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**16.1 INTRODUCTION**

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One of the greatest developments in the annals of human history is that for the first time in International Relations a comprehensive list of “human rights norms” has been evolved. By the beginning of the 21<sup>st</sup> century the United Nations had adopted more than 100 conventions, covenants and basic principles on different aspects of human rights. Many regional human rights protection mechanisms also have been institutionalised. Nearly 200 multilateral human rights treaties exist today. Similarly, Governments at the national level have adopted scores of legislations on the subject. All these developments have brought the question of promoting human rights on the agenda of international and national governance and have removed it from the exclusive domestic jurisdiction of nation States. Today we have human rights treaties or legislations on every kind of rights, such as the rights of women, children, refugees, migrant workers, stateless persons, indigenous peoples, disabled persons, minorities and so on. These documents deal with the prohibition of torture, social or religious discrimination, slavery; right to development and peace, rights of workers, etc. In fact, the contemporary human rights law

covers the entire gamut of human relationships. Thus, 20<sup>th</sup> century can be considered as a century for institutionalising the concept of human rights.

A statement of Sir Hersch Lauterpatch, a noted protagonist of human rights and one of the most eminent international lawyers of the 20th century, rightly captures the spirit of modern laws and functions of the states. He had observed in 1947: “*The protection of human personality and of its fundamental rights is the ultimate purpose of all law, national and international*”. Similarly, Adlai Stevenson of the USA once had remarked, “human rights are at the core of everything we do and try to do”. These two statements candidly reveal that the concept of human rights has acquired a significant place in human life / civilisation, as it is true that a large part of our time is devoted, in the ultimate analysis, to the promotion and protection of human rights. Both the classical as well as contemporary political theories have affirmed and reaffirmed the significant principle that it is the “individual” for whom the State (or for that matter, any social or legal order) exists, and not *vice versa*. In sum, human rights have emerged as the most powerful concept of our age. According to Boutros Boutros Ghali, former UN Secretary General, “human rights constitute a common language of mankind and the ultimate norm of all politics. Adopting this language allows all peoples to understand others and to be the authors of their own history. Human rights, by definition, are the ultimate norm of all politics” (Cited in Vijapur, 2010, pp.16-17).

### **Aims and Objectives**

This Unit will enable us to understand the following:

- The importance and divergent understanding of the concept of human rights;
- A brief overview of Gandhi’s ideas and actions on rights and duties
- Cultural and religious roots of human rights;
- International and regional human rights treaties and their implementation mechanism; and
- Gross violations of human rights in the world.

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## 16.2 GANDHI ON HUMAN RIGHTS AND DUTIES

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Mahatma Gandhi began his public life at the beginning of the 20<sup>th</sup> century fighting for the rights of people in South Africa. After his return to India from South Africa his entire political life was revolved around many political and social movements which had great implications for the recognition of human rights, such as leading a freedom struggle to end colonialism, fighting for abolition of untouchability, working towards Hindu-Muslim Unity and harmony, popularising the use of *khadi*, advocating prohibition, *panchayat* system and cottage / village industries, village sanitation, upliftment of women, new basic education (*nai talim*) in Indian languages and using non-violent methods to achieve these objectives. In sum, his mission and action in life was to promote human rights and duties of all persons in the society. This unit is not an appropriate place to discuss Gandhi's ideas on human rights. But it should be acknowledged that Gandhi was much ahead of times. Human rights came on national and international agenda only after the adoption of Universal Declaration of Human Rights in December 1948, whereas Gandhi has been all along fighting for human rights more than half a century prior to the adoption of this historic Declaration.

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## 16.3 THE CONCEPT OF HUMAN RIGHTS: DIVERGENT MEANINGS

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Though the concept of human rights is central to social sciences, it is poorly understood. There is no agreement on its meaning, nature, and content. It is a concept very much contested not only between East (representing former socialist States) and West (representing liberal-democratic States) but also between developed and developing countries. Each group of nations has a different perception of human rights.

The so-called first world countries of the West believed in the supremacy of the individual, while the communist countries of East focused on the community and the unconditional priorities of class interest. Hence, the individual benefited from these group rights, as his/her rights were better provided for, within the community. The former communist States gave priority to economic, social and cultural rights and insisted that they could not be separated from the class character of society in which they existed, while the liberal-democratic States asserted the primacy of civil and political rights. This debate of priority of one set of rights over another continued to occupy the agenda of national and international governance during major part of the 20th century.

