

Unit - 4

Human Rights and UNO



Learning Objectives

- Understand what human rights are
- Understand the relationship between rights and responsibilities
- Know the importance of Human rights
- Understand that human rights belong to everybody
- Appreciate the meaning and significance of the Universal Declaration of Human Rights, 1948



Introduction

Everybody is born equal. Each individual in the world has the right to lead a dignified life of his or her own choice. Human rights are related to individuals and society. Human rights denotes all those rights that are inherent and ensure that we live as free people and exercise our choices. The state's role is to ensure that people have equal rights.

What are Human Rights?

Human Rights are rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language and religion. Human rights include freedom from slavery and torture, freedom of opinion and expression and fair trial, the right to life work and education.



Where do Human Rights come from?

A set of basic rights and freedoms has deep roots in European and American countries.

a. Written Precursors of Human Rights Documents

The Magna Carta of 1215(England) – gave people new rights and made the king subject to the law.

The Petition of Right 1628(England) – set out the rights of the people.

The Habeas Corpus Act of 1679(England) – an act for the better securing liberty of the subject.

The English Bill of Rights of 1689 – set out certain basic civil rights.

The French Declaration on the Rights of Man and Citizen 1789 – a document of France, stating that all citizens are equal under the law.

The US Constitution and Bill of Rights 1791 – safeguards the rights of the citizens.

b. The Birth of United Nations

The idea of human rights emerged stronger after the Second World War. This War led to

unimaginable violation of human rights. During the times of war, human lives lost its value and those affected by war had to struggle till the end of their life. Atrocities during the Second World War made clear that previous efforts to protect individual rights from government violations were inadequate. The rights of man were prevented or eliminated in several parts of the world due to several factors. It is proved that the government of some countries alone could not protect human rights. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. These voices played a critical role in the San Francisco meeting in which the United Nations Charter was drafted in 1945. At this juncture, an International body, the United Nations Organisation (UNO) which was established on 24th October 1945 took up the issue. Human Rights is an important theme in all UN policies and programmes in the areas of peace and security, development, humanitarian assistance and economic and social affairs.

c. The Universal Declaration of Human Rights (UDHR)

One of the greatest achievements of United Nations is the creation of human rights law. To advance this goal, the UN established a Commission on Human Rights. The Commission guided by Eleanor Roosevelt's (wife of former US president Franklin D Roosevelt) forceful leadership captured the world's attention. Finally, the Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948. It is a milestone document in the history of Human rights. The Declaration was proclaimed by the UN General Assembly in Paris, France on 10th December 1948 (General Assembly resolution 217A). In remembrance of every year 10th December is observed as the Human Rights Day and its

Preamble of UDHR

All men are born free and all are equal in status and rights. They are endowed with intelligence and conscience and obliged to promote the spirit of common brotherhood amongst all men.

regular observance commenced from 1950. It is also known as modern International Magna Carta of Human Rights. Its principles have been incorporated into the Constitutions of most of the (more than 185) nations. UDHR has been translated into more than 500 languages. It is the most translated document in the world.

The Cyrus Cylinder 539 BC (BCE)



Cyrus the Great, the first king of ancient Persia, freed the slaves and declared that all people had the right to choose their own religion and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language in cuneiform script. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.

Human Rights are based on the values of

- Dignity – The right to life, the right to integrity, the prohibition of enforced labour, slavery and degrading punishment.
- Justice – The right to fair trial, proportional punishment to crime, the right not to be tried more than once for the same crime
- Equality – Equality before law. No discrimination on race, religion, gender, age, ability/disability etc.

Basic Characteristics of Human Rights

- Inherent** – they are not granted by any person or authority.
- Fundamental** – they are fundamental rights because without them, the life and dignity of man will be meaningless

- Inalienable** – they cannot be taken away from the individual.
- Indivisible** – they can't be denied even when other rights have already been enjoyed .
- Universal** – they are universal. They apply irrespective of one's origin or status. They are enforceable without national border.
- Interdependent** – they are interdependent because the fulfillment or exercise of one human right cannot be had without the realization of the other.

