

UNIT IV

E-WASTE AND GREEN COMPUTING

Introduction

E-waste is one of the fastest-growing waste streams on the planet. Already, we produce something like 50 million tonnes of it each year. E-waste, or electronic waste, encompasses electrical and electronic equipment that's outdated, unwanted, or broken. That means everything from smartphones to end-of-life refrigerators. Basically, anything that runs on electricity that you've decided to get rid of. Globally, we only recycle 10% of our e-waste, a number that's as shocking as it is depressing. As for the 90% we don't recycle, it ends up getting landfilled, incinerated, or illegally traded.

E-waste contains a laundry list of chemicals that are harmful to people and the environment, like: mercury, lead, beryllium, brominated flame retardants, and cadmium, i.e. stuff that sounds as bad as it is. When electronics are mishandled during disposal, these chemicals end up in our soil, water, and air.

Problems caused by electronic waste

Electronic waste is a valuable source for secondary raw materials if treated properly, however, if not treated properly, it is a major source of toxins. Rapid technology change, low initial cost and even planned obsolescence have resulted in a fast growing problem around the globe. Technical solutions are available but in most cases a legal framework, a collection system, logistics and other services need to be implemented before a technical solution can be applied.

Uncontrolled burning and disposal are causing environmental and health problems due to the methods of processing the waste.

Electronic waste is of concern largely due to the toxicity of some of the substances if processed improperly. The toxicity is due in part to lead, mercury, cadmium and a number of other substances. A typical computer monitor may contain more than six percent lead by weight. Up to 38 separate chemical elements are incorporated into electronic waste items. The unsustainability of discarded electronics and computer technology is another reason for the need to recycle—or perhaps more practically, reuse—electronic waste.

Electronic waste processing systems have matured in recent years following increased regulatory, public, and commercial scrutiny, and a commensurate increase in entrepreneurial interest. Part of this evolution has involved greater diversion of electronic waste from energy intensive, down-cycling processes (eg. conventional recycling) where equipment is reverted to a raw material form. This diversion is achieved through reuse and refurbishing. The environmental

and social benefits of reuse are several: diminished demand for new products and their commensurate requirement for virgin raw materials (with their own environmental externalities not factored into the cost of the raw materials) and larger quantities of pure water and electricity for associated manufacturing, less packaging per unit, availability of technology to wider swaths of society due to greater affordability of products, and diminished use of landfills.

Challenges remain, when materials cannot or will not be reused, conventional recycling or disposal via landfill often follow. Standards for both approaches vary widely by jurisdiction, whether in developed or developing countries. The complexity of the various items to be disposed of, cost of environmentally sound recycling systems, and the need for concerned and concerted action to collect and systematically process equipment are the resources most lacked—though this is changing. Many of the plastics used in electronic equipment contain flame retardants. These are generally halogens added to the plastic resin, making the plastics difficult to recycle.

Impact of e-waste in living beings and environment

E-waste, or electronic waste, is waste from all sorts of electronics ranging from computers and mobile phones, to household electronics such as food processors, pressure, cookers etc.

The effects of improper disposal of this E-waste on the environment are little known; these impacts nonetheless pose very real threats and dangers to the global environment at large.

Threats posed by E-waste to the environment.

Improper disposal of these electronic wastes affect the soil, air, and water components of the environment.

➤ Effects on air

One of the most common effect of E-waste on air is through air pollution. For example, a British documentary about Lagos and its inhabitants, called Welcome to Lagos, shows a number of landfill scavengers who go through numerous landfills in Lagos looking for improperly disposed electronics which includes wires, blenders, etc., to make some income from the recycling of these wastes. These men were shown to burn wires to get the copper (a very valuable commodity) in them by open air burning which can release hydrocarbons into the air.

➤ Effects on water

When electronics containing heavy metals such as lead, barium, mercury, lithium (found in mobile phone and computer batteries), etc., are improperly disposed, these heavy metals leach through the soil to reach groundwater channels which eventually run to the surface as streams or small ponds of water. Local communities often depend on these bodies of water and the groundwater. Apart from these chemicals resulting in the death of some of the plants and animals that exist in the water, intake of the contaminated water by humans and land animals results in lead poisoning. Some of these heavy metals are also carcinogenic.

➤ Effects on soil

In this way, toxic heavy metals and chemicals from e-waste enter the "soil-crop-food pathway," one of the most

significant routes for heavy metals' exposure to humans. These chemicals are not biodegradable—they persist in the environment for long periods of time, increasing the risk of exposure.

These dangers posed by improper disposal on the environment ultimately have impacts on human beings - human cost; the health effects of these toxins on humans include birth defects (irreversible), brain, heart, liver, kidney and skeletal system damage. They also significantly affect the nervous and reproductive systems of the human body. When computer monitors and other electronics are burned, they create cancer-producing dioxins which are released into the air we breathe. If electronics are thrown in landfills, these toxins may leach into groundwater and affect local resources. Thus improper disposal of e-waste not only has effects on the environment, it indirectly and ultimately poses grave dangers to humans and livestock.

So, now that we have an idea of what impact improper disposal of E-waste has on the environment, how do we dispose these E-waste properly to help preserve the environment?

The answer is there are a number of ways to do this, they include:

1. Checking with the local government on laws and regulations guiding ethical and safe disposal of these waste. As a result of the increasing threat that e-waste poses to the environment, some communities have begun to undergo civic programs in which inhabitants of such communities take unwanted electronics to designated drop-off locations (this takes after the idea used in plastic bottle collections to tackle pollution caused by plastic bottles).

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2. With the donation of electronics, some of the e-waste disposed can actually be reused, and by doing this, one can reduce pollution caused by e-waste and also give access to people who would not otherwise have access to these devices.
3. With the use of a certified E-waste recycler, one can find an ethical and safe recycler certified through the Basel Action Network (BAN), a non-profit organization. Regionally, in Africa E-Terra, a Nigerian company, specializes in recycling, and safe and ethical destruction of these electronics.

With all the above said, we all can be responsible citizens by being mindful of the dangers posed by E-waste to the environment and do as much as we can to protect our environment, because ultimately e-waste does not just affect the environment, it ultimately affects us humans too/ as well.

E-waste management in India

Electronic waste (e-waste) typically includes discarded computer monitors, motherboards, mobile phones and chargers, compact discs, headphones, television sets, air conditioners and refrigerators. According to the Global E-Waste Monitor 2017, India generates about 2 million tons (MT) of e-waste annually and ranks fifth among e-waste producing countries, after the US, China, Japan and Germany. In 2016-17, India treated only 0.036 MT of its e-waste.

About 95 per cent of India's e-waste is recycled in the informal sector and in a crude manner. A report on e-waste presented by the United Nations (UN) in World Economic Forum on January 24, 2019 points out that the waste stream

reached 48.5 MT in 2018 and the figure is expected to double if nothing changes.

Only 20 per cent of global e-waste is recycled. The UN report indicates that due to poor extraction techniques, the total recovery rate of cobalt (the metal which is in great demand for laptop, smart phone and electric car batteries) from e-waste is only 30 per cent.

The report cites that one recycler in China already produces more cobalt (by recycling) than what the country mines in one year. Recycled metals are also 2 to 10 times more energy-efficient than metals smelted from virgin ore.

The report suggests that lowering the amount of electronics entering the waste stream and improving end-of-life handling are essential for building a more circular economy, where waste is reduced, resources are conserved and are fed back into the supply chain for new products.

On a positive note, media reports highlighted that the 2020 Tokyo Olympics medals will be made of 50,000 tons of e-waste. The organizing committee will make all the medals from old smartphones, laptops and other gadgets. By November 2018, organizers had collected 47,488 tons of devices, from which nearly 8 tons of gold, silver and bronze will be extracted to make 5,000 medals. About 1,600 or 90 per cent municipal authorities in Japan were involved in collection activities.

Laws to manage e-waste have been in place in India since 2011, mandating that only authorized dismantlers and recyclers collect e-waste. E-waste (Management) Rules, 2016 was enacted on October 1, 2017. Over 21 products (Schedule-I) were included under the purview of the rule.

The rule also extended its purview to components or consumables or parts or spares of Electrical and Electronic Equipment (EEE), along with their products. The rule has strengthened the Extended Producer Responsibility (EPR), which is the global best practice to ensure the take-back of the end-of-life products.

A new arrangement called Producer Responsibility Organization (PRO) has been introduced to strengthen EPR further. The producers have to meet targets, which should be 20 per cent of the waste generated by their sales. This will increase by 10 per cent annually for the next five years. The law also says that the responsibility of producers is not confined to waste collection, but also to ensure that the waste reaches the authorized recycler/dismantler.

And despite new rules that have come into place to safely process this hazardous material, close to 80 per cent of e-waste — old laptops and cell phones, cameras and air conditioners, televisions and LED lamps — continues to be broken down, at huge health and environmental cost polluting ground water and soil, by the informal sector.

E-waste is growing at a compound annual growth rate (CAGR) of about 30 per cent in the country. ASSOCHAM, one of the apex trade associations of India, estimated that e-waste generation was 1.8 MT per annum in 2016 and would reach 5.2 MT per annum by 2020.

India now has 178 registered e-waste recyclers, accredited by the state governments to process e-waste. But many of India's e-waste recyclers aren't **recycling** waste at all. While some are storing it in hazardous conditions, others don't even have the capacity to handle such waste, as per by the report of Union Environment ministry.

Initiatives on building awareness in e-waste management

The Ministry of Electronics and Information Technology (MeitY) has initiated an e-waste awareness programme under Digital India, along with industry associations from 2015, to create awareness among the public about the hazards of e-waste recycling by the unorganized sector, and to educate them about alternate methods of disposing their e-waste.

The programme stresses the need for adopting environment friendly e-waste recycling practices.

The programme has adopted the best practices for e-waste recycling available globally, so that this sector could generate jobs as well as viable business prospects for locals.

Development of waste recycling technologies

The MeitY has developed affordable technologies to recycle valuable materials and plastics in an environmentally sound manner, including two exclusive PCB recycling technologies, viz 1000 kg/day capacity (~35 MT e-waste) and 100kg/batch (~3.5MT e-waste) processes, with acceptable environmental norms.

