitution or any law for the time

being in force for the protection of human rights and recommend measures for their effective implementation;

e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;

g) undertake and promote research in the field of human rights;

h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

i) encourage the efforts of nongovernmental organization and institutions working in the field of human rights;

j) such other functions as it may consider necessary for the promotion of human rights.

Thus the commission is an autonomous body created by the Act of Parliament and It is committed to provide independent views on issues within the parlance of the Constitution or in law for the time being enforced for the protection of human rights, thus it takes an independent stand. By the Act it has the powers of a civil court and it has the authority to grant interim relief. It has the authority to recommend payment of compensation or damages. It receives over 70 thousand complaints every year which is a testimony to its credibility and the trust deposited by the people. It also has a unique mechanism with it can monitor the implementation of various recommendations. However, the responsibility entrusted to the Commission under the Act of 1993 cannot be adequately fulfilled without the development of close ties between the Commission and NGOs. Thus for the Commission, it is not just a matter of statutory obligation under Section 12(i) of the Act. The Commission recognized that the cause of human rights has much to gain both from the practical help and from the constructive criticism that NGOs and the Commission can bring to bear in their mutual interaction and growing relationship.

The Commission further acknowledges that the promotion and protection of human rights requires the courage and commitment that NGOs bring to bear in their endeavours and that it is for this reason that the country has much to gain by encouraging their efforts, whether the NGOs are national or international. Therefore, the Commission from very beginning associated NGOs with the inquiry of complaints.

In several places, during visits by the Commission, NGOs have boldly come forward with evidence of wrong-doing in relation to specific complaints addressed to the Commission.

NHRC'S ROLE AND ACHIEVEMENTS

The Commission undoubtedly has some achievements to its credit. Since its formation, the NHRC has widely dealt with issues relating to application of human rights. NHRC has established its reputation for independence and integrity. Some of the famous interventions of NHRC include campaigns against discrimination of HIV patients. It also has asked all State Governments to report the cases of custodial deaths or rapes within 24 hours of occurrence failing which it would be assumed that there was an attempt to suppress the incident. An important intervention of the Commission was related to Nithari Village in Noida, UP, where children were sexually abused and murdered. Recently, NHRC helped bring out in open a multi crore pension scam in Haryana. It also is looking up the sterilization tragedy of Chattisgarh.

NHRC has succeeded in persuading the Central Government to sign the United Nations Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Punishment or Treatment. It has brought into sharp focus the problem of custodial deaths and taken steps to see that these are not suppressed by the state agencies and that the guilty persons are made to account for their sins of commission and omission.

NHRC has also helped in designing specialised training modules on human rights for introduction in the educational and training institutions. As a part of the promotion of Human Rights Education, the Commission had suggested to the University Grants Commission (UGC) to set up a Curriculum development committee for human rights education in various universities. In light of this suggestion, the UGC constituted the curriculum development Committee on Human Rights and duties education, headed by Honourable Justice V.S. Malimath, that issued the Model Curricula for Human Rights and Duties in 2001 and was subsequently introduced in the universities and colleges across the country. And the current paper on Human Rights is also a part of it.

In spite of its many achievements, the NHRC has been marred with controversies. For instance, the Batla House encounter case in the recent past. The Commission's report giving clean chit to the Delhi Police came under fire from various quarters. It was said that the Commission had failed to conduct a proper inquiry as its officials never visited the site and filed a report on the basis on the police version.

Test Yourself

1. What is the composition of NHRC ?
2. Mention the role and functions of NHRC.
3. Enumerate the achievements of NHRC.

CHAPTER 10

PROMOTION OF HUMAN RIGHTS

When it comes to respecting and promoting human rights, governments bear the primary responsibility. However, every individual owes it to themselves and their communities to promote human rights. That can seem like a challenging task, but there are many ways you can undertake this mission in both your daily life and as a lifelong goal.



WAYS OF PROMOTING HUMAN RIGHTS

Research human rights issues

To promote human rights, you first need to understand the issues. Many people have good intentions, but if they lack accurate information, their efforts can make things worse. Commit to thorough research from credible sources, such as the United Nations, the World Health Organization, and news organizations with good track records. Bear in mind that no source is perfect and even reliable organizations can miss the mark. It's your responsibility to read widely, listen to people's stories, and recognize that learning is a continuous process.



Monitoring abuses of human rights

A charity concerned with promoting human rights may engage in monitoring and reporting breaches of a country's human rights obligations, whether those obligations arise under domestic legislation or international standards.

