

Full Length Research

# People only Live Full Lives in the Light of Human Rights

Dr. Hilal Ahmad Bhat and Dr. Smt. Sanjoo Gandhi

<sup>1,2</sup> (Govt. P.G. College Jhabua)

<sup>1</sup>E-mail: hilalrasool.phd@gmail.com (Corresponding author's E-mail) (8082502179)

<sup>2</sup>E-mail: sanjoogandhi.sg@gmail.com

Accepted 2 April 2019

This paper offers a brief overview of human rights and its importance. The concept of human rights implies that basic rights belong to every member of the human race. Human rights are a set of individual and collective rights that have been formally promoted and protected through international and domestic law since the 1948 Universal Declaration of Human Rights (UDHR). This paper also sets out to establish the logical and operational connection between human rights concepts and human rights indicators, the combination of which is essential for human rights measurement. The international human rights, policy, and donor community has long sought to establish the full content of human rights that ought to be promoted and protected, while less progress has been made on providing meaningful, valid, and reliable measures of human rights.

**Key Words:** Human Rights, United Nation, Universal Declaration of Human Rights and Human Beings

**Cite this article as:** Bhat, H.A., Gandhi, S.S (2019). People only Live Full Lives in the Light of Human Rights. Int. J. Polit. Sci. Develop. 7(2) 44-49

## INTRODUCTION

*"Spread love everywhere you go: first of all in your own house. Give love to your children, to your wife or husband, to a next door neighbor... Let no one ever come to you without leaving better and happier. Be the living expression of God's kindness; kindness in your face, kindness in your eyes, kindness in your smile, kindness in your warm greeting."* (Mother Theresa)

Human rights are those rights that all human beings derive from the dignity and worth natural in them and that the human being is the central subject of human rights. The concept of human rights is based on the best guess that human beings are born equal in dignity and rights. Human rights are basic to humanity. Human rights are applied to all people everywhere. Human right is an important part of our personality as human beings and of our collective status as members of the global community of humankind. Human rights are rights natural to all

human beings, despite of gender, nationality, place of residency, sex, ethnicity, religion, colour or any other categorization. Quran Commands: *"O you who believe! Stand out firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents, and your relatives, or whether it is against the rich or the poor. .."* (Quran 4:135), the right of all to be treated with fairness and justice seems implied. Similarly, in the broader sphere of human rights, the right to life in the Universal Declaration of Human Rights (UDHR); (*"Everyone has the right to life, liberty, and the security of person,"* Art. 3). Thus, human rights are non-discriminatory, meaning that all human beings are entitled to them and cannot be excluded from them. Of course, while all human beings are entitled to human rights, not all human beings experience them equally throughout the world. Many governments and individuals ignore human rights and grossly exploit other

human beings. Human rights are broadly classified into civil and political rights on the one hand and socio-economic and cultural rights on the other. The object of both sets of rights is, to make an individual an effective participant in the affairs of the society. Unless both sets of rights are available, neither full development of the human personality can be achieved nor can true democracy be said to exist.

❖ **Importance of Human Rights:** Human rights are held by all persons equally, universally and forever.

**1) Human rights are universal:** They are always the same for all human beings everywhere in the world. We do not have human rights because we are a citizen of any country but because we are a member of the human family. This means children have human rights as well as adults.

**2) Human rights are unchallengeable:** We cannot lose these rights any more than we can cease to be a human being.

**3) Human rights are indivisible:** No one can take away a right because it is *'less important'* or *'non-essential'*.

**4) Human rights are interdependent:** Together human rights form a complementary framework. For example, our ability to participate in local decision making is directly affected by our right to express our self, to associate with others, to get an education and even to obtain the necessities of life.

**5) Human rights reflect basic human needs:** They establish basic standards without which people cannot live in dignity. To violate someone's human rights is to treat that person as though he or she were not a human being. To advocate human rights is to demand that the human dignity of all people be respected.

**6) In claiming these human rights, everyone also accepts responsibilities:** To respect the rights of others and to protect and support people whose rights are abused or denied. Meeting these responsibilities means claiming solidarity with all other human beings.