The 1000kg PCB/day continuous process plant would be suitable for creating an eco-park in the country, whereas, the 100kg PCB/batch process plant would be suitable for the informal sector. This could be done by upgrading and transforming the present state of affairs of informal sectors.

E-waste also contains plastic, up to nearly 25 per cent of its weight. Novel recovery and conversion of e-waste plastics to value-added products have also been successfully developed.

The developed process is capable of converting a majority (76 per cent) of the waste plastics into suitable materials, which could be used for virgin plastic products. The technology has already been transferred for commercialization. Professor Veena Sahajwalla, an expert, based in Australia, suggests setting up micro-factories in India that can transform e-waste into reusable material to be converted into ceramics and plastic filaments for 3D printing.

The high-grade metals — like gold, silver, copper and palladium — in the e-waste can be separated for re-sale in conditions that are totally safe. She opines that there is no reason to burn plastic, micro-factories can create filament with plastic by compressing the waste in a temperature controlled area.

A modular micro-factory, which would require a 50 sq.m. area, can be located wherever waste is stockpiled. She says that if funds are made available towards initial capital expenditure to operators, it will help empower the people working with waste.

Immense potential is there in augmenting e-waste recycling in the country. There are some forward movements in this direction, however, lots of ground has to be covered through awareness campaign, skill development, building human capital and introduction of technology while adopting adequate safety measures in the country's informal sector.

Since India is highly deficient in precious mineral resources (whereas untreated e-waste goes to landfill), there is need for a well designed, robust and regulated e-waste recovery regime which would generate jobs as well as wealth.

The current e-waste disposal techniques in India have operated mostly in an informal manner due to the lack of enforcement laws and regulations. This has created a new area of economic gain for the country, especially among the urban and rural poor. Though it helps many make a living, those that are disposing of e-waste are usually not aware of the risks and health hazards that result from certain disposal techniques. There are two sectors that handle e-waste disposal and they can be divided into Informal or Formal Sectors.

Formal sector

The formal sector includes two facilities authorized to deconstruct electronics for the entire country of India and are at capacity with five tons being disposed each day. These facilities primarily receive electronic waste from the producers of "service centers or take-back schemes" or companies that follow the environmental policies on disposing electronic waste. These facilities, though reaching capacity daily, are not the mainstream method of disposal. The formal sector only follows procedure of dismantling and segregating parts. They do not physically dispose of the electronic waste. The informal sector has made it difficult to compete.

Informal sector

The informal sector handles electronic waste by recycling or final disposal. Much of electronics that reach India are out of date to more developed countries. Then, within India, these electronics are passed around until no longer of use. There is a whole economic market for electronic waste because the parts can be dismantled and the scrap metals can be recycled.

There are recycling techniques that are not following any type of environmental or health standards. Some of the methods used are acid baths, burning cables, and disposing in nature which can be detrimental to the health of those participating in these disposal techniques.

Green Computing

Green computing is the environmentally responsible and eco-friendly use of computers and their resources. In broader terms, it is also defined as the study of designing, engineering, manufacturing, using and disposing of computing devices in a way that reduces their environmental impact.

Many IT manufacturers and vendors are continuously investing in designing energy-efficient computing devices, reducing the use of dangerous materials and encouraging the recyclability of digital devices. Green computing practices came into prominence in 1992, when the Environmental Protection Agency (EPA) launched the Energy Star program.

Green computing is also known as green information technology (green IT).

Green computing aims to attain economic viability and improve the way computing devices are used. Green IT practices include the development of environmentally sustainable production practices, energy-efficient computers and improved disposal and recycling procedures.

To promote green computing concepts at all possible levels, the following four approaches are employed:

- **Green use:** Minimizing the electricity consumption of computers and their peripheral devices and using them in an eco-friendly manner

- **Green disposal:** Repurposing existing equipment or appropriately disposing of, or recycling, unwanted electronic equipment
- **Green design:** Designing energy-efficient computers, servers, printers, projectors and other digital devices
- **Green manufacturing:** Minimizing waste during the manufacturing of computers and other subsystems to reduce the environmental impact of these activities

Government regulatory authorities also actively work to promote green computing concepts by introducing several voluntary programs and regulations for their enforcement.

Average computer users can employ the following tactics to make their computing usage more green:

- Use the hibernate or sleep mode when away from a computer for extended periods
- Buy energy-efficient notebook computers, instead of desktop computers
- Activate the power management features for controlling energy consumption
- Make proper arrangements for safe electronic waste disposal
- Turn off computers at the end of each day
- Refill printer cartridges, rather than buying new ones
- Instead of purchasing a new computer, try refurbishing an existing device

Green Computing in India

Green IT initiative in India in response to the world revolution in the field of green IT, India is also moving towards

embracing it with open arms. Adopting green IT and sustainability solutions are emerging as key concerns for businesses, investors and technologists across industries and policy makers in India. Operational cost of making energy-efficient resources available is pressuring CIOs in Indian companies to develop strategies to optimize ICT utilization, including companywide energy management, while not compromising on growth or deployment of newer technologies. Amongst government policy initiatives also plans such as the National Action Plan on Climate Change (NAPCC) which outlines the nation's strategy to manage greenhouse gas (GHG) emissions and Indian Economic Survey and India's 12th Five Year Plan which sites Inclusion of Green IT shows the significance given to it by the Indian Diaspora. Given below are some of the guidelines which are set for the IT and the telecom industry in India to follow for a greener future.

The recommendations by the Task Force formed for growth of IT, ITES and manufacturing in India are as follows:

- *Standardization* – There is a need for interoperable open standards for all the devices including networking equipments which is a prerogative of BEE and DIT. Need to standardize IT equipments and also benchmarks for data centers for a cleaner and greener environment is required.
- *Government Procurement* – Government agencies should include the standards for energy consumption as the technical standards in government purchases, and with establishment of mutual agreeable standards for a greener computing environment between BEE and IT industry, it should be made mandatory in all the government purchases.

- *Setting up center of excellence* – Government of India should set up COE (Centre of Excellence) in the top technical institutions and universities. The centers can become the testing grounds and prototypes/pilot evaluation stages for the green clean technologies.
- *Tax Incentives* – Investing in the clean technology is a costly affair when the organization is an early mover/adopter. Tax incentives on the production of cleaner technologies and also for the user of the same are needed for better adoption.
- The impetus of green computing has been envisioned for the telecom center too, with government initiatives especially DoT's Recommendation on adoption of Green Technologies in Telecom Sector.
- At least 75% of all rural towers and 33% of the urban towers are to be powered by hybrid power (Renewable Energy Technologies (RET) + Grid power) by 2020.
- All telecom products, equipments and services in the telecom network should be certified "Green Passport [GP]". Telecommunication Engineering Centre will certify telecom products, equipments and services on the basis of ECR ratings.
- All service providers should declare to TRAI, the carbon footprint of their network operations. The Declaration of the carbon footprints should be done twice in a year.
- Service providers should adopt a Voluntary Code of Practice encompassing energy efficient Network Planning, infra-sharing, deployment of energy efficient technologies and adoption of Renewable Energy Technology (RET) to reduce carbon footprints.

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- Service providers should evolve a 'Carbon Credit Policy' in line with carbon credit norms with the ultimate objective of achieving a maximum of 50% over the carbon footprint levels of the Base Year (2011) in rural areas and achieving a maximum of 66% over the carbon footprint levels of the Base Year in urban areas by the year 2020.

REVIEW QUESTIONS

Part A

1. What you mean by E-waste?
2. What you mean by Meit Y?
3. Define Green Computing.
4. What you mean by Energy star program.

Part B

1. Explain the problems caused by E-waste.
2. How the improper disposal of E-waste affect the soil, air and water.
3. What are the different ways to dispose E-waste?
4. What are the approaches employed for Green Computing.
5. What are the initiatives taken in India for Green Computing?

Part C

1. Explain how India manages E-waste.

UNIT

V

HUMAN RIGHTS

Introduction to Human Rights

Rights are legal, social, or ethical principles of freedom or entitlement; that is, rights are the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory. Rights are of essential importance in such disciplines as law and ethics, especially theories of justice and deontology. Rights are often considered fundamental to civilization, being regarded as established pillars of society and culture, and the history of social conflicts can be found in the history of each right and its development.

The term 'human rights' which is used since World War II, gained importance in contemporary debates and became a universal phenomenon. After the adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948 by the United Nations, it was seen by many as a sign of optimism for the better protection, promotion and enforcement of human rights. However, 50 years since the adoption of the Universal Declaration of Human Rights, it has been reported that human rights abuses has not decreased. The world is

filled with examples of violations of basic rights such as censorship, discrimination, political imprisonment, torture, slavery, disappearances, genocide, extrajudicial killings, arbitrary arrests and killings, poverty, etc. The rights of women and children are also ignored in many different ways.

Human rights are standards that allow all people to live with **dignity, freedom, equality, justice, and peace**. Every person has these rights simply because they are human beings. They are guaranteed to everyone 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. Human rights are essential to the full development of individuals and communities.

In the context of the present study, human rights can be defined as those rights without which human beings cannot live with dignity, freedom (political, economic, social and cultural) and justice in any nation or state regardless of colour, place of birth, ethnicity, race, religion or sex or any other such considerations. These rights are inherent in human nature and therefore guaranteed and protected by the state without distinction of any sort.

When such rights are denied to an individual, whether by the state or non-state actors, it constitutes human rights violations.

Many people view human rights as a set of moral principles that apply to everyone. Human rights are also part of international law, contained in treaties and declarations that spell out specific rights that countries are required to

uphold. Countries often incorporate human rights in their own national, state, and local laws.

Human Rights are important because Human rights reflect the minimum standards necessary for people to live with dignity. Human rights give people the freedom to choose how they live, how they express themselves, and what kind of government they want to support, among many other things. Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, equality, and security, human rights protect people against abuse by those who are more powerful.

