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### HUMAN RIGHTS GLOBAL REALITY: AN OVERVIEW

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#### **ABSTRACT—**

*In the present time Human Rights issues has become a debateable concept in politics of the state and also at global level. It is commonly observed that the democratic representative Government is the best form of Government to safeguard and guarantee people's rights. Attempts continue to make the possibility of creating a universal theory on Human Rights. It is true that the concept of*



*Human Rights has also created many myths. Today Human Rights have become an integral part of the process of globalization in many ways. The globalization in certain situations also increases the poverty, fragmentation and insecurity among societies and violates human rights and human dignity of the people. Certain non state actors also violate the Human Rights. The state is responsible for ensuring that*

*Human Rights and freedoms are guaranteed. The Institutional Mechanism developed to establish norms and resolve disputes in the Concept violation of Human Rights. It is also required to be understood whether state and the media need strengthening. Protection of people crossing International Borders seeking migration and refuse is at the heart of global feminist theory that studies gender, discrimination and oppression of females and violation of child rights is a major problem of the 21<sup>st</sup> Century.*

**KEY WORDS:** Human Right, Globalization, Security, U.N.O., International Law.

#### **INTRODUCTION:**

Today, the humanity faces the problem of protecting Human Rights in globalized world. Rampant violation of human rights in the name of modernization and development. The politics of the Neo-Liberal world in the garb of protection of Human Rights poses a major threat. We must learn to protect the Human Rights of the poor, voiceless and powerless irrespective of region, languages, caste, sex, creed and religion. The basic requirements of all human beings such as food, clothing, shelter, health, education and security must be met adequately. The Govt. in many cases have been unable to provide these basic needs to the people which is a violation of their social, economic and cultural rights.

Sixty eight years have passed since the universal declaration of Human Rights was accepted unanimously by the United Nations General Assembly on 10<sup>th</sup> December 1948. After that Human Rights have become an integral part of the International Law as well as of State Law of many democratic states. Protection of Human Rights is today looked upon as an essential part of justice and welfare of people.

In the 21<sup>st</sup> Century, change and continuity is the hall mark of global politics. There is widespread debate on the declining role of the existing state system and its efficacy. In present time, new Information Communication and Technology (ICT), International Economic Markets and cultural identities are acquiring important place. The capacity of government in protecting of Human Rights of their people is steadily declining.

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It is a fact that a discussion on human rights is considered essential to understand the force and commitment of a welfare democratic state towards its own people.

Those Nations which have signed the United Nations Human Rights declaration of 10 December, 1948 and various other covenants would always adhere to the due protection of the Human Rights of their citizens without any discrimination. It is also true that there are many states which have failed to provide basic Human Rights to their people. For example, many Arab countries have denied their people such basic Human Rights as voting, right to peaceful assembly, right to political speech, right to equality etc.

### **DEFINITION AND MEANING OF HUMAN RIGHTS:**

The word, 'Right' implies freedom that is guaranteed or things to which one is entitled or allowed." So 'Human Rights' implies right of a person simply because of his/her being a Human'. Human rights are based on the principle of respect for the individual. Human Rights are moral norms or principles that describe the standards of human life or behaviour in general. A person exclusively enjoys or is entitled to Human Rights for just being a Human".<sup>1</sup>

The Word Web dictionary defines human rights, as "any basic right or freedom to which all human being are entitled to and in whose exercise a government may not interfere. Human rights generally include rights to life and liberty as well as freedom of thought and expression and equality before the law".<sup>2</sup>

According to the Universal Declaration of Human Rights on 10 December, 1948, "Human Rights are rights inherent to all Human beings, whatever their nationality, place of residence, sex, nation or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without any discrimination. These rights are all interrelated, interdependent and indivisible".<sup>3</sup> December 10 is celebrated as Human Rights day all over the world.

Human Rights are as old as Human Civilization but they have become more relevant after the Second World War and their definition and scope keep expanding with the passage of time. The preamble of the United Nations expressly states 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".<sup>4</sup> Accordingly almost all democratic countries of the world have incorporated an independent chapter in their respective constitutions on Human Rights.

Human Rights are individualistic in nature. It is true that those Right may not be taken away from the Individual. Some rights are related and common rights such as Cultural rights and right to development. It is debatable whether Human rights issues are more political in nature than economic and social. States which are signatory to the UN charter on Human Rights have authority to implement and defend human rights according to international commitment made there under.