Human Rights Day is celebrated annually on 10th December every year. It is to honour the United Nations General Assembly for declaring the human rights universally.

Kinds of Human Rights

There are 30 Articles incorporated in the Universal Declaration of Human Rights.

These rights are broadly classified into Five primary categories. They are as follows

a. Civil Rights

The term civil rights refers to the basic rights afforded by laws of the government to every person. This is the right to be treated as an equal to anyone else. It includes the rights to life, liberty, freedom from slavery and arbitrary arrest.

b. Political Rights

Political rights are exercised in the formation and administration of a government. The Civil and Political rights are directly related to modern democracy. They protect the individual from the misuse of political power and recognise every individual's right to participate in their country's political process. It includes the freedom of expression, and peaceful assembly, the right to take part in the government of one's country, the right to vote, the freedom of speech and obtain information.

c. Social Rights

It is necessary for an individual to fully participate in the society. Social rights are those rights necessary for an adequate standard of living including the right to education, health care, food, clothing, shelter and social security.

d. Economic Rights

The right to participate in an economy that benefits all and to desirable work. Economic rights guarantee every person to have condition under which they are able to meet their needs. This includes the rights to employment and fair wage, the reasonable limitation of working hours, shelter, education and adequate standard of living, and the right to property.

e. Cultural Rights

The right to freedom of religion and to speak the language and to practice the cultural life of the community, the right to share in scientific advancement, and right to the protection of moral and material interest.

The Difference between Human Rights and Civil Rights

Human Rights	Civil Rights
Human rights belong to everyone, everywhere, regardless of <i>nationality, sexuality, gender, race, religion or age</i> .	Civil rights are those rights that one enjoys by virtue of citizenship in a particular nation or state.
Human rights are considered universal to all human beings and universal in all countries.	Civil rights vary greatly from country to the country's or government to government. It is related to the Constitution.
No nation may rightfully deprive human rights to an individual.	Different nations can grant or deny different civil rights and liberties.
Human rights are basic rights inherent with birth.	Civil rights are creation of the society.

Human Rights Commission

The Economic and Social Council (ECOSOC), a principal organ of the United Nations was empowered to setup a commission for the promotion of human rights. National level and State level human rights commissions were established to ensure the protection of human rights.

a. National Human Rights Commission (NHRC)