Human rights and development

Human rights and development aims converge in many instances and are beneficial only to the government and not the people although there can be conflict between their different approaches. Today, a human rights-based approach is viewed by many as essential to achieving development goals. Historically, the "minority clauses" guaranteeing civil and political rights and religious and cultural toleration to minorities were significant acts emerging from the peace process of World War I relating to a people's rights to self-determination. Overseen by the League of Nations Council the process allowed petitions from individuals and was monitored under the jurisdiction of the Permanent Court of International Justice. The 'clauses' are an important early signpost in both the human rights and development histories.

Generations of Human Rights

When human rights are being discussed, they are often divided up into three categories called generations. A reflection of the three generations of human rights can be seen in the popular phrase of the French Revolution: liberty, equality and fraternity. These generations of human rights were first formally established by Karel Vasak, a Czech jurist, in 1979. This division of the types of human rights helps improve conversations about rights, especially those involving legislation and the role that governments play in human rights.

The First Generation (civil and political rights)

The first generation of human rights encompasses an individual's civil and political rights. First generation rights can be divided into two sub-categories. The first sub-category relates to norms of "physical and civil security." This includes not committing acts of torture, slavery, or treating people inhumanely. The second sub-category relates to norms of "civil-political liberties or empowerments." This includes rights such as freedom of religion and the right to political participation.

First generation rights are based around the rights of the individual person and are often the focus of conversations about human rights in western countries. They became a priority for western nations during the Cold War. Some documents that focus on first generation rights are the United States Bill of Rights and Articles 3 through 21 of the Universal Declaration of Human Rights (UDHR).

The Second Generation (socio-economic rights)

The second generation of human rights encompasses socio-economic rights. Second generation rights can also be divided into two sub-categories. The first sub-category relates to norms of the fulfillment of basic needs, such as nutrition and healthcare. The second sub-category relates to norms of the fulfillment of "economic needs." This includes fair wages and sufficient standards of living.

Second generation rights are based on establishing equal conditions. They were often resisted by western nations during the Cold War, as they were perceived as "socialist notions." The International Covenant on Economic, Social, and Cultural Rights and Articles 22 through 27 of the UDHR focus on these rights.

Prior to the fall of the Berlin Wall, first and second generation rights were considered to be divided by the responsibility they place on governments. First generation human rights were looked at as being a "negative obligation," which means that they place a responsibility on governments to ensure that the fulfillment of those rights is not being impeded. Second generation human rights were viewed as being a "positive obligation," which means that they place a responsibility on governments to actively ensure that those rights are in fact fulfilled. After the Berlin Wall fell, perspectives shifted to see governments as having the responsibility to "respect, protect, promote and fulfill" these rights.

The Third Generation (collective human rights)

The third generation of human rights encompasses broad class rights. Third generation rights can be divided into sub-

categories as well. The first sub-category relates to "the self-determination of peoples" and includes different aspects of community development and political status. The second sub-category is related to the rights of ethnic and religious minorities.

Third generation rights are often found in agreements that are classified as "soft law," which means they are not legally binding. Some examples of these agreements include the UDHR and the 1992 Rio Declaration on Environment and Development. This generation of rights is challenged more often than the first and second generations, but it is being increasingly acknowledged on an international level. These rights started gaining acknowledgement as a result of "growing globalization and a heightened awareness of overlapping global concerns" such as extreme poverty.

Overall, recognizing the differences between each generation of rights can help us to better understand how broad the field of human rights is and how varied the issues involved truly are. Each kind of right is best fulfilled through the use of different forms of legislation, and recognizing the different generations of rights can improve our ability to identify the what type of legislation is best suited for dealing with a particular issue.

Also known as 'group rights', 'solidarity rights' or 'collective rights', third generation rights also encompass right to self-determination; Right to development, economic and social; Right to a healthy environment; Right to natural resources; Right to information; Right to participation in cultural heritage; Rights to intergenerational equity and sustainability and Minority rights.

Universality of Human Rights

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Universality is to promote human security, the way forward is therefore to work on a better and more impartial implementation of human right rather than leaving it to governments to judge which culture is worth protecting and which elements of a culture can be legitimately oppressed.

All human beings are born free and equal in dignity and rights. They are endowed with reason and morality and should act towards one another in a spirit of brotherhood. Everyone is entitled to rights without distinction of race, sex or other status. Everyone has the right to food, health, housing and education.

Basic International Human Rights Documents

International human rights instruments or documents are the treaties and other international texts that serve as legal sources for international human rights law and the protection of human rights in general.

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights together with other international human rights instruments are sometimes referred to as the *international bill of rights*. International human rights instruments are identified by the OHCHR and most are referenced on the OHCHR website.

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) is a historic document that was adopted by the United Nations General Assembly at its 183rd session on 10 December 1948

as Resolution 217 at the Palais de Chaillot in Paris, France. Of the 58 members of the United Nations, 48 voted in favor, none against, eight abstained, and two did not vote.

The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The Declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified them.

Some legal scholars have argued that because countries have constantly invoked the Declaration for more than 50 years, it has become binding as a part of customary international law. However, in the United States, the Supreme Court in *Sosa v. Alvarez-Machain* (2004), concluded that the Declaration "does not of its own force impose obligations as a matter of international law." Courts of other countries have also concluded that the Declaration is not in and of itself part of domestic law.

The underlying structure of the Universal Declaration was introduced in its second draft, which was prepared by René Cassin. Cassin worked from a first draft, which was prepared by John Peters Humphrey. The structure was influenced by the Code Napoléon, including a preamble and introductory general principles. Cassin compared the Declaration to the portico of a Greek temple, with a foundation, steps, four columns, and a pediment.

The Declaration consists of a preamble and thirty articles:

The preamble sets out the historical and social causes that led to the necessity of drafting the Declaration.

- Articles 1–2 established the basic concepts of dignity, liberty, equality, and brotherhood.
- Articles 3–5 established other individual rights, such as the right to life and the prohibition of slavery and torture.
- Articles 6–11 refer to the fundamental legality of human rights with specific remedies cited for their defense when violated.
- Articles 12–17 established the rights of the individual towards the community (including such things as freedom of movement).
- Articles 18–21 sanctioned the so-called “constitutional liberties”, and with spiritual, public, and political freedoms, such as freedom of thought, opinion, religion and conscience, word, and peaceful association of the individual.
- Articles 22–27 sanctioned an individual’s economic, social and cultural rights, including healthcare. Article 25 states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.” It also makes additional accommodations for security in case of physical debilitation or disability, and makes special mention of care given to those in motherhood or childhood.
- Articles 28–30 established the general ways of using these rights, the areas in which these rights of the individual can not be applied, and that they can not be overcome against the individual.

These articles are concerned with the duty of the individual to society and the prohibition of use of rights in contravention of the purposes of the United Nations Organization.

International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly . Resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976 in accordance with Article 49 of the covenant. Article 49 allowed that the covenant would enter into force three months after the date of the deposit of the thirty-fifth instrument of ratification or accession. The covenant commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. As of August 2017, the Covenant has 172 parties and six more signatories without ratification.

The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).

The ICCPR is monitored by the United Nations Human Rights Committee (a separate body to the United Nations Human Rights Council), which reviews regular reports of States parties on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every

four years). The Committee normally meets in Geneva and normally holds three sessions per year.

The ICCPR has its roots in the same process that led to the Universal Declaration of Human Rights. A "Declaration on the Essential Rights of Man" had been proposed at the 1945 San Francisco Conference which led to the founding of the United Nations, and the Economic and Social Council was given the task of drafting it. Early on in the process, the document was split into a declaration setting forth general principles of human rights, and a convention or covenant containing binding commitments. The former evolved into the UDHR and was adopted on 10 December 1948.

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Drafting continued on the convention, but there remained significant differences between UN members on the relative importance of negative Civil and Political versus positive Economic, Social and Cultural rights. These eventually caused the convention to be split into two separate covenants, "one to contain civil and political rights and the other to contain economic, social and cultural rights." The two covenants were to contain as many similar provisions as possible, and be opened for signature simultaneously. Each would also contain an article on the right of all peoples to self-determination.

The first document became the International Covenant on Civil and Political Rights and the second the International Covenant on Economic, Social and Cultural Rights. The drafts were presented to the UN General Assembly for discussion in 1954, and adopted in 1966. As a result of diplomatic negotiations the International Covenant on Economic, Social and Cultural Rights was adopted shortly before the International Covenant on Civil and Political Rights. Together, the UDHR and the two Covenants are considered to be the foundational human rights texts in the contemporary international system of human rights.

Articles and Covenant

The Covenant follows the structure of the UDHR and ICESCR, with a preamble and fifty-three articles, divided into six parts.

- Part 1 (Article 1) recognizes the right of all peoples to self-determination, including the right to "freely determine their political status", pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognizes a negative right of a people not to be deprived of its means of subsistence, and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.
- Part 2 (Articles 2 – 5) obliges parties to legislate where necessary to give effect to the rights recognized in the Covenant, and to provide an effective legal remedy for any violation of those rights. It also requires the rights be recognized "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," and to ensure that they are enjoyed equally by women. The rights can only be limited "in time of public emergency which threatens the life of the nation," and even then no derogation is permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion.

- Part 3 (Articles 6 – 27) lists the rights themselves. These include rights to:
 - physical integrity, in the form of the right to life and freedom from torture and slavery (Articles 6, 7, and 8);
 - liberty and security of the person, in the form of freedom from arbitrary arrest and detention and the right to habeas corpus (Articles 9 – 11);
 - procedural fairness in law, in the form of rights to due process, a fair and impartial trial, the presumption of innocence, and recognition as a person before the law (Articles 14, 15, and 16);
 - individual liberty, in the form of the freedoms of movement, thought, conscience and religion, speech, association and assembly, family rights, the right to a nationality, and the right to privacy (Articles 12, 13, 17 – 24);
 - prohibition of any propaganda for war as well as any advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence by law (Article 20);

- political participation, including the right to the right to vote (Article 25);
- Non-discrimination, minority rights and equality before the law (Articles 26 and 27).

