

FUNDAMENTALS OF HUMAN RIGHTS AND EDUCATION

Dr. Krishna Koppa



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CHAPTER 1

AN OVERVIEW ON HUMAN RIGHTS NATURE AND CONSTITUENTS

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ABSTRACT:

An overview of human rights is given in this article, along with an analysis of their nature, components, and importance in modern society. Human rights are fundamental privileges that each and every person has just by virtue of being human. These rights include social, political, economic, civic, and cultural rights. This study examines the development of human rights concepts and the essential elements that make them up, drawing on legal frameworks, philosophical ideas, and historical viewpoints. It examines the interconnectedness, universality, indivisibility, and interdependence of human rights, emphasizing their significance in advancing justice, equality, and dignity for everyone. This study seeks to increase knowledge of the intricacies of human rights and its consequences for people as individuals, groups, and countries via a thorough review.

KEYWORDS:

Constituents, Human Rights, Nature, Overview, Significance.

INTRODUCTION

Humans have equal rights and dignity from birth. These are moral assertions that, independent of caste, color, creed, place of origin, sex, cultural differences, or any other factor, are unalienable and intrinsic in every person by virtue of their humanity alone. These assertions are made and outlined in what is now referred to as human rights. Some terms used to describe human rights include inherent, fundamental, birth, natural, and inherent rights. "Human rights are those minimal rights, which every individual must have against the State [1], [2]. Any other governmental authority, just by virtue of his status as a "member of the human family," without regard to anything else. Definition highlights the basic ideas of human rights. Human rights are described as "rights derived from the inherent dignity of the human person" in the 1948 Universal Declaration of Human Rights (UDHR). Because a written constitution is the basic legislation of the state, human rights that are protected by it are referred to as "fundamental rights." An person is endowed with human rights by virtue of his own being [3], [4].

All people possess these by nature, regardless of their country, caste, creed, or religion. An individual's human rights continue to apply even after death. This is attested to by the many rites practiced by various faiths. A person cannot be morally, physically, socially, or spiritually well without human rights. Human rights are also vital because they provide the ideal environment for individuals to advance both materially and morally. Respecting another person with dignity regardless of their gender, socioeconomic status, or other characteristics is a matter of human dignity. For instance, India passed a legislation outlawing the practice of transporting human excreta in 1993. The Employment of Manual Scavengers and Dry Latrines (Prohibition) Act is the name of this statute [5], [6] Human rights cannot be revoked. These rights are inherent to man's social character in human society and cannot be taken away by any force or authority since a person is entitled to them only by virtue of being a human. Human rights and moral rights are so comparable. Life on Earth has a purpose. The requirements that are necessary to achieve this goal are referred to as "human rights." No government has the

authority to restrict or abolish unalienable, untouchable, and sacred rights. Human rights are not exclusive to any one privileged group of individuals. Human rights are inherently universal, unaffected by circumstance or exception. Human nature is predicated on principles like equality, divinity, and dignity, which serve as the cornerstones of these rights. Because he is a social animal and a member of a civil society, man is always subject to limitations on the use of his rights and freedoms. Human rights are defined as those restricted authority or claims that support the common good and are acknowledged and provided to persons by the State via its legal system. Each right thus has specific restrictions. - Human rights are evolving; they are not static [7], [8].

Human rights continue to grow in tandem with political, socioeconomic, and cultural changes in the State. Judges must apply their interpretation of the law in a manner that is consistent with the evolving societal norms. For example, the Public Health Scheme's free medical treatment in public hospitals, free medical exams in schools, and the establishment of specially designed schools for the physically challenged are all now included in the right to be cared for in illness. Human rights suggest that each person has a right to certain freedoms and advantages from their community. Thus, the state's authority is limited by human rights. These may take the shape of demands placed on the State, or positive responsibilities placed on the State, or they could take the form of negative constraints on the State's ability to violate people's unalienable rights. For example, the State is prohibited from interfering with an individual's six freedoms listed under the right to liberty. Over millennia, human rights have undergone changes. The ultimate objective of man, living with dignity, was only attained after much fight and is still unrealized in many communities.

India serves as an example of how women, kids, Dalits, bonded laborers, and other groups are making a concerted effort to integrate into society. Despite this, the United Nations Charter of 1945—which declares that human rights are an intrinsic part of humanity was ratified by all countries. Human rights have their roots in the notion of Natural Rights, which was developed by Thomas Hobbes and John Locke and was based on the idea of Natural Law as advanced by the ancient Greek Stoic philosophers. The fight for human rights received further momentum from the American and French Revolutions. Magna Carta and the English Bill of Rights, followed by the French Declaration and the American Bill of Rights, are the foundations of the emergence and development of human rights in the global context.

The United Nations adopted the UN Charter in 1945, the Universal Declaration of Human Rights in 1948, and the International Covenants on Human Rights in 1949, further solidifying the concept of human rights and placing special emphasis on the protection of women's rights, the abolition of slavery, racial discrimination, civil and political rights, economic, social, and cultural rights, and above all children's rights. There are two treaties governing. He maintained that no government body has the right to rob someone of their inherent rights to life, liberty, and property since these rights were enjoyed by people long before civil or political society was established. Considered the greatest master of the natural law school is Rousseau [9], [10]. Rousseau asserts in his renowned work, "The Social Contract," that "all men are born free but everywhere they are in chains." Men have the unalienable rights to liberty, equality, and fraternity, according to Rousseau. The French Declaration of the Rights of Man and of the Citizen was based on these ideas.

DISCUSSION

The natural rights concept was created by American revolutionary theorist Paine, who did not connect it to the social contract idea. He believed that because God gave humans rights, such rights are inherently human. These rights are unaffected by any nation's legal system. The most

important constitutional document in human history is the Magna Carta, commonly referred to as the Great Charter, which was written in 1215. The primary focus of it was defense against the king's capricious actions. The 63 provisions of the Charter shielded the barons from unfair levies while guaranteeing civilians fundamental civic and legal rights. The English Church also became independent of governmental intervention. On June 15, 1215, King John of England gave the English barons the Magna Carta. The barons threatened to withhold their enormous taxes unless the monarch signed the Charter, therefore the king was forced to sign it. Enacted by the British Parliament on December 16, 1689, the English Bill of Rights is the next source and route for the development of the idea of human rights. In unambiguous words, the British Parliament asserted its dominance over the Crown.

The monarch is not supremely authoritative, according to the English Bill of Rights. The Bill of Rights outlined people's rights and freedoms and formalized customary rules. The 17th of September, 1787, saw the adoption of the US Constitution. The absence of a Bill of Rights pertaining to individual liberty and private rights was the most glaring flaw in the first constitution. Madison consequently put out a Bill of Rights that included up to twelve amendments. The state legislatures approved ten of these. The Bill of Rights is the name given to these 10 constitutional amendments. The fundamental idea of the Bill of Rights is to shield citizens from state authorities abusing their authority. A new era was ushered in for France with the fall of the Bastille and the National Assembly's repeal of feudalism, serfdom, and class privileges.

The National Assembly declared the Rights of Man and of Citizens on August 4, 1789. There are seventeen articles that make up the Rights. The Declaration of the Rights of Man and of the Citizen is a pivotal document in the annals of European and human history, as well as the history of France. The proclamation established a new social and political system based on lofty and glamorous ideals, thus serving as the death sentence for the previous government. Furthermore, the proclamation provided the foundation for several constitutions written in other nations where the authors placed a high value on human rights. The twentieth century had a role in the advancement and fortification of minorities' rights as well as the rights that are economic, social, and cultural. These rights are intended to improve the social and economic security of the poorer segments of society by means of their social and economic advancement. These rights are necessary for both the complete and unrestricted development of the human personality in all spheres and the dignity of persons.

These rights guarantee the people's minimal level of material well-being and economic security, which is acknowledged by society as necessary for a civilized lifestyle. The term "Security Oriented Human Rights" refers to the set of rights that include economic, social, and cultural aspects of human existence, including minority rights. These rights work together to provide and supply the fundamental security that every person needs. Human existence itself would be in jeopardy if these rights weren't there. They are often referred to as the "Second Generation of Human Rights." They are sometimes known as positive rights or Red Rights. The Universal Declaration of Human Rights established these rights together with the Civil and Political Rights, and the Covenant on Civil and Political Rights subsequently recognized them. The late 20th century saw the relatively recent emergence of development-oriented human rights. These rights, which include environmental rights that allow one to take use of the unrestricted gifts of nature namely, clean, uncontaminated air, water, food, and natural resources—allow one to engage in the process of all-around development. These are referred to as Green Rights, or the Third Generation of Human Rights. Because international collaboration is necessary for their fulfillment, they are also known as Solidarity Rights.