### **SIGNIFICANCE OF HUMAN RIGHTS**

In present scenario Human Rights is very difficult and sensitive issue in India because India is a large sovereign, social, democratic, secular, republic. It is a big and diverse country among the fastest developing nations in the world.

Human rights have tremendous importance for the well being and development of Humans and hence some well known personality of the world has given their own definitions of human rights. The president of America, Abraham Lincoln who is credited with the abolition of Slavery in the U.S.A through the 13<sup>th</sup> amendment to the United States constitution. It was ratified on December 6, 1865 and the Abraham Lincoln declared that, "I am in favour of animal rights as well as human rights that is the way of a whole human being". According to Mahatma Gandhi, "Freedom is not worth having, if it does not include the freedom to make err. It passes my comprehension how human being, be they ever so experienced and able, can delight in depriving other human beings of that precious right". "Human Rights are of universal interest because it is the inherent nature of all human beings to yearn for freedom, equality and dignity and they have the rights to

achieve it”- The Fourteenth Dalai Lama. “Women’s Right are Human Rights and Human Rights are Women’s Rights”- Hillary Clinton. “Man has been ruled by the external authority long enough. If he is to be truly civilized, he must learn to be ruled by his own principles, the principles of humanity”- E.G. Tagtor “Human rights are what make us human. They are the principles by which we create the sacred home for human dignity. Human Rights are what reason requires and conscience commands” - Kofi Annan, Former United Nations Secretary General. “Human Rights are universal standards. It is a component of every religion and every civilization” – ShirinEbadi.

### **The Objectives of Human Rights:**

- (a) To strengthen the Institutional infrastructure to effectively deal with Human Rights problems.
- (b) To conduct an Independent enquiry to in every case of human rights violation.
- (c) To find out the weakness of Government Mechanisms that have already been made to protect Human Rights and give the suggestions to correct them.

### **HUMAN RIGHTS UNDER THE UNITED NATIONS:**

For an explicit commitment of Human rights, the world had to wait for the United Nations charter. In the preamble, the people of the United Nations determine “to reaffirm faith in fundamental Human Rights in the dignity and worth of the Human person in equal rights of men and women”.(5)

Some important provisions are made in the charter of UNO to protect Human Rights. “General Assembly on 10 December, 1948 approved the Declaration on universal Human Rights. The result of the vote was forty eight in favour, none against and eight abstentions.”(6)

According to “Article 1 of the UN charter, it involved that in promoting and encouraging respect for Human rights and for fundamental freedoms for all people without any discrimination as to race, sex, language and religion.” (7)

The charter of the UNO under article 13 gives the power to the General Assembly of the United Nations to give all types of help to member countries for enforcement of universal Human Rights and fundamental freedoms without any discrimination as to caste, gender, race, language and religion.

Article -55 – directs the United Nations to encourage human Rights and fundamental freedoms without any discrimination on the basis of caste gender, language, race, sex and religion.

Article – 56 – directs that all the Nations shall help the UNO to achieve universal enforcement of human Rights and fundamental freedoms.

Article 6 2 – states that the Economic and Social Council shall have a power implement measures for increasing respect towards Human Rights and fundamental freedoms in all the Nations.(8)

### **THEORIES OF HUMAN RIGHTS**

The phenomenon known as human rights is connected not only with the protection of individuals from the exercise of the state or governmental authority in certain areas of their lives, but that also directs creation of certain societal conditions by the state in which individuals may develop to their fullest potential. The real wealth of a state is its citizens and the state is responsible to provide Human Rights for citizens to live long and healthy and to solve all human problems.

In the age of globalization, “the struggle for Human Rights has become more challenging while responsibility for protections of human rights are increasingly passed on by Governments and international bodies like the United Nations to subordinate level, grave threats to and gross violations of Human Rights are also on the rise.”(9).

The International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 2(1) provides that each state party will “take step” individually and through international assistance and cooperation to achieve the rights in the covenant.(10)

### **GLOBALIZATION AND HUMAN RIGHTS**

It is true that Human Rights issues are increasingly in focus after the collapse of the Soviet Union. It comes through reports of the international institutions such as World Bank, International Monetary Fund (IMF) and United Nations. Globalization has created new markets and new social categories, which are

autonomous and independent groups but linked to common markets such as, big malls, the department stores, Big Bazaar etc. This situation has created new Human rights problems such as right to enter, right to exit, right to choose, right to alternatives, etc. Such transformation is also taking place in the realm of politics. This situation leads to Globalization.