Many of these rights include specific actions which must be undertaken to realize them.

- Part 4 (Articles 28 – 45) governs the establishment and operation of the Human Rights Committee and the reporting and monitoring of the Covenant. It also allows parties to recognize the competence of the Committee to resolve disputes between parties on the implementation of the Covenant (Articles 41 and 42).
- Part 5 (Articles 46 – 47) clarifies that the Covenant shall not be interpreted as interfering with the operation of the United Nations or “the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources”.
- Part 6 (Articles 48 – 53) governs ratification, entry into force, and amendment of the Covenant.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966 through GA. Resolution 2200A (XXI), and came in force from 3 January 1976. It commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to

education, and the right to an adequate standard of living. As of September 2018, the Covenant has 169 parties. A further four countries, including the United States, have signed but not ratified the Covenant.

The ICESCR (and its Optional Protocol) is part of the International Bill of Human Rights, along with the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), including the latter's first and second Optional Protocols.

The Covenant is monitored by the UN Committee on Economic, Social and Cultural Rights.

The ICESCR has its roots in the same process that led to the Universal Declaration of Human Rights. A "Declaration on the Essential Rights of Man" had been proposed at the 1945 San Francisco Conference which led to the founding of the United Nations, and the Economic and Social Council was given the task of drafting it. Early on in the process, the document was split into a declaration setting forth general principles of human rights, and a convention or covenant containing binding commitments. The former evolved into the UDHR and was adopted on 10 December 1948.

Drafting continued on the convention, but there remained significant differences between UN members on the relative importance of negative civil and political versus positive economic, social and cultural rights. These eventually caused the convention to be split into two separate covenants, "one to contain civil and political rights and the other to contain economic, social and cultural rights". The two covenants were to contain as many similar provisions as possible, and be

opened for signature simultaneously. Each would also contain an article on the right of all peoples to self-determination.

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

The first document became the International Covenant on Civil and Political Rights, and the second the International Covenant on Economic, Social and Cultural Rights. The drafts were presented to the UN General Assembly for discussion in 1954, and adopted in 1966.

The Covenant follows the structure of the UDHR and the ICCPR, with a preamble and thirty-one articles, divided into five parts.

- Part 1 (Article 1) recognizes the right of all peoples to self-determination, including the right to "freely determine their political status", pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognizes a negative right of a people not to be deprived of its means of subsistence, and imposes an obligation on those parties still responsible for non-self-governing and trust territories (colonies) to encourage and respect their self-determination.
- Part 2 (Articles 2–5) establishes the principle of "progressive realization" – see below. It also requires the rights be recognized "without discrimination of any kind as to race, colour, sex, language, religion, political or other

opinion, national or social origin, property, birth or other status". The rights can only be limited by law, in a manner compatible with the nature of the rights, and only for the purpose of "promoting the general welfare in a democratic society".

- Part 3 (Articles 6–15) lists the rights themselves. These include rights to

- work, under "just and favourable conditions", with the right to form and join trade unions (Articles 6, 7, and 8);
- social security, including social insurance (Article 9);
- family life, including paid parental leave and the protection of children (Article 10);
- an adequate standard of living, including adequate food, clothing and housing, and the "continuous improvement of living conditions" (Article 11);
- health, specifically "the highest attainable standard of physical and mental health" (Article 12);
- education, including free universal primary education, generally available secondary education and equally accessible higher education. This should be directed to "the full development of the human personality and the sense of its dignity", and enable all persons to participate effectively in society (Articles 13 and 14);
- participation in cultural life (Article 15).

Many of these rights include specific actions which must be undertaken to realize them.

- Part 4 (Articles 16–25) governs reporting and monitoring of the Covenant and the steps taken by the parties to implement it. It also allows the monitoring body – originally

the United Nations Economic and Social Council – now the Committee on Economic, Social and Cultural Rights – see below – to make general recommendations to the UN General Assembly on appropriate measures to realize the rights (Article 21)

- Part 5 (Articles 26–31) governs ratification, entry into force, and amendment of the Covenant.

Value dimensions of Human Rights

The human rights should have moral implications beyond the need to enact and conform to effective human rights laws is hardly surprising, given that the very concept of human rights is, at base, a moral one.

Human rights are primarily a species of moral rights in that they highlight certain priority moral values that cannot be identified with any actual set of institutionalised rights and duties.

Human rights can never, for instance, simply be equated with human rights law, either in its domestic or international manifestations. Because human rights derive from important human interests and needs, it is natural to expect legal protection of human rights. Indeed this itself may contribute to their moral influence in a society. Nevertheless, the import of human rights goes far beyond setting up and implementing laws and ought to impact on every aspect of policy and decision making in private as well as public sector organisations. This gives new force to the significance of developing ethical cultures in organisations, a process that is already emerging in the increasing significance given to internal codes of ethics,

ethical audits and open acknowledgment of the corporate social responsibility of management and boards of directors.

Human Rights and United Nations

The principal institutional framework for furthering human rights in the world community is the United Nations (UN), the only intergovernmental structure with a general mandate for realizing all human rights in all countries. The UN is a tool of geopolitics for some and a beacon of hope for others. We begin with some preliminary observations on the place and promise of human rights in and under the UN Charter¹ to set the stage for explaining the UN's strengths and weaknesses as a force for the realization of human rights in the global community.

The United Nations (UN) has created a global structure for protecting human rights, based largely on its Charter, non-binding declarations, legally binding treaties and on various activities aimed at advancing democracy and human rights throughout the world.

The UN often finds it necessary to define rights in a cautious manner, as it is host to an extremely diverse group of member states, with varying economic, social, cultural and political histories. Subsequently, the UN must accommodate these differences in its mechanism for protecting the human rights it has outlined in treaties and declarations. Thus, these methods may be less substantive lack in strict enforcement as compared to those of regional institutions. Broad agreements allow the UN to accommodate a spectrum of different viewpoints. The UN thus affects more nations and many more individuals than any regional institution could.

The UN's system of human rights protection has three main components: first, it establishes international standards through its Charter, legally binding treaties, non-binding declarations, agreements, and documents; it mandates Special Rapporteurs second and experts, and groups, such as working groups, committees and treaty bodies, to work in various manners for the promotion and protection of human rights; it offers technical assistance third, through the Voluntary Fund for Advisory Services and Technical Assistance in the field of Human Rights.

Human rights co-ordination within UN system

THE U.N. SYSTEM :

After the Second World War, the member states, while discussing on the establishment of United Nations seriously thought that in order to have similar rights of man across the world. The death, destruction and misery of the Second World War gave birth to the United Nations when its Charter was signed on June 26, 1945.

Accordingly, after long deliberations, the words human rights took birth in international law with the adoption of the Charter of the United Nations on October 24, 1945.

United Nations Organization has Six Principal organs:-

1. The General Assembly
2. The Security Council
3. The Secretariat
4. The Economic and Social Council
5. The Trusteeship Council
6. The International Court of Justice (ICJ)

The Secretariat

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The United Nations has a secretariat to coordinate with the entire work of all the organs of the UN. It functions under a chief 212 Administrative Officer referred to as Secretary General. The term of Office of the Secretary General is five years. It can be extendable indefinitely for any number of terms. However, no Secretary General has worked more than two terms. The Secretary General is appointed by the General Assembly on the recommendations of the Security Council. The Secretary General also normally elected on the basis of geographical rotation. The Secretariat provides for studies, information, and facilities needed by United Nations bodies for their meeting. The Secretariat is the depository for all the legal Instruments entered by the states. It carries the work as directed by the organs of the UN.

The Economic and Social Council

The Economic and Social Council is one of the principal organs of the UN. It is responsible for the work of the Economic and Social for the work of the Economic and Social affairs of the bodies of the UN. It has 54 states as its members. They are elected by the General Assembly for three years term. The election of the States is based on geographical distribution of regions of the world. It meets once in a year. This is the main body mostly looks after the affairs of the Human Rights and recommends to the UN bodies.

The Commission on Human Rights

The UN Commission on Human Rights was established by the UN Economic and Social Council on 16 February, 1946 (Resolution 5(1) in accordance with Article 60 of the United

nations Charter which authorizes the Council to set up "Commissions in economic and social fields and for the protection of humans rights".

The Commission's original mandate was to submit to the Council proposals, recommendations, and reports regarding: (a) an international bill of rights; (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters; (c) the protection of minorities, (d) the prevention of discrimination on grounds of race, sex, language or religions; and (e) any other matter concerning human rights. In 1979, a new function was added: to assist the Economic and Social Council in the coordination of activities concerning human rights in the United Nations system.

Since its first meeting in 1947, the Commission had been at the forefront of international activity to define, promote and protect human rights and fundamental freedoms. In addition to preparing a number of international treaties and declarations on them, the Commission had considered many situations involving violation of those rights and freedoms sought, through persuasion and dialogue, to prevent and eliminate human rights violations, recommended measures to ensure compliance with universally recognized norms of human rights and has offered and provided upon request, advisory services and other expert assistance to reduce the incidence of violations of human rights.

The Security Council and Human Rights

The UN Security Council, at times, deals with serious human rights violations, often in conflict areas. The UN Charter

gives the Security Council the authority to investigate and mediate, dispatch a mission, appoint special envoys, or request the Secretary General to use his good offices.

The Security Council may issue a cease fire directive, dispatch military observers or a peace keeping force. If this does not work, the Security Council can opt for enforcement measures, such as economic sanctions arms embargoes, finical penalties and restrictions, travel bans, the severance of diplomatic relations, a blockade, or even collective military action.

Committee on the Elimination of Racial Discrimination (CERD)

The fundamental injustice of racial discrimination, no less than the dangers it represents, has made its elimination a target of action by the United Nations. In 1965, the General Assembly provided the world community with a legal instrument by adopting the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention specifies the measures that States agree to undertake-one they have become parties by ratifying or acceding to it to eliminate racial discrimination.

The committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (OCERD) by its State parties.