The relevance of solidarity rights is particularly felt by developing nations, as they seek the establishment of an international order that would protect their rights to development, peace, disaster relief, and competent governance. There were no rights for children in relation to the broader rights of adults. Because they were unable to assert their rights, it was believed that children had no rights at all. Problems pertaining to children were considered welfare problems. Naturally, things have changed now. It is often acknowledged that children need more protection since they are among the most vulnerable members of society. A strong framework of rights has formed to provide this additional protection. The State, the children's parents, guardians, or other concerned adults may exercise the children's rights even if they are unable to do so for themselves. The idea that a kid is an autonomous human being rather than someone who is a part of or linked to an adult has also undergone a significant change. Actually, children are recognized to have two primary rights: autonomy and freedom, according to the UN Convention on the Rights of the Child, to which we will often refer. The Convention emphasizes the need of respecting a child's desires, emotions, and decisions. Unfortunately, this doesn't happen very often.

The value of listening to children is becoming more apparent these days. This is particularly true when it comes to child abuse. When a kid is abused, whether sexually or via other forms of violence, they often make an effort to speak with an adult. The adult ignores the child's advice and frequently learns about the issue when it is too late. It is important to keep in mind that young children, particularly those who are little, may not have a large enough vocabulary to fully explain what has occurred to them. Another explanation is the dread of suffering consequences for wrongdoing. It is worse when there are adult perpetrators because the kid feels powerless to stop them because the adult is often someone in a position of control over them. The worst scenario is that the abuser may be a parent's friend or relative. Since 1992, the Philippines has complied with the UN Convention on the Rights of the Child (CRC). As you recall, we discussed treaties and conventions as significant sources of human rights in the Introduction. Probably the finest illustration of this is the CRC. Nearly every nation on earth has ratified the CRC. A kid is considered to be in need of care and protection if they are abandoned or have no one to look after them. Furthermore, as we have already shown, a kid in need of care and protection is still a child even if they are being mistreated or exposed to violence despite having a family or guardian. After being brought before the Child Welfare Committee, these kids are placed in an institution to receive treatment.

Even while a lot of these facilities go by the name "homes," they are sometimes far from the kind homes that kids need. Adolescent justice professionals have been advocating for improved family circumstances. They have cited many instances in which children were sexually and physically abused by those who were meant to be looking after them. It is essential to make improvements to these establishments and explore alternative solutions in order to provide these kids with a nurturing upbringing. In compliance with India's responsibilities under the UN Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others, this Act was passed. The Immoral Traffic Prevention Act aims to safeguard trafficked minors while also punishing trafficking.

When a child prostitute is saved under this Act, she or he must be considered as a child in need of care and protection and placed under the national and international Child Welfare Committee's protection. This is a result of an increase in child exploitation and sexual abuse incidents. Younger and younger children are being exploited because of the fear of HIV/AIDS and the belief that child prostitutes are less likely to be infected with such terrible infections. After the sale of weapons and drugs, trafficking is now the third most common organized crime. The number of children being sexually abused in families is also rising, but as these crimes

often take place behind closed doors, the victims are seldom made public. The social approach acknowledges individual differences in intelligence types, learning styles, and other characteristics. This method considers disability as the outcome of social and environmental variables that differ throughout cultures rather than examining it in isolation. Every culture has a different definition of normal and places pressure on individuals to live according to that definition. Therefore, in contrast to the medical method, the social approach adopts a "human rights approach" and emphasizes how society fails to adequately accommodate the peculiarities of handicapped individuals, leading to their marginalization and unjust treatment.

By allowing them to reach their full potential, the social approach model will guarantee that individuals with disabilities get the same treatment as other citizens. Only until we acknowledge the rights of the handicapped will this be feasible. Individuals who have been seen as deviating from the norm in any way be it psychological, emotional, or physical have faced discrimination in a variety of contexts.

Discrimination takes many different shapes. It might take the shape of more severe abuse or a lack of decency and respect. People with disabilities have often been forced to live in institutions that cut them off from society or have been the victims of sexual and physical abuse. Narratives of maltreatment were also frequent. People with disabilities have often faced barriers to marriage and childrearing. Extreme abuse has often resulted in their abandonment or even murder. Regretfully, society did not even consider how it treated handicapped people to be wrong for a very long time.

People with disabilities were simply seen as "less than" or "not quite" human. But as human rights have grown and other marginalized groups have gained recognition, individuals with disabilities have also come to be acknowledged as a marginalized group. They started to be seen as people who could reach their full potential if given the chance, rather than as less human. Disability was not one of the frameworks mentioned in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) to prohibit discrimination against people on various grounds. As a result, special tools for coping with disabilities were required. But it's important to remember that certain tools have also come under fire for making handicapped individuals feel more alone than their mainstream counterparts.

The UN General Assembly decided to establish a committee to consider proposals for an international convention to protect the rights and dignity of people with disabilities, based on the holistic approach in the work done in the fields of social development, human rights, and non-discrimination. The committee was deeply concerned about the situation faced by the 600 million people with disabilities worldwide and aware of the need for an international instrument. Therefore, the human rights approach provided a solid foundation for the transition towards a specific emphasis on disability. The ICESCR did not expressly address disability discrimination, as was previously stated.

The Comment states that discrimination against individuals with disabilities has existed throughout history in a variety of forms, including unfair legislation and real behaviors. "Any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability, which has the effect of nullifying or impairing the recognition, validity, or accessibility of any establishment," is how the Comment characterized disability-based discrimination.

The exercise or enjoyment of one's social, cultural, or economic rights. The Comment suggested that nations create legislation to address historical prejudice and take precautions to ensure that it does not occur again. 1983–1992 was designated by the UN as the Decade of

Disabled Persons. Shortly thereafter, the Asian and Pacific Decade of Disabled Persons was proclaimed from 1993 to 2002. During this time, a lot of awareness was raised on the problems that individuals with disabilities experience. A Proclamation on the Complete Inclusion and Parity of Individuals with Disabilities in the Asia-Pacific Area was approved in 1992. Among the nations that signed the Proclamation was India.

As shown in the Introduction, an international treaty or document that a nation signs becomes a law in that nation's eyes, and that nation is required to implement the human rights safeguarded by it. India's Parliament enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 to give effect to its obligations under international treaties pertaining to disability rights. Together with prior laws, a number of further actions were taken that established a solid foundation for disability rights in India. People with disabilities hold great significance on their right to full engagement in the community, especially in light of their history of exclusion and isolation. However, one must be able to move about in order to engage in communal life. However, most community facilities in the world have been designed for and cater to only able-bodied individuals. It is crucial for a disabled person to be able to move around in the immediate vicinity of their living space or travel further afield in order to feel like a valued and effective member of the community, whether they are going to school, work, or use recreational facilities.

When using community service facilities with a handicapped person's point of view in mind, it is likely to become evident very quickly just how prepared the community is to provide possibilities to its impaired members. Public spaces are adapted to accommodate the requirements of those with disabilities, but in order to ensure that the general public is supportive and sensitive as well, it is also vital to educate the able-bodied population on the significance of these steps. In several Indian states, there are designated bus seats for those with disabilities; yet, it is not uncommon to see able-bodied individuals using these seats and refusing to give them up even after a handicapped person boards the vehicle. Similarly, it is common to encounter non-disabled individuals parking their automobiles in the rare Indian city that designates parking spots for those with impairments. Therefore, increasing public knowledge and advocating for the general public is vital to facilitating individuals with disabilities' access to public services and facilities.

CONCLUSION

The overview of human rights emphasizes how crucial they are to preserving peoples' freedom, dignity, and general well-being on a global scale. Human rights are inalienable rights that every individual, irrespective of country, race, religion, gender, or any other attribute, has by virtue of their humanity. Universality, indivisibility, interdependence, and interrelatedness define the essence of human rights. Human rights are universal because they are applicable to everyone without exception. Civil, political, economic, social, and cultural rights are intertwined and mutually supportive since they are indivisible and interdependent. A vast array of privileges, including political and civil rights like the ability to vote, the right to a fair trial, and the freedom of speech, are included in the definition of human rights. Human dignity and well-being are equally dependent on economic, social, and cultural rights, such as the right to healthcare, education, and a sufficient quality of life. Human rights are essential for advancing justice, accountability, and equality in society. They operate as a moral and legal framework that keeps governments and other actors responsible for their acts and shields people from discrimination, exploitation, and abuse. In many regions of the globe, however, the achievement of human rights is still severely hampered by the persistent violations and abuses that people and communities must endure.

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CHAPTER 2

PRINCIPLES OR CHARACTERISTICS OF HUMAN RIGHTS

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ABSTRACT:

This essay examines the tenets or attributes that characterize human rights, which are essential privileges that are inalienable to every person simply because they are human. Human rights are the cornerstones of justice, equality, and dignity; they influence moral and legal systems across the world. This article explains the fundamental ideas and traits of human rights—universality, indivisibility, interdependence, inalienability, and non-discrimination—by drawing on legal doctrines, philosophical theories, and historical contexts. It examines their importance in directing the character and extent of human rights discourse and action, highlighting their function in promoting respect for human dignity and guaranteeing everyone's protection. This study seeks to expand knowledge of the tenets or attributes that support human rights and their significance in modern society via a thorough analysis.

KEYWORDS:

Characteristics, Human Rights, Principles, Universality, Indivisibility.

