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Human Rights visavis Civil Liberties

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CONFERENCE PROCEEDING

An International Multidisciplinary Multilingual E-Conference on
"INTERROGATING THE IDEA OF DEVELOPMENT: A 360 DEGREE
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Abstract

Human being are rational being. Human being possess certain basic and inalienable right, being commonly called as human right becoming operative with the birth of any human being. This can also be called the birth right, inherent in all individuals irrespective of their caste, creed, religion, sex and nationality. These rights are consonant with their freedom and dignity besides conducive to physical, moral, social and spiritual welfare being essential components of suitable conditions for material and moral upliftment of the people. Such human rights can be differentiated as Civil and Political right; and Economic Social and cultural rights. Such rights being derived from the dignity and worth inherent in the human person and that the human person is the central subject of human rights and fundamental freedom ; denoting such gurantee that against his will. The differentiation between Human rights and Civil liberties can be subsumed as the Human Rights are those right derived from natural law, regard less of local jurisdiction, these may be right to life, freedom from torture, freedom from slavery, the right to move about freely, right to food and shelter. Essentially they are the rights that human being should inalienably have enabling him to survive in the world. Civil liberites like wise are those rights which are derived from the positive law, for example, legal statues i.e. Such rights having been contracted by the State with its citizens, which are state made or state enforced rights in other words political rights, based on the system of democracy besides also fairtrail and an independent Judicial system including Tribunals.

Keywords: Protection, freedom, fundamental right, human right, Civil, Political, Cultural rights, Universal and Universalisation.

Introduction

The roots fro the protection of the rights of a man in humanity may be traced as far back even before as in the Babylonian laws. Assyrian laws, Hi -Hiti laws, and in the Dharma of the Vedic period in India. Laws promulgated in the reigns of Urukagina of Lagash (3260 BC) Sagon of Akkad (2300 BC) and Hammurabi of Babylon (1750 BC) can be considered on

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basic of Human Rights. The Writings of Plato and other Greek and Roman philosophers also depict for the protection of human rights though they had a religious foundation. The city-state of Greece gave equal freedom of speech, equality before law, right to vote, right to be elected to public office, right to trade and the right of access to justice to their citizens similar rights were secured to the Romans by the “jus civile” of the Roman Law.

Thus the origin of the concept of human rights are usually agreed to be found in the Greco-Roman natural law doctrines of Stoicism which held that a universal force pervades all creation and that human conduct should therefore be judged according to the law of nature.

The Magna Carta (also called Magna Charta), the original Carta in Latin consisted of 70 clauses; granted by the King John of England to the English baron on July 15, 1215 ensured feudal rights and dues and guarantees that the King would not encroach upon their privileges. The carta implies that there were laws protecting the rights of subjects and communities which the king is bound to observe and if he fails to do so, be compelled to observe any force. Thus, the carta set forth the principle that the power of the King was not absolute. The Magna Carta's importance lies on the interpretation of the principles by the succeeding generations. In 1216-17 during the reign of John's Son Henry III, The Magna Carta was confirmed by the Parliament of England, and in 1297 Edward / Confirmed it in a modified form. The carta was buttressed in 1628 by the Petition of Rights, and in 1689, by the Bill of Rights, to form the platform for parliamentary superiority over the crown and to give documentary authority for the rule of law in England. (The bill of Rights in fact was officially entitled as an Act for Declaring the Rights and Liberties of the subject and for setting the succession of the Crown. It was enacted by Charles II on the occasion of the accession of William of Orange and Mary Stuart to the throne of England). In addition to the above writings of St. Thomas, Aquinas and Grotius also reflected the view that human being is endowed with certain eternal and inalienable rights.