**There are a Variety of Human Rights, including: (i) Civil rights** (such as the rights to life, liberty and security),

**ii) Political rights** (like rights to the protection of the law and equality before the law),

**iii) Economic rights** (including rights to work, to own property and to receive equal pay),

**iv) Social rights** (like rights to education and consenting marriages),

**v) Cultural rights** (including the right to freely participate in their cultural community), and

**vi) Collective rights** (like the right to self-determination).

## EVOLUTION OF HUMAN RIGHTS

The idea of human right is as old as social life. Even from the ancient time, it was recognized that the values are essential for human life. Without these values, life of the man becomes meaningless. Rights are the most important values which a man cherishes. He enjoyed this for his fullest development. In the recorded history of mankind; he has fought for these rights whenever they have been challenged.

Many people regard the development of human rights law as one of the greatest accomplishments of the twentieth century. However, human rights did not begin with law or the United Nations (UNs). Throughout human history societies have developed systems of justice and propriety that sought the welfare of society as a whole. References to justice, fairness and humanity are common to all world religions: Islam, Buddhism, Christianity and Hinduism. However, formal principles usually differ from common practice. Until the 18th century no society, civilization or culture, in either the Western or other sides of the world, had a widely endorsed practice or vision of inalienable human rights. Documents asserting individual rights, such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789) and the US Constitution and Bill of Right (1791) are the written precursors to many of today's human rights instruments. Yet most of these influential landmarks excluded women, many minorities and members of certain social, religious, political and economic groups. None reflects the fundamental concept that everyone is entitled to certain rights only by virtue of their humanity.

Other important factor for the evolution of human rights lies in 19th century efforts to prohibit the slave trade and to limit the horrors of war. For example, the Geneva Conventions established bases of international humanitarian law, which covers the way that wars should be fought and the protection of individuals during armed conflict. They specifically protect people who do not take part in the fighting and those who can no longer fight (e.g. wounded, sick and stranded troops, prisoners of war). Concern over the protection of certain vulnerable groups was raised by the League of Nations at the end of the First World War. For example, the International Labour Organization (ILO, originally a body of the League of Nations and now a UN agency) established many

important conventions setting standards to protect working people, such as the Minimum Age Convention (1919), the Forced Labour Convention (1930) and the Forty-hour Week Convention (1935).

Two major influences in the mid-twentieth century propelled human rights onto the global arena and the awareness of people around the world. The first was struggles of colonial people to assert their independence from foreign powers, claiming their human equality and right to self-determination. The second catalyst was the Second World War. The extermination by Nazi Germany of over six million Jews, Roma people, homosexuals and persons with disabilities horrified the world. Calls came from across the globe for human rights standards to bolster international peace and protect citizens from abuses by governments. These voices played a critical role in the establishment of the United Nations in 1945, human rights in 1948 and are echoed in its founding document, the UN Charter.

Although the international human rights framework builds on these earlier documents, it is principally based on UNs documents. The first documentary use of the expression '*human rights*' is to be found in the charter of the UNs, which was adopted (after the second world war) at San Francisco on June 25, 1945. At the inaugural conference of the UNs held in April 1946, the representatives of many countries had proposed that the conference should adopt a declaration on the essential rights of man. However, there was insufficient time available to discuss the proposal, and at the first session of the UN General Assembly, Panama submitted a draft declaration on fundamental human rights and freedoms. The General Assembly decided to refer the draft to the Economic and Social Council for detailed consideration by its Commission on human rights. The Commission spent two years working on a draft, with the instruction that the bill should be acceptable to all, short, simple and easy to understand. This precarious situation faced by the humans in their life world has ultimately led to the proclamation of the Universal Declaration of Human Rights (UDHR) on "10th of December, 1948" for the benefit and the furtherance of human race on the globe. Thus, Universal Declaration is the singular most important foundation for modern human rights.

UDHR as a common standard of achievement for all peoples and all countries, to the end that every individual and every organization of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states.