All States parties are obliged to submit regular reports to the CERD on how the rights contained in the Convention are

being implemented. States are initially required to report a year after acceding to the Convention and then every two years. The Committee examines each report and informs the State party of its recommendations and concerns in the "concluding observations".

The committee has 18 independent experts who are elected for a term of four years by the State parties. Elections for nine of the eighteen members are held every two years ensuring a balance between continuity and change in the composition of the Committee.

The CERD also publishes its interpretation of the content of human rights provisions, known as General Recommendations (or General Comments), on thematic issues, and organizes thematic discussions. The Committee meets in Geneva and normally holds two sessions per year comprising three weeks each.

Reporting System – States are required to submit periodical reports under article 9 of the convention as under;

1. States parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention:
 - a. within one year after the entry into force of the Convention for the State concerned: and
 - b. thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

CERD has provided guidelines to the States parties on the preparation of their reports, and has frequently asked them for additional information. The Committee has also made general recommendations to the States parties when it has found that information on specific articles of the Convention useful to the experts in establishing the facts and summarizing their views is broadly lacking.

Inter-state complaints, Article 11-

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Other Mechanism

In addition to the reporting procedure, the Convention establishes three other mechanism through which the CERD performs its monitoring functions:

1. Early-warning procedure;
2. Examination of inter-state complaints; and
3. Examination of individual complaints

CERD also includes in its regular agenda 'preventive measures', which include early-warning aimed at preventing existing situations escalating into conflicts and urgent procedures to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention.

The United Nations Committee on the Elimination of Discrimination Against Women, an expert body established in 1982, is composed of 23 experts on women's issues from around the world. The Committee's mandate is very specific: it watches over the progress for women made in those countries that are states parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and monitors the implementation of national measures to fulfill this obligation.

The Committee acts as a monitoring system to oversee the implementation of the Convention by those States which have ratified or acceded to it. This is done principally by examining reports submitted by those States parties. The Committee considers this report and makes suggestions and recommendations based on their consideration. It may also invite United Nations specialized agencies to submit reports for consideration and may receive information from non-governmental organizations.

The Committee reports annually on its activities to the General Assembly through the Economic and Social Council, and the Council transmits these reports to the Commission on the Status of Women for information. The Committee meets for two weeks each year. This is the shortest meeting time of any Committee established under a human rights treaty.

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.
- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.

The Committee on Economic, Social and Cultural Rights (CESCR)

The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council with a view to assisting the Council fulfills its responsibilities to the

International Covenant on Economic, Social and Cultural Rights. It is composed of 18 independent experts. Members are elected for a term of four years by state parties in accordance with ECOSOC resolution 1985/17 of 28 May 1985. Members serve in their personal capacity and may be re-elected if nominated.

The Committee has emphasized that reporting obligations under the Covenant to fulfill seven key objectives. In its General Comment No. 1 (1989), the Committee stated these objectives as follows:

1. To ensure that a State party undertakes a comprehensive review of national legislation, administrative rules and procedures, and practices in order to assure the fullest possible conformity with the Covenant;
2. To ensure that the State party regularly monitors the actual situation with respect to each of the enumerated rights in order to assess the extent to which the various rights are being enjoyed by all individuals within the country;
3. To provide a basis for government elaboration of clearly stated and carefully targeted policies for implementing the Covenant;
4. To facilitate public scrutiny of government policies with respect to the Covenant's implementation, and to encourage the involvement of the various sectors of society in the formulation, implementation and review of relevant policies;
5. To provide a basis on which both the State party and the Committee can effectively evaluate progress towards the realization of the obligations contained in the Covenant;

6. To enable the State party to develop a better understanding of problems, and shortcomings impeding the realization of economic, social and cultural rights;
7. To facilitate the exchange of information among States parties and to help develop a fuller appreciation of both common problems and possible solutions in the realization of each of the rights contained in the Covenant.

The Human Rights Committee

The Human Rights Committee is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

In addition to the reporting procedure, article 41 of the Covenant provides for the Committee to consider inter-state complaints. Furthermore, the First Optional Protocol to the Covenant gives the Committee competence to examine individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol.

The full competence of the Committee extends to the Second Optional Protocol to the Covenant on the abolition of the death penalty with regard to States who have accepted the Protocol.

The Committee meets in Geneva and normally holds three sessions per year.

The Committee also publishes its interpretation of the content of human rights provisions, known as general comments on thematic issues or its methods of work.

Human Rights and the Indian Constitution

The Constitution of the Republic of India which came into force on 26th January 1950 with 395 Articles and 8 Schedules, is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a Sovereign, Socialist, Secular and Democratic Republic.

The term 'democratic' denotes that the Government gets its authority from the will of the people. It gives a feeling that they all are equal "irrespective of the race, religion, language, sex and culture." The Preamble to the Constitution ledges justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and fraternity assuring the dignity of the individual and the unity and integrity of the nation to ail its citizens.

Fundamental Rights in India

The Fundamental Rights included in the Indian constitution are guaranteed to all Indian citizens. These civil liberties take primacy over any other law of the land. They include individual rights common to most liberal democracies, such as equality before the law, freedom of speech and expression, freedom of association and peaceful assembly, freedom of religion, and the right to constitutional remedies

for the protection of civil rights such as habeas corpus. In addition, the Fundamental Rights for Indians are aimed to topple the inequities of past social practices. They abolish the practice of untouchability; prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth; and prohibit traffic in human beings and forced labour. They even protect cultural and educational rights of minorities by ensuring them to preserve their distinctive languages and establish and administer their own education institutions.

There are six fundamental rights enshrined in the Indian Constitution.

Right to equality is included in Articles 14, 15, 16, 17 and 18 of the constitution. It is the principal foundation of all other rights and liberties. Article 14 describes that all citizens of India shall be equally protected by the laws of the country. Article 15 of the constitution provides that no individual shall be discriminated on the basis of caste, colour, language etc. However, the State may make any special provision for women, children, and for socially or educationally backward class or scheduled castes or scheduled tribes. Article 16 of the constitution defines that the State cannot discriminate against anyone in the matters of employment. However, there are some exceptions, the parliament has the right to enact law/s describing that certain jobs can only be filled by the applicant/s who are domiciled in the area for the post that require knowledge and the language of the locality or the area. The state may also reserve posts for members of educationally and economically backward classes, scheduled castes and tribes for their adequate representation in the jobs. Article 17 abolishes the practice of untouchability. Article 18 of the

constitution prohibits state from conferring any titles. This means that the citizen of India cannot accept titles from a foreign state. But Military and academic distinctions can be conferred on the citizens of India and also the awards of *Bharat Ratna* and *Padma Vibhushan* cannot be used by the recipient as a title.

Except the right to equality, the Constitution of India provides the **right to freedom**, given in articles 19, 20, 21 and 22. Freedom of speech and expression (it includes the freedom of press), freedom of assemble peacefully without arms, freedom to form associations or unions, freedom to move freely throughout the territory of India, freedom to reside and settle in any part of the territory of India, freedom to practice any profession or to carry on any occupation, trade or business are some of the freedoms which are provided to Indian citizen.

However, at the same time these freedoms can be restricted in the interests of public order, morality and the sovereignty and integrity of India. Freedom of speech and expression, generally interpreted to include freedom of the press, can be limited "in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence"

The constitution also guarantees the **right to life** and personal liberty under article 20 and 21. Article 20 states that no individual can be awarded punishment which is more than what the law of land prescribes at that time. This legal axiom is based on the principle that any criminal law cannot

be made retrospective. Therefore, the essential condition for an act to become a crime or offence is that it should have been an offence legally at the time of committing it. It also provides that no person can be convicted twice for the same offence. Article 21 declares that no citizen can be denied his/her life and liberty except by law. Therefore, an individual's personal liberty can only be disputed if the person has committed a crime. This right does not include the right to die thus suicide or an attempt thereof is an offence.

Rights of a person arrested under ordinary circumstances are laid down in the right to life and personal liberty. No person can be arrested without being informed about the grounds for his/her arrest. If arrested the person has the right to defend himself by a lawyer of his choice and also the arrested citizen has to be brought before the nearest court within 24 hours

In 2002, Article 21 (A) was incorporated by the 86th constitutional amendment act. The primary education has been made a fundamental right under the right to life and personal liberty. It says that "to the children in the age group of six to fourteen years shall be provided free and compulsory education" by the state.

There are provisions that state can impose restrictions on these rights for the interest of independence, sovereignty and integrity of India. Nevertheless, the right to life and personal liberty cannot be suspended. The six freedoms described above are suspended automatically or bear some restrictions imposed on them during the state of emergency.

Article 23 and 24 provides the **right against exploitation**. It has two provisions, one being, the abolition

of trafficking in human beings and Begar (forced labour) and other the abolition of employment of children below the age of 14 years in dangerous jobs like factories and mines.

Articles 25, 26, 27 and 28 of the constitution cover the **right to freedom of religion**. The objective of this right is to maintain secular nature of Indian state. Thus all religions are considered equal before the state and no religion shall be given preference over other. Citizens are free to preach, practice and propagate any religion of their choice. It also includes the freedom not to practice a religion and to propagate such views. However, the state can restrict certain practices of religions in the interests of public order, morality and health, say for example the wearing and carrying of *Kirpans* in the profession of the Sikh religion can be restricted by the state. There are some other provisions like religious communities can set up charitable institutions and no individual shall be compelled to pay taxes for the promotion of a particular religion. It should also be noted that the institution/s run by the state cannot impart education that is pro-religion

Article 29 and 30 provides special measures to protect the rights of the minorities. While article 29 applies to all the citizens of India, article 30 deals with the rights of minorities. Any religious or linguistic community that has a language and a script of its own has the right to conserve and protect them. State cannot discriminate any citizen against for admission in State or State aided institutions.

All minorities, religious or linguistic, can set up their own educational institutions in order to preserve and develop their own culture. In granting aid to institutions, the State cannot

discriminate against any institution based on the fact that it is administered by a minority institution. Although State can interfere in case of mal administration.