Obtaining redress for victims of human rights abuse

A human rights charity may bring pressure to bear in individual cases (including through the mobilisation of public opinion) to encourage a government to respect its own human rights legislation. The availability of that option will, of course, depend upon whether or not the country's legal code enables the victims of human rights abuse to obtain redress. Even if the legal code of the country in which the abuse takes place does not expressly provide redress, it may still be possible to attempt to obtain compensation or a public inquiry or an acknowledgement of responsibility.

Relieving need among the victims of human rights abuse

It is charitable to relieve needy 'prisoners of conscience' or their dependents. Assistance can include financial, educational and rehabilitation help.

Donate to good organizations

Donating money is one of the best ways to promote human rights. Money allows organizations to continue their work whether it's providing aid to people in crisis, pressuring governments to take action on human rights, or creating programs that empower the disenfranchised. There are millions of NGOs today, but not all use their funds wisely. Before donating, investigate the organization.

Change your shopping habits

You can promote human rights by considering the human rights impact of your shopping habits. Do the stores and corporations you buy from exploit their workers? Do they pay a fair wage? Where do they source their materials? You most likely won't be able to shop from exclusively ethical and sustainable businesses because of the financial cost. However, you can choose to eliminate the worst offenders and commit to only buying gifts from ethical places. Also, ethical and sustainable items tend to last longer so you buy less overall.

Connect to human rights movements

It's much easier to promote human rights within a group. Look for groups doing human rights work in your area or join online communities that connect you to global movements. When people work together, they can raise more awareness and funds for the causes they promote. Good groups will have strong leadership, good accountability systems, and a commitment to listening to the communities they serve.

Vote in every election

You can promote human rights by voting whenever you can. That includes local elections and more. Pay attention to the candidates running and their platforms. You can also participate in democracy by helping other people vote, including those who face disenfranchisement or who believe voting doesn't matter.



Put pressure on those responsible for upholding human rights

As we mentioned in the introduction, governments are responsible for protecting

human rights. They often fail. You can promote human rights by contacting government officials and urging them to take action on pressing issues. You can contact international entities, as well, if you're unable to directly contact your government or if they are not responsive.

Protest inequalities

Peaceful protest is one of the most powerful ways to support human rights. Throughout history, protests have sparked major changes surrounding laws, regime changes, and more. The bigger the protest, the more attention an issue gets.

Support mothers and parents

Women and children are two of the most vulnerable groups in the world. Even in wealthy countries like the United States, there are wide disparities and few resources for mothers and parents in need of help. You can promote and protect their rights by supporting aid organizations, advocating for them and supporting reproductive rights.

Take action when you see discrimination

A person's rights are disrespected every time they face discrimination. You can promote human rights in your daily life by doing something when you witness things like racism or sexism. Taking action can mean different things depending on the situation. Commit to finding out what best serves the people you want to help as opposed to trying to "play the hero." As an example, if you see discrimination in a workplace, try to talk to the person who was the target of the discrimination before taking any action. They might have specific ideas about how you can support them.

Support Economic Rights

Economic rights are at the root of many other human rights. If someone lives in poverty, they are vulnerable to a host of other inequalities like a lack of access to healthcare, education, housing, and more. A lack of economic rights also fuels violence and human trafficking. If you want to promote human rights, you can't forget about poverty. Advocate for things like equal pay for equal work, education access, free childcare, clean water and sanitation, and more.

Educating the public about human rights

Human rights is an established subject of study in schools and colleges. A human

rights charity may advance education in human rights through support for such studies or through less formal types of education.

Raising awareness of human rights issues

A charity may raise awareness of human rights issues by facilitating debate and discussion. However a charity established to promote human rights does not need to limit itself to balanced, educational activities. It can promote awareness of human rights issues by distributing material which does not present both sides of the argument but simply promotes its own point of view.

“To promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations conventions and declarations) throughout the world by all or any of the following means:

- monitoring abuses of human rights;
- obtaining redress for the victims of human rights abuse;
- relieving need among the victims of human rights abuse;
- research into human rights issues;
- educating the public about human rights;
- providing technical advice to government and others on human rights matters;
- contributing to the sound administration of human rights law;
- commenting on proposed human rights legislation;
- raising awareness of human rights issues;
- promoting public support for human rights;
- promoting respect for human rights among individuals and corporations;
- international advocacy of human rights;
- eliminating infringements of human rights.

Test Yourself

1. **List out ways and means to promote Human Rights.**