



Human Rights

What are Human Rights?

- Human rights are **rights** that we have simply because we **exist as human beings**.
- These are **universal rights** inherent to all of us, regardless of nationality, sex, national or ethnic origin, color, religion, language or any other status.
- They range from the most fundamental, the **right to life** to those that make **life worth living**, such as the **rights to food, education, work, health, and liberty**.
- **World Human Rights Day** is observed by the international community every **year on 10th December**.
 - It commemorates the day in **1948** the **United Nations (UN) General Assembly** adopted the **Universal Declaration of Human Rights (UDHR)**. UDHR is a part of the **International Bill of Human Rights**.
- Headquartered in Geneva, with many regional offices, **the Office of the High Commissioner for Human Rights** has lead responsibility in the UN system for the promotion and protection of human rights.

What is the International Bill of Human Rights?

- Following the **second world war (1939-45)**, a series of declarations and covenants began to articulate **universal human rights**.
- In **1948**, for the first time, countries agreed on a comprehensive list of **inalienable human rights**.
- In December of that year, the **United Nations General Assembly** adopted the **Universal Declaration of Human Rights (UDHR)**, a milestone that would profoundly influence the development of **international human rights law**.
 - 30 articles of UDHR provide the principles and building blocks of current and future human rights conventions, treaties and other legal instruments.
- In **December 1966**, the **UN General Assembly** adopted **two international treaties** that would further shape **international human rights**:
 - The **International Covenant on Economic Social and Cultural Rights (ICESCR)** which is monitored by the **Committee on Economic, Social and Cultural Rights**.
 - The **International Covenant on Civil and Political Rights (ICCPR)**- monitored by the **Human Rights Committee**.
- These are often referred to as “the International Covenants”.
- **The UDHR and these two Covenants together** are known as the **International Bill of Human Rights**.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1 Equality

Everyone is born **free** and **equal in dignity** and with rights.



2 Freedom from Discrimination

You should never be discriminated against for any reason.



3 Life, Liberty and Security

Everyone has the right to life, liberty and personal security.



4 Freedom from Slavery

No-one shall be held in slavery or servitude.



5 Freedom from Torture

No-one shall be subjected to torture or to cruel or degrading treatment.



6 Recognition as Person Before Law

You have the right to be treated as a person in the eyes of the law.



7 Equality Before the Law

You have the right to be treated by the law in the same way as everyone else.



8 Remedy by Tribunal

You have the right to remedy by competent tribunal.



9 Freedom from arbitrary arrest

No-one shall be subject to arbitrary arrest, detention or exile.



10 Fair Public Hearing

You have the right to a fair public hearing.



11 Innocent until Proven Guilty

You have the right to be considered innocent until proven guilty.



12 Privacy

No-one has the right to interfere with your privacy, family, or home.



13 Freedom of Movement

You have the right to freedom of movement in and out of the country.



14 Asylum

You have the right to seek asylum in other countries from persecution.



15 Nationality

You have the right to a nationality.



16 Marriage and Family

You have the right to marriage and to raise a family.



17 Property

You have the right to own property.



18 Freedom of Belief

You have the right to freedom of belief and religion.



19 Freedom of Opinion

You have the right to freedom of opinion and expression.



20 Freedom of Assembly

You have the right to freedom of peaceful assembly and association.



21 Take Part in Government

You have the right to take part in the government of your country.



22 Social Security

You have the right to social security.



23 Work

You have the right to desirable work and to join trade unions.



24 Rest and Leisure

You have the right to rest and leisure.



25 Adequate Living Standard

You have the right to a decent life, including food, clothing, housing, and medical care.



26 Education

You have the right to education.



27 Participate in Cultural Life

You have the right to Participate in the Cultural Life of Community.



28 Social Order

You have the Right to a Social Order that Articulates this Document.



29 Mutual Responsibility

We all have a responsibility to the people around us and should protect their rights and freedoms.



30 Freedom from State or Personal Interference

There is nothing in this declaration that justifies any person or country taking away the rights to which we are all entitled.