Article 32 of the constitution deals with the right to **constitutional remedies**. It empowers the citizens to seek a court of law in case of any denial of the fundamental rights, by asking the courts to preserve or safeguard the citizen's fundamental rights. It can be done in various ways, for example the courts can issue various kinds of writs. These writs are *habeas corpus*, *mandamus*, *prohibition*, *quo warranto* and *certiorari*. This right can be suspended by the central government in case of a national or state emergency is declared.

Except this there was a provision for right to property under Articles 19 and 31. Article 19 guaranteed to all citizens the right to acquire, hold and dispose off property. Article 31 provided that "no person shall be deprived of his property save by authority of law. The 44th constitutional amendment act of 1978 deleted the right to property from the list of fundamental rights. A new article (Article 300 A) was introduced which says that 'no person shall be deprived of his property save by authority of law'. Therefore, if a legislature makes a law that deprives a person of his property, there would be no obligation on the part of the State to pay anything as compensation. The aggrieved person shall have no right to move the court under Article 32. Thus, the right to property is no longer a fundamental right, but a constitutional right.

Rights simply mean the freedom which is necessary for the individual good and at the same time for the good of the

community. The fundamental rights guaranteed under the Constitution of India have been incorporated into the *Fundamental Law of the Land* and are enforceable in a court of law. However, this does not mean that they are absolute or that they are immune from Constitutional amendment.

1 RIGHT TO EQUALITY

Article 14	Equality before law
Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
Article 16	Equality of opportunity in matters of public employment
Article 17	Abolition of untouchability
Article 18	Abolition of titles

2 RIGHT TO FREEDOM

Article 19	Protection of certain rights regarding freedom of speech etc.
Article 20	Protection in respect of conviction for offences.
Article 21	Protection of life and personal liberty.
Article 22	Protection against arrest and detention in certain cases.

3 RIGHT AGAINST EXPLOITATION

Article 23	Prohibition of traffic of human beings and forced labour.
Article 24	Prohibition of employment of children in factories etc.

4 RIGHT TO FREEDOM OF RELIGION

Article 25	Freedom of conscience and free profession, practice and propagation of religion.
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	Article 26	Freedom to manage religious affairs.
	Article 27	Freedom as to payment of taxes for promotion of any particular religion
	Article 28	Freedom as to attendance at religious instruction or religious worship in certain educational institutions

5 CULTURAL AND EDUCATIONAL RIGHTS

	Article 29	Protection of interest of minorities.
	Article 30	Right of minorities to establish and administer educational institutions.

6 RIGHT TO CONSTITUTIONAL REMEDIES

	Article 32	Right to constitutional remedies
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Directive Principles of State Policy and Human Rights

Judicially non-enforceable rights in Part IV of the Constitution are chiefly those of economic and social character. However, Article 37 makes it clear that their judicial non-enforceability does not weaken the duty of the State to apply them in making laws, since they are nevertheless fundamental in the governance of the country. Additionally, the innovative jurisprudence of the Supreme Court has now read into Article 21 (the right to life and personal liberty) many of these principles and made them enforceable.

The duties of the State encompass securing a social order with justice, social, economic and political, striving to minimize and eliminate all inequalities (Article 38), securing for "the citizens, men and women equally" the right to an adequate means of livelihood (Article 39 (a)), distribution of ownership and control of community resources to sub serve the common good (Article 39(b)), prevention of concentration of wealth and

means of production to the common detriment (Article 39(c)), securing equal pay for equal work for both men and women (Article 39(d)), preventing abuse of labour, including child labour (Article 39(e)), ensuring of child development (Article 39(f)), ensuring of equal justice and free legal aid (Article 39 A), organization of village democracies (Article 40), provision of the right to work, education and public assistance in case of unemployment, old age sickness and disability (Article 41), provision of humane conditions of work (Article 42), living wage and a decent standard of life (Article 43), securing participation of workers in the management of industries (Article 43A), provision of a uniform civil code for the whole country (Article 44), provision for early child care and education to children below the age of six years. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years (Article 45), promotion of educational and economic interest of the weaker sections of the people and their protection from injustice and all forms of exploitation (Article 46), raising the standard of living, improving the level of nutrition and public health and prohibition of intoxicating drinks and of drugs (Article 47), scientific reorganization of animal husbandry and agriculture (Article 48) conservation of environment, forests and wildlife (Article 48A), protection of monuments and things of artistic or historical importance (Article 19), separation of judiciary from the executive (Article 50) and promotion of international peace and security (Article 51).

Human rights of Women

India is a country; women are held in high esteem. "Mathru Devobhava" is the socio-cultural tenet that is accepted

uniformly at all times in our country. During vedic period women enjoyed a considerable amount of freedom and are treated as equal with men.

The Indian Constitution has embodied within itself grounds for gender equality. The Fundamental Rights, Fundamental Duties and Directive Principles together work towards shaping policies and putting safeguards not just for women empowerment in India but also protection.

The father of the nation says:

"To call a woman the weaker sex is a libel; it is man's injustice to woman. If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then the woman is immeasurably man's superior. Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her, a man could not be. If nonviolence is the law of our being, the future is with a woman. Who can make a more effective appeal to the heart than woman?" – Mahatma Gandhi

Women's Rights under Indian Constitution

Under the constitution women are provided with the following fundamental rights:

1. Article 21

The Article 21 states as follows: "No person except according to procedure established by law shall be deprived of his life or personal liberty. Fundamental right under Article 21 of the object personal liberty except according to procedure

established by law is to prevent encroachment on and loss of life." - Anyone, including women, can seek protection under this.

2. Article 14

The Article 14 states as follows: This Article guarantees Right to Equality, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth."

3. Article 19

The Article 19 states as follows: This gives the citizens (which include both women, men and third gender) the Right to Freedom, which among other things guarantees freedom of speech and expression, freedom of movement, freedom of practising trade and profession etc.

4. Article 32

The Article 32 states as follows: This Article gives the right to us to seek constitutional remedies through the Supreme Court of India for violation of Fundamental Rights mainly.

Along with constitutional safeguards, there are further rights that women have guaranteed under the law.

5. Women have a right to equal pay

According to provisions under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary or wages. Working women have the right to draw an equal salary.

6. Women have a right to dignity and decency

In the event that an accused is a woman, any medical examination procedure on her must be performed by or in the presence of another woman.

7. Women have a right against harassment at work

The enactment of the Sexual Harassment of Women at Workplace Act gives you the right to file a complaint against sexual harassment. The law enables a sexually harassed woman employee can put in a written complaint to an Internal Complaints Committee (ICC) at a branch office within a period of 3 months as per the Sexual Harassment Act. This complaint further is taken up by the Local Complaints Committee (LCC) at a district level, ensuring investigations start regarding the same if a proper action has not been taken against the employer. The complaint can also be filed by any of the woman's legal heirs on her behalf or any other person who has a written permission given by her to make the complaint.

8. Women have a right against domestic violence

The act primarily looks to protect a wife, a female live-in partner or a woman living in a household like a mother or a sister from domestic violence at the hands of a husband, male live-in partner or relatives. She or anybody on her behalf can file a complaint.

Section 498 states that whoever, being the husband or the relative of the husband of a woman, subjects her to cruelty, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The complaint registered against an offender makes it a non-

bailable one, ensuring a woman's safety and provide protection from domestic abuse. The acts of violence are not limited to physical brutality, but also other forms of abuse like verbal, economic, emotional and sexual.

9. Women have a right to anonymity for sexual assault victims

Victims of sexual assault have a right to anonymity. To ensure that her privacy is protected, a woman who has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.

10. Women have a right to free legal aid

All female rape victims have the right to free legal aid, under the Legal Services Authorities Act. It is mandatory for the Station House Officer (SHO) to inform the Legal Services Authority, who arranges for the lawyer.

11. Women have right not to be arrested at night

A woman cannot be arrested after sunset and before sunrise, except in an exceptional case on the orders of a first class magistrate. Further, the law states, "The police can interrogate a woman at her residence in the presence of a woman constable and family members or friends". A woman can also not be detained at night at the police station without legal permission.

12. Women have a right to register their complaint virtually

If a woman is not in a position to physically go to a police station and file a complaint, there is a provision for virtual

complaints where she can lodge a complaint via e-mail or write her complaint and send to a police station from a registered postal address. This provision leads to the SHO (Station House Officer) sending police to the complaint's place to record her.

13. Women have a right against indecent representation

The depiction in any manner of the figure of a woman, her form or body or any part in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals", is a punishable offense.

14. Women have a right against being stalked

Section 354D of the IPC and legal action can be taken against an offender. It has been considered as a legal offense. Stalking has been defined by the law as, "To follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or monitor the use by a woman of the internet, email or any other form of electronic communication."

15. The provision of zero FIR

The ruling by Supreme Court mentioned that a woman who is a victim can register her complaint at any police station under the Zero FIR ruling. The Zero FIR is an FIR that can be filed at any police station irrespective of the location where the incident occurred or a specific jurisdiction it comes under. So once that FIR is lodged and investigation and filling are done with a magistrate, it can be moved to the Police Station in whose jurisdiction the case falls under. This ruling was

passed to save time that would impact a victim and also lead to an offender getting away scot-free.

Human rights of children

Child's definition:

The man whose age is 21 years and the woman whose age is below 18 is kept in the category of child.

These rights encompass freedom of children and their civil rights, family environment, necessary healthcare and welfare, education, leisure and cultural activities and special protection measures. The UNCRC outlines the fundamental human rights that should be afforded to children in four broad classifications that suitably cover all civil, political, social, economic and cultural rights of every child:

1. Child Labour (Prohibition and Regulation) Act, 1986

The most controversial legislation related to children's right in India is "Child Labor (Prohibition and Regulation) Act, 1986. This Act has clearly mentioned that how children can work and where they can't work?

2. Right to Education

Article 21-A has been included as a fundamental right in the Indian Constitution by the 68th Constitution Amendment Act, 2002, in which provision has been made to provide free and compulsory education to all children under the age group of 6-14 years. This law compels all the government aided\private schools in India to provide 25% seats to the children of economically backward sections of the societies.

