

Human Rights Principles and Rights

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Abstract

Human rights have been promoted since 1946 by the United Nations as part of its mandate. But since the human rights standard setting has been continuously developing, new concepts have also been adopted by the international community and made part of human rights obligations of the states. Human rights enable us to respect each other and live with each other. In other words, they are not only rights to be requested or demanded but rights to be respected and be responsible for. The rights that apply to you also apply to others. The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. Indivisible and interdependent because all rights—political, civil, social, cultural and economic—are equal in importance and none can be fully enjoyed without the others.

Introduction : Understanding Human Rights

Every individual has dignity. The principles of human rights were drawn up by human beings as a way of ensuring that the dignity of everyone is properly and equally respected, that is, to ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent and conscience and satisfy his or her spiritual and other needs. Dignity gives an individual a sense of value and worth. The existence of human rights demonstrates that human beings are aware of each other's worth. Human dignity is not an individual, exclusive

and isolated sense. It is a part of our common humanity.

Human rights enable us to respect each other and live with each other. In other words, they are not only rights to be requested or demanded but rights to be respected and be responsible for. The rights that apply to you also apply to others. The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. Human Rights Principles² Human rights are universal and inalienable; indivisible; interdependent and

interrelated. They are universal because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background. Inalienable because people's rights can never be taken away. Indivisible and interdependent because all rights—political, civil, social, cultural and economic—are equal in importance and none can be fully enjoyed without the others.

They apply to all equally, and all have the right to participate in decisions that affect their lives. They are upheld by the rule of law and strengthened through legitimate claims for duty-bearers to be accountable to international standards. Universality and Inalienability: Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights." Indivisibility: Human rights are indivisible. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights. Thus, the right of everyone to an adequate standard of living cannot be compromised at the expense of other rights, such as the right to health or the right to education. Interdependence and Interrelatedness: Human rights are interdependent and interrelated. Each one contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others. For instance, fulfilment of the right to

health may depend, in certain circumstances, on fulfilment of the right to development, to education or to information.

Equality and Non-discrimination: All individuals are equal as human beings and by virtue of the inherent dignity of each human person.

Participation and Inclusion: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being

Accountability and Rule of Law: States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments.

List of Rights

Civil and Political rights

- Right to life
- Freedom from torture and cruel, inhuman or degrading treatment or punishment • Freedom from slavery, servitude and forced labour
- Right to liberty and security of person
- Right of detained persons to be treated with humanity
- Freedom of movement • Right to a fair trial
- Prohibition of retroactive criminal laws
- Right to recognition as a person before the law
- Right to privacy
- Freedom of thought, conscience and religion
- Freedom of opinion and expression

- Prohibition of propaganda for war and of incitement to national, racial or religious hatred
- Freedom of assembly
- Freedom of association
- Right to marry and found a family
- Right to take part in the conduct of public affairs, vote, be elected and have access to public office
- Right to equality before the law and non-discrimination.

Economic, Social And Cultural Rights

- Right to work
- Right to just and favourable conditions of work
- Right to form and join trade unions
- Right to social security
- Protection of the family
- Right to an adequate standard of living, including adequate food, clothing and housing

Collective rights Right of peoples to

- Self-determination
- Development
- Free use of their wealth and natural resources
- Peace
- A healthy environment

State Obligation on Human Rights

All human rights—economic, civil, social, political and cultural—impose negative as well as positive obligations on States, as is captured in the distinction between the duties to respect, protect and fulfil.⁴ They are considered to be the three

levels of obligation:⁵ To respect a right means refraining from interfering with the enjoyment of the right.

Human Rights and State Sovereignty

That approach, based on national sovereignty, was challenged in the twentieth century, especially by the actions of Nazi Germany and the atrocities committed during the Second World War. Today, human rights promotion and protection are considered a legitimate concern and responsibility of the international community. However, discrepancies between universal legal obligations and State sovereignty can be resolved only on a case-by-case basis, in accordance with the principle of proportionality, a principle according to which any action taken by an authority pursuant to the concept of universality must not go beyond what is necessary to achieve compliance with human rights.

Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the United Nations Office at Geneva. The Council is made up of forty-seven United Nations Member States which are elected by the United Nations General Assembly.

The Human Rights Council replaced the former United Nations Commission on Human Rights. The Council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006. One year later, the Council

adopted its “Institution-building package” to guide its work and set up its procedures and mechanisms. Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council’s “think tank” providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

Conditions on Rights

The Universal Declaration of Human Rights affirms that the exercise of a person’s rights and freedoms may be subject to certain limitations, which must be determined by law, solely for the purpose of securing due recognition of the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Rights may not be exercised contrary to the purposes and principles of the United Nations, or if they are aimed at destroying any of the rights set forth in the Declaration (arts. 29 and 30). The International Covenant on Economic, Social and Cultural Rights states that the rights provided for therein may be limited by law, but only in so far as it is compatible with the nature of the rights and solely to promote the general welfare in a democratic society (art. 4). Unlike the Universal Declaration [of Human Rights] and the [International] Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights contains no general provision applicable to all the rights provided for in the Covenant authorizing restrictions on their exercise. However, several articles in the Covenant provide that the rights being dealt with shall not be subject to any restrictions except those

which are prescribed by law and are necessary to protect national security, public order, or the rights and freedoms of others.

Human Rights Education Duty and Definition

The 1945 United Nations Charter provides the initial statement on human rights education. Article 55 of the Charter states: With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: xxx c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

This United Nations duty was transformed into a duty of peoples and governments in the 1948 Universal Declaration of Human Rights (UDHR): The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Human rights education defined

To implement the provisions of VDPA on human rights education, the United Nations launched the United Nations Decade for Human Rights Education (1995- 2004) in 1995 whose Plan of Action provides for the first time the definition of “human rights education” based

on the previous United Nations documents:6 human rights education shall be defined 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 and 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, tolerance, 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.

Human Rights Education Pedagogy

Human rights education strives towards an environment where human rights are practised and lived in the daily life of the whole school community. As well as cognitive learning, human rights education includes the social and emotional development of all those involved in the learning and teaching process.

A rights-based environment respects and promotes the human rights of all school actors and is characterized by mutual understanding, respect and responsibility. It enables children to express their views freely and to participate in school life, and offers them appropriate opportunities for interacting with the wider community.

1. Introducing or improving human rights education requires a holistic approach to teaching and learning that reflects human rights values. Starting as early as possible, human rights concepts and practices are integrated into all aspects of education. For example, curriculum content and

objectives are rights-based, methodologies are democratic and participatory, and all materials and textbooks are consistent with human rights values.

2. Human rights education therefore should:
3. (i) Adopt a teaching style that is coherent in terms of human rights, respect the dignity of each student and provide equal opportunities for them; (ii) Create a child-friendly, trustful, secure and democratic atmosphere in the classroom and school community; (iii) Adopt learner-centred methods and approaches that empower students and encourage their active participation, cooperative learning, and a sense of solidarity, creativity and self-esteem; (iv) Adopt methods appropriate to the students' development level, abilities and learning styles; (v) Adopt experience-based learning methods whereby students can learn by doing and put human rights into practice