The expression “fundamental right of man” finds in the Declaration and Constitutional instruments of many states. For instance, the Declaration of Independence of the thirteen United States of America *Virginia Bill rights 1776); the Constitution of the United States of

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1787 with its amendments in 1789, 1865, 1869, 1919 specified the number of rights of man. The French Declaration of the Rights of Man and Citizen of 1769 led other human rights; Sweden in 1809, Spain in 1812, Norway in 1812, Belgium in 1831, Denmark in 1849, Prussia in 1850, Switzerland in 1874 made a provision of the fundamental rights of a man. Thus, the beginning of the nineteenth century it was recognized by most of the states that human rights being possessed certain rights and the worth of the human personality began to be rights. The relationship of the two categories of right was recognized by the Internal Human Rights Conference held in 1968 which declared in its final proclamation that:

“Since Human Rights and Fundamental Rights are indivisible, the full realization of Civil and Political rights without the enjoyment of economic, social and cultural rights is impossible.”

The General Assembly of United States, in 1977 vide its resolution 32/130, had reiterated that all human rights and fundamental freedoms are indivisible and independent inviting equal attention and urgent consideration and should be given to the implementation, promotion and protection of both civil and political rights, and economic, social and cultural rights. The social resolution also stated that civil and political rights are the means to the social and economic rights of the people. The Vienna Conference of 1993, again emphasized that there is no difference between the two sets of rights by stating that;

“All human rights are universal, indivisible and independent and interrelated. The international community must treat human rights globally in a fair and equal manner on the same footing and with same emphasis”

Univeralization of Human Right

The covenant of the League of Nations, adopted at the end of the First World War, the incidence which was silent on the issue of human right. However, the realization of the worth of the human personality led the institution of international law in 1929 to issue a proclamation of the rights of the man against the state. However instead of enumerating the rights of human beings, it laid down six duties of the state;

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Duties of the States

1. To recognize the right of every individual to life. Liberty and property and to accord to all within its territory full and entire protection of their right without distinction as to nationality, sex, race language or religion;
2. To recognize the right of every individual to the free practice, both public and private of every faith, religion, or belief;
3. To recognize the right of every individual both to the free use of the language of his choice and to the teaching of such language;
4. To recognize that no motive based directly or indirectly on the distinction of sex, race, language or religion, empowers the state to refuse to any of their nationals, private and public rights;
5. To recognize that the equality as contemplated herein is not be nominal, but effective;
6. To recognize that except for motive based upon its general legislation, no state shall have right to withdraw its nationality from those whom for reasons of sex, race, language or religion, it should not deprive of the guarantee contemplated in this proclamation.

The proclamation being the will of the members of the Institute, did not impose any obligation on the states. However, it laid down for all nations the standard of conduct towards all men including their own nationals. The proclamation may be regarded on the first attempt towards the universalization of human rights.

Developments after Second World War

During the World War II, shocking crimes were committed against the huminity and there was a total suppression fundamental human right. Nazi leaders of Germany, had established a regime of Complete lawlessness and tranny. They had barbarously negated human values and dignity within their territories under their occupation. It was at that time realized that the

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restoration of the freedom and rights to people is one of the essential conditions for the establishment of international peace and security. The proclamation of the President Franklin D. Roosevelt dated January 6, 1941, part of the Documents of American Foreign Relations, Volume III at Page 26, had with due regard to the said conviction laid to be known four freedoms e.g., “Freedom of Speech, freedom of religion, freedom from Want and freedom from fear”. In the said proclamation, he declared “Freedom means the supremacy of human right everywhere. Our support goes to those who struggle to gain these right or keep them.

The efforts for creation of an international organization, in order to establish peace, were being made even when the World War II was in progress. A number of conferences and meetings were held before the United Nation, an international organization was established in 1945. (The relevant document to this regard can be the Declaration of St James Palace (1941); Atlantic Charter (1941); United Nations Declaration 1942; Moscow Declaration (1943); Tehran Declaration 1943; Dumbarton Oaks Conference 1944; and San Francisco Conference 1945) All these declarations adopted by the Conferences laid down the importance of human rights. The joint Declaration issued by the President Franklin D, Roosevelt of the United States and Prime Minister Winston Churchill of the United Kingdom on August 14, 1941, Known as Atlantic Charter, Cherished the hope for a peace which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want. The Declaration of the United Nations, signed on January 1, 1942, at Washington by 26 State including the four Great Powers Viz US, UK, USSR, and China, confirmed the principles of the Atlantic Charter when it proclaimed that the protection of human rights in all countries was to be one of the results which was desired to be obtained from the victory over the Axis. Dumbarton Oaks proposals contained only a brief reference to the promotion of human rights as one of the activities to be performed by the proposed General Assembly, and under its authority, the Economic and Social Council.