HRE USA
Human Rights Educators USA
A national network dedicated to building a culture of human rights.
hreusa.org

HUMAN RIGHTS EDUCATION is a lifelong process of teaching and learning that helps individuals develop the knowledge, skills, and values to fully exercise and protect the human rights of themselves and others; to fulfill their responsibilities in the context of internationally agreed upon human rights principles; and to achieve justice and peace in the world. **HRE USA** strives to promote human dignity, justice, and peace by cultivating an expansive, vibrant base of support for Human Rights Education (HRE) in the United States.

What are the Other Treaties related to Human Rights?

- **International Humanitarian Law (IHL) and international human rights law are complementary bodies** of international law that share some of the same aims.
 - International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is **also known as the law of war or the law of armed conflict**.
- **Convention on the Prevention and Punishment of the Crime of Genocide (1948)**

- [Convention on the Elimination of All Forms of Racial Discrimination \(1965\)](#)
- [Convention on the Elimination of All Forms of Discrimination against Women \(1979\)](#)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- [Convention on the Rights of the Child \(1989\)](#)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1999)
- [International Convention for the Protection of All Persons from Enforced Disappearance \(2006\)](#)
- [Convention on the Rights of Persons with Disabilities \(2006\)](#)
- In 2011, the United Nations Human Rights Council (**UNHRC**) passed the Guiding Principles on Business and Human Rights (**UNGPs**).

What are the Provisions Related to Human Rights in India?

- **Definition:**
 - According to the **National Human Right Commission of India, 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**.
- **National Human Rights Commission:**
 - The [National Human Rights Commission \(NHRC\)](#) of India was established in 1993.
 - The statute under which it is established is the [Protection of Human Rights Act \(PHRA\), 1993](#).
 - The Act provides for the establishment of **State Human Rights Commissions**.
- **Human Rights as Incorporated in Indian Laws:**
 - **Indian Constitution** incorporated several provisions of **human rights in Indian Constitution**.
 - **Part III of Fundamental Rights from Article 14 to 32.**
 - **Articles 14 to 18 of the Constitution** guarantee the **right to equality to every citizen of India**.
 - **Article 19** deals with freedom of speech and expression **and Article 21** provides Right to life and liberty.
 - **In case of violation of fundamental human rights:**
 - The citizens can **move to the Supreme Court under Article 32 and High Courts under Article 226**.
 - **Directive Principles of State Policy** from **Articles 36 to 51**.
- India is a **signatory to the Universal Declaration of Human Rights** and has ratified ICESCR and ICCPR.
- **India has also ratified:**
 - The international convention on the elimination of all forms of racial discrimination
 - The convention on the elimination of all forms of discrimination against women
 - The convention on the rights of the child
 - Convention on the Rights of Persons with Disabilities
- **Some Other Related Laws and Policies in India:**
 - [The Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act \(2006\)](#)
 - [The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act \(2013\)](#)
 - [The Street Vendors \(Protection of Livelihood and Regulation of Street Vending\) Act \(2014\)](#)
 - [Jan Dhan Account](#)
 - [Ujjwala gas connections](#)
 - [Pradhan Mantri Awaas Yojana](#)
 - [Triple talaq](#)
 - [National Portal for Transgender Persons, Garima Greh](#)

How is India's Performance on Related Indices and Reports?

- Indices:
 - [World Press Freedom Index 2022:](#)
 - Published by **Reporters Without Borders (RSF)**.
 - Rank of India **150 out of 180** countries.
 - **Human Freedom Index:**
 - Jointly published by **Cato Institute and the Fraser Institute**.
 - India ranked **119th out of 165** countries in the **2021** report.
 - **Index of Economic Freedom:**
 - **Economic Freedom Index 2021** has been published by the Heritage Foundation.
 - **India's economic freedom** score is **53.9**, making its economy the **131st** freest in the **2022** Index.
 - **India** is ranked **27th** among **39 countries** in the **Asia-Pacific region**.
- Reports:
 - [Human Rights Report on India 2021:](#)
 - Published by the **US State Department**.
 - The report flagged **violations of privacy** by **government authorities**, **Pretrial detention** is **arbitrary** and **lengthy**, **Free of Expression** and **Media** are restricted.
 - [Freedom in the World 2021 Report:](#)
 - Published by the US based human rights watchdog **Freedom House**.
 - **India's** score was **67**, a drop from **71/100** from last year **2020**.
 - [Democracy Report 2022:](#)
 - Published by the **V-Dem Institute** at **Sweden's University of Gothenburg**.
 - The level of **democracy** enjoyed by the average global citizen in **2021** is **down to 1989 levels**.