The newly emerging States of the Third World, while adopting the Eastern or Western model of human rights paradigms in their constitutions, or a combination of both, focused on solidarity or group rights such as right to self-determination of peoples, including sovereignty over their natural resources, the right to development, the right to a healthy and ecologically balanced environment, the right to peace and the right to ownership of the common heritage of mankind. They also insist on interdependence and indivisibility of civil and political rights to economic and social rights.

Thus, the modern concept of human rights is comprehensive in its nature and content. It includes three types of rights: civil and political, economic, social and cultural and the emerging collective or group rights. Some Western scholars have described these three sets of rights as first, second and third generation of human rights. In fact, the catalogue of rights is expanding every day. Moreover, it must be noted that no catalogue elaborating specific human rights will ever be exhaustive or final. Its content goes hand in hand with the state of moral consciousness, or development of civilisation at any given time in history.

It is gratifying to note that in general the East is now shifting more towards the West in their perception of human rights, and civil and political rights are given greater attention than ever before. The collapse of communism and the end of the “Cold War” suggests that arguments over divergent concepts of human rights are no longer a subject of mutual accusation and a spirit of cooperation between East and West is evolving gradually.

Let us briefly define rights and their significance. Human Rights are those conditions of life that allow us to fully develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. We cannot develop our personality in the absence of rights. They are fundamental to our nature; without them we cannot live as human beings. To deny human beings their rights is to set the stage for political and social unrest, wars, hostility between nations and between groups within a nation-and that denial leads to urgent demands for a better life in larger freedom. Human rights, far from being an abstract subject for philosophers, political scientists and lawyers, affect the daily lives of everyone – man, woman, and the child. Rights are nothing but claims against the State or government or individual persons. They constitute, as opined by Michael Freedon, “a conceptual device, expressed in linguistic form that assigns priority to certain human or social attributes regarded as essential to the adequate functioning of a human

being; that is intended to serve as a capsule for those attributes; and that appeals for deliberate action to ensure such protection” (Vijapur, 2010, p.20).

Rights are also used in a variety of ways indicating differences in ideological and philosophical perceptions. For some, rights are “normative attributes” that belong to a self-conscious person who perceives himself as an agent of purposive creative action. For others, rights are entitlements to choose from. McCloskey describes rights positively, as entitlements, to do, to have, enjoy or have done. For MacCormick rights “always and necessarily concern human goods”, that is, concern with what it is good, at least, in normal circumstances, for a person to have. Feinberg and White asserted that rights can be “possessed, enjoyed, exercised and claimed, demanded and asserted”. James Nickel states that human rights aim to secure for individuals the necessary conditions for leading a minimally good life. Public authorities, both national and international, are identified as typically best placed to secure these conditions. So, the doctrine of human rights has become, for many, a first port of moral call for determining the basic moral guarantees all of us have a right to expect of those national and international institutions capable of directly affecting our most important interests (Vijapur, 2010, p.20).

It should be acknowledged that rights and duties are two sides of the same coin. One’s rights impose duties on others. Allegiance to the State, where a citizen resides, obeying the laws of the State, payment of taxes, exercising right to vote, rendering compulsory military service, parental duty towards their children when they are young and the duty of adult persons to take care of the needs of their old parents, etc. are some of the duties which have been recognised in different countries. In 1976 the Indian Constitution added ten fundamental duties through an amendment.

Rights have not evolved overnight. Great revolutions, events and constitutional, political, social struggles have contributed toward the continuous evolution of rights. Here we cannot discuss the history of the idea of rights. However, it should be recognised that contrary to popularly held Western belief that human rights are of the Western origin, now there is an overwhelming emerging consensus that every culture / civilisation and nation in the world had some notion of human rights. Let us describe this aspect.

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## 16.4 CULTURAL AND RELIGIOUS ROOTS OF HUMAN RIGHTS

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Every major culture in the world had developed a notion / doctrine of human rights. It is wrong to subscribe to the view that human rights have been invented by the Western civilisation, especially after the period of Enlightenment. We can find the roots or seeds of human rights in all major cultures and religions of the world.

