

ISSUES RELATING TO HUMAN RIGHTS OF DIFFERENT CLASSES AND GROUPS

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Abstract

From the moment of birth until death, every person and citizen possess a full composite of interrelated and interdependent rights and freedoms. That is why there is an inevitable wish to present all these rights and freedoms in a unique system, to classify them, dividing them into groups according to common traits.

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Human rights are the basic freedoms and protections that people are entitled to simply because they are human beings. Human Rights are Universal. They belong to everyone, regardless of their race, sexuality, citizenship, gender, nationality, ethnicity, or abilities. Human Rights are Inherent. Fundamental rights are a generally regarded set of legal protections in the context of a legal system, wherein such system is itself based upon this same set of basic, fundamental, or inalienable rights. Such rights thus belong without presumption or cost of privilege to all human beings under such jurisdiction.

Keywords: Human Rights and Women, Human Rights of Dalits, Domestic Violence, Contemporary Human Rights Issues, Child care with Human Rights Perspective, Children in the Globalized Era, Human Rights and Transgender.

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CONTEMPORARY HUMAN RIGHTS ISSUES

You are most welcome in the era of human rights. This research paper is with a brief discussion of what human rights are. Human rights are rights inherent to all human beings whatever our nationality, place of residence, sex, national or ethnic origin, religion, color, language, or any other status. We are equally entitled to our human rights without human rights are often expressed and guaranteed by law in the form of treaties, customs, International law, human rights lay down obligations of Government to act in certain ways post-world war period. Human rights help to create a system in which every human being has society is to devolve a human being. All human rights such as the rights to work, social security and education or collective rights, such as rights to development and self – determination, are indivisible, interrelated and interdependent. It improves and gives right facilities advertisement of others. Likewise deprivation of one right adversely affects the others.¹

Human Rights and Women

In any civilization the role of women is very crucial in terms of social and economic development. Women have been the backbone of social, Culture and religious harmony and development. Unfortunately in many undeveloped and developing countries still women are socially and economically deprived. Effective implementation of human rights can make huge changes in prevailing condition of women. The question is that is what areas do women need to assert their human rights. – Birth, Liberty of movement, Education, clothing, employment, choice of life partner etc. In many societies women are treated as commodities and they are subjected to many atrocities.²Provisions in human rights acts can place them in better conditions but the irony is that women themselves are still largely ignoring their rights in view of social religious and emotional pressure. This is related to uplifts the prevailing conditions and social status.³

Human Rights of Dalits

¹ Shirwadkar, S. (2009), *Family violence in India: Human rights, issues, actions, and International comparisons*, Human Rights in India: Volume 11(1), 2013, pp. 265-270

² Lalita Dhar Parihar. *Women & Law from Impoverishment to Empowerment - A Critique (Paperback)* (2011 ed.)

³ *Status of Women in India* by Shobana Nelasco, p.11

We know that the Right of equity is a human right and this human has been accepted as UNO's Universal Declaration of Human Rights and in Article 14 of the Constitution of India Dalits are a part of the human race and accordingly, they are entitled to the right of equality. Dalits include the communities of SC and ST's. As in the case of other Communities, Human rights are applicable to the dalits also. However, their economic, Social and Political circumstances are very poor. In the Indian constitution there are various provision for reservation, for the promotion of their economic, social and education interest. ⁴Reservation is a constitutional support to those who are deprived of adequate opportunity and deprived of equal treatment from the rest of the society for centuries.⁵

Domestic Violence

Domestic Violence is often treated as a private matter, but it is a human rights violation. Human rights agenda throughout the world are built on an important distinction between civil and political Liberties and economic and social rights. The united nations decade for women help in bringing attention to the importance for women's activity to economic and social development. However, after many years of 49 affords to integrate women into development and spite of considerable work by the united nations for the elimination of violation against women globally. The principal has been accepted in the constitution of the India, but patriarchy reigns supreme in the society. Male domination is manifested everywhere. The head of the family is almost invariably the man. Many husband treat their wives in several ways⁶. Some commit physical violence against women and some other resort to mental torture. While some deny food to the wife, some others deprived her rest and leisure⁷

Child care with Human Rights Perspective

The United Nationals "Convention on the right of the Child", Which has been adopted by the General Assembly of the United Nations. On 20th November 1989, and also acceded by the Government of India in the convention dated the 11 December,1922, also provides for provisions for the welfare and procedure for punishment of the child. The provisions envisage that child should not be subjected to torture or other cruel, inhuman, provide for special

⁴ <http://idsn.org/un-and-caste-discrimination-in-india/>

⁵ Identity and Politicization of the Community, D.D. Publications, New Delhi 1995

⁶ Domestic violence Act

⁷ Meerambika; Gupta, R N; Gupta, Vinay K., *Control and Support Models of Help-Seeking Behavior in Women Experiencing Domestic Violence in India*

procedure for dealing with the trials of offences committed by the child. The law is enacted to serve the social purpose, namely to control the problem of population explosion any person.⁸ There is also no invention on the part of the Legislation in material right of a person concerned or a right or procreation of children⁹.