INTRODUCTION

Most people agree that human rights are those that are inalienable to each and every person. Every single person has the right to exercise their human rights, regardless of their race, color, sex, language, religion, political viewpoint, national or social origin, property, birthplace, or any other difference. This is recognized by the idea of human rights. Human rights legislation formally guarantees people's rights, shielding both individuals and communities from activities that violate basic liberties and human dignity. Treaties, collections of principles, customary international law, and other legal sources all express them. Human rights legislation requires States to behave in a certain manner and forbids States from taking part in certain activities. Human rights are not established by the law, however [1], [2]. Human rights are fundamental privileges that each and every individual inherits by virtue of their humanity. In general, the rights of people and organizations are explicitly protected by treaties and other legal sources against government acts or inaction that impedes the exercise of such rights.

Human Rights are indivisible and interdependent. Because each human right entails and relies on other human rights, breaching one such right impacts the practice of other human rights. For example, the right to life entails respect for the right to food and to an appropriate level of living. Having access to a basic education is a prerequisite for being elected to public office. The right to free speech, assembly, and organization are prerequisites for the defense of economic and social rights. To maintain each person's integrity and dignity, therefore, economic, social, and cultural rights are just as important as civil and political rights. All rights must be respected in order to achieve lasting peace and prosperity [3], [4]. Discrimination against particular groups has led to some of the worst violations of human rights. The non-discrimination principle and the right to equality, Thus, they are essential to human rights and are expressly outlined in regional and international human rights accords. According to the right to equality, states must make sure that human rights without regard to any kind of discrimination, including but not limited to sex, race, color, language, religion, political opinion, national, ethnic, or socioeconomic origin; property; birth; age; handicap; sexual

orientation; and social or other position. More often than not, the discriminating criteria employed by States and non-State actors to restrict particular groups from fully enjoying all or some human rights are based on such qualities [5], [6].

However, it should be noted that not all forms of distinction lead to discrimination. It may be justified to make factual or legal distinctions based on fair and impartial standards. The burden of proof falls on Governments: they must show that any distinctions that are applied are actually reasonable and objective. The principles of equality, universality and non-discrimination do not preclude recognizing that specific groups whose members need particular protection should enjoy special rights. This explains the plethora of human rights laws created expressly to safeguard the rights of populations with particular needs, including women, immigrants, stateless people, refugees, displaced people, minorities, indigenous peoples, children, people with disabilities, migrant workers, and detainees. However, group-specific human rights can only be justified by unique (objective) factors, like the group's vulnerability or a history of discrimination against it, in order for them to be consistent with the universality principle. If not, special rights might be equated with benefits that would be considered discrimination against other groups [7], [8].

DISCUSSION

In addition, in order to address the enduring consequences of previous discrimination, it might be necessary to implement short-term special measures like quotas, targeted recruitment, and preferential treatment. Human rights comprise both duties and rights. Under international law, states are obligated to uphold, defend, and respect human rights. States have an obligation to respect human rights, which means they can't restrict or interfere with how those rights are enjoyed. States have an obligation to safeguard people and groups from violations of human rights. States have an obligation to fulfill when it comes to facilitating the enjoyment of fundamental human rights. Individually, we have a right to our human rights, but we also have a responsibility to respect those of others.

The long development of political, legal, philosophical, and social thought that is intrinsically linked to social-democratic customs produced the idea of human rights. Since its inception in antiquity, the idea of human rights has come a long, hard way. This idea, which was once the political platform of the bourgeois revolutions, took on new significance in the modern era as the challenges of human existence, maintenance, and perpetuation on Earth, as well as the need for cooperation between people and the expression of human ideas and values generally, became more pressing [9], [10].

The concepts and ideas of profound thinkers of time, such as Aristotle, Cicero, Grotius, Locke, Kant, Montesquieu and prestigious jurists found their reflections in many documents with institutional character which emphasized a well deliberate conception of human rights and liberties and much later the Universal Declaration of Human Rights adopted on December 10th 1948 by the General Assembly of the United Nations Organization ascertained for the first time in the history of mankind the fundamental human rights and liberties in a political-legal document with universal character. The following paragraphs will address how granting and upholding human rights has become an essential requirement for upholding the rule of law and being admitted as a democratic state internationally.

Human rights are a societal phenomenon that date back thousands of years. Human rights as a legal concept have its roots in the natural law theory, which begins with the notion that people have inherent rights that supersede and are fundamental to those granted by society and recognized by natural law, regardless of where they are or when they occur. Natural law, which has played a dominant role in Western political theory for centuries, is that standard of higher-

order morality against which all other laws are adjudged. The basis of the doctrine of natural law is the belief in the existence of a natural moral code based upon the identification of certain fundamental and objectively verifiable human goods. One could challenge the injustice of human-made law by citing natural law or God's supreme authority.

Nonetheless, there are historical allusions to this natural rule dating back to antiquity. Aristotle was the first one in asserting the idea of natural law, in his work "Politics". "A person becomes a slave or a free person only by law; human beings do not differ at all by nature," the speaker asserts.

The Decalogue with its ten commands, which proclaims the essential individual rights that belong to every human being, served as the foundation for the ideas that Christian philosophers of the Middle Ages attempted to formulate regarding the state of human equality. According to the theory of Thomas Aquinas the individual is in the centre of a right social and legal order but the divine law has supereminence over the worldly law. In his writings he makes a mention that the Christian Church even established a hierarchy of various law sources, giving priority to the divine law, and providing second place to the natural law and positive law only comes in the third and it is nothing but derived from the primary (divine) and the secondary (natural), being nothing else than common rules of the relationships in society.

In Modern times, the 17 century exponents of the school of natural law, especially Hugo Grotius, the father of natural law science, showed that man is a sociable being by his nature, who wishes to live peacefully with his fellows, able to determine by himself on what is useful or harmful for society. Natural rights eventually replaced the idea of natural law, reflecting a shift in focus from society to the individual. Natural rights allowed people the right to file complaints with the government, while natural law served as a foundation for limiting the overbearing power of the state over society. This modern conception of rights can be traced back to Enlightenment political philosophy and the movement, primarily in England, France, and the United States, to establish limited forms of representative government that would respect the freedom of individual citizens.

The definitive exponent of this stance was the 17 Century philosopher John Locke, in his (1690), portrayed a "state of nature" before to the birth of society in which people fended for themselves and looked after their own interests. Every individual in this state was endowed with certain rights, such as the rights to life, liberty, and property. Locke believed that when people united in social groups, their primary goal was to more successfully defend these rights. As a result, they gave up "only the right to enforce these natural rights and not the rights themselves" to the governments they established.

The idea of natural rights served as a major inspiration for the development of the modern theory of human rights, but it should be kept in mind that it goes far beyond it in a number of very important ways. James Nickel and other academics point out three particular ways that the modern understanding of human rights differs from the idea of natural rights. First off, modern human rights advocates are far more concerned with seeing the realization of equality as needing constructive action by the state in the form of welfare assistance, in contrast to proponents of natural rights who thought that the state should refrain from meddling in private affairs. Second, proponents of modern human rights are significantly more prepared to acknowledge the significance of family and community in people's lives than proponents of natural rights, who tended to see people as only unique individuals, true "islands unto themselves." Thirdly, modern conceptions of human rights are significantly broader and more "internationalist" than those that were traditionally found in defense of natural rights. Fundamentally as a result of these developments, it is becoming more widely accepted that

international action and concern are needed to safeguard and advance human rights in the modern day. The rights to property, safety, and political engagement are the main rights of the first generation. The seventeenth and eighteenth centuries saw the emergence of these rights as a philosophy, which was primarily motivated by political considerations. People started to realize that they should have some control over the laws that touched them and that there were certain things the all-powerful state shouldn't be allowed to do.

The two main concepts were individual liberties and safeguarding the person from governmental breaches. Civil rights include the freedom to practice one's religion or express one's opinions, the right to equality and liberty, the right to be free from torture and death, and the right to enable individuals to follow their own personal conscience and beliefs. Civil rights also ensure people's physical and moral integrity. 'Civil' rights are often included in the category of legal rights.

They provide citizens procedural protections when interacting with the legal and political systems, such as the right to appeal, the protection against arbitrary arrest and imprisonment, and the presumption of innocence unless proven guilty in a court of law. To engage in communal and societal life, one must possess political rights such as the ability to vote, join political parties, freely gather and attend meetings, voice one's opinion, and get information.

The rights of the second generation are seen to include rights to welfare, education, and leisure as well as socioeconomic rights. These rights include the fundamental requirements of existence as well as how individuals coexist and work together. They are predicated on the concepts of equality and access to opportunities, products, and services that are necessary for social and economic development.

As a result of early industrialization and the emergence of the working class, they gained more and more attention on a global scale. This gave rise to new expectations and notions of what it meant to live a life of dignity. People came to understand that upholding human dignity needs more than just the bare minimum of non-interference allowed by civil and political rights. Social rights are those that one needs in order to fully engage in society. These include, among many other rights that are sometimes considered "civil" rights, such as the freedom from discrimination, the right to privacy, health care, and leisure, in addition to the rights to education and the ability to start and raise a family. Most people believe that economic rights include the ability to work, the right to a decent standard of living, the right to housing, and the right to a pension in the event of old age or disability.

