

## Role of International Community in Protection of Human Rights

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*"Human rights and fundamental freedoms are the birth rights of all human beings and should be treated as mutually reinforcing"<sup>2</sup>.*

### I. Introduction:

The history of human rights is the history of human struggles. History tells us how people have had to fight for these rights. The cornerstone in this struggle has always been political activism and people's movements such as national liberation movements, peasants' movements, women's movements, movements for the rights of indigenous people<sup>3</sup>. Then building on the people's achievements, the formalization, legalization and institutionalization of those rights came much later. Struggles for human freedoms have transformed the global landscape. The concept of Human Rights was originally evolved in England when religion and organized Church exercised considerable influence on the evolution of human rights in the days of Magna Carta<sup>4</sup>. Human Rights may be regarded as those fundamental and inalienable rights which are essential for life as human being. Human beings are rational beings<sup>5</sup>. These rights are derived from the principle of natural law<sup>6</sup>. Worldwide, 46 countries accounting for more than 1 billion people have achieved high human development. Every region of the world has made progress in human development but the level and the pace of advance have not been uniform. Sub-Saharan Africa's infant mortality rate of 106 per 1,000 live births is more than three times Latin America and the Caribbean's of 32. And South-East Asia's adult literacy rate of more than 83% is way ahead of South Asia's rate of 54%.

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2 These lines were said in the World Conference on Human Rights Declaration, which was held at Vienna in 1993.

3 The struggle for human rights started with the burning desire of people to be free and to enjoy their rights.

4 King John was forced to accept in 1214 stating the grant was made through the inspiration of God for the honour of God and the exaltation of Holy Church. The Magna Carta was followed by the Petition of Rights in 1627 and Bill of Rights in 1689. In the American Continent the Charter of New Plymouth of 1620 expressed the principles of Human Rights.

5 H.O. Aggarwal, "International Law and Human Rights" (2008), p 707.

6 M.P. Tandon, "Introduction to Human Rights" (2006) p 1.

**A. II. Struggles For Human Rights:**

There have also been setbacks and reversals. Life expectancy rose steadily in almost all nations in the 1970s and 1980s<sup>7</sup>. The transition in Eastern Europe has reversed some of the big gains in human development. Serious human development setbacks have also been reported in the East Asian countries. Today with impressive achievements and a significant unfinished agenda in human rights and human development, the struggle continues for realizing and securing human freedoms in seven areas:

- i. Freedom from discrimination for equality.
- ii. Freedom from want for a decent standard of living.
- iii. Freedom for the realization of one's human potential.
- iv. Freedom from fear with no threats to personal security.
- v. Freedom from injustice.
- vi. Freedom of participation, expression and association.
- vii. Freedom for decent work without exploitation.

**B. III. Principal Instruments of Human Rights:**

**III. I. International Bill of Rights:**

The International Bill of Rights consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights. The Universal Declaration of Human Rights recognizes the indivisibility of human rights. Nevertheless, separate covenants evolved on civil and political rights and economic, social and cultural rights, reflecting the legacy of the cold war.

**III. II. Universal Declaration of Human Rights:**

The Universal Declaration of Human Rights of 1948 was a breakthrough, ushering in a new era with the world community taking on realization of human rights as a matter of common concern and a collective goal of humanity<sup>8</sup>. The global integration of nations and people has been a second breakthrough as a global movement has entrenched universal human rights in the norms of the world's diverse cultures. Over the past half century an international system of

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7 In many African countries life expectancy has fallen by more than 10 years in the past decade. More than 30 countries accounting for more than half a billion people today have a per capita income lower than those two decades ago.

8 Building on the principles of the UN Charter, the Universal Declaration of Human Rights, adopted by the United Nations on 10 December 1948, is the primary document proclaiming human rights standards and norms. The declaration recognizes the universality, indivisibility and inalienability of the rights of all people as the foundation of equality, freedom, justice and peace in the world.