UN Charter of 1945

The UN Charter was signed on 26th June 1945 by the representatives of the fifty countries attending the United Nations Conference on International Organisation in San Francisco.

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Poland which was not represented signed it later and thus became one of the UN's original fifty one Member States. The concept of National peace and security in the UN Charter began to develop with the ideas expressed in the Atlantic Charter in August 1941. But two months earlier, in London, a Declaration spoke of the need for global Co-operation. The United Nations officially came into existence four months later on 24th October 1942. The UN Charter refers to human rights in its Preamble, and its articles 1,8,13,55,56,62,68 and 76.

This chapter by incorporating the provisions related to promotion of human rights and fundamental freedoms opened a new dimension towards the progressive development of international law. It universalised the concept of the protection of human rights. It was the first international document which recognized the respect for human rights and fundamental freedom as a principle of international law. Their recognition and further realization was deemed necessary being a step to achieve unity between the states besides being considered indispensable for the maintenance of internal peace and security.

Promotion and Protection of Human Rights by the United States

Promotion and encouragement of respect of and observance of human rights and fundamental freedoms is one of the purposes of the United Nations. The Charter of the United Nations mentions the term "human right" seven times but makes no reference to protection of human rights. However the United Nations has been able to promote and protect the human rights by a number of ways as being followed herein after;

1. Human Rights Consciousness

The first and the most important role which the United Nations has played is that it has made the people and the State Conscious of human rights and fundamental freedoms. It has set a pace in establishing minimum standards of acceptable behaviour by the States. The proclamation of the Universal Declaration of Human Rights containing the Universal code of human rights may be regarded as the first step towards the promotion and protection of human rights.

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2. Codification of Law of Human Rights.

The United Nations has codified the different rights and freedoms by making treaties for all section of the People such as women, child, migrant workers, refugees and state less persons. In addition to the above the prohibition on the commission of inhuman acts such as genocide, apartheid, racial discrimination and torture have been brought within the international rule of law.

3. Monitoring of Human Rights

Treaty bodies, Special Rapporteurs and Working Groups of the Commission on Human Rights have procedure and mechanism to monitor Compliance with conventious and investigate allegations of human rights abuses. Their resolutions on specific cases carry a moral weight that few Governments are willing to defy. In the past U.N. Human Rights monitors have been sent to many countries including El. Salvador and Cambodia. Human Rights Monitors have also worked as part of peace keeping operation to Haiti, Rwanda, Guatemala and formers Yugoslavia.

4. Procedure for Individual's Complaints

A number of human rights treaties permit individuals to make petition before the appropriate bodies. For instance, the First optional Protocol to the International Covenant on Civil and Political Rights, the internation convention of the Elemination of All Forms of Racial Discrimination and Convention Against Torture, have permitted individuals to make petitions against their states that have accepted relevant international legal procedures. Also, under procedure established by the Commission of Human Rights, the Commissions, its Sub Commission on Prevention of Discrimination and Protection of Minorities and their working groups, hear numerous complaints annually submitted by individuals as well as non-governmental organization (NGO) Further, the commission on Human Rights is authorized to discuss human rights situations anywhere in the world and examine information from individuals, NGOS and other sources.

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5. Compilation of Information on Violations of Human Rights

The original mandate of commission on Human Rights to examine situations where massive violations of rights appear to be taking place has been complemented by a new function. i.e; compiling information on the incidence of certain kinds of violations, or violation in specific country. This task is performed by Special Rapporteurs / Representative or Working Groups. They gather facts, keep contacts with local groups and government authorities, conduct on site visits when Governments permit, and make recommendation on how human rights institutions might be strengthened.

6. Examination of Human Rights Situations.

The Commission on Human Rights may ask the Secretary General to intervene or send an expert to examine a human rights situation with a view to prevent flagrant violations. Such tasks may be performed by the Secretary General himself in the exercise of his good offices and may establish the UN's legitimate concern and curb abuses. The Secretary General or his special representative and the High Commissioner for Human Rights confidentially raise human rights concerns with member states, including items such as the release of prisoners, communication of death sentences and other issues.