The Greek philosophy had developed the idea of natural law including equal respect for all citizens, equality before law, equality in political power and suffrage, and equality of civil rights. The Chinese philosopher, Hsun-tzu, had said in 400 B.C. that “In order to relieve anxiety and eradicate strife, nothing is as effective as the institution of corporate life based on a clear recognition of individual rights” (Shelton, 2003, p.1). Mencius (372-289 B.C.), a great Confucianist, strongly maintained that a government should work for the will of the people. He said: “People are of primary importance. The State is of less importance. The Sovereign is of least importance” (Vijapur, 2010, p.58). Chinese concept of human rights is greatly influenced by Confucianism. It proclaims that harmony and cooperation exist when duty and responsibility towards others leads to treating all human beings as having equal work and recognising that “within the four seas, all men are brothers” . The teaching of ancient text, Analects, is “Do not impose on others what you do not desire.” “If there be righteousness in the heart, there will be beauty in the character. If there is beauty in the character, there will be harmony in the home. If there is harmony in the home, there will be order in the nation. If there be order in the nation, there will be peace in the world”.

Similarly, all three Semitic religions – Judaism, Christianity and Islam – have spoken about the value of human rights. Judaism stresses the sacredness of the individual endowed with worth and equal value. It proclaims: “undo the tongs of the yoke, let the oppressed go free... share your bread with the hungry, and bring the homeless poor into your house”. Christianity also echoes the message of equality: “there is neither Greek nor Jew, nor slave nor free, nor man nor woman, but we are all one in Christ”. Bible says: “Do unto others as you would have them do unto you.” Charity or lifting the burdens of those less fortunate is one of the pillars of Islam. The Quran speaks of justice, the sanctity of life, freedom, mercy, compassion and respect for all human beings. All races are equal and religious toleration should be guaranteed. Islam provided the first declaration of religious freedom in the world. It proclaimed that Jews and Christians

shall be protected from all insults and vexations; they shall have equal rights and shall practice their religion as freely as the Muslims.

India's heritage with regard to human rights concern and education predates the Western history, philosophy and law. Its national values of tolerance, non-violence, friendship for all, equality, respect for the human persons, human dignity and rights confirms this. These values are legacy of Buddhism. Buddha's messages of non-violence, non-hatred and friendliness to all were transformed into reality by Emperor Ashoka. As a devout follower of Buddha, Ashoka became a great champion of freedom and tolerance. He pleaded for universal tolerance. One of the most significant contributions of Buddhism was the introduction and spread of secular education – education for all. Organised Universities came to be established under the direct influence of Buddhism. According to Hinduism, this universal spirit or soul (Brahman) manifests itself in all human beings and indeed pervades all creation, as the very first verse of the Isa Upanishad declares: "God covers all that moves in the Universe" (Vijapur, 2010, pp. 60-63).

Thus the contemporary doctrine of human rights has evolved as a result of hundreds of human experiences, struggles, revolutions and religious and political treatises.

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## **16.5 MAJOR INTERNATIONAL HUMAN RIGHTS TREATIES**

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With the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations on 10 December 1948, a new era of human rights began. It proclaimed civil-political and economic, social and cultural rights. These rights were further elaborated in greater detail in two Covenants adopted in 1966 – the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). These two Covenants along with their Optional Protocols together with the UDHR are often described as the International Bill of Human Rights. The UN Covenants, unlike the UDHR, are legally binding on ratifying States. Let us discuss briefly the human rights contained in these Covenants and the methods of their implementation.

### **The Rights Protected under ICCPR**

A detailed list of civil and political rights of the individual are set out in the Covenant which are obligatory for the States Parties to respect and ensure to all individuals within their territories. They are as follows:

Article 6 – The right to life.

Article 7 – Freedom from torture and inhuman treatment.

Article 8 – Freedom from slavery and forced labour.

Article 9 – The right to liberty and security.

Article 10 – The right of detained persons to be treated with humanity.

Article 11 – Freedom from imprisonment for debt.

Article 12 – Freedom of movement and choice of residence.

Article 13 – Freedom of aliens from expulsion.

Article 14 – The right to a fair trial.

Article 15 – Protection against retroactivity of the criminal law.

Article 16 – The right to recognition as a person before the law.

Article 17 – The right to privacy.

Article 18 – Freedom of thought, conscience and religion.

Article 19 – Freedom of opinion and of expression.

Article 20 – Prohibition of propaganda for war and of incitement to national, racial or religious hatred.

Article 21 – The right to peaceful assembly.

Article 22 – Freedom of association.

Article 23 – The right to marry and found a family.

Article 24 – The rights of the child.

Article 25 – Political rights, such as right to vote, right to contest elections, right to participate in the governance and to have access to public services.

Article 26 – Equality before the law.

Article 27 – The rights of minorities.