The Globalization has created spaces for large markets and at the same time it also created condition for violations of Human Rights in various forms. The globalization entering to in the private sphere of people and created confusion. Many debates take place on globalization that globalization is nothing but integration of local economy with larger economies, it is becoming a part of the capitalist development. It is true that state has been speedily withdrawing from the spheres of social welfare thus abdicating its own responsibility to an extent.

Globalization is creating problems in many ways such as the populations dislocating from their cultural sphere, it is called "Avalanche of social dislocation". The globalization has thus a created a situation for large number of people lose their livelihoods in various fields.

Human Rights include, liberty and equality rights, security rights, political rights, due process rights, welfare rights, socio-economic & cultural rights. Every people has a right to life and live with dignity. Justice J. S Verma observed that "all members of the Human family must be treated with equality of being a Human. When human rights are guaranteed by a written constitution, they are called fundamental rights. Fundamental rights are the modern names for what had been traditionally known as natural rights."(11)

The six leading International Human rights treaties on civil rights, political rights economic rights, social and cultural rights, rights against social discrimination, discrimination against women, against torture and the violation rights of the child had been adopted by 172 nations by early 2012.(12)

Owing to Globalization farmers have also become victims as a result of preferential and faculty implementation of its policies by powerful countries. The globalization started affecting agriculture in areas such as development of new seed technology, manipulation of gene technology leading to Bt. Cotton, BT Rice and Golden rice without involvement of poor and developing countries. It is a mainly because of ill effects of globalization causes by leased attitude of developed countries and their stranglehold on the W.T.O that farmers in poor and developing countries were denied the benefits of globalization. This has led to their farmers income steadily sliding and agriculture being looked upon as an unprofitable occupation. The situation has led to many farmers even committing suicides in many countries including India.

### Table of in India Suicide Committed by the farmers in year 2015. Farmers suicide in year 2015

Sr.No.	State/ U.T.	Total Farmers
1	ANDHRA PRADESH	516
2	ARUNACHAL PRADESH	7
3	ASSAM	84
4	BIHAR	0
5	CHHATTISGARH	854
6	GOA	0
7	GUJARAT	57
8	HARYANA	28
9	HIMACHAL PRADESH	0
10	JAMMU & KASHMIR	0
11	JHARKHAND	0
12	KARNATAKA	1197
13	KERALA	3
14	MADHYA PRADESH	581
15	MAHARASHTRA	3030
16	MANIPUR	1
17	MEGHALAYA	2
18	MIZORAM	0
19	NAGALAND	0
20	ODISHA	23
21	PUNJAB	100
22	RAJASTHAN	3
23	SIKKIM	15
24	TAMIL NADU	2
25	TELANGANA	1358
26	TRIPURA	1
27	UTTAR PRADESH	145
28	UTTARAKHAND	0
29	WEST BENGAL	0
TOTAL (STATES)	TOTAL (STATES)	8007
TOTAL (ALL INDIA)	TOTAL (ALL INDIA)	8007

Source:-<http://data.gov.in/resources/stateut-and-land-holding-status-wise-distribution-farmercultivators-suicides-during-2015>.

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Same MNC,S (Multi National Co-orporations) are controlling 90 percent wheat production. This kind of monopoly has effects on social categories and makes them victims. The farmers have lost many of their traditional historical rights such as seeds rights, right to preserve the seeds and right to exchange seeds.

Globalization has created a new kind of dislocation of people in various parts of the world. The people have lost their land, livelihood as well as cultural system after the new Globalization and Development model started, for examples "special economic zones." These are seen as symbols of Neo-capitalism and as well as of human Rights Violation. These zones do not follow any labour laws and have private security force. Millions of people have been dislocated from their original places including dalits, tribals and farmers from their land for setting up of Special Economic Zones. The fault so far as India is concerned, does not lie with the SEZ per second. It is the model we approve for ourselves which really matters. Developed countries have SEZs and these are considered as model the world over. The fault truly lies with the government which is found always lacking in vision for a long term development and proper planning for the same. We are always seen dealing with a crisis after it grips us and which is a direct result of absence of any vision and lack of planning for future.