7. Coordination of Human Rights Activities.

The Post of High Commissioner for Human Rights was created in 1993 with the intention of strengthening the coordination and impact of UN Human Right activities. He is charged with promoting protecting the effective enjoyment by all of all human rights and maintains a permanent dialogue with the Member states.

8. Providing Advisory Services

The Centre for Human Rights provide advisory services to the Government seeking to improve their human rights performance. Assistance may be given to draft a constitution, to improve electoral laws, establish or upgrade human rights institutions, prepare new criminal codes or overhaul the judiciary.

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9. Commission on Human Rights

The Economic and Social Council (ECOSOC), a principal organ of the United Nations was most directly concerned with the question of human rights. The Council under Article 68 of the UN Charter was empowered to set up Commission for the promotion of Human rights and such other Commission as may be required for the performance of its functions. Accordingly, it is appointed a Commission on Human Rights which was approved by the General Assembly on February 12, 1946. The Commission was composed of 18 members who were approved by ECOSOC. Each state member selected its own representative. In 1962, the membership was increased to 21 and in 1966 to 32. Since 1990. The Commission has 53 member Governments.

The Commission began its work in January 1947, under the Chairmanship of Mrs Franklin D. Roosevelt. In its First Session, the Commission on Human Rights established the Sub Commission on Prevention of Discrimination and Protection of Minorities a body of independent expert. The Commission in the same session appointed a committee which is known as the Drafting Committee for the preparation of the draft of an International Bill of Rights. It drafted the Universal Declaration of Human Rights which was adopted by the General Assembly on December 10, 1948. Using the Declaration as the basis, the Commission prepared International Covenant on Civil and Cultural Rights in 1966. In 1967, the Commission was authorized by the Economic and Social Council to start to deal with violations of human rights.

Since then the Commission has set up an elaborate machinery and Procedures, country oriented or thematic to monitor compliance by states with international human rights law and to investigate alleged violations of human rights. It is done mainly by dispatching fact-finding missions to countries in all parts of the world, whether they are rich or poor, developing or developed countries. For instance, in 1994, the special Rapporteur on religious intolerance visited China and the Special Rapporteur on Contemporary Forms of Racism visited the United States of America. During 1970 and 1980 these implementations and fact-finding machinery and procedures became the focus of the Commissions at attention.

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Commission on the status of women

Besides the adoption of UN charter in 1945, the following achievements deserve mention;

1. The Establishment of the commission on the status of women in 1946 to promote women's political, economic and social rights.
2. Adaption of the convention for the suppression of the Traffic in persons and of the Exploitation of the Prostitution of the others by the General Assembly in 1949.
3. Adoption of the convention concerning Equal Remunerations for men and women worker for work of Equal value by the International Labour Organisation in 1951.
4. Adoption of convention on the Political Rights of women including right to vote by the General Assembly in 1952.
5. Adoption of convention on the nationality of Married women in 1957, granting women the right to retain or change their nationalities, regardless of their husbands' action.
6. Adoption of the convention concerning Discrimination in respect to Employment and occupation in 1960.
7. Adoption by the General Assembly in 1962, of the convention on consent to marriage, minimum age for marriage and Registration of marriages.
8. Adoption of the Declaration on the Elimination of Discrimination against women in 1967.
9. Adoption of the First World Plan of Action and proclamation of the First World's UN Decade for women; Equality, Development and Peace (1976-1985) by the world conference of women in Mexico city in 1975.