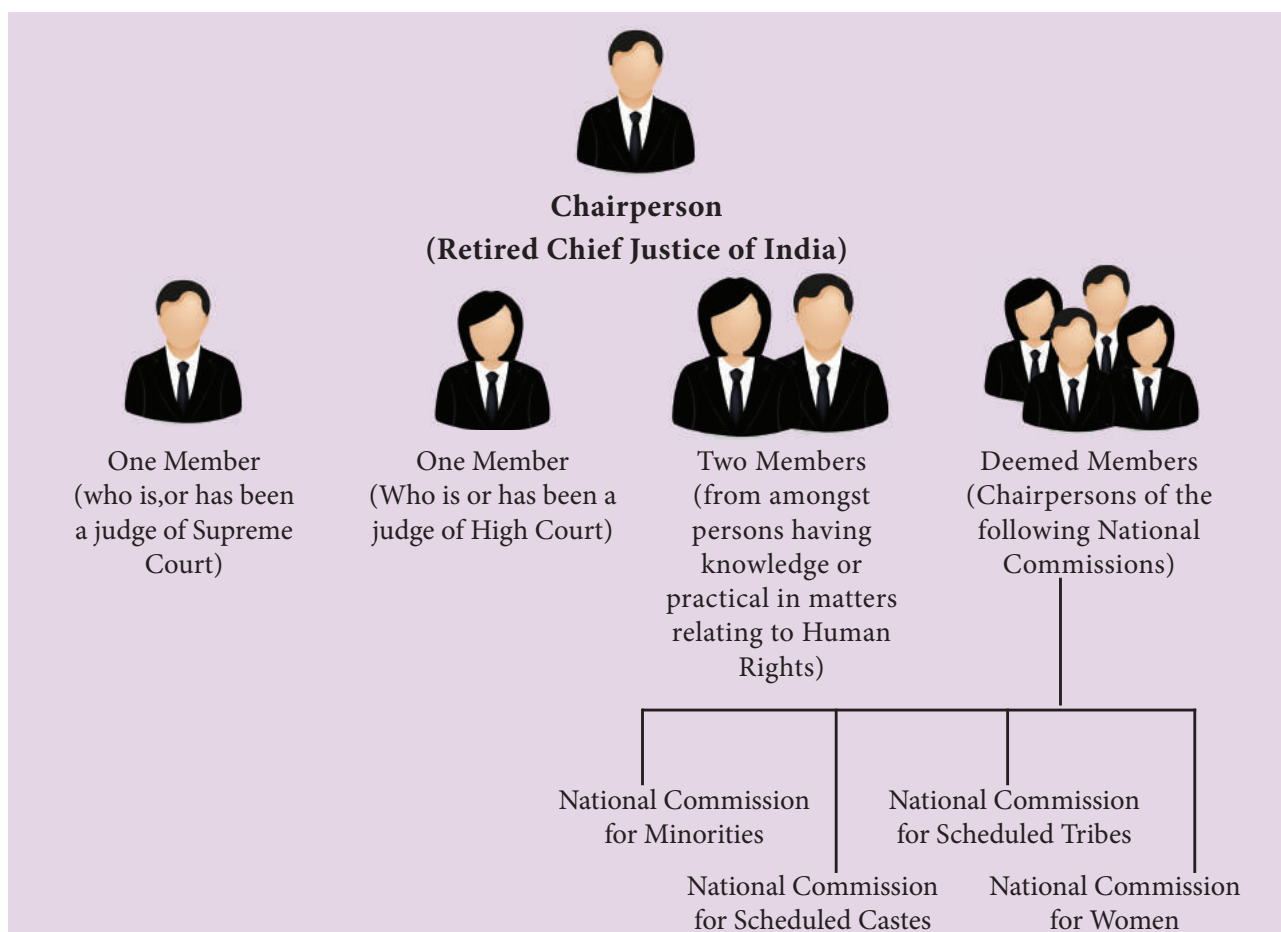
The National Human Rights Commission (NHRC) of India was established on 12th October, 1993. It is an independent statutory, and non-constitutional body. Its headquarter is located in New Delhi. NHRC is a multi-member body which consists of a Chairperson



and other members. The President appoints the Chairperson and other members. They are appointed for 5 years or till the age of 70 years whichever is earlier. NHRC has five divisions. Law Division, Investigation Division, Policy Research & Programmes Division, Training Division and Administrative Division. The National Human Rights Commission is responsible for the protection and promotion of human rights in India.

b. State Human Rights Commission (SHRC)

The State Human Rights Commission of Tamil Nadu was formed on 17th April, 1997. It functions at the state level. It consists of three members including a Chairperson. 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. (not if NHRC already enquiring)



Human Rights Organisations

Many organisations around the world have taken their efforts to protect human rights and for ending human rights abuses. These Non-governmental organisations monitor the actions of governments and pressure them to act according to human right principles. Some of these organisations are Amnesty International, Children's Defense Fund, Human Rights Watch.



Indian Constitution Article

24 - prohibits child labour.

39(f) - provides for children to develop in healthy manner.

45 - provides that the state shall endeavor to provide early childhood care and education for all children until they complete the age of six years.

Child Rights

According to Article 1 of the United Nations Convention on the Rights of the Child 1989, 'a child means every human being below the age of eighteen years'. The Convention on the Rights of the Child was proclaimed by UN on 20th November 1989.



The child is considered as an important national asset. The future of a nation depends on how its children mature and develop. So protection of children from all kinds of exploitation and abuses has become the main objective of our society. There are laws in India protecting the rights of the children.

UNO has declared

1978 as International year of women.

1979 as the International year of children.

a. Right to Education Act

Article 21A provides that the state shall provide free and compulsory education to all children aged six to fourteen years.



b. The Child Labour Act (Prohibition and Regulation Act 1986)

It provides no child who has not completed 15 years of age can be employed

c. The Juvenile Justice Act 2000 (Care and Protection of Children)

This Act tries to protect children deprived of adequate care and to reform the children by adopting child friendly approach.

d. POCSO Act 2012

Protection of Children from Sexual Offences Act regards the best interest of the child as being paramount importance in every state.