What are the Emerging Challenges Regarding Human Rights?

- [Violations of Human Rights](#) may be committed by the **state knowingly or as a result of the state's negligence**.
 - One of the most severe and well-known violations of human rights in recorded history is the **Holocaust**. **Jews, gays, communists, Slavs**, and other groups were denied humanity as part of **Adolf Hitler's "cleansing the world"** agenda.
- **Right to live with dignity:**
 - [Manual Scavenging](#) is a grave concern. The Indian government has come up with several policies to counter it, but few areas are witnessing cases of manual scavenging till now.
 - The **human rights of the Tribals are compromised** when they are displaced from the protracted area for the conservation of the animals.
 - [The Right to Clean Environment](#) comes under the **Right to life** under **Article 21** of the **Indian Constitution**. **Hike in pollution** due to **urbanization** and **industrialization** led to continuous violation of this **human right**.
- **Human rights of women:**
 - Women are considered weak in our society and are often denied basic human rights. They are subjected to violence in society whether it is within four walls of the house or at workplace.
 - In **Afghanistan**, **invasive vaginal examinations** are forced on women to test **"virginity"** every time a girl is arrested on a **mortality charge**.
- **Rights of prisoners:**
 - **Violations** of the most **fundamental human rights of the prisoners**, including **forced labour, physical abuse/torture, police misuse of power, inhumane treatment, custodial rape, poor food quality, a lack of a water system**, and other issues noted by the **Supreme Court**.
 - The **Supreme Court of India** in the recent past has been very vigilant against encroachments upon the [Human Rights of the prisoners](#).
- **Corruption in Governance:**
 - Corruption threatens the **rule of law, democracy and human rights, undermines good Governance, fairness and social justice, distorts competition, hinders economic development, and** endangers the **stability of democratic institutions** and moral foundations of society.

- There have been possibilities of **misuse of the provisions of the anti-terror law including the targeting of minorities and using it against political opponents** had arisen.

Why Human Rights are Important?

- **Human rights** protect an individual from being **abused** or **discriminated** against **because** everyone should have the equal opportunity to grow **physically** and **intellectually**.
- Individuals can speak out against **societal injustice** and **evil practices** prevalent in society.
- **Human rights** guarantee that people's **fundamental necessities** be addressed.
- **Freedom of speech and expression** are promoted by human rights.
- **Religious freedom** is made possible by **human rights**.
- A **uniform norm** for **government accountability** is provided by **human rights**.

Way Forward

- **Ensure Timely and Effective Service Delivery:** Corruption in governance is the major factor behind the human rights violation because it relaxes the timely and effective implementation of the government policy and program. The timely and efficient delivery of services should be guaranteed by appropriate administration and monitoring.
- **Focus on Underdeveloped and Developing Countries:** Majority of the human right violation are taking place in underdeveloped and developing nations. So developing and underdeveloped nations should be given proper opportunity to grow and sustain the measures associated with human right violation.
- **In case of India, the NHRC** should be substantially redesigned in order to become a more effective watchdog of human rights abuses across the nation. The efficacy of the NHRC will rise if the commission's recommendations are made **legally binding**. **State and non-state** entities must cooperate and take lead if the human rights situation in India is to be **improved and strengthened**.
- **Old laws and provisions** should be aligned according to latest demand of the circumstances.

PDF Refernece URL: <https://www.drishtiias.com/printpdf/human-rights-22>