### HUMAN RIGHTS IN SOUTH ASIA

Eight nations constitute South Asia Including Afghanistan. These state are considered a colonial legacy of British rule and have accepted British models in their administration and Government set ups. "In majority, South Asian countries have laws that do not respect the essential notions of due process of law, often resulting in arbitrary arrest, assault and even killing of innocent people by the Government officials."(13)

In India too where human rights problems are no less, the people have to face problems of poverty, illiteracy, human trafficking, violence against women, child labour, refugees, bonded labour etc.

For example, Indian state is a unique case on the one side it has made human rights issues part of school syllabus and has established National Human Rights Commission, Human Rights cells, Human Rights court and state level Human Rights Commission, etc. On the other, we routinely observe the state agencies violating human rights and the democratic state failing to protect human rights both within and outside its purview. In India it is more of a problem of governance we care for only our rights but duties are none of our concerns. But there are countries which have no respect for human Rights, such as Somalia, Chad, Iraq, Pakistan Haiti, East Timor, Afghanistan, Sudan, North Korea, etc. Some countries are victims of food crisis such as Bangladesh, Pakistan, Egypt, Haiti, Mozambique, etc. The failure of the State to address the issues of hunger, poverty and inefficient and corrupt public distribution system in various parts of the world and increasing disparity between the rich and poor are only aggravating the problems of the poor in general.

In Nepal, people are facing problem of Maoist insurgency killing, judiciary is not effective, the Government has no refugee policy and discriminations on the basis of religion, caste and region is rampant.

In Pakistan democratic values have totally disappeared and it is seen as a failed state. It has a pathetic record of rampant violation human rights, Rights of Women child Labour poor health facilities, religious intolerance crime against women, illiteracy, and insurgency are all because of Political Instability. Pakistan has repeatedly seen its Army seizing power by one force and forcing its people to surrender all their rights and liberties to the wayward Army Generals.

Bangladesh too had been a victim of military rule for some time and the Government during those times used arms to suppress the people who sought political freedom and violence against Hindus and refugee problems were big crisis. "Bhutan has faced terrorism and refugees and ethnic problems were caused by human rights violation.

In Sri Lanka, the class between the two major ethnic groups i.e. the Tamils and the Sinahalese has created a war like situation for long. The Government has no legal framework to deal with refugee problem. International Human Rights agencies, the Amnesty International, Amnesty International's Survey on Human right in Sri Lanka found that rights of the people were violated during the Civil war in between Tamils and Sinahalese in 2013. India voted against the Sri Lanka at the UNO. This is the South Asian region as a whole is terrorized, poor, illiterate and malnourished." One does not "only enjoy human right on bare body and empty stomach" No doubt all these states are trying to deal with the problem of violation of Human Rights in their territories but it is a difficult and tortuous to the say the least.

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## NEED OF BASIC HUMAN RIGHTS

### 1- Dignity and Justice:

Every human being is born free and equal in dignity and rights and it means treating each other with respect and tolerance. The Government should give equal protection in law as well as in practice for the people, commitment to justice and recognition of inherent Human dignity and act towards one-another in spirit of brotherhood.

### 2- Right to Security:

The security, peace and human rights are closely linked and they cannot be separated from one-another. The concept of security may be examined in the wider political, social economic and environmental perspectives. In the underdeveloped nations security is linked with poverty, lack of democratic participation and violation of human rights and denial of these is a big threat to the security of human being. Therefore, security may be achieved through cogent governmental efforts to meet the economic, social and cultural needs and aspirations of the citizens.

### 3- Right to Development:

Development with social justice and it is the best answer of the poverty. According to the United Nations Development programme report of 2016 that the gap between the rich and poor in developing countries is increasing. Every welfare Government is primary responsibility to maintain a dignified life of that citizens and poverty hunger and poor nutrition may be finished from the state and equal opportunity Growth and Development in freedom and equality in all respect to all human beings.

### 4- Right to Education:

Education is the basic tool to create a right kind of feeling, knowledge and awareness among people about the Human Rights and hence it must be part of fundamental rights of people. In India, the state provides free and compulsory education for all up to a certain level. In third world countries massive illiteracy among women is common. It is necessary for the Government of all states to adopt a special scheme for education of women. The promotion of Human rights will be left incomplete without first wiping out female illiteracy and arrangement of quality education among them. Empowerment will come by itself.

### 5- Right to Religion and Cultural Freedom:

The United Nations charter says that every human being has the right to freely take part in the cultural life of the society and follow their religious beliefs. It is necessary to build a pluralistic and secular character in the community. It is equally necessary to guarantee religious and cultural freedom to all irrespective of colour, caste, creed, region language etc. If any Government and non-state actors try to sultanate cultural rights of others, it is a violation of human rights of the affected group.