1098 Child Line

This is India's first 24 hours' free emergency phone service for children in need of assistance. Special care is given for vulnerable children those affected by child labour, child marriage and children affected by any abuse.



Women Rights

Women and girl's rights are human rights. Women are entitled to the full and equal enjoyment of all of their human rights and to be free from all forms of discrimination. This is fundamental to achieve human rights, peace and security and sustainable development. The Charter of the United Nations guarantees equal rights to both women and men.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is described as an International bill of rights for women.

In 1995 the Fourth World Conference of Women, held in Beijing, developed a Platform for Action to recognise women's rights and improve women's livelihood worldwide, and follow-up meetings monitored progress towards meeting these goals. The United Nations Development Fund for Women (UNIFEM), has worked since

1995 to implement the Beijing Platform for Action. Only when women and girls have full access to their rights will true equality exist.

Maintenance and Welfare of Parents and Senior Citizen Act 2007

This Act makes it legal obligation for children and heirs to provide maintenance to senior citizens and parents. Protection and support during old age are envisaged as human rights.



Conclusion

Human rights are about equality and fairness for everyone and it ensures that everyone is treated with dignity and respect. The protection of human right is everyone's responsibility. An understanding and respect for human rights provides the foundation for peace, harmony, security and freedom in our community.

Legislations	Provisions
The Hindu Widow Remarriage Act 1856	Legalised widow remarriage.
The Hindu Marriage Act 1955	States that the marriageable age for women is 21.
The Hindu Succession Act 1956	Ensures the right to women to inherit their parental property.
The Dowry Prohibition Act 1961	Provides drastic punishments for those ill-treating the bride in the name of dowry.
The Eve Teasing Act 1997	Gives relief to women.
Indecent Representation Act 1999	Prohibits the indecent representation of women in magazine, newspapers etc.
The Factory Act 1948, The Plantation Labour Act 1951, The Mines Act 1952 The Maternity benefit Act 1961	Protects the women workers.
Protection of Women from Domestic Violence Act 2005	Protects women from harassment by husband and family members.

Recap

- Human rights are freedoms that all human beings are entitled to enjoy. They include civil, political, economic, social and cultural rights.
- Human rights are inherent, inalienable, interdependent and indivisible.
- One of the greatest achievements of the United Nations is the creation of comprehensive body of human rights law.
- The Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948.

- Human rights are based on dignity, justice and equality.
- National level and State Level Human Rights Commissions were established to ensure the protection of human rights.
- The protection of human rights is everyone's responsibility.

GLOSSARY		
Nationality	People having common origin	தேசிய இனம்
humanitarian	seeking to promote human welfare	மனிதாபிமானம்
brotherhood	state of being brothers	சகோதரத்துவம்
fair trial	justify with legal	நியாயமான விசாரணை
harmony	agreement of opinions	இசைவு
heir	a person legally entitled to the property	வாரிசு/வழித்தோன்றல்



Evaluation

I Choose the correct answer



- After the Second World War _____ has taken several measures to protect the human rights.
 - UNO
 - Supreme Court
 - International Court of Justice
 - none
- In 1995 women from all over the world gathered at _____.
 - Beijing
 - New York
 - Delhi
 - none
- The National Human Rights Commission was constituted in _____.
 - 1990
 - 1993
 - 1978
 - 1979
- The UNO declared 1979 as the International year of _____.
 - Girl Child
 - Children
 - women
 - none
- When is Human Rights Day observed?
 - 9th December
 - 10th December
 - 11th December
 - 12th December
- Which one is known as modern International Magna Carta of Human rights?
 - UDHRC
 - NHRC
 - SHRC
 - International year for women
- Who can be appointed as the chairperson of the National Human Rights Commission?
 - Retired judge of high court
 - Any retired Chief Justice of the Supreme Court.
 - Any person appointed by the president.
 - Retired Chief Judge of any court.
- How many articles does the Universal Declaration of Human Rights contain?
 - 20
 - 30
 - 40
 - 50
- What is the tenure of the Chairperson of the National Human Rights Commission?
 - 5 years or upto 62 years of age
 - 5 years or upto 65 years of age
 - 6 years or upto 65 years of age
 - 5 years or upto 70 years of age
- Where is the headquarters of the National Human Rights Commission?
 - New Delhi
 - Mumbai
 - Ahmedabad
 - Kolkata