### **The Rights Guaranteed Under ICESCR**

The economic, social and cultural rights protected by the ICESCR are as follows:

Article 6 – The right to work.

Article 7 – The right to just and favourable conditions of work including fair wages, equal pay for equal work and holiday with pay.

Article 8 – The right to form and join trade unions, including the right to strike.



Article 9 – The right to social security.

Article 10 – Protection of the family, including special assistance for mothers and children.

Article 11 – The right to an adequate standard of living, including adequate food, clothing and housing and the continuous improvement of living conditions.

Article 12 – The right to the highest attainable standard of physical and mental health.

Article 13 – The right to education, primary education being compulsory and free for all, and secondary and higher education generally accessible to all (Article 14 permits the progressive implementation of this right).

Article 15 – The right to participate in cultural life and enjoy the benefits of scientific progress.

### **Implementation Procedures under the Covenants**

Both the Covenants provide for three procedures/ methods of implementation.

#### ***(i) The Reporting Procedure***

Both the Covenants require the State parties to submit periodic reports to the monitoring bodies on the measures they adopt to give effect to the rights contained in them and on the progress made in the enjoyment of those rights. These reports are supposed to indicate also the factors and difficulties, if any, affecting the implementation of the rights of these Covenants. These State reports are critically examined by treaty monitoring bodies—the Human Rights Committee (HRC) and the Committee on Economic and Social Rights (CESCR). Sometimes the Committee members seek additional information or reports. This kind of regular dialogue/interaction between the States and the UN bodies creates a favourable international public opinion for enforcement of human rights. The reporting procedure, in fact, is a novel system in international relations/law as it has removed the matter of human rights from the exclusive concern of national jurisdictions. It should be noted that the only implementation procedure contained in the ICESCR is the reporting procedure.

Under the ICCPR, the first report should be within one year of the entry into force of the Covenant for the State party concerned and thereafter at an interval of every five years. Under the ICESCR, the initial report has to be submitted within two years of the Covenant's entry into force for the concerned State. Thereafter a comprehensive report is required to be submitted every five years.

A cursory evaluation of the practice of treaty monitoring bodies provides some interesting facts regarding the reporting procedure. Though most of the reporting States generally provide a rosy picture of human rights in their reports, the Committee members scrutinise the reports in the light of alternative reports submitted by NGOs. While reviewing State reports, the HRC found that many reports were too brief and incomplete. Moreover, States parties do not submit their reports on time.

### *(ii) The Inter - State Complaint /Communication System*

This procedure is provided only in the ICCPR. It is optional and not mandatory like the reporting procedure. Under this procedure, one state can lodge a complaint of human rights violation against another state, provided both are parties to the Covenant and have accepted this optional procedure. Such complaints should be settled to the satisfaction of both the States within six months. After six months, any party may take the complaint to Human Rights Committee for mediation and conciliation. This procedure entered into force in 1977, though it has not been invoked (used) so far for fear of reprisals.

### *(iii) Individual Petition System*

Individual petition system is now provided in both the Covenants but they are optional. It is elaborated in the First Optional Protocol of the ICCPR (1966) and the Optional Protocol to ICESCR (2008). The former is in operation since 1977 and the latter has not yet become operational. This optional procedure is applicable to those States parties who have ratified these Optional Protocols to the Covenants. Under this system, an individual who claims that any of his rights enumerated in the Covenants have been violated, and who has exhausted all available domestic remedies may submit written petitions to the HRC and CESCR for their consideration. The Committees consider such communications in the light of all written information made available to them by the individual and by the State party concerned, and forwards their 'views' to the concerned individual and the State party. The States normally accept the Committees' decisions (in fact, 'views') and also pay compensation to the aggrieved individuals and/or amend their laws accordingly. **It must be acknowledged that the individual petition systems, although optional, is a development of extraordinary significance, as it has put the**

**“individuals” on par with the governments /States before these international monitoring bodies.**

It must be noted that most of the constitutions that have come into existence, after the adoption of UDHR, have included chapters on human rights and duties. Many States have incorporated the provisions of the international and regional human rights treaties into their domestic laws. As a result, the international human rights provisions can be invoked in domestic courts. Thus, now there is a thin line between domestic and international human rights norms and standards. Many national and international NGOs advocate the implementation of internationally recognised human rights.