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10. Establishment of the voluntary Fund for the UN Decade on women and the UN International Research and Training Institute for the Advancement of Women (INSTRAW) by the General Assembly in 1976.
11. Adoption of the CEDAW in 1979.
12. Second world conference on women at Copenhagen in 1980.
13. Third World conference on women at Nairobi in 1985. Adoption of the Forward-looking strategies for the advancement of women to the year 2000 and the voluntary Fund for women UN Development Fund for women (UNIFEM), an autonomous organization within the UN Development Programme.
14. In 1986, the first World Survey on the Role of women in Development was published.
15. In 1991, the world women, Trends and Statistics, a compilation of data on the global situation of women was published.
16. Key role of women in sustainable development was recognized in the UN conference on Environment Development, 1992 held in Rio de Janerio.
17. In 1993, the declaration on the Elimination of violence against Women was adopted by the General Assembly.
18. Empowerment of women was seen as an integral part of development for the first time in the international conference on population and Development at Cairo in 1994.
19. The Fourth World Conference on women held at Beijing 1995 reviewed and debated critical areas of concern and adopted a proposed Platform for Action.
20. Declaration of the International Year for the Empowerment of Women in 2001.
21. Copenhagen Declaration and Platform for action of the Fourth World Conference on women.

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22. Draft protocol to prevent, especially Women and Children, 2001.

23. The Beijing Plus Five UN General Assembly Special Session, 2000.

Sexual Harrasment

Article 23 of the convention on the elimination of all forms of discrimination against women lays down the definition of sexual harassment “to include such unwelcome sexually-determined behaviour as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and sexual problem: it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment including recruiting or promotion or when it creates a hostile working environment. Effective complaints, procedures and remedies including compensation should be provided. Sections 354 and 509 of the India Penal code deal with the criminal acts relating to the assault or criminal force to woman with intent to outrage her modesty, the offence which is punishable with imprisonment or with fine or both.

Trans-Gender: Human Rights and Social Exclusion

Asian countries have a centuries old history of the existence of gender variant males, who in the present times would have been labeled as “trans-gender women”. India is no exception. Kama Sutra provides vivid description of sexual life of people with third nature (Tritiya Prakriti). In India people with wide range of transgender related identities, cultures or experience exist, including Hijras, Aravanis, Kothis, Jogtas / Jogappas and Shiv- Shaktis.

Social exclusion Framework is increasingly used in highlighting the issues and problems faced by the disadvantaged and disadvantages i.e. exclusion from family and society; discrimination in health care settings, exclusion from economic participation and lack of specific social welfare schemes and barriers, lack of access to life and health insurance schemes; exclusion from political participation.

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Education of Marginalised children

The state of the world's children 1998 published by UNICEF shows that in India during the period 1993-97, the enrolment ratio for boys was 75 while it was 61 for girls. Similarly, the state of the world children (1999) published by UNICEF states that 130 million children are deprived of primary education in developing countries out of which 40 million are in India. Joyful learning is an essential ingredient of children education. The son preference the ory, highly prevelant in third world countries, is a major stubling block to girls' education.

Children's Rights

The innovation of rights for children predated the 1960s. In 1959 the UN General Assembly adopted a ten principal Declaration of the Rights of the child itself a descendant of the one adopted by the League of Nations in 1924. In 1989 the UN General Assembly adopted the UN convention on the Rights of the child and it dwarfed all previous child right documents and international human right treaties. With the unprecedented rate of ratification, the convention could enter into force within a less than a year. Discourses on children rights, highlight the following agenda.

1. Obligation-based approach to family well being.
2. Desirability of conferring rights to minors.
3. Impact of children's rights on women's claim to right.
4. Rights as a means to extract equal opportunities from the state.
5. Cultural relativism v/s Universal Human Rights standards.

In short, the promotion and protection of children's right thus is possible only through discursive communication in democracy and not through handouts of international diplomacy.

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Unborn children

An unborn child aged five months onwards in the mother's womb till its birth can be treated as equal to a child in existence. The unborn child to whom the live birth never comes can be held to be a person who can be subject of an action for damages for death. The rights of the unborn child to sue and recover damages from the wrong doer for injuries caused to it before birth.

Right to Food

The Historical and political background of the right to food is much more than the history and politics of malnutrition. It concerns the development of the nation's access to food as a right. As a right it sets obligations on the state, which have been established as enforceable through centuries of struggle for democratic state in the service of the people. In 1986 the report "The Right to Food as a Human Right" became struggling point for a series of investigation into the right in the International Covenant on Economic social and Cultural Rights.