human rights has emerged, with a rapid rise in commitments made to it in the past decade. Human poverty is a major obstacle to attain a decent standard of living and realizing human rights. The Universal Declaration of Human Rights recognized the right to a standard of living adequate for the health and well-being of a person and the right to education. Global conferences have identified poverty elimination as a major goal, reflected in national plans, policies and strategies. And 142 countries have ratified the International Covenant on Economic, Social and Cultural Rights. The universalism of life claims demands that all people treat all others equally, without discrimination. This principle of equality has been the driving force for human rights. It is also one of the pillars of human development, which emphasizes equality in opportunity and choices. At the dawn of the 21st century the United Nations has become more central to the lives of more people than ever. Through our work in development, peacekeeping, the environment and health, we are helping nations and communities to build a better, freer, more prosperous future. Above all, however, we have committed ourselves to the idea that no individual regardless of gender, ethnicity or race shall have his or her human rights abused or ignored. This idea is enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. It is the source of our greatest inspiration and the impulse for our greatest efforts. Today, we know more than ever that without respect for the rights of the individual, no nation, no community, no society can be truly free. Whether it means advancing development, or emphasizing the importance of preventive action, or intervening even across state boundaries to stop gross and systematic violations of human rights, the individual has been the focus of our concerns. The United Nations' achievements in the area of human rights over the last 50 years are rooted in the universal acceptance of those rights enumerated in the Universal Declaration and in the growing abhorrence of practices for which there can be no excuse, in any culture, under any circumstance. Emerging slowly, but I believe surely, is an international norm against the violent repression of any group or people that must and will take precedence over concerns of state sovereignty. Even though we are an organization of Member States, the rights and ideals the United Nations exists to protect are those of peoples. No government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples. Whether a person belongs to the minority or the majority, that person's human rights and fundamental freedoms are sacred. Our reflections on these critical questions derive from a variety of challenges that confront us today. From Sierra Leone to the Sudan to Angola to the Balkans to Cambodia and to Afghanistan and East Timor, there are a great number of peoples who need more than just words of sympathy from the international community. They need a real and sustained commitment to help end their cycles of violence, and launch them on a safe passage to prosperity. Just as we have learned that the world cannot stand aside when gross and systematic violations of human rights are taking place, so we have

also learned that intervention must be based on legitimate and universal principles if it is to enjoy the sustained support of the world's peoples. Intervention, however, is not just a matter for states. Each one of us whether as a worker in government, in intergovernmental or nongovernmental organizations, in business, in the media, or simply as a human being has an obligation to do whatever he or she can to defend the human rights of our fellow men and women when they are threatened<sup>9</sup>.

### **III. III. International Covenant on Civil and Political Rights (ICCPR):**

Adopted in 1966 and entered into force in 1976, the ICCPR defines a broad range of civil and political rights for all people. This major codification of human rights and fundamental freedoms in civil and political areas has been ratified by 144 states parties.

### **III. IV. International Covenant on Economic, Social and Cultural Rights (ICESCR):**

The ICESCR defines the economic, social and cultural rights of people. It introduced a new way of looking at development, the rights-based perspective. There are 142 states parties to this covenant<sup>10</sup>.

### **III. V. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD):**

It deals with a particular form of discrimination that is based on race, colour, descent or national or ethnic origin. The convention has been ratified by 155 countries<sup>11</sup>.

### **III. VI. Convention on the Elimination of All Forms of Discrimination Against Women:**

This convention represents the first comprehensive, legally binding international instrument prohibiting discrimination against women and obligating governments to take affirmative action to advance gender equality. The convention, ratified by 165 countries, is often referred to as the International Bill of Rights for Women<sup>12</sup>.

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9 It is the duty of each and every one to prevent the infliction of violation/ suffering of Human Rights. Nothing less is required if the noble ideals of our United Nations are to become a reality.

10 International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted in 1966 and entered into force in 1976.

11 The International Convention on the Elimination of All Forms of Racial Discrimination was adopted in 1965 and entered into force in 1969, in the aftermath of decolonization, a period characterized by apartheid and racial and ethnic conflicts.

12 Convention on the Elimination of All Forms of Discrimination Against Women was Adopted in 1979 and entered into force in 1981.

### **III. VII. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT):**

The convention was adopted in 1984 and came into force in 1989 and added an important pillar to the international protection of human rights. The convention, which deals with the right not to be subjected to torture, lays out the steps to be taken by states to prevent torture and other cruel, inhuman or degrading treatment or punishment. It has been ratified by 119 countries.

### **III. VIII. Convention on the Rights of the Child (CRC):**

Adopted in 1989 and entered into force in 1990, the CRC recognizes the need for specific attention to protecting and promoting the rights of children, to support their growth, development and becoming worthy citizens of the world. It has been ratified by 191 countries, making it almost universal.