Besides these two Covenants, the United Nations has adopted during the last 65 years the following core human rights treaties which have monitoring bodies and implementation procedures. They are:

- (i) International Convention on the Elimination of All Forms of Racial Discrimination, 1965, became operational in 1969.
- (ii) Convention on the Elimination of All Forms of Discrimination against Women, 1979 (entered into force in 1981). Its Optional Protocol, adopted in 1999, entered into force in December 2000.
- (iii) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (entered into force in 1987). Its Optional Protocol (2002) entered into force on 26 June 2007.
- (iv) Convention on the Rights of the Child, 1989 (entered into force in 1990). On 25 May 2000, two Optional Protocols to the Convention were adopted. These were: Optional Protocol on the Involvement of Children in Armed Conflict (entered into force on 12 February 2002) and Optional Protocol on the Sale of Children, Child Prostitution and Child pornography (entered into force on 18 January 2002).
- (v) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). It entered into force in 2003.
- (vi) International Convention of the Rights of Persons with Disabilities and its Optional Protocol (2006). It became operational in 2007. Its Optional Protocol (2006) became operational on 3 May 2008.

- (vii) International Convention for the Protection of All Persons from Enforced Disappearance, 2006. It entered into force on 23 December 2010.

There are many other international instruments preventing genocide, suppressing apartheid or on the rights of refugees, etc. which do not have implementation mechanism. One can get information on this by visiting the UN website.

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## **16.6 REGIONAL HUMAN RIGHTS MECHANISMS: A BRIEF SURVEY**

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There are four regional human rights systems: the European, inter-American, African and Asian. The first is very effective and the other systems are emerging as significant mechanisms to address human rights issues at the regional level. These regional mechanisms were inspired by the UDHR. Let us elaborate these briefly.

The European Convention on Human Rights and Fundamental freedoms (ECHR), adopted under the auspices of the Council of Europe in 1950, is the oldest and most effective human rights treaty in the world. It entered into force in 1953. This treaty enshrines mostly civil and political rights. Through many Protocols new rights have been added. It has been ratified by both West and East European states (the latter after the collapse of communist systems there). The list of rights guaranteed in the ECHR has been expanding over the years. Originally, the convention recognised right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to effective remedy, prohibition of discrimination and right to petition by person, NGOs, or groups of individuals. Subsequently through the adoption of protocols 1, 2, 6 and 7 new rights have been added, such as right to property, education, free elections, prohibition of imprisonment for debt, prohibition of expulsion of nationals and prohibition of collective expulsion of aliens, abolition of the death penalty and compensation for wrongful conviction. It is gratifying to note that the ECHR has been incorporated by all 45 States parties, although the Convention does not provide as to how exactly the States Parties are to implement internally the relevant obligations.

Previously it had two enforcing bodies – the European Commission and Court of Human Rights. Since 1998, the European Commission has been abolished and the Court has become a full-time

body, and the right of individual petition became automatic (previously it was optional) rather than dependent upon the acceptance of the State complained against. The individuals can petition the European Court of Human Rights at Strasbourg, France, if they feel that their governments have violated their Convention rights. A huge corpus of human rights jurisprudence has emerged as a result of judgments by the European Court. In many an instance, it has found States in breach of their international obligations to protect human rights. Thus, the ECHR has developed over the last fifty five years into a constitutional bill of rights for the entire continent of Europe.

Besides ECHR, the Council of Europe has adopted the European Social Charter, 1961 (covering social and economic rights), Convention for the Prevention of Torture (1987), the European Charter for Regional and Minority Languages 1992, the Framework Convention for the Protection of National Minorities (1995), European Convention on the Exercise of Children's Rights 1997 and Convention on Human Rights and Biomedicine 1997. All these are operational now.

The American Convention of Human Rights (ACHR) of 1969 recognises personal, legal, civil and political rights, and the right to property. The Convention establishes the Inter-American Court of Human Rights (1979, San Jose, Costa Rica), which has both an advisory and a dispute settlement function, but since its jurisdiction is optional, it has had limited effectiveness. In addition, the Inter- American Commission of Human Rights was established in 1959 to protect rights under both the OAS Charter and the ACHR. When dealing with States Parties to both the Charter and the ACHR, it has powers of enforcement through a system individual petition system on optional basis. But its powers are more limited, to making recommendations for effective compliance, when it comes to States that are parties only to the Charter. Overall, the Inter-American system has been less successful than its European counterpart, especially in its impact on the domestic legal systems of contracting States.