The Supreme Court in *Kishen Patnaik v/s State of Orissa* AIR 1989 SC 677 has held that the Right to life guaranteed in Article 21 of the Constitution in its true meaning includes the basic right of food, clothing and shelter. In *Chameli Singh v/s State of U.P.* (1996) 2 SCC 549, the Supreme Court has held that the right to life guaranteed in any civilized society implies the right to food, water, decent environment society implies the right to food, water, decent environment education medical care and shelter.

The employment of children below the age of 14 years is prohibited, besides Juvenile Justice has to be ensured under the United Nations standard Minimus Rules for the Administration of Juvenile Justice (General Assembly Resolution 40/33 of 29 November 1985) and the rules and guidelines covered by the Declaration of Rights of the Child (General Assembly resolution 1386 (XIV) of 20 November 1959 and the Convention on the Rights of the Child (General Assembly resolution 44/25 dated 20 November 1989)

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The Customary International laws acclaimed as Magna Carta of humankind can be summed up; The Right to Equality; Prohibition against slavery; Prohibition against Torture ; Prohibition Against Arbitrary Arrest and Delention etc.

Convenant on Civil and Political Rights

Part III deals with the specific rights of the individuals and obligations of the State Parties;

1. The Right to life
2. Freedom from inhuman and degrading treatment
3. Freedom from slavery, servitude and forced labour.
4. Right of liberty and security.
5. Right of detenu to be treated with huminity.
6. Freedom from imprisonment for inability to fulfil a contractual obligation.
7. Freedom from movement and to choose his residence.
8. Freedom of aliens from arbitrary expulsion.
9. Right of fairtrial.
10. Non-retroactive application of criminal law.
11. Right to recognition as a person before the law.
12. Right ro privacy, family, home or correspondence.
13. Freedom of thought, conscience and religion.
14. Freedom of opinion and expression.
15. Prohibition of propaganda of war

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16. Right of peaceful assembly
17. Freedom of association.
18. Right to marry and found a family.
19. Right of child.
20. Right to take part in conduct of public affairs, to vote and to be selected.
21. Equality before law.
22. Right of minorities.

Covenant on Economic, social and cultural Rights.

Those rights as are covered by this covenant are as under;

1. Right to work.
2. Right to just and favourable conditions of work.
3. Right to form and join trade unions.
4. Right to social security.
5. Right relating to motherhood and childhood, marriage and the family.
6. Right to adequate food, clothing, housing and standard of living and freedom from hunger.
7. Right to physical and mental health.
8. Right to education, including a plan for implementing compulsory primary education.
9. Right relating to science and culture.

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International Inhuman Acts

1. Genocide

The term genocide has derived from the Greek term genos (race) and the Latin word cide (killing). Thus, the genocide is an act which is committed in order to exterminate fully or partially, a national, ethnic, racial or religious group as such. The wholesale killing was done by Germany under the National Socialist regime during the second world war and as a result of which it became necessary to enact rules so that such act may not be repeated.

The General Assembly adopted its resolution in 1946 (Resolution No. 96 (1) dated December 11, 1946, wherein it unanimously declared that genocide, the killing of a group of human beings is a crime under the international law. The Assembly on December 9, 1948 adopted the convention on the prevention and Punishment of Genocide which came into force on January 12, 1951.

The instance of genocide in India can be well befitting in case of Kashmiri Pandits who were completely flushed out of the valley by fanatic Islamic outfits.

2. Apartheid

The International convention on the Suppression and Punishment of Crime of Apartheid was concluded on November 30, 1973 and the convention came into force on July 30, 1976.

Apartheid is an African term which means separation or segregation, which is official name given by South Africa to its racial policy. Such menace is observed as Apartheid in Sports etc.

3. Torture and other cruel, Inhuman or Degrading Treatment or Punishment.

The General Assembly on December 9, 1975 adopted a Declaration on the Protection of All Persons from being subjected to torture and other cruel, Inhuman or Degrading Treatment or Punishment. To make more effective this struggle the convention was adopted

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by the General Assembly on December 10 1984, known as Convention of the same title, which came into force on July 26, 1987.