The economic rights are based on the understanding that human dignity requires a certain basic degree of financial stability and that some conditions, such as homelessness or a lack of meaningful work, may have a degrading psychological effect. Cultural rights are frequently overlooked in favor of many other rights categories. They relate to a community's cultural "way of life."

These include the freedom to engage in communal cultural activities and maybe the right to an education. In order for minority communities within a society to maintain their unique identities, numerous other rights which are not formally classified as "cultural"—are necessary. These rights encompass collective rights of society or peoples, such as the right to peace, sustainable development, and a healthy environment. Extreme poverty, war, natural and ecological catastrophes, and other factors have left most of the globe with very little progress made in the area of human rights. Many have therefore felt that the recognition of a new category of human rights is required: these rights would guarantee the necessary conditions for societies, especially in the developing world, to be able to provide the rights that have already been recognized for the first and second generations.

The rights to development, peace, a healthy environment, a portion of humanity's common history, communication, and humanitarian aid are among the particular rights that are most often included under the umbrella of third generation rights. Nonetheless, there remains discussion about this new class of rights.

The notion that communal rights are equivalent to "human" rights is contested by several specialists. Individuals possess human rights by definition, which establish the domain of personal interest that takes precedence over the interests of society or social organizations. Collective rights, on the other hand, belong to whole states or even communities.

The question of whether or not these rights should be considered human rights is more hotly debated than whether or not they really exist. The debate goes beyond simple semantics, as some fear that this terminology shift would 'justify' certain authoritarian regimes to deny (individual) human rights in the name of these collective rights; for instance, severely restricting civil rights to ensure 'economic development'. Another worry that is sometimes voiced is that accountability cannot be guaranteed since the international community, not the state, is intended to defend the rights of the third generation. All agree, however, that these fields need more investigation and attention from the global society, regardless of what we choose to name them.

The African Charter on Human and Peoples' Rights, in instance, has previously recognized a number of collective rights. The human right to development was established in a 1986 UN General Assembly Declaration, and the UDHR itself incorporates the right to self-determination.

The rights of the third generation are now under increased scrutiny due to recent developments in science and biotechnology. For instance, many challenges about human rights have been raised by recent scientific advancements, particularly in the areas of genetic engineering and organ and tissue transplantation. Technological developments in each of these domains have forced the answer to questions about the fundamental essence of life itself. In response to these issues, the Council of Europe created the Convention for the Protection of Human Rights and the Dignity of the Human Being with respect to the Application of Biology and Medicine as a new international treaty.

The pact became operative in December 1999. Ten governments have approved it after it was signed by thirty members of the Council of Europe. It lays up standards for a few of the troublesome issues brought up in the preceding section.

The process of modifying an organism's genetic material to change its hereditary traits in a predetermined manner is known as "netic engineering." The development of this field has sparked a heated discussion on a variety of ethical and human rights issues. For instance, it is debatable whether it is acceptable to modify germ cells in a way that permanently alters the genetic makeup of the entire organism and all future generations, or whether it is acceptable to reproduce a clone organism from a single gene in humans if it is not prohibited in mice and sheep.

The development of biomedical technology has also made it possible to transplant tissues or organs from one body to another, both adult and fetal. Similar to genetic engineering, this has enormous potential to save or greatly improve the lives of certain individuals. However, take into account some of the troubling challenges these advancements pose. The topic of human rights has received a lot of attention in this paper's introductory lesson so far, with different perspectives reflecting its varied definitions and distinctive guiding principles. We have spoken about the natural law's historical precedence and how the idea of natural rights developed from

it throughout time as part of the development of the modern notion of human rights. Next, we spoke about how the modern definition of human rights expands beyond the idea of inherent rights to become a much more comprehensive notion. Lastly, we attempted to classify the evolution process based on the three distinct themes that have emerged during the development of human rights.

CONCLUSION

The cornerstone of contemporary human rights discourse and practice is comprised of the concepts or characteristics of human rights, which operate as guiding principles to ensure the preservation and advancement of equality and human dignity.

The concept of universality emphasizes how fundamental human rights are to everyone, regardless of their country, race, religion, or any other status. This idea upholds the inherent value and equality of all people. Indivisibility emphasizes how human rights are interdependent and interwoven, highlighting the importance of civil, political, economic, social, and cultural rights in achieving human dignity and well-being. Interdependence highlights how human rights are complimentary to one another and shows how achieving one right often requires achieving others. For example, there is a tight relationship between the right to labor and the right to health and education. According to the doctrine of inalienability, human rights are innate and unalienable, meaning that they are essential to human dignity and cannot be relinquished under any conditions. Human rights must be upheld and safeguarded without any kind of prejudice, according to the non-discrimination principle, which also forbids discrimination on the basis of gender, color, religion, or any other status. Fundamentally, the tenets or attributes of human rights provide an ethical and juridical structure for advancing equity, equality, and justice. By adhering to these values, communities may work toward a state in which each person fully enjoys their human rights and promotes an inclusive, respectful, and vibrant human culture.

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CHAPTER 3

DETERMINATION OF THE THEORIES OF HUMAN RIGHTS

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ABSTRACT:

This essay investigates human rights ideas, looking at many viewpoints of the characteristics, justifications, and sources of human rights principles. The intellectual, legal, and moral underpinnings of human rights discourse may be understood using the frameworks provided by human rights theories. This study examines the major conceptions of human rights, including utilitarian, cosmopolitan, positivist, and natural law theories. It does so by drawing on a variety of theoretical stances, such as social contract, moral universalism, and natural law. It looks at how these ideas influence political and legal frameworks, direct advocacy initiatives, and affect how we interpret human rights. This study attempts to increase awareness of the many theoretical views on human rights and its implications for current human rights discourse and practice via a thorough analysis.

KEYWORDS:

Determination, Human Rights, Theories, Justifications, Origins.

INTRODUCTION

The 20th century was the century of human rights, and the ideas around rights helped to mainstream human rights for people all over the globe, particularly for those who have fought against injustice and tyranny. Human rights are now used as a moral benchmark to assess how well a government is treating its citizens. A state's actions are assessed in relation to these international instruments that prescribe certain advantages and treatments for every human being on the basis of their humanity [1], [2]. Political discussions in the countries often center on the violation or denial of human rights. Legal texts aimed at safeguarding human rights have multiplied across the nations. A nation is building institutional structures at different levels to keep an eye on the state of human rights. These days, domestic human rights laws serve as the means of putting globally recognized, universal, and inalienable rights into local practice. Human rights declarations are still having a significant political impact today, which raises certain concerns about these natural and imprescriptible rights. Even proponents of these rights have some reservations about the fundamental ideas behind human rights [3], [4].

These rights have faced philosophical challenges ever since they were originally proposed. Defining human rights is one of the first issues in any philosophical investigation. This is not a simple question. Definition may be very important, especially in the international arena when there are many different cultural perspectives, insecure positivist foundations, and delicate implementation processes [5], [6]. In fact, according to some philosophical traditions, meaning is the central concern of philosophy as a whole. The interpretation of human rights will impact decisions about which rights are universal, which should take precedence, which can be subordinated to other interests, which require international pressure, which can require programs for their implementation, and which one will fight for. What does the term "rights" mean? It is necessary to have an understanding of the rights that come with being human in order to discuss rights. That refers to the rights that people have only because they are people, regardless of their various socioeconomic situations and levels of merit. It does not mean human rights in the self-evident sense that those who possess them are human. Human rights

are defined by some academics as being "important," "moral," and "universal." While it is consoling to imbue human rights with certain qualities, those qualities are not without complications. One may be referring to one or more of the following characteristics, for instance, when they state that a right is "important" enough to qualify as such: intrinsic value; instrumental value; value to a scheme of rights; importance in not being overshadowed by other factors; or importance as structural support for the good life system [7], [8].

The terms "moral" and "universal" are perhaps much more difficult. Who determines what rights are morally, universally, and significantly important? whence the concept of rights originated? The philosophy of human rights, which looks critically at the concept's substance and justification while also attempting to analyze its underlying assumptions, has the solutions to these kinds of problems. The evolution of the idea of human rights has been explained by a number of theoretical stances. You will learn about these theoretical reasons in the current lesson, particularly the Human rights are a natural law, according to one of the oldest Western ideas on the subject, which has its roots in several philosophical and theological perspectives. Human rights are based on a "natural," moral, religious, or even biological order, according to natural law theories, which is distinct from ephemeral human rules or customs.

The transformation of the natural justice tradition into natural law is often credited to the Stoics. Aristotle is widely regarded as the founder of natural law, with Thomas Aquinas's interpretations of his writings serving as major sources of proof. While Aristotle and Sophocles provide the foundation for natural law theory, the Greek Hellenistic stoics and then the Romans were the ones to develop it. They held that natural law encompassed the fundamental ideas of justice, including right reason, conformity to nature, immutability, and eternity. Christian thinkers of the Middle Ages, including Thomas Aquinas, placed a strong emphasis on natural law as a component of God's rule that grants people certain unchangeable rights. But essential ideals of equality and freedom were left out of the medieval conceptions that acknowledged slavery and serfdom due to important constraints.