II Fill in the blanks

1. Each individual has _____ to lead a dignified life.
2. Human Rights are _____ rights.
3. The State Human Rights commission was formed on _____.
4. Article 24 of Indian Constitution prohibits _____.
5. United Nations Organisation was established in the year _____.

III Match the following

1. Eleanor Roosevelt - world's first charter of human rights
2. The Cyrus Cylinder - 1997
3. Eve Teasing Act - freedom from slavery
4. Child help line - Human Rights Commission
5. Civil right - right to vote
6. Political right - 1098

IV State true or false

1. Human rights and civil rights are the same.
2. Declaration of the Rights of Man and of the Citizen was proclaimed in India.
3. The Human Right Act of 1993 provides the creation of National Human Rights Commission.
4. National Human Rights Commission has empowered to give punishment to the victims.
5. Human Rights Commission was empowered to setup commission for the promotion of Human rights at National and State level.

V Consider the following statements and tick (✓) the appropriate answer

1. Find the wrong statement
 - a) National Human Rights Commission is a statutory body.
 - b) National Human Rights Commission is a constitutional body.
 - c) National Human Rights Commission is an independent body.
 - d) National Human Rights Commission is a multilateral institution.

2. Which of the following statement is not correct about the National Human Rights Commission?

- a) It was established in 1993.
- b) In the cases of human rights violation, the Commission has no rights to punish the culprit.
- c) The Chairperson and members are of this Commission are appointed by the Supreme Court of India.
- d) The Commission sends its annual report to the Central Government and State Governments.

3. **Assertion :** Human Rights day is observed on 10th December

Reason : It commemorates Eleanor Roosevelt's birthday.

- a) A is correct but R does not explain A
- b) A is correct but R explains A
- c) A and R are correct
- d) A and R are Wrong

4. Consider the following statements

1. The State Human Rights commission is a multi-member body.
2. The State Human Rights Commission consists of a chairperson and three members.

Which of the statements given above is /are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None

VI Answer the following in one or two sentences

1. What are Human Rights?
2. Bring out the importance of UDHR.
3. What does Article 45 of Indian Constitution provide?
4. Write about Right to Education Act.
5. State any three legislations passed to safeguard the welfare of women.

6. Mention some of the political rights.
7. Name the five primary categories of Human Rights.

VII Answer the following in detail

1. Distinguish between Human rights and Civil rights.
2. Describe any five basic characteristics of Human rights.
3. What are the measures taken by the government to protect the children?

VIII HOTs

1. To whom does the Universal Declaration of Human Rights apply? Why is it important to you?

IX Project and Activity

1. Make a list of 10 rights that you enjoy, and the responsibilities that you have.



REFERENCE BOOKS

1. NCERT - *India and the World*, 2004
2. Arun Ray., *National Human Rights Commission of India*, Khama Publisher, New Delhi, 2004
3. Parikshith K. Naik., and Mehrabudin wakman., *Human Rights & International Organisations*, Trinity Publication, 2013



INTERNET RESOURCES

- www.shrc.tn.gov.in
- www.nhrc.nic.in
- www.un.org



ICT CORNER

Human Rights and UNO

Through this activity you will learn about pictorial Time Line events of United Nations organisation and India.



Step - 1 Open the Browser and type the URL given below (or) Scan the QR Code.

Step - 2 Scroll down and Click on 'IN FOCUS'

Step - 3 Select any year from the bottom time line (Ex.1948) and select the 'box' to learn more about the UNO and India.

Web URL: <https://in.one.un.org/>

*Pictures are indicative only

*If browser requires, allow Flash Player or Java Script to load the page



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