Children in the Globalized Era

Quantum leap in Science and technology has ushered in the era of globalization, breaking down barriers of communication and has set up a trail of information highway. Such and advancement though desirable has brought with it undesirable evils living a sinister impact on children and their childhood. The children of today are adult souls trapped in the body of child. Adulthood has been thrust upon them too soon and too young. The world has robbed the child of his innocence, his childhood leading to gross violation of human rights. The children in the underdeveloped countries taught to wield weapons before learning to read or write. The children of the development and developed countries in their tryst to become astronauts, engineers or doctors are trying to cope with stress induced by the lofty , of misleading standers set by the education system . The object of this to make attention to the fact that we as adults are not merely responsible for a few set of rights of child , We are responsible for childhood.¹⁰

Human Rights Issues

Human rights are moral principles that set out certain stands of human behavior, and are regularly protected as legal rights in national and international law. They are “*commonly understood as inalienable fundamental right to which a person in inherently entitled simply because she or he is human being.*” Human rights are thus conceived as universal and egalitarian. The doctrine of human rights has been highly influential within international law, global society can be said to have common moral language, it is that of human rights. The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justification of the human rights to this day. Indeed the question of what is meant by right is itself controversial and the subject of continued philosophy debate. Many of the basic ideas that animated the human rights moment developed in the aftermath of the second World War and the atrocities of the

⁸ http://www.unicef.org/earlychildhood/files/Guid_GC

⁹ <http://en.unesco.org/themes/early-childhood-care-and-education>

¹⁰ Managing global resource in global era

Holocaust, culminating in the adoption of the Universal Declaration of Human Rights. The ancient world did not possess the concept of universal Human Rights. The true forerunner of human rights discovery was the concept of rights which appeared as part of the medieval.

Human Rights claim of Refugees in India

The problems of refugees were first addressed by the League of Nations in 1921 and then also by the General Assembly of the United Nations leading towards some of the conventions related to the matter. Though India is not a signatory to any of these International Instruments, but faces many political, social and economic issues arising out of the presence of refugees in India. The claims of human rights are also raised by them in India which sometimes poses paradoxical situations due to absence of any accurate legislative or other provisions under any of the Indian laws. This paper investigates how the claims of human rights dealt with by legislative and judicial bodies along with the international bodies such as UNHCR in India. The constitutional provisions are also studied under which the human rights to a refugee can be guaranteed in India.¹¹

CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Convention on the Elimination of All Forms of Discrimination Against Women adopted by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life

¹¹ India ratified the International Covenant on Civil and Political Rights (ICCPR)

including¹² the right to vote and to stand for election as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms. The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

CONVENTION OF THE RIGHT OF CHILD

The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities. The UNCRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children. Since it was adopted by the United Nations in November 1989, 194 countries have signed up to the UNCRC, with only two countries in the world still to ratify. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child. Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights. In 2000, two optional protocols were added to the UNCRC. One asks governments to ensure children under the age of 18 are not forcibly recruited into their armed forces.¹³ The second calls on states to prohibit child prostitution, child pornography and the sale of children into slavery. These have now been ratified by more

¹² <http://www.un.org/womenwatch/daw/cedaw/>

Torture or Cruel, Inhuman or Degrading Treatment or Punishment: General Comment 7, U.N. GAOR, Hum. Rts. Comm., 16th Sess., para. 7, U.N. Doc. HRI/GEN/1/Rev. 1 (1994) [hereinafter General Comment 7]

¹³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577

than 120 states third optional protocol was added in 2011.¹⁴ This enables children whose rights have been violated to complain directly to the UN Committee on the Rights of the Child. The UNCRC is also the only international human rights treaty to give non-governmental organisations (NGOs), like Save the Children, a direct role in overseeing its implementation, under Article 45(a).¹⁵

CONVENTION RELATING RIGHTS OF DISABLE PERSON

The Convention on the Rights of Persons with Disabilities is an international human rights treaty adopted by the United Nations General Assembly on 13th December 2006; it opened to signatures on 30th March 2007 and came into force on 3rd May 2008 following ratification by the 20th State Party. As of February 2011, the Convention had 98 State Parties and was the first Human Rights Treaty to be ratified by a regional integration organization, the European Union. It has 147 signatories. The Convention adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptation have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced. The Committee is a body of 18 experts which monitors implementation of the Convention on the Rights of Persons with Disabilities. The members of the Committee serve in their individual capacity, not as government representatives. They are elected from a list of persons nominated by the States at the Conference of the State Parties for a four year term with a possibility of being re-elected once.