4. Slavery and Slave Trade.

International Slavery convention was adopted on Sep 25, 1926 which came into force on March 7, 1927. The slavery and the slave trade is prohibited in all their forms. A supplementary convention on the abolition of slavery, the slave trade and institution and practices similar to slavery was adopted by a conference of Plenipotentiary convened by the Economic and Social Council and opened for signature at Geneva on September 7, 1952, the protocol was approved by the General Assembly through Resolution 794 (XVIII) of October 23, 1953. The Convention came into force on April 30, 1957.

5. Forced on Compulsory Labour

In order to suppress the forced on Compulsory labour a convention was concluded on Abolition of Forced Labour Convention which was adopted by the General Conference of International Labour Organization on June 25 1957 which came into force of January 17, 1959.

6. Traffic in Persons and Prostitution.

The United Nations in 1949 consolidated in a single convention in series of international instruments adopted under the auspices of League of Nations i.e. (1) International convention for suppression of the Traffic in Women and Children of September 20, 1921 ; (2) International convention for the suppression of Traffic in women of full age October 11, 1933, aimed at ending what has been known as the White Slave trade.

The Convention approved by the General Assembly resolution 317 (IV) of December 2, 1949 by which the states agreed to punish any person who (1) Keeps or manages or knowingly finances or takes parts in financing brothel ; (2) Knowingly lets or rents a building or other place or any part there of for the purpose of the prostitution of others. The said convention came into force of July 25, 1951. As on December 31, 1998, the Convention has 72 states parties.

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7. Elimination of Racial Discrimination

The Universal Declaration of Human Rights under Article 2 laid down that the rights and Freedoms provided in the Declaration shall be available to all persons irrespective of race, sex, colour or religion. In 1963 the Assembly proclaimed the Declaration on the Elimination of All Forms of Racial Discrimination. The General Assembly resolution 2106 (XX) dated December 21, 1965 brought into being an International Convention on the All Forms of Racial Discrimination which came into force on July 4, 1969. As on December 31, 1998 the Convention had 151 state Parties.

8. Death Penalty

Death penalty involves inevitable element of suffering and humiliation. In order to abolish death penalty, the second optional protocol to the International Covenant on Civil and Political Rights was adopted by the General Assembly vide General Assembly Resolution 44/128 dated December 15, 1989 to abolish the death penalty.

Conclusions

The existing international conventions on human right no doubt cover a variety of human rights and the fundamental freedoms of the individuals but the international community is faced with new problems which were not anticipated at the time of the proclamation of the universal Declaration of Human Rights or at the time of the adoption of the International Covenants. Invasion of information technology on privacy and established moral and ethical standards and far-reaching implications of artificial procreation made possible by genetic engineering pose a new threat to human right International Co-operation, powerful engine of the system for the promotion and protection of human rights, is very much required to adopt conventions on these rights so that human being can live with dignity.

Coming to the issue of the claimed human rights of terrorists. Genocide, torture and inhuman treatment are totally prohibited in every country even if the Government has no power to act without principle of law. The citizen and any person have no right to create any kind

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of problem within the territory of own country and outside the territory of the country. If any person commits any act in violation of law, he is entitled to be punished by the Competent Authority according to the due and fair provisions of law. The terrorist are killing innocent people without fault, their basic goal is to create terror in peaceful society; and they have no religion, no ideology and no goal. They are in human and are violating the human rights of the people by committing crimes of abduction, kidnapping and rape.

The concept of terrorism is related to use the force for the purpose of creating fear and this way to attain whatever further he may have in mind. The word terrorism was first used in reference to the region of terror in 1789 during the French Revolution. It derived from French word terrorism. The organized crime against the society is older than the ancient civilization of the Greece and Rome. Roman history reveals with varied terrorist activities. The ancient Chinese philosopher define kill one and frighten thousand". However, the human rights to such terrorists during trial or transportation of sentence are entitled for medical treatment, consideration of fundamental rights, compensatory rights of the deceased terrorist's successor and the reformatory theory of punishment. However, the human right of human being is subject to the undisturbed rights of the others living in a noble and peaceful society.

A person before and after death has also some restricted rights of human dignity i.e., the protection of child in his mother's womb and right to compensation after 5 months age in womb, through his / her parents etc and after death the right of decent crimation as a matter of human right of a person.

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