3. Child Trafficking

According to UNICEF, any person under the age of 18 is recruited, transported, transferred or sheltered for the purpose of exploitation within or outside the country, then it falls under the crime of child trafficking.

4. The Protection of Children from Sexual Offences Act (POCSO Act) 2012

There are 53% of children in India face child sexual abuse in some form. Therefore, in India this act has been implemented for both male and female. This law prohibits the display of pornography in front of the children and any kind of involvement of the children in pornographic content and even storage of pornography related to children is also an offence. This act makes child sexual abuse a punishable offence.

5. Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Amendment Bill 2015 has been passed by the Rajya Sabha. It was introduced in Parliament in 2014 after public outrage because one of the offenders in the 2012 gang rape case was a few months short of 18 years of age. The bill had already been passed by the Lok Sabha now the age of a Juvenile is reduced to 16 years.

Children's rights are human rights

Children's rights are human rights. They protect the child as a human being. As human rights, children's rights are

- Children's rights recognize fundamental guarantees to all human beings: the right to life, the non-discrimination principle, the right to dignity through the protection of physical and mental integrity (protection against slavery, torture and bad treatments, etc.)
- Children's rights are *civil and political rights*, such as the right to identity, the right to a nationality, etc.
- Children's rights are *economic, social and cultural rights*, such as the right to education, the right to a decent standard of living, the right to health, etc.
- Children's rights include individual rights: the right to live with his parents, the right to education, the right to benefit from a protection, etc.
- Children's rights include *collective rights*: rights of refugee and disabled children, of minority children or from autochthonous groups.

Minority Rights

Minority rights are the normal individual rights as applied to members of racial, ethnic, class, religious, linguistic or gender and sexual minorities; and also the collective rights accorded to minority groups. Minority rights may also apply simply to individual rights of anyone who is not part of a majority decision.

The Union Government set up the **National Commission for Minorities** (NCM) under the National Commission for

Minorities Act, 1992. Six religious communities, viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified in Gazette of India as minority communities by the Union Government all over India .Original notification of 1993 was for Five religious communities Sikhs, Buddhists, Parsis, Christians and Muslims.

Part III of the Indian Constitution

Part III of the Indian Constitution contains the cardinal part of Indian constitution. It is in this part, from article 12-35, Fundamental Rights are enshrined. In this matter, it was the Constitution of USA which gave inspiration to the constitutional framers to create detailed and justiciable fundamental rights. The benefits and privileges guaranteed under fundamental rights are entitled to all the citizens of the country without any discrimination. The dignity of the individual, the equality of society, protection of larger public interest and safeguard of national unity are ensured by the provisions of fundamental rights. Since the rights are guaranteed and protected by the constitution, the supreme law of the country, they are called as fundamental rights. Since these rights are equal to everyone, minorities too have the coverage of it.

Article 19 of the Indian Constitution expresses that, "All citizens shall have the right

- To freedom of speech and expression.
- To assemble peaceably and without arms.
- To form associations or unions.
- To move freely throughout the territory of India

- To reside and settle in any part of the territory of India and
- To practice any profession, or to carry on any occupation, trade or business"

These freedoms are the hallmarks of a successful political democracy.

Rights of Prisoners

The word prisoner means any person who is kept under custody in jail or prison because he/she committed an act prohibited by law of the land. A prisoner also known as an inmate is anyone who against their will is deprived of liberty. This liberty can be deprived by forceful restrain or confinement. Prisoner's rights deal with the rights of the inmates while behind bars.

Prisoners have basic legal rights that can't be taken away from them. The basic rights include right to food and water, right to have an attorney to defend himself, protection from torture, violence and racial harassment. Section 1 of the Prison Security Act 1992, defines the term prisoner. The word prisoner means any person for the time being in a prison as a result of any requirement imposed by a court or otherwise that he be detained in legal custody.

It is established that conviction for a crime does not reduce the person into a non-person, so he is entitled to all the rights, which are generally available to the non-prisoner. On the other hand, it cannot be denied that he is not entitled for any absolute right, which is available to a non-prisoner citizen but subject to some legal restrictions.

The Supreme Court of United States as well as the Indian Supreme Court held that prisoner is a human being, a natural person and also a legal person. Being a prisoner he does not cease to be a human being, natural person or legal person. Conviction for a crime does not reduce the person into a non person, whose rights are subject to the whim of the prison administration and therefore, the imposition of any major punishment within the prison system is conditional upon the absence of procedural safeguards.

The courts which send offenders into prison, have an onerous duty to ensure that during detention, detainees have freedom from torture and follow the words of William Black that "Prisons are built with stones of Law". So, when human rights are harassed behind the bars, constitutional justice comes forward to uphold the law.

The rights guaranteed in the part III of Indian Constitution are available to prisoners; because a prisoner is treated as a person in prison.

Article 14 contemplated that like should be treated alike, and also provided the concept of reasonable classification. This article provides the basis for prison authorities to determine various categories of prisoners and their classification with the object of reformation. Indian constitution guarantees six freedoms to citizens of India, among which certain freedom can't be enjoyed by the prisoners. They are freedom of movement, freedom to residence and to settle and freedom of profession. But other freedoms conferred in this article are enjoyed by the prisoners. Moreover, constitution provides various other provisions though cannot

directly be called as prisoner's rights but may be relevant. Among them are Article 20(1), (2), and Article 21 and Article 22(4-7).

Science, Technology and Human Rights

It is possible to determine at least five connections between science, technology and human rights:

1. **Scientists and engineers have human rights:** these rights include the freedom to associate with others in their profession, to conduct research (responsibly), to access and communicate scientific information, to move within and outside their country, and to cooperate internationally. Whether in their attempts to prohibit publication of information about the HIV virus, the silencing of climate scientists or persecution of medical doctors providing care to anti-government protesters, both open democracies and repressive regimes have demonstrated their capacity to violate these rights, sometimes in the name of national security, to protect elites or to silence politically embarrassing or uncomfortable truths.
2. **Science and technology can be applied for human rights purposes:** since at least the 1980s scientists and engineers have been developing and applying tools and methods that have strengthened human rights work, unearthing new truths, validating findings and providing the credibility of robust empirical data to support claims. Examples include the analysis of geospatial images to document mass human rights violations in remote or dangerous parts of the world, soil and water contamination

analysis to determine the human rights impacts of mining on local communities, and the forensic examination of video evidence of chemical weapons attacks.

3. **The conduct of science and the applications of science and technology can have negative human rights implications:** following the atrocities of the Second World War, concerted efforts have been made through legal proscription and institutional oversight mechanisms to ensure against unethical practices and human rights violations perpetrated by scientists, engineers and health professionals. Yet, examples persist of the practice and applications of science and technology negatively impacting human rights. Emerging technologies, including those with dual military and civilian uses, are raising particular concerns and have sparked a debate about the ethical responsibilities of the scientists and engineers involved.
4. **International human rights law recognizes a right to science:** the right, as articulated in the ICESCR and described above, has important implications for the scientific endeavor, including education, funding, and peer-review, as well as for access of the general public to scientific information and products.
5. **Scientists and engineers can be a constituency for human rights:** from the American Association for the Advancement of Science to the Committee of Concerned Scientists, Physicians for Human Rights and the International Council for Science, increasingly scientists and engineers are bringing their voices to human rights

issues of relevance to their work and discipline, not just as individuals with a personal passion for human rights, but as members of large professional and scholarly societies that recognize a role for scientists and engineers in human rights.

All connections between science, technology and human rights are only recently being explored and positively exploited. There are several reasons for that, including the initial reluctance on the part of most Western nations to acknowledge economic and social rights as human rights imposing legal obligations on the State; the general separation of human rights practitioners from the scientific community, in principle and in practice; and the absolute failure of any interested party to explore and articulate the practical implications of the right to science. However, this has started to change.

National Human Rights Commission

India's National Human Rights Commission (NHRC) was created in 1993, as a response to increasing international awareness of human rights, after India entered the global economic arena. The United Nations Human Rights Commission adopted the "Paris Principles", a guiding light for resolving international human rights issues. For India, it was critical to secure international trade partnership and show compliance with global labour standards, including a refusal to support unethical practices like child labour. While human rights were enshrined in the Indian Constitution, it was the lack of a system to protect and safeguard against exploitation that made it necessary to support charities fighting for children's rights in India.

Therefore, the Human Rights Commission in India, armed with a defining intent of protecting human rights, provided a definitive framework to NGOs in India, and other initiatives working in the fields of indigenous human rights.

The National Human Rights Commission in India derives its power from The Protection of Human Rights Act (TPHRA). Its composition enjoys a robust legal fortitude, with a panel that features former judges of the Supreme Court, High Court, and people experienced in human rights policy and execution. It is presided by a retired Chief Justice of India, and Chairpersons of national commissions of key human rights concerns - Minorities, India's Scheduled Classes and Tribes, and Women.

The Functions of the National Human Rights Commission

NHRC today enjoys a very wide mandate, receiving over 70,000 complaints every year. Through recommendations and requests for inquiries, the Commission seeks to resolve human rights violations across India.

Legal proceedings

It also can intervene in human rights proceedings, which may be pending before the court. NHRC officials visit jails to inspect living conditions for inmates incarcerated for treatment, reformation or protection.

Instrument of policy

As a body to oversee policy, the NHRC can review and make recommendations in Constitutional and legal safeguards. It can also review international treaties and events that may compromise human rights.

Human rights literacy

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The NHRC also serves as the basis of human rights literacy in India, initiating awareness of rights through publications, media channels, seminars etc. Common themes in India's contemporary human rights violation history include labour law, extrajudicial killing, sexual violence and LGBT rights, violence and discrimination against women, children and minorities.

Child rights in India: a vital function of the NHRC

Child rights are often considered the most critical of all human rights reforms as they define the future for both current and upcoming Indian generations. "Children's rights" have radically changed; from the middle ages, which refused to recognize the concept of a childhood and saw children work side by side with adults to today's understanding of nurturing a child's unique identity while providing him access to necessities.