Modern secular views of natural law emerged with the demise of feudalism, especially those put forward by Grotius and Pufendorf. Their theory separated natural law from religion, establishing the foundation for the contemporary, secular, rationalistic interpretation of natural law. Grotius believed that people's innate desire to live in harmony and peace with others is a social urge. It was right and reasonable to uphold the rational and social character of men and women; it was wrong and unjust to resist it by upsetting the balance in society. Natural law is a "dictate of right reason," according to Grotius. He maintained that an action had a character of moral necessity or moral baseness based on whether it is in line with rational nature or not. You would remember that Grotius was also credited with founding contemporary international law. In his view, the law of nations encompasses both rules that stem from the principles of the law of nature and laws that have human choice as their basis. It goes without saying that this notion is crucial to the validity of international law [9], [10].

The natural rights idea, which is most strongly linked to contemporary human rights, emerged from this natural law theory over many centuries. The philosopher John Locke, who lived in the 17th century, was the most famous proponent of this viewpoint. He specifically presented the case in his (1688). Locke's central thesis is that people have inherent rights, regardless of the political status that the state bestows upon them. These unalienable rights exist before and apart from the establishment of any political society. According to Locke, natural law is the source of natural rights. Natural law has divine origins. We were given the most definitive moral code by accurately recognizing God's desire. Fundamentally, God has a responsibility to provide for our own survival. Each person needed to be free from dangers to their life and liberty in order to properly fulfill their responsibility of self-preservation. They also needed

personal property, which Locke outlined as the fundamental, effective method of self-preservation. God owed us the need of the fundamental natural rights to life, liberty, and property in order for us to fulfill our obligation to protect ourselves. Locke went on to contend that the defense and preservation of peoples' fundamental inherent rights was the main goal of the investiture of political power in a sovereign state.

In Locke's view, the only rationale for establishing government was to protect and advance peoples' inherent rights. The State's power and jurisdiction are clearly limited by the basic rights to life, liberty, and property. States were portrayed as being there to serve the people's interests and inherent rights, not those of a monarch or a governing class. Locke even went so far as to contend that if a government consistently and willfully fails to uphold citizens' fundamental rights, then people have every moral right to rebel against it. Locke's contribution is usually given a lot of weight in analyses of the historical forebears of the modern conception of human rights. Undoubtedly, Locke set the standard for constructing lawful political power on the basis of human rights.

The philosophical underpinning of the late eighteenth-century movement against absolutism was natural rights theory. It may be seen in the US Declaration of Independence, the French Declaration of the Rights of Man, the main UN human rights texts, and the constitutions of several republics founded after their freedom from colonialism. A significant addition to human rights is made by this idea. It provides a means of appealing to a higher authority that is established to defend human rights, away from the reality of naked power. It recognizes and upholds human equality and freedom, which are the foundations from which other human rights naturally arise. Additionally, it offers protection and support for a human rights framework on a national and worldwide level.

One advantage of natural rights theory is that it may be used to support a legal system that is seen to be better than state law, and to which one can appeal if it seems to be oppressive, arbitrary, or unfair. One may even argue that the early revolutionary constitutions were natural rights texts. The natural rights concept confronted a crucial philosophical dilemma when deciding which standards should be regarded as part of the rule of nature and, therefore, unalienable or at least unquestionably unalienable. Moreover, a number of detractors noted that the majority of natural rights theories' norm setting includes features inferred by the norm setter. To put it simply, the main issue with natural law is that different theorists may have different ideas about what rights are natural based on how they see nature. Natural rights theory lost favor with legal experts and philosophers due to these and other issues. Throughout the nineteenth and twentieth centuries, there was an increase in opposition to natural law.

DISCUSSION

The main critique leveled against Natural Rights Theory was its lack of scientific verifiability. Conservatives rejected the idea of natural rights because they saw it as too egalitarian and revolutionary. Some radicals objected because it encouraged excessive wealth disparity. Edmund Burke did not, however, entirely reject the idea of natural rights. He acknowledged the inherent rights to equality before the law, life, liberty, and freedom of conscience, as well as the products of one's labor and property. Burke supported natural law theory, but he disagreed with the idea of universalizing natural rights since it ignored regional and cultural differences. The distinction between naturalist and positivist schools of law was first made by David Hume. However, legal positivism, a theory that dominated legal thought for the majority of the nineteenth century and commanded a great deal of adherence in the twentieth, was responsible for the most significant assault on natural law.

The main critique of utilitarianism is that it doesn't respect individual autonomy or treat rights with dignity. The fundamental tenet of utilitarianism maximizing the sum of wants, or universal welfare—remains the ultimate standard of worth, no matter how it is developed. Although utilitarianism regards all people equally, it only regards them as equals in the sense that it incorporates them into the mathematical formula rather than valuing each person individually. The utilitarian equation allows for the sacrifice of an individual's wishes or welfare as long as overall happiness or welfare is raised. Because utilitarianism essentially collapses moral identity into utilitarian aggregates, it fails to respect people as equals. Furthermore, when considered in isolation from issues of individual value and distribution, the simple increase in pleasure or welfare as a whole is neither a genuine moral objective nor a meaningful value.

Therefore, utilitarian ideology has a darker side where justice and right have no stable position and individual well-being may be sacrificed for what are said to be collective interests, notwithstanding its egalitarian pretensions. According to utilitarian philosophy, liberty and rights are consequently subject to change and hence at jeopardy. The evil side of utilitarianism rendered the theory too dubious to be embraced as the dominant ideology in an age marked by inhumanity. It seems that the majority of contemporary moral theorists have come to an anti-utilitarian consensus, if only in acknowledging that some fundamental person rights are limitations on any maximizing aggregative theory. In the wonderful words of Ronald Dworkin, rights have to "trump" above opposing utilitarian considerations. Marxist philosophy addresses human nature in a similar way as natural law.

Marxism, on the other hand, views men and women as "specie beings" rather than as autonomous persons with rights derived from either a divine or inherent nature. The word "human nature" originates from Ludwig Feuerbach's theory, according to a note written by the young Marx in the Manuscripts of 1844. Feuerbach's ideology refers to both the nature of individual humans and mankind as a whole. But in the (1845), Marx challenges the conventional understanding of "human nature" as a "species" that takes on individual form and advocates instead for a definition of human nature that is shaped by all of "social relations." As a result, unlike in traditional idealist philosophy, the whole of human nature is not seen as permanent and universal; rather, some components of it are unavoidably biological, and the species-being is always determined in a particular social and historical development. Marx considered the natural law theory of human rights to be utopian and unhistorical. He did not think that human rights were inherent or unalienable. Marx considered the idea of individual rights to be a bourgeois illusion in a society where capitalists monopoly the means of production. Terms like law, justice, morality, democracy, freedom, etc. were seen as historical categories, the meaning of which was influenced by the social and material circumstances of a people. Thoughts and ideas may evolve along with the circumstances of life.

According to Marxism, a person's essential qualities are their capacity to meet their wants and make the most use of their skills. Because a small number of people control the means of production in a capitalist society, such demands cannot be met on an individual basis. Potential can only be realized in a communist society free from class warfare, when men and women return to their true identities as social beings. Nevertheless, the state functions as a social collectivity and is the means through which society is transformed up to that point. Individual rights originating from the natural condition that exists before the state are not possible under such a conception of the nature of society. The exclusive rights are those bestowed by the government, and they may only be used in accordance with the fulfillment of duties to both the state and society.

Marxist rights theory is often described as "parental," as the only source of direction for values is the political authority. The idea of a "specie being" of this kind is a kind of paternalism that

rejects individuality and transcendental reason. Individual civil and political rights have been systematically suppressed as a consequence of the Communist state's pursuit of society's historical claims.

Marxist philosophy was shown to be incompatible with an effective universal system of human rights on a global scale. A communist society's earlier statements do not acknowledge that international rules may overrule them. Although communist regimes acknowledged in theory that the international society had the authority to create transnational rules, they believed that exclusive local jurisdiction should be responsible for enforcing such norms. Communist states frequently claimed in international forums that their alleged violations of human rights fell under exclusive domestic jurisdiction. These claims were made not only to preserve their sovereignty or avoid being scrutinized by other countries, but also to reflect communist theory, which upholds the state's unrestricted authority to determine what is best for its citizens. Such as which rights are universally recognized, which need to come first, which are subject to conflict with other interests, which require international pressure, which may demand the execution of programs, and for which one will fight.