Rights for all members of the human family were first articulated in the UDHR, one of the first initiatives of the newly established UN's. Its thirty articles together form a

comprehensive statement covering economic, social, cultural, political, and civil rights. The declaration is both universal (it applies to all people everywhere) and indivisible (all rights are equally important to the full realization of one's humanity).

**Some Important Articles of UDHR are discussed as under:**

❖ **Article 1**

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.

❖ **Article 2**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

❖ **Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

❖ **Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

❖ **Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

❖ **Article 11**

- a) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

b) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

#### ❖ Article 16

a) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

b) Marriage shall be entered into only with the free and full consent of the intending spouses.

c) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

During the first few decades after its adoption, the development of human rights law was slowed by several historical realities. First, the Cold War, which pitted the Soviet Union and its satellite states against the United States and its western allies, dominated international politics and overwhelmed concern for human rights. Second, from the late 1940s through the 1960s, many new nations emerged from colonial rule. These countries joined the UN and brought their own concerns for self-determination and development. Many of these nations also drifted toward one-party or one-man dictatorships that did not honor individuals' human rights. Despite these obstacles, in the six decades that have followed its adoption, the UDHR has provided the foundation for many UN human rights conventions, regional human rights systems, and mechanisms for advancing and enforcing human rights.

### MODERN HUMAN RIGHTS

The collection of human rights protected by international law draws on a longer of tradition of rights from philosophy, history and normative political theory and now includes three sets or categories of rights that have become useful shortcuts for talking about human rights among scholars and practitioners in the field and will be used throughout the remainder of this paper. These three categories are: (i) civil and political rights, (ii) economic, social, and cultural rights, and (iii) solidarity rights. These three categories of human rights are discussed as under:

i) **Civil and Political Rights** uphold the sanctity of the individual before the law and guarantee his or her ability to participate freely in civil, economic, and political society. *Civil rights* include such rights as the right to life, liberty, and personal security; the right to equality before the

law; the right of protection from arbitrary arrest; the right to the due process of law; the right to a fair trial; and the right to religious freedom and worship. Political rights include such rights as the right to speech and expression; the rights to assembly and association; and the right to vote and political participation. Political rights thus guarantee individual rights to involvement in public affairs and the affairs of state.

ii) **Social and Economic Rights** include such rights as the right to a family; the right to education; the right to health and well being; the right to work and fair remuneration; the right to form trade unions and free associations; the right to leisure time; and the right to social security. When protected, these rights help promote individual flourishing, social and economic development, and self-esteem. *Cultural rights*, on the other hand, include such rights as the right to the benefits of culture; the right to indigenous land, rituals, and shared cultural practices; and the right to speak one's own language and 'mother tongue' education. Cultural rights are meant to maintain and promote sub-national cultural affiliations and collective identities, and protect minority communities against the incursions of national assimilations and nation-building projects. In contrast to the first set of rights, this second set of social, economic, and cultural rights is often seen as an aspirational and programmatic set of rights that national governments ought to strive to achieve through progressive implementation.

iii) **Solidarity Rights**, which include rights to public goods such as development and the environment, seek to guarantee that all individuals and groups have the right to share in the benefits of the earth's natural resources, as well as those goods and products that are made through processes of economic growth, expansion, and innovation. Many of these rights are transnational in that they make claims against wealthy nations to redistribute wealth to poor nations, cancel or reduce international debt obligations, pay compensation for past imperial and colonial adventures, reduce environmental degradation, and help promote policies for sustainable development. Of the three sets of rights, this final set is the newest and most progressive and reflects a certain reaction against the worst effects of globalization, as well as the relative effectiveness of 'green' political ideology and social mobilization around concerns for the health of the planet.

#### ❖ The Modern Human Right

##### Consists of Six Major Sections:

**Section I;** on the universality of human rights, discusses the moral foundations of human rights, the challenge of

cultural relativism, and the relationship between human rights and duties.

**Section II;** Offers a summary of the United Nations system of human rights as it has developed from the founding of the United Nations in 1945 to the present. This section, the longest of the six, includes descriptions of the drafting of the UDHR, the major United Nations conventions and declarations, and the major U.N. operational mechanisms for advancing human rights. This section concludes with short overviews of the International Criminal Court, the Responsibility to Protect, the Millennium Development Goals, and the new Sustainable Development Goals.