Pedagogical Techniques For Human Rights Education

The techniques suggested below illustrate how teachers can engage students' empathy and moral imagination, challenge their assumptions and integrate concepts like human dignity and equality into their everyday experience of people, power and responsibility. These techniques have proved especially appropriate for human rights education because they encourage critical thinking, both cognitive and affective learning, respect for differences of experience and opinion, and active engagement of all participants in ongoing learning. a. Brainstorming This technique can be used to seek solutions to problems that are both theoretical and practical. It requires a problem to be analysed and then solutions to be developed. Brainstorming encourages a high degree of participation, and it stimulates those

involved to maximum creativity. Following presentation of a problem, all ideas in response to it are recorded on a board or chart paper. All responses are recorded; no explanations are required and no suggestions are judged or rejected at this stage. The teacher then categorizes and analyses the responses, at which stage some are combined, adapted or rejected. Finally the group makes recommendations and takes decisions on the problem. b. Case studies Students in small groups work with real or fictional cases that require them to apply human rights standards. Case studies should be based on credible and realistic scenarios that focus on two or three main issues. The scenario for a study can be presented to students for consideration in its entirety or “fed” to them sequentially as a developing situation (the “evolving hypothetical”) to which they must respond. This method encourages analysis, problem-solving and planning skills, as well as cooperation and team building. Case studies can be used to set up debates, discussion or further research.

Evaluation Information content and levels of understanding of the students can be tested in standard ways. However, assessing attitudes and attitude change is much harder because of the subjective nature of the judgements involved. Open-ended questionnaires given at repeated intervals are the simplest, but the impressions they provide are fleeting at best. It is equally difficult to evaluate whether the human rights climate of the school community has improved. However, if indicators for success are carefully defined and evaluation is done on a regular basis, changes in the school environment can be monitored and responded to. Engaging students in drawing up checklists to assess individual, classroom and school community practices in human rights terms can be an important learning activity.

Conclusion

Sometimes controversial and sensitive subjects come up when students begin to examine human rights. Teachers need to remain constantly alert to student discomfort and potential disagreement. Teachers should acknowledge that human rights necessarily involve conflicts of values and that students will benefit from understanding these conflicts and seeking to resolve them. Sometimes teachers meet resistance to human rights education on the ground that it imposes nonnative principles that contradict and threaten local values and customs. Teachers concerned about resistance from administrators should meet with them in advance, share goals and plans for the class, and explain about the United Nations human rights framework and related educational initiatives (such as the United Nations Decade for Human Rights Education). Encourage administrators to visit a class - they may themselves benefit from human rights education.

References

1. Plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, (New York/Geneva: UNESCO and the Office of the United Nations High Commissioner for Human Rights, 2006), pages 3-4.
2. A ppendix, Components of human rights education in the primary and secondary school systems, Plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, page 46.
3. ABC: Teaching Human Rights - Practical activities for primary and secondary schools (Geneva: Office of the United Nations High Commissioner for Human Rights, 2003), pages 24-28. The texts taken from the book have been slightly edited with the deletion of references to examples. 5 I bid., page 24.

4. Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, A/59/525/Rev.1, 2 March 2005, in www2.ohchr.org/english/issues/education/training/planaction.htm
5. General Assembly Resolution 66/137, United Nations Declaration on Human Rights Education and Training, A/RES/66/137, 16 February 2012.
6. For more information on the various provisions in the different United Nations instruments on human rights education, see *The Right to Human Rights Education* (New York and Geneva: United Nations, 1999).
7. Based on Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, *op cit*, paragraph 15.
8. Paragraph 2, General Comment No. 1, Paragraph 3, *ibid.* Paragraph 18, World Programme for Human Rights Education, *op cit*.
9. This is a note from the World Programme for Human Rights Education document: “General comment No. 1 also states that “The participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights” (*Ibid.*, para. 8).”
10. General Assembly Resolution 66/137, United Nations Declaration on Human Rights Education and Training, A/RES/66/137, 16 February 2012. Resolution 217 A (III), see note
11. The Plan of Action of the United Nations Decade for Human Rights Education identifies in Article 1 the specific provisions in these instruments as the following: article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights, article 29 of the Convention on the Rights of the Child, article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, article 7 of the Convention on the Elimination of All Forms of Racial Discrimination, paragraphs 33 and 34 of the Vienna Declaration and paragraphs 78 to 82 of its Programme of Action.”