The African Charter on Human and Peoples' Rights or Banjul Charter (1981), is unique in comparison to the other two regional systems. It seeks to protect not only civil and political rights (first generation rights), but also the economic, social, cultural (second generation rights) and collective / group rights like right to development, peace, environment etc. (third generation rights). It also includes duties of the individuals. Thus from a normative perspective, the African Charter offers considerable innovations over its counterparts in Europe and the Americas. It

provides a reporting system similar to UN Covenants, as well as a largely ineffective and under-used Commission to hear complaints. In 1998, a Protocol for the establishment of an African Court of Human and Peoples' Rights was signed. The new African Court has advisory, conciliatory and contentious jurisdiction. The latter extend to any relevant human rights treaties. However, only States Parties to the Protocol, the African Commission and African Intergovernmental organizations have direct access to the Court; not individuals, nor NGOs. In short, in comparison to ECHR and ACHR, the African system has been the least successful in shaping state compliance with human rights.

There is no regional treaty of human rights in Asia. However, on 22 May 2004 the League of Arab States adopted the Arab Charter of Human Rights. It has been in force since March 2008. A number of traditional human rights are provided for, including the right to liberty and security of persons, equality of persons before the law, protection of persons from torture, the right to own private property, freedom to practice religious observance and freedom of peaceful assembly and association. The Charter also provides for the election of a seven-person Committee of Experts on Human Rights to consider States' reports.

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## **16.7 VIOLATIONS OF RIGHTS: A GLOBAL PHENOMENON**

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Notwithstanding the adoption of Bills of rights in the national constitutions and ratification of international and regional treaties on human rights by a large number of States, human rights of the individuals are violated in almost all countries. Absolute power allows governments to destroy different communities; it also enables them to infringe on the rights of citizens. Just as governments can help to institutionalise the concept of human rights and protect them for everyone irrespective of one's caste, colour, sex, or religion, they can also use their powers to violate human rights in the most systematic manner. The 20th century has witnessed enormous progress in the extension of civil, political, economic, social and cultural rights in all societies in the world. However, at the same time core human rights, such as right to life, freedom from torture, slavery etc. have probably never before been violated on such a gross scale. Millions of people have lost their lives in political persecution by dictatorial regimes. Millions were also killed in Nazi extermination camps and during Stalin's rule in the former Soviet Union. Gross violation of human rights were seen in China, Cambodia, Chile, Iraq, Argentina, Guatemala and Haiti, Bosnia - Herzegovina and the apartheid regime of South Africa, although on a smaller

scale. These extreme abuses of governmental power illustrates a dilemma that troubled the founding fathers of the American Revolution: “the problem of creating a government strong enough to govern effectively but not so strong enough that it could destroy the rights of those whom it was so designed to serve.”

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## **16.8 SUMMARY**

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Promotion, recognition and protection of human rights have become the most important principle of national and international governance since the establishment of the United Nations. The UDHR has inspired the inclusion of human rights provisions in many constitutional documents. It also laid the foundation for the evolution of international human rights regimes and regional mechanisms. The latter half of the 20<sup>th</sup> century can be considered as a century for institutionalising the concept of human rights. The idea of rights has not been invented by the Western civilisation. Each major civilisation, culture, religion and socio-legal system in the world had a notion of human rights and they contributed towards the emergence of contemporary concept of human rights as reflected in national, regional, and international documents. Though there were differences over the meaning and content / catalogue of rights in different cultures, the world community’s consensus on human rights is reflected in the UDHR and two Covenants. Most of the international and regional human rights treaties have implementation mechanisms and monitoring bodies to oversee the compliance of international human rights obligations by ratifying States. These treaties have individual and State-to-State (inter-State) complaint system for redressal of human rights violations. In conclusion two points must be stated. First, in the 20<sup>th</sup> century (and this will remain so in the present century too) human rights have become, to recall the words of Boutros Ghali, a common language of mankind and the ultimate norm of all politics. Adopting this language allows all peoples to understand each other and to be the authors of their own history. Second, Mahatma Gandhi was much ahead of his times, as he had been fighting for human rights more than half a century prior to the adoption of the historic 1948 Universal Declaration of Human Rights.

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## **16.9 TERMINAL QUESTIONS**

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1. Examine the divergent meanings of the concept of human rights.
2. Is the notion of human rights a discovery of Western civilisation?

3. Discuss the main provisions and implementation procedures and mechanisms of international Covenants on human rights.
4. Name the core international human rights treaties.
5. Describe briefly the regional human rights mechanisms.

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## SUGGESTED READINGS

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