Children's rights apply to the special protection and care that minors under the age of 18 are provided. Based on international legislations, these include right to association with both parents, physical protection, food, free education, healthcare, and legal protection from violence or discrimination.

The NHRC consists of:

- A Chairperson, should be retired [Chief Justice of India] (through GoI mulling appointment of retired SC Judges as chairperson)

- One member who is, or has been, a Judge of the Supreme Court of India
- One member who is, or has been, the Chief Justice of a High Court
- Two members to be appointed from among persons having knowledge of, or practical experience in, matters relating to human rights
- In addition, the Chairpersons of four National Commissions (Scheduled Castes, Scheduled Tribes, Women and Minorities) serve as ex officio members.

The sitting Judge of the Supreme Court or sitting Chief Justice of any High Court can be appointed only after the consultation with the Chief Justice of Supreme Court.

State Human Rights Commission

The Kerala State Human Rights Commission was constituted on 11th December 1998, by an order of the Government of Kerala, as per Section 21 of the Protection of the Human Rights Act, 1993. Human rights means, the rights relating life, liberty, equality and dignity of the individual, guaranteed by the constitution or embodied in the international covenants and enforceable by courts in India.

The Protection of Human Rights Act of 1993 provides for the creation of State Human Rights Commission at the state level. A State Human Rights Commission can inquire into violation of human rights related to subjects covered under state list and concurrent list in the seventh schedule of the Indian constitution.

Functions of the Commission:

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According to the protection of Human Rights Act, 1993; below are the functions of State Human Rights Commission:

- a. Inquire a petition presented to it, by a victim, or any person on his behalf into complaint of violation of human rights or negligence in the prevention of such violation by a public servant.
- b. Intervene in any proceeding involving any allegation of violation of human rights before a Court with the approval of such Court.
- c. Visit any jail or any other institution under the control of the State Government where persons are detained to study the living conditions of the inmates and make recommendations thereon
- d. Review the safeguards provided by or under the constitution of any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- e. Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- f. Undertake and promote research in the field of human rights.
- g. Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights.
- h. Encourage the efforts of Non-Governmental organizations and institutions working in the field of human rights.

- i. Undertake such other functions as it may consider necessary for the promotion of human rights.

Composition:

Human Rights (Amendment) Act, 2006 consists of three members including a chairperson. The chairperson should be a retired Chief Justice of a High Court.

The other members should be:

- (i) A serving or retired judge of a High Court or a District Judge in the state with a minimum of seven years' experience as District judge.
- (ii) A person having practical experience or knowledge related to human rights.

The Governor of the state appoints the chairperson and other members on the recommendations of a committee consisting of the Chief Minister as its head, the speaker of the Legislative Assembly, the state home minister and the leader of the opposition in the Legislative Assembly. The chairman and the leader of the opposition of legislative council would also be the members of the committee, in case the state has legislative council.

The tenure of the chairperson and members is five years or until they attain the age of 70 years, whichever is earlier. After the completion of their tenure, they are not eligible for any further employment under the state government or the central government. However, chairman or a member is eligible for another term in the commission subject to the age limit.

Simply, human rights education is all learning that develops the knowledge, skills, and values of human rights.

The United Nations Decade for Human Rights Education (1995-2004) has defined Human Rights Education as "training, dissemination, and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes which are directed to:

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, respect, gender equality, and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- (d) The enabling of all persons to participate effectively in a free society;
- (e) The furtherance of the activities of the United Nations for the Maintenance of Peace." (Adapted from the Plan of Action of the United Nations Decade for Human Rights Education (1995-2004), paragraph 2)

During this Decade, the UN is urging and supporting all member states to make knowledge about human rights available to everyone through both the formal school system and through popular and adult education.

Human Rights Education as a Human Right

Education in human rights is itself a fundamental human right and also a responsibility: the Preamble to the Universal Declaration of Human Rights (UDHR) exhorts “every individual and every organ of society” to “strive by teaching and education to promote respect for these rights and freedoms.” The International Covenant on Civil and Political Rights (ICCPR) declares that a government “may not stand in the way of people learning about [their rights].”

Although news reports refer to human rights every day, “human rights literacy” is not widespread in the United States. Students of law and international relations or political science may study human rights in a university setting, but most people receive no education, formally or informally, about human rights. Even human rights activists usually acquire their knowledge and skills by self-teaching and direct experience.

When Americans say, “I’ve got my rights,” they usually think of those **civil and political rights** defined in the US Bill of Rights, which includes freedom of assembly, freedom of worship, and the right to a fair trial. Few, however, realize that **social, economic, and cultural rights** such as health care, housing, or a living wage, are also human rights guaranteed in the UDHR.

People who do not know their rights are more vulnerable to having them abused and often lack the language and conceptual framework to effectively advocate for them. Growing consensus around the world recognizes education for and about human rights as essential. It can contribute to the

building of free, just, and peaceful societies. Human rights education is also increasingly recognized as an effective strategy to prevent human rights abuses.

Rights, Responsibilities, and Action

Integral to learning about one's human rights is learning about the responsibilities that accompany all rights. Just as human rights belong to both individuals and society as a whole, the responsibility to respect, defend, and promote human rights is both individual and collective. The Preamble of the UDHR, for example, calls not only on governments to promote human rights, but also on "every individual and every organ of society." Human rights education provides the knowledge and awareness needed to meet this responsibility.

The responsibilities of all citizens in a democratic society are inseparable from the responsibility to promote human rights. To flourish, both democracy and human rights require people's active participation. Human rights education includes learning the skills of advocacy – to speak and act every day in the name of human rights.

Human rights education also provides a basis for conflict resolution and the promotion of social order. Rights themselves often clash, such as when one person's commitment to public safety conflicts with another's freedom of expression. As a value system based on respect and the equality and dignity of all people, human rights can create a framework for analyzing and resolving such differences. Human rights education also teaches the skills of negotiation, mediation, and consensus building.

The Goals of Human Rights Education

Human rights education teaches both **about** human rights and **for** human rights.

Its goal is to help people understand human rights, value human rights, and take responsibility for respecting, defending, and promoting human rights. An important outcome of human rights education is empowerment, a process through which people and communities increase their control of their own lives and the decisions that affect them. The ultimate goal of human rights education is people working together to bring about human rights, justice, and dignity for all.

Education **about** human rights provides people with **information** about human rights. It includes learning –

- about the inherent dignity of all people and their right to be treated with respect
- about human rights principles, such as the universality, indivisibility, and interdependence of human rights
- about how human rights promote participation in decision making and the peaceful resolution of conflicts
- about the history and continuing development of human rights
- about international law, like the Universal Declaration of Human Rights or the Convention on the Rights of the Child
- about regional, national, state, and local law that reinforces international human rights law

- about using human rights law to protect human rights and to call violators to account for their actions
- about human rights violations such as torture, genocide, or violence against women and the social, economic, political, ethnic, and gender forces which cause them
- about the persons and agencies that are responsible for promoting, protecting, and respecting human rights

Education **for** human rights helps people feel the importance of human rights, internalize human rights values, and integrate them into the way they live. These human rights **values** and **attitudes** include –

“strengthening respect for human rights and fundamental freedoms” (UDHR Article 30.2) nurturing respect for others, self-esteem, and hope understanding the nature of human dignity and respecting the dignity of others empathizing with those whose rights are violated and feeling a sense of solidarity with them recognizing that the enjoyment of human rights by all citizens is a precondition to a just and humane society perceiving the human rights dimension of civil, social, political, economic, and cultural issues and conflicts both in the US and other countries valuing non-violence and believing that cooperation is better than conflict

Education **for** human rights also gives people a sense of responsibility for respecting and defending human rights and empowers them through skills to take appropriate action. These **skills for action** include –

- recognizing that human rights may be promoted and defended on an individual, collective, and institutional level

- developing critical understanding of life situations
- analyzing situations in moral terms
- realizing that unjust situations can be improved
- recognizing a personal and social stake in the defense of human rights
- analyzing factors that cause human rights violations
- knowing about and being able to use global, regional, national, and local human rights instruments and mechanisms for the protection of human rights
- strategizing appropriate responses to injustice
- acting to promote and defend human rights

Who Needs Human Rights Education?

Human rights should be part of everyone's education. However, certain groups have a particular need for human rights education: some because they are especially vulnerable to human rights abuses, others because they hold official positions and upholding human rights is their responsibility, still others because of their ability to influence and educate. Among these groups are the following:

Administrators of Justice:

- law enforcement personnel, including police and security forces
- prison officials
- lawyers, judges, and prosecutors

Other Government and Legislative Officials:

- members of the legislature

- public officials, elected and appointed
- members of the military

Other Professionals:

- educators
- social workers
- health professionals
- journalists and media representatives

Organizations, Associations, and Groups

- women's organizations
- community activists and civic leaders
- minority groups
- members of the business community
- trade unionists
- indigenous peoples
- religious leaders and others with a special interest in social justice issues
- children and youth
- students at all levels of education
- refugees and displaced persons
- people of all sexual orientations
- poor people, whether in cities or rural areas
- people with disabilities
- migrant workers

REVIEW QUESTIONS

Part A

1. What is Human Right?
2. What are different generations of Human Rights?
3. Name two International HR documents.
4. Expand UDHR.
5. Expand ICCPR.
6. Expand ICESCR.
7. Write the role of UN secretariat.
8. Write the principal organs of UN.
9. Expand CERD.
10. What are the Fundamental Rights included in the Indian constitution?
11. Define children.

Part B

1. Who Needs Human Rights Education?
2. Explain the Fundamental Rights included in the Indian constitution.
3. Explain the functions of National HR Commission.
4. Explain the functions of state HR Commission.
5. Explain the connections between science, technology and human rights.
6. Explain about the Rights of Prisoners.
7. Explain the minority rights in Indian Constitution.
8. Explain the women's rights in Indian Constitution.
9. Describe about the principal organs of UN.
10. Explain about ICCPR.

Part C

1. Explain about the fundamental Rights and Indian Constitution.
2. Explain the goals of human rights education.
3. Explain different generations of Human Rights.