**Section III;** Describes the development of international humanitarian law, the laws governing the conduct of war. While international humanitarian law predates human rights law, it is now seen as a part of human rights law, due largely to its modern emphasis upon the rights of civilians during wartime.

**Section IV;** Reviews the human rights systems of the five regional organizations, from the first European system to the most recent Association of Southeast Asian Nations Human Rights Declaration.

**Section V;** Describes the non-governmental human rights movement and its vital role in advancing human rights.

**Section VI;** Examines the United States' role within the international legal system of human rights. Today, there are literally hundreds of human rights organizations worldwide. Some focus on all human rights concerns, while others address specific kinds of rights (e.g., Center for Economic and Social Rights), specific rights issues (e.g., International Association for Religious Freedom) or the rights of specific groups (e.g., Disability Rights International). Many are global, while others address human rights in particular regions or countries.

## OBJECTIVES OF THE RESEARCH WORK

- The main objective of the study is to highlight the role and importance of human rights in present era.
- To highlight the role of U.N.O in human rights since 1948.
- To highlight the enjoyment of these human rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

## RESEARCH METHODOLOGY

The study is mainly based upon the collection of secondary data. Secondary data have been collected from various books. In addition to this, data have been collected from various journals, articles, research papers etc. The research is also based on the referred sources-published, unpublished and electronic.

## CONCLUSION

To conclude, human rights are those rights which are inherent in our nature and without which we cannot live as a living as a human being. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of human being will receive respect and protection. Human rights are sometimes called fundamental rights or basic rights or natural rights. As fundamental or basic rights they are those which must not be taken away by any legislature or any act of the government and which are often set out in a constitution. As natural rights they are seen as belonging to men and women by their very nature. In short, whatever the rights add to the dignified and free existence of a human being should be regarded as human rights. These are the rights which serve as a necessary prelude for the well-being of human beings for they are universally applicable to all human beings irrespective of colour, race, religion, region, and so on. Human right is equally applicable to the people of east or west.

## REFERENCES

- ❖ Li Weiwei (2004), *"Equality and Non-Discrimination under International Human Rights Law"*, ISSN-1504-0070, ISBN: 82-90851-73-1, p. 6.
- ❖ Philippe Cullet (1995), *"Definition of an Environmental Right in a Human Rights Context"*, Published in: 13 Netherlands Quarterly of Human Rights. p. 35.
- ❖ Barbalet, J. M. (1988), *"Citizenship: Rights, Struggle and Class Inequality"*, published at: Milton Keynes: Open University Press.
- ❖ Clague C., Keefer et al (1996), *"Property and Contract Rights in Autocracies and Democracies"*, Journal of Economic Growth.
- ❖ Dr. Todd Landman (March 2013), *"The Scope of Human Rights: From Background Concepts to Indicators"*, Published at: United Kingdom, [www.essex.ac.uk](http://www.essex.ac.uk), pp. 3-5.

- ❖ McFarland Sam (1998), *“Human Rights 101: a Brief College-Level Overview”*, published at: Western Kentucky University, PP. 1-14.
- ❖ Report (2010), *“Understanding Human Rights”* Prepared by: Australian Human Rights Commission-[www.humanrights.gov.au/education/understanding\\_human\\_rights](http://www.humanrights.gov.au/education/understanding_human_rights), p. 2.
- ❖ Official Journal of the European Communities (December 2000), *“Charter of Fundamental Rights of the European Union”*, pp. 9-11.
- ❖ Human Security in Theory and Practice *“An Overview of the Human Security Concept and the United Nations Trust Fund for Human Security”*, Prepared by: Human Security Unit, p. 5.
- ❖ Secretary-General Ban Ki-moon (2015), *“Universal Declaration of Human Rights”*, Illustrations by Yacine Ait Kaci, pp. 4-34.
- ❖ Report (March 2012), *“Human Rights and Economics: Tensions and Positive Relationships”*, Prepared for the Nordic Trust Fund/World Bank by GHK Consulting Ltd.