In this lesson, we attempted to comprehend issues such as who determines what constitutes universal, moral, and significant human rights? whence the concept of rights originated? In order to provide answers to these kinds of issues, a number of theoretical stances have been taken in an attempt to explain how and why the idea of human rights evolved both historically and in the present. Limiting ourselves to the requirements of the lesson we have been discussing on legal, utilitarian, Marxist, and theoretical theories of natural rights. Human rights law establishes norms for State conduct in ensuring the rights and freedoms of individuals, while humanitarian law establishes guidelines for the protection of war victims and the conduct of hostilities. Traditionally, humanitarian law and human rights law were seen as distinct fields of international law. Stated differently, the belief was that circumstances involving armed war and humanitarian emergencies made human rights legislation less relevant. Those who held this opinion cited the International Covenant on Civil and Political Rights (ICCPR), which allows States to temporarily suspend some civil and political rights during national emergencies that endanger public safety. Nonetheless, even during armed conflict, the majority of international human rights agreements remain applicable.

accorded that human rights are seen as being essential to maintaining peace and security, protecting them during armed conflict has been accorded top attention. The degree to which international human rights instruments safeguarded human rights during armed conflict was examined in 1966 by the Secretary-General at the time. It was discovered that in comparison to the Geneva Conventions, the main international treaties, such as the International Bill of Human Rights, provide a wider range of protection for human rights. This recognition served as the impetus for the 1968 Teheran World Conference on Human Rights and the 1970 General Assembly resolutions that acknowledged the continued applicability of basic human rights found in international agreements to circumstances including armed conflict. In a similar vein, the Vienna Declaration and Programme of Action demanded that all governments and parties involved in armed conflicts strictly adhere to both the minimal requirements necessary to defend human rights and international humanitarian law. The Commission on Human Rights acknowledged in 1996 the need of defining the essential precepts that apply to instances of domestic abuse.

It is now widely accepted that human rights legislation and humanitarian law should be interpreted holistically and in an integrated way, with the goal of guaranteeing an individual's protection under both laws at all times and during times of armed conflict. The UN Charter's Article 1(3) calls for the pursuit of international cooperation in the resolution of global issues

of an economic, social, cultural, or humanitarian nature as well as the promotion and encouragement of respect for fundamental freedoms and human rights for all people, regardless of their race, sex, language, or religion. In order to achieve this, the UN has started a constant process of defining human rights, converting them from moral precepts and morals into legally-binding international law. These guidelines are the outcome of a multi-decade process that included several states, non-governmental organizations, people, and United States authorities gradually evolving over time.

The first step toward the gradual formulation of international human rights was the 1948 ratification of the Universal Declaration of Human Rights (Universal Declaration). The remarkable ideas embodied in the Declaration's tenets have shown to be ageless and resilient in the fifty years that have passed since then. International human rights standards are comprised of over 100 human rights documents that have been influenced by these ideas. A few noteworthy international human rights treaties and developments are listed below. Regarding the creation of a worldwide bill of human rights, the General Assembly sent a draft Declaration of Fundamental Human Rights and Freedoms to the Commission on Human Rights at its first meeting in 1946 via the Economic and Social Council. The Commission gave its officials permission to prepare a bill of human rights in 1947; however, a formal Drafting Committee made up of eight Commission members eventually took over the task.

The Drafting Committee made the decision to draft two documents: a convention that would outline particular rights and their restrictions, and a declaration that would provide broad guidelines or standards for human rights. In light of this, the Committee sent draft articles of an international declaration and an international convention on human rights to the Commission. In late 1947, the Commission resolved to refer to the complete set of articles as the "International Bill of Human Rights." The 1948 revision of the draft statement was sent to the General Assembly by the Economic and Social Council. The Universal Declaration of Human Rights was established on December 10, 1948, and this day is commemorated annually as "Human Rights Day."

Subsequently, the Commission on Human Rights proceeded with the draft covenant on human rights. The "enjoyment of civil and political freedoms and of economic, social, and cultural rights are interconnected and interdependent," according to a resolution adopted by the General Assembly in 1950. Following a protracted discussion, the General Assembly asked the Commission to create two human rights covenants: one would outline political and civil rights, while the other would represent social, cultural, and economic rights. The General Assembly resolved to release the draft covenants to the greatest extent feasible prior to their finalization, so that governments may fully review them and the public could openly voice their opinions. The Universal Declaration of Human Rights was effectively codified into treaty law when two International Covenants on Human Rights the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) were completed in 1966, as opposed to the one that was initially intended. The two Covenants are together known as the "International Bill of Human Rights," along with the Universal Declaration of Human Rights.

CONCLUSION

The analysis of human rights ideas exposes the complexity of the debate over human rights as well as the range of viewpoints on its justifications, history, and nature. The natural law idea emphasizes the inherent value and dignity of every human being by arguing that human rights are inherent and come from a higher moral order or supernatural power. This philosophy, which maintains that certain rights are universal and unchangeable, serves as a fundamental basis for

human rights activism and legislative frameworks. According to positivist theory, official recognition and international accords play a crucial role in the codification of human rights, which are seen as socially produced norms that arise via legal and political processes. This idea emphasizes the function of legal frameworks and procedures in defending and upholding human rights. Utilitarian theory emphasizes the instrumental significance of rights in advancing societal prosperity and stability, basing human rights on the pursuit of the greatest pleasure or utility for the largest number of individuals. In making policy choices, this paradigm gives practical implications of protecting rights top priority and balances conflicting interests. Cosmopolitan philosophy promotes the acknowledgment of global citizenship and universal moral duties, therefore expanding the reach of human rights beyond national borders. This idea places a strong emphasis on how human interests are intertwined and how crucial group action is in solving global issues. Essentially, several perspectives are provided by human rights theories to help comprehend and support the preservation and advancement of equality and human dignity. Although the theoretical underpinnings and practical ramifications of these ideas may vary, taken as a whole, they provide a significant contribution to the continuous debate on human rights, shaping legislative frameworks, political choices, and social movements that strive to promote human rights around the globe.

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CHAPTER 4

DETERMINATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

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ABSTRACT:

The Universal Declaration of Human Rights (UDHR), a foundational text that outlines the essential values and entitlements of every person, is the subject of this essay. The 1948 adoption of the UDHR by the UN General Assembly is a historic development in the global promotion and defense of equality and human dignity. This essay examines the history, meaning, implications, and substance of the UDHR by referencing philosophical viewpoints, legal interpretations, and historical situations. It examines the main points of the UDHR, emphasizing its interconnectedness, universality, and indivisibility. This study seeks to expand knowledge of the UDHR as a founding text in the area of human rights and its continuing significance in modern society via a thorough analysis.

KEYWORDS:

Declaration, Determination, Human Rights, Universal, Relevance.

INTRODUCTION

The Preamble and thirty articles that make up the Universal Declaration of Human Rights outline the basic freedoms and human rights to which all people, regardless of gender, are entitled. The Universal Declaration acknowledges that freedom, justice, and peace in the world are based on the inherent dignity of every member of the human family. It acknowledges the inherent rights of every human being, known as fundamental rights, which include, among other things, the right to life, liberty, and personal security; the right to a living wage; the right to apply for and be granted asylum from persecution abroad; the right to freedom of speech and opinion; the right to an education; the right to be free from torture and cruel treatment; and the right to be free from degrading treatment [1], [2].

All groups in society, as well as every man, woman, and kid in the planet, are entitled to enjoy these inalienable rights. As the world celebrated the 50th anniversary of the Universal Declaration of Human Rights in 1998, it brought attention to the worldwide commitment to these basic and unalienable human rights. One of the United Nations' first significant accomplishments, the Universal Declaration of Human Rights is still a potent tool that has a global impact on people's lives today, fifty years later [3], [4]. The Universal Declaration of Human Rights, which dates back to 1948, has been translated into over 250 languages and can be accessed on the OHCHR website at <http://www.unhchr.ch/udhr/index.htm>. It is still one of the most well-known and often mentioned human rights declarations worldwide. The chance to consider the accomplishments of the last fifty years and map out a path for the next century was presented by the celebration of the 50th anniversary.

The 50th anniversary celebrated the interconnectedness, universality, and indivisibility of all human rights under the banner of "All Human Rights for All." The premise that human rights civil, cultural, economic, political, and social should be seen holistically and not in isolation was reaffirmed. The ICESCR was drafted for twenty years before being approved by the General Assembly in 1966 and coming into effect in January 1976 [5], [6]. The assumption that violations of economic, social, and cultural rights were not subject to the same level of

legal scrutiny and redress was incorrect because, in many ways, the promotion and protection of civil and political rights have received more international attention than those of social, economic, and cultural rights. This point of view ignored the fundamental tenets of human rights, which state that since rights are interconnected and indivisible, violating one may very possibly result in violating another.

The world society, as well as international law, fully acknowledges economic, social, and cultural rights, which are also garnering more and more attention. These rights are founded on the idea that individuals should be able to concurrently enjoy their freedoms, rights, and social justice. They are intended to safeguard people.

The Covenant includes some of the most important international legal provisions that establish economic, social, and cultural rights. These provisions include, but are not limited to, rights to social protection; a living standard that includes clothing, food, and housing; the best possible standards of physical and mental health; education; and the chance to benefit from advancements in science and culture. It describes the legal duties that States parties have under the Covenant. In order to ensure the progressive fulfillment of the rights recognized in the Covenant, states must take proactive measures to implement these rights, to the extent of their resources, especially via the enactment of domestic legislation [7], [8].

The Economic and Social Council was in charge of overseeing how States parties were implementing the Covenant. It assigned this duty to the group on Economic, Social, and Cultural Rights, an independent expert group that was formed specifically for this purpose. Upholding the rule of law and carrying out the customary duties of the State are addressed in the International Covenant on Civil and Political Rights.

The Covenant has several clauses that deal with the relationship between a person and the State. States must make sure that human rights are upheld while carrying out these obligations, including the rights of the accused as well as the victim.