All States parties have to submit regular reports to the Committee on how the rights enshrined in the Convention are being implemented. States must report initially within two years of ratifying the Convention and, thereafter, every four years. The Committee examines each report and makes suggestions and general recommendations on the report. It forwards

¹⁴ The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force on 2 September 1990, in accordance with article 49

¹⁵ India ratified the UN Convention on the Rights of the Child in 1989.

these recommendations, in the form of concluding observations, to the State Party concerned. The Committee normally meets in Geneva and holds two sessions per year.¹⁶

CONVENTION RELATING RIGHTS OF OLDER PERSON

The human rights of older persons have depended upon an international legal regime that is fragmented, uneven and incomplete, she added, in contrast with the success of dedicated international protection regimes for specific groups, including women, children, and persons with disabilities. There must be a particular focus on ageism and age discrimination, the High Commissioner said, expressing concern that the older persons risk being stereotyped as non-productive and irrelevant. Participation, too, is a fundamental right for this group, she said, along with access to an adequate standard of living, employment and health care. General Assembly described an inconsistent global response to protecting the human rights of older persons. Efforts on their behalf are scattered and insufficient, it concluded, and several areas were identified which require special attention, including: a dedicated international protection regime for older persons; explicitly prohibiting age-based discrimination age; ensuring participation in policy making and political life; legislating to prevent discrimination in the work-place and extending social protection; ensuring appropriate health care and services for older persons; improving access to and the standard of long-term care; addressing violence against older people, especially women ; and preventing the financial exploitation of older persons. Human Rights Council consultation in 2013 who found that a number of human rights issues particularly relevant to older persons have “*not been given sufficient attention either in the wording of existing human rights instruments or in the practice of human rights bodies and mechanisms*”.¹⁷

¹⁶ UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106 Adopted without vote, 76th plenary meeting; Issued in GAOR, 61st

¹⁷ International Covenant on Civil and Political Rights, Dec. 19, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR] (explaining that all free human beings have a right to civil and political freedoms). International Labour Organization, Convention (C102) Concerning Minimum Standards of Social Security, opened for signature June 28, 1952, 210 U.N.T.S. 131, [hereinafter ILO Minimum Standards] (discussing minimum social security standards that governments should provide for their citizens)

CONCLUSION

Human Rights of Different Classes and Groups suffer social banishment from the society. There is much that parliamentarians can do to make human rights a practical reality, particularly for people living within their country, but also for those who live beyond its geographical borders. However, it is imperative to note that the active protection, promotion and realization of human rights are a multipronged and ongoing process. Simply passing a law or ratifying a treaty, for instance, will not lead to greater permeation of human rights. These actions have to be accompanied by efforts to ensure that those who are given the responsibility of upholding and protecting the law are trained and fully aware of the import of the law; that they have access to means that will help in practical realization of the human rights standards that the law seeks to uphold; that government policies and actions support the upholding of these principles; and that there is recourse for violation. It is also significant to note that the concept of human rights is ever evolving. Contemporary standards that are accepted and respected today by the international community may not have been in vogue or considered accepted practice until very recently. The period since 1948 – when the Universal Declaration of Human Rights was adopted by the United Nations General Assembly – has seen extraordinary developments in human rights standards and the processes for upholding them. New international standards are constantly being developed such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990 or the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2002. Equally, it is also relevant, given the ever-increasing linkages in trade, aid and development that previously laid down international standards in respect of economic, social and cultural rights be revisited and reinforced. As far as India is concerned, precious rights are recognized achieve these rights are provided under Article 32 and 226 of the Constitution. The judiciary has been contributing human rights jurisprudence to protect human rights of the people. In addition to this, India signed and ratified several agreements and conventions to promote human rights jurisprudence. The present implementation mechanism has to be modified to promote and protect the human rights of the citizens in India. This can be done by removing the difficulties which exist in the present system like denial of justice due to delay in conducting trial and uncertainty of law, so that the remedy would be within the reach of the Aggrieved. Special Human Rights Appellate Authority would be helpful to implement the directions of

the court effectively. Otherwise this Appellate Authority has to be entrusted with power to take contempt proceeding against the officials.