### 6- Right to work:

The right to the life is the fundamental human right but it would be meaningless in the absence of the right to work. To make it meaningful, it would be essential to make a provision to provide gainful employment opportunities to every citizen to enable him to earn a livelihood. Practice like child labour and discrimination in employment on the basis of gender and exploitation of workers in any manner need to tackle with an iron hand with force of strong laws. But in most developing countries, gross violation of labour laws is a common phenomenon. In a majority of countries, including India, the right of work is not yet a fundamental right. The Human Rights alone without providing for the guarantee of right to work to the all citizens without any discrimination will not be sufficient to achieve the desired targets of ensuring life with dignity.

### 7- Right to Information:

The absence of the right to information is a violation of basic human rights and fundamental freedoms. It is very important to ensure accountability and transparency in Governance. The Government must give priority to the establishment of a solid system of checks and balances in its working. To bring about

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efficiency and openness in all its functions, the government at the centre must enact the much needed “Public Servants personal Accountability Act” and made applicable all over India. There should be system of “Reward and Punishment” with a strong “Anticorruption watchdog” to improve our governance system. And making good laws and honest efforts alone will not work. What matters more is perfect implementation of those laws and rules. People will appreciate such strong actions of the government.

#### **8- Human Rights of Children and Women:**

The United Nations Convention on the Rights of the child express that the rights described in the Universal Declaration of Human Rights are rights that belong also to the children. The children rights are human rights. Every state Government must honestly implement the convention guidelines in letter and spirit.

Article 14 of the constitution describes that all citizens of India are equal before the law. But due to Globalization unequal distribution of its benefits, women have been adversely affected in most countries. The state is required to treat each citizen with equal concern and respect. The law cannot give permission creating discrimination on the basis of gender. It is against the fundamental right to equality and a violation of Human rights also. In fact the concept of globalization must promote rather than hinder promotion and enforceability of human rights anywhere in a standard uniform format.

#### **CONCLUSION, OBSERVATION AND SUGGESTIONS**

The Government makes effective laws, policies and programmes to safeguard the Human rights. In case of every violation of human rights Government provides free legal aid to the poor people. Speed attention is paid to safeguard right of vulnerable sections of the society such as children, women, minorities, migrant labour, etc. Government takes due care for promotion of peace, environment protection, sustainable social development and protection of human rights and democracy.

Government take equally strong measures against evils like terrorism, slavery, trafficking of women, child abuse, drugs etc. In the era of Globalization, Government makes effective law against possible exploitation and protecting by the Multinational Companies which are making their ways to the poor nations. In the process vulnerable nations are becoming all the more vulnerable. The Government is aware of these problems and has built a mechanism for protection of Human rights of such segments of the society.

In the present, the United Nations involved in defining a global agenda on Human Rights, conflicts and security, the Environment development and Economic Policy but states violate these policies with the narrow aim to safeguard their national interests. The most satisfactory way to arrive at consensus on universal values is through a universal or cross cultural dialogue. Dialogue brings together different historical experiences and cultural sensibilities and ensures that we appreciate human beings in all their richness and their values. We arrive at as genuinely universal agreement as is humanly possible. Thus there is an absolute necessity to democratize the discourse of Human Rights to make a mutually acceptable model. To pass the responsibility for human rights violations on to the non-state actors appears to be increasing. The states need to make strict law and the press and other media should also play positive roles.

International Corporations, International Organisations like the World Bank should also adopts strong policies against those states where violation of human rights are found common but go unchecked in countries like Pakistan, North Korea, Nigeria, Sudan, etc. Such countries need to be isolated internationally and those who clandestinely help them should also be identified and placed in black list.

My purpose here is to make visible and highlight the importance of human rights in the context of individual and Universal, especially in respect of children and women. There is a constant threat of violation of their human rights in every zone of conflict whether there is a war or long time rampage by terrorists. Conflicts like Israel/Palestine, Sudan, Zimbabwe, Myanmar, Nigeria, Pakistan, Afghanistan, etc are examples. The global commitment to upholding the principles of all human rights for all and international community providing the necessary resources to safeguard the individual and universal Human rights can only offer a lasting solution to these problems playing the world for long.

“Give to every human being every right that you claim for yourself”-Robert Ingersoll

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