### **IV. Violations of Human Rights:**

Gross violations of human rights continue<sup>13</sup>. There are also violations about 790 million people not adequately nourished, 250 million children used as child labour, 1.2 million women and girls under the age of 18 trafficked for prostitution each year. The world is often aware of loud violations, but not necessarily of the silent. The indivisibility of human rights has been accepted as a principle, overturning the cold war division of rights into two sets: the civil and political and the economic, social and cultural. Yet a latent tension remains between some of these rights. And there are other tensions. There is tension between the universality of human rights and cultural specificity. Between national sovereignty and the international community's monitoring of human rights within countries. Between the indivisibility of human rights and the need to establish priorities because of resource constraints. Between the supremacy of international laws and that of national laws. Between international norms and the norms set by regional human rights systems. Between ratifying international treaties and enforcing them nationally. Many people still see the promotion of human rights for some groups such as women, ethnic minorities, immigrants, and poor people as a threat to their own values or interests. This divisiveness in values breeds opposition to human rights for all. Even in times of great prosperity, societies have failed to ensure a life of dignity for all their members and often displayed

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<sup>13</sup> Violations of Human Rights have taken place in Rwanda, where a million people died, in Bosnia and Herzegovina, with an estimated death toll of 1,50,000–2,50,000. Some of today's grossest violations of human rights are in internal conflicts giving rise to a conflict between national sovereignty and international intervention.

indifference or outright hostility to members of other societies. Serious human deprivations remain<sup>14</sup>.

At the beginning of the 20th century a scant 10% of the world's people lived in independent nations. By its end the great majority lived in freedom, making their own choices. In 1990 only two conventions i.e. the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) had been ratified<sup>15</sup>. Seven major labour rights conventions have been ratified by 62 countries nearly a third of the world's countries have joined together in regional groups to realize human rights, adopt regional charters and establish regional commissions and regional courts. The African Charter on Human and Peoples' Rights, for example, recognizes collective rights and also highlights people's rights to struggle against colonial domination. At the national level, human rights commissions have been set up, 10 countries have formulated national human rights plans, and many more have instituted an ombudsman for human rights. At the international level, there were two very significant developments in the 1990s<sup>16</sup>. The court, which can establish individual criminal responsibility, complements the existing system to review gross violations of human rights by governments. In addition, an optional protocol to CEDAW now enables individuals and groups to establish cases of gender discrimination. The new debate on human rights emphasizes their relevance in all policy areas. A rights based approach to development is making human rights an integral part of development. At the national level, the importance of looking at development goals and policies from a human rights perspective is increasingly recognized<sup>17</sup>. The centrality of human rights in people's lives was reiterated in international conferences in the 1990s. And the 1993 World Conference on Human Rights

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14 In the developing world 1.2 billion people are poor, about 1 billion adults illiterate, 1 billion without safe water and more than 2.4 billion without basic sanitation. In the OECD countries, even with an average life expectancy of 76 years, more than 10% of people born today are not expected to survive to age 60. And in some industrialized countries one person in five is functionally illiterate.

15 Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) had been ratified by more than 100 countries. Today five of the six major human rights covenants and conventions have each been ratified by more than 140 countries.

16 The first was the creation of a system of international justice, with international criminal tribunals for the former Yugoslavia (1993) and Rwanda (1994) for war crimes. The second was the 1998 Rome agreement on the creation of an International Criminal Court.

17 The human rights perspective has been assuming growing importance in development cooperation by means of bilateral and multilateral treaties.

gave the human rights movement a renewed impetus<sup>18</sup>.

#### **V. Conclusion:**

Human Rights in simple language may be categorized as those fundamental rights to which every man or woman living in any part of the world is entitled by virtue of having been born as a human being. In other words human rights are the genus of which humanitarian law is a species. The former relates to the basic rights of all human beings everywhere all times and the latter relates to the rights of particular categories of human beings, especially the sick, the wounded, the prisoner of war during armed conflict and hostility. The international Declarations and treaties although don't have the force of law but since then it had a powerful influence on the development of contemporary international law. International organizations and Non-Governmental Organizations are doing very well in providing human rights to the deprived persons. It is our moral duty to contribute towards Government and Non Governmental Organizations so that the policy of live and let live with human dignity can prevail and we can enjoy our fundamental rights.

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18 World Conference on Human Rights, 1993 gave the human rights movement a renewed impetus by defining a comprehensive international agenda for the universal promotion and protection of human rights. Advances in human development added to this progress.