The rights to self-determination, life, liberty, and security, freedom of movement, including the right to leave the country and the freedom to choose a place of residence, freedom from torture and other cruel and degrading treatment or punishment, freedom from forced labor, slavery, and arbitrary arrest or detention, the right to a fair and prompt trial, and the right to privacy are just a few of the civil and political rights defined in the Covenant.

Additional protections are in place to safeguard individuals who belong to linguistic, religious, or ethnic minorities. As per Article 2, every State Party is committed to upholding and guaranteeing the rights outlined in the Covenant, without any form of discrimination based on factors like race, gender, sexual orientation, language, religion, political beliefs, national or social background, property, place of birth, or any other distinction [9], [10].

There are two Optional Protocols in the Covenant. The first lays out the process for handling letters (or complaints) from anyone alleging they have been violated in any of the rights outlined in the Covenant.

The second calls for the death penalty to be abolished. In contrast to the Universal Declaration and the Covenant on Economic, Social, and Cultural Rights, the Covenant on Civil and Political Rights permits a State to restrict, or derogate from, the exercise of certain rights during declared public emergencies that pose a threat to national security. These restrictions are only allowed to the amount that is absolutely necessary given the circumstances, and they have to be disclosed to the UN. Nevertheless, there may never be a suspension of certain rights, such as the right to life and the prohibition against slavery and torture.

DISCUSSION

The Covenant calls for the creation of a Human Rights Committee to oversee States parties' observance of its provisions. 144 States were party to the Covenant as of March 2000, 95 states to the Optional Protocol, and 39 states to the Second Optional Protocol. Racial discrimination has been a key focus of the United Nations due to the fact that it was one of the issues that led to the organization's founding. The General Assembly approved the International Convention for the Elimination of All Forms of Racial Discrimination in 1965, and it came into effect in 1969. Parties to the Convention agree that racial discrimination must not be tolerated in the exercise of civil, political, economic, social, or cultural rights, and that adequate redress against such acts shall be provided by national courts and State institutions.

States parties agree to refrain from engaging in acts or practices of racial discrimination against individuals, groups of individuals, or institutions; to ensure that public authorities and institutions refrain from doing the same; and to prohibit, review, and uphold government, national, and local policies as well as amend or repeal laws and regulations that create or maintain racial discrimination; to forbid and end racial discrimination by individuals, groups, and organizations; and to promote integration or multiracial organizations, movements, and other strategies for removing racial barriers, as well as to discourage anything that tends to strengthen racial divisiveness. To make sure that States parties carry out their responsibilities, the Convention created the Committee on the Elimination of Racial Discrimination. 155 States were party to the Convention as of March 2000.

The General Assembly approved the Convention on the Elimination of All Forms of Discrimination Against Women in 1979, and it became operative in 1981. In order to address the persistent and blatant discrimination against women worldwide, it was decided that a separate treaty was required, even though there are international instruments that uphold women's rights within the context of all human rights. Apart from addressing the primary concerns, the Convention also points out certain particular domains where blatant discrimination against women has occurred, particularly concerning involvement in public life, matrimony, kinship, and sexual exploitation.

The Convention uses a two-pronged strategy to achieve its goal of improving women's position. It mandates that States parties provide women the same freedoms and rights as men, releasing them from the conventionally constrictive positions. It demands that States must eliminate social and cultural norms that reinforce gender-role stereotypes in households, workplaces, and educational institutions. Education is the main means of achieving this goal. It is predicated on the idea that in order to guarantee the full enjoyment of human rights, States must actively work to progress women. It calls for States parties to utilize affirmative action, such as preferential treatment, to improve women's position and enable them to take part in decision-making in all areas of national life, including the social, cultural, political, and economic.

States parties to the Convention undertake, among other things, to incorporate the principle of gender equality into national legislation, to enact laws and other measures, including penalties, when necessary, to outlaw discrimination against women, to guarantee the effective protection of women against discrimination through national tribunals and other public institutions, and to abstain from any act or practice of discrimination against women in the private sphere.

The Committee on the Elimination of Discrimination Against Women is established under Article 17 of the Convention to supervise the application of its provisions. Following the 1999 Optional Protocol's implementation, the Committee will have more authority. Over time, the United Nations has created norms against torture that are applicable to all countries, and these standards have been included into international declarations and agreements. The General

Assembly finally codified the prohibition on torture on December 10, 1984, when it adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The main goals of the Convention are to stop torture and other actions that are forbidden by it, as well as to make sure that victims of such atrocities have access to appropriate remedies when they do.

More precisely, the Convention mandates that States parties take preventive measures against torture, including making torture crimes and enacting laws and policies that encourage public employees to respect human rights for both the accused and the victim.

There may be instances when people are tortured or allege to have been tortured in spite of these precautions. Governments that are dedicated to ending torture must also be dedicated to giving accused victims a satisfactory resolution. This is evident in the way that governments handle allegations of torture. Wherever there are good reasons to think that torture may have occurred, the Convention mandates that accusations of torture be looked into swiftly and impartially. Physical markings on the body are often the most significant evidence in these situations, even if they might fade or vanish in a matter of days. Therefore, it is very crucial for victims of torture that there be a working framework for the administration of justice.

The Committee against Torture was formed as a monitoring body as part of the Convention's implementation. 118 States were party to the Convention as of March 2000. Human rights and humanitarian treaties have special provisions pertaining to children, and both the League of Nations and the United Nations have previously published statements on the rights of the child. Many people around the world have called on the UN to codify children's rights in a comprehensive and legally binding treaty in response to reports of the severe afflictions that children face, including infant mortality, inadequate health care, and limited opportunities for basic education.

Alarming accounts of child exploitation, prostitution, child labor, and victims of armed conflict have also been made public. The Convention came into effect on September 2, 1990, only one year after the General Assembly unanimously approved it.

The Convention outlines four broad guidelines for implementing children's rights: children should be allowed to freely express their opinions, and those opinions should be given appropriate weight that takes into account the child's age and maturity; non-discrimination ensures equality of opportunity; when State authorities make decisions that impact children, they must prioritize the best interests of the child; and children have the right to life, survival, and development, which includes physical, mental, emotional, cognitive, social, and cultural development.

States parties to the Convention concur that among other things, children's rights encompass the following: free and mandatory primary education; immunity from sexual abuse, exploitation for financial gain, and physical and mental harm; the right to special education and treatment for children with disabilities; protection of children impacted by armed conflict; child prostitution; and child pornography.

The Committee on the Rights of the Child was created in accordance with article 43 of the Convention to oversee States parties' observance of the Convention. The Convention has been ratified by an unprecedented 191 States as of March 2000, making it the biggest number of international documents ratified. People have crossed boundaries for a number of causes throughout history, such as poverty, persecution, or military combat. Whatever their reason for surviving, millions of individuals are strangers in the United States, working as migrant laborers. Unfortunately, since they are foreigners, they could be the object of suspicion or

animosity, and because they find it difficult to fit in, they often end up as one of the most marginalized groups in the host country. Many migrant laborers lack the knowledge and skills necessary to adjust to life and employment in a foreign nation.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted out of concern for the rights and welfare of migrant workers. The Convention will go into effect after being ratified or joined by 20 States. It was approved by the General Assembly on December 18, 1990. Just twelve states have ratified the Convention as of March 2000.

According to the Convention, those who fall within its definition of migratory workers have the right to exercise their human rights at all stages of the migration process, including those related to planning, traveling, lodging, and returning to their country of origin or habitual residence. In terms of working circumstances, migrant laborers are entitled to the same benefits as citizens of the host country, such as the ability to form unions, receive social security, and get emergency medical treatment. State parties are required to set immigration regulations, communicate with businesses in a timely manner, and provide support to migrant workers and their families. In a similar vein, the Convention mandates that migratory laborers and their families must abide by host State law. A distinction between legal and illegal migrant labor is made by the Convention. It tries to stop migrant workers from moving around illegally or hiring them in irregular jobs; it does not demand that they be treated equally with legal workers.

When the General Assembly issued the Declaration on the Right to Development in 1986, it acknowledged that development is an all-encompassing process that encompasses economic, social, cultural, and political elements and strives to constantly improve the well-being of all people as well as each person.

Each and every person has the inherent right to take part in, contribute to, and benefit from economic, social, cultural, and political development, according to the Declaration on the Right to Development. In addition to self-determination, popular involvement, equality of opportunity, and the establishment of suitable circumstances for the enjoyment of other civil, cultural, economic, political, and social rights, this right encompasses permanent sovereignty over natural resources. Three human rights standards the right to self-determination, sovereignty over natural resources, and public participation are especially pertinent to the full enjoyment of the right to development from a development perspective. International law is based on the basic premise of the right to self-determination.

CONCLUSION

As a guiding text and ray of hope in the area of human rights, the Universal Declaration of Human Rights embodies the goals and values of the global community to advance justice, equality, and dignity for all. The UDHR, which was decided upon in the wake of World War II and ratified by the UN General Assembly on December 10, 1948, is a historic accomplishment in that it acknowledges the inherent dignity and unalienable rights of every member of the human family. Its ratification signaled a worldwide commitment to preserving the ideals of freedom, justice, and peace and represented a momentous turning point in the history of human rights. In order to demonstrate the universality, indivisibility, and interdependence of human rights, the UDHR lays out a comprehensive framework of rights and freedoms, including civil, political, economic, social, and cultural rights. Its contents direct the creation of treaties, conventions, and national legislation intended to safeguard and advance human rights, providing a moral and legal basis for international human rights law. The UDHR is still relevant today, more than seven decades after it was adopted, and it continues to serve as a benchmark for human rights activity, education, and advocacy across the globe. Its ideals

serve as a source of inspiration for tackling modern issues like injustice, inequality, and discrimination. They also serve as a constant reminder of the significance of defending human dignity and advancing the rights and liberties of all people, regardless of their ethnicity, religion, gender, or nationality. Essentially, the Universal Declaration of Human Rights is a call to action for people, governments, and organizations to protect and defend the rights and dignity of every person, wherever. It also acts as a monument to the common ideals and goals of mankind.

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CHAPTER 5

INVESTIGATION OF PROCEDURE OF UNITED NATIONS ORGANS

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ABSTRACT:

This study explores the workings of United Nations (UN) entities, looking at the methods and procedures by which these organizations function to tackle world issues and foster international collaboration. The United Nations (UN) is a major international organization that was established in 1945 with the goals of upholding global development, human rights, and peace and security. This study examines the workings of many UN bodies, such as the General Assembly, Security Council, Economic and Social Council, and International Court of Justice, by drawing on legal frameworks, organizational structures, and historical backgrounds. In order to handle a broad variety of concerns, from peacekeeping missions to humanitarian aid, it examines the decision-making procedures, voting procedures, and roles of various institutions. This article attempts to expand knowledge of the procedural features of UN organs and their importance in furthering the organization's mission and objectives via an extensive examination.

KEYWORDS:

Investigation, Organs, Procedure, United Nations, Mechanisms.

INTRODUCTION

The United Nations Charter and the International Covenants on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights all include references to it. The Human Rights Committee describes it as "of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights as well as for the promotion and strengthening of those rights," which further emphasizes its significance to the respect for all human rights [1], [2]. This is stated in General Comment 12. It is widely acknowledged that the right to self-determination consists of two parts: internal and external.

The Human Rights Committee's General Comment 21 provides a definition of the external component, stating that the progress of human rights norms has been greatly aided by the concept of public engagement. Ensuring the dignity, worth, and freedom of the human being is a fundamental aspect of societal development [3], [4].

The Declaration on the Right to Development makes frequent reference to public engagement, as does each of the International Covenants. The General Assembly emphasizes its relevance in A/37/55 (1982) when it states that "it is important to implement measures to enable the effective involvement, where appropriate, of all the components of society in the preparation of Human rights norms have evolved significantly thanks in large part to the public involvement premise. Ensuring the dignity, worth, and freedom of the human being is a fundamental aspect of societal development. The Declaration on the Right to Development makes frequent reference to public engagement, as does each of the International Covenants [5], [6]. The General Assembly emphasizes its relevance in A/37/55 (1982) when it states that "it is important to implement measures to enable the effective involvement, where appropriate, of all the components of society in the preparation of. The human person is the right's subject and beneficiary, just as with all other human rights. Both a person and a group may assert their

claim to the right to development. Notably, this right imposes obligations on both particular States (by guaranteeing fair and sufficient access to basic resources) and the international community [7], [8].

The right to development came under increased international scrutiny during the Geneva consultations in early 1990. The conference reaffirmed that democratic participation was contingent upon the rights of individuals, groups, and peoples to make decisions collectively, select their own representative organizations, and exercise their democratic freedom of action without interference. In order to fulfill the right to growth, the idea of participation was crucial. There was no one development model that could be applied to all cultures and peoples, and the consultation also took into account the fact that development policies focused only on financial and economic growth had mostly failed to achieve social justice. Development is an individualized process, and the peoples involved should decide on development plans and tailor them to their own circumstances and requirements.

The United Nations established procedures to guarantee that all of its initiatives and programs are in line with the Declaration on the Right to Development, taking the lead in its implementation. The 1993 Vienna Declaration and Programme of Action, which provided fresh momentum to the Declaration on the Right to Development, reaffirmed the connection between human rights and development at the World Conference on Human Rights. The interdependence and mutual reinforcement of democracy, progress, respect for human rights, and basic freedoms were affirmed by the Vienna Declaration. It was agreed that sustained economic and social growth is necessary for the full enjoyment of human rights, and that development is not possible without respect for human rights. In other words, neither development nor full realization of human rights is possible without the other. An important addition to international human rights standards are the declarations and proclamations made at human rights conferences across the globe. approved by consensus among States, the instruments approved by these conferences are developed with the involvement of non-governmental organizations and international agencies, reflecting common accord throughout the international community [9], [10].

For the purpose of bolstering human rights norms, the Teheran and Vienna World Conferences on Human Rights were especially important. The Proclamation of Teheran and the Vienna Declaration and Programme of Action, respectively, were adopted with the participation of an unprecedented number of participants from States, agencies, and nongovernmental organizations. The first international human rights conference to assess the advancements achieved in the two decades following the UDHR's adoption took place in Teheran from April 22 to May 13, 1968. The Conference, which was noteworthy, reaffirmed the global community's commitment to the basic freedoms and rights guaranteed by the UDHR and called on people everywhere to "fulfill their solemn obligations to promote and encourage respect" for such rights.

Six main institutions were established under the United Nations Charter with the responsibility of carrying out the organization's overall operations. These bodies are sometimes called "Charter-based organs" since the Charter was the one that established them. The following list includes the six main organs as well as any important bodies that arise from these organs. The General Assembly's authority and duties are outlined in the United Nations Charter. The realization of human rights and fundamental freedoms for all, the development and codification of international law, the starting of studies and recommendations for promoting international political cooperation, and international cooperation in the domains of economics, social sciences, culture, education, and health are among the primary responsibilities of the General Assembly with regard to human rights. The United Nations Secretariat many committees

formed by the General Assembly, and international conferences summoned by the General Assembly all contribute to this task. The majority of matters concerning human rights are submitted to the General Assembly's Social, Humanitarian, and Cultural Committee, or the "Third Committee."

DISCUSSION

Since Article 10 permits the General Assembly to "discuss any questions or any matters within the scope of the present Charter" and to "make recommendations" to Member States on these topics, the Assembly's authority to investigate human rights-related issues is essentially limitless. Resolutions are the UN General Assembly's decisions that express the majority of Member States' wishes. The United Nations' activity is primarily determined by resolutions passed by the General Assembly. The Economic and Social Council also has the responsibility of consulting with non-governmental groups on issues that come within its purview. The Council acknowledges that these groups need to be given the chance to voice their opinions and that, often, they have unique expertise or information that would be beneficial to the Council's work. NGOs with consultative status are permitted to send observers to open forums and provide written comments that are pertinent to the Council's operations.

The Economic and Social Council typically has one organizational session in New York and one substantive session, lasting five to six weeks, each year. A high-level special meeting to examine important social and economic concerns is held during the substantive session, with ministers and other high-ranking officials in attendance. The Council's year-round operations are handled by its commissions and committees, which are its subsidiary entities. These groups convene on a regular basis and provide reports to the Council. When the Commission convened for the first time, its main duty was to supervise the Universal Declaration of Human Rights' preparation. The General Assembly approved the Declaration on December 10, 1948, marking the completion of that process. The Commission on Human Rights is now the primary United Nations subsidiary body that handles human rights issues. In regards to: international declarations or conventions; the protection of minorities; the avoidance of discrimination on the basis of race, sex, language, or religion; and any other matter pertaining to human rights, the Commission reports, suggests, and makes proposals to the Economic and Social Council.

The Commission examines issues pertaining to human rights breaches and other circumstances involving basic freedoms and human rights in different nations and regions. If a certain situation is judged severe enough, the Commission may choose to approve an independent expert's inquiry or it may designate experts to determine, in collaboration with the relevant Government, what support is required to help restore the enjoyment of human rights.

Additionally, the Commission supports the Council in coordinating human rights-related initiatives inside the UN framework. In the 1990s, the Commission focused more and more on States' requests for technical support and consulting services to help them get over barriers to exercising their human rights. Simultaneously, there has been a greater focus on advancing economic, social, and cultural rights, such as the rights to acceptable living standards and development. The defense of the rights of marginalized groups in society, such as minorities and indigenous people, is also receiving more emphasis. This includes the elimination of violence against women and the achievement of equal rights for women, as well as the protection of children's and women's rights. Experts serving in their individual capacities, chosen by the Commission with consideration for fair geographic representation, make up the Sub-Commission. Every two years, the members and their alternates make up the half of the membership, which is elected to four-year terms. Observers from States, other intergovernmental organizations, non-governmental organizations with consultative status

with the Economic and Social Council, United Nations bodies and specialized agencies, and other groups attend meetings of the Sub-Commission in addition to members and alternates.

Sub-Commission members have prepared studies on a range of subjects, including detrimental practices that impact women's and children's health, prejudice against HIV/AIDS patients, freedom of speech, the right to a fair trial, juvenile detention rights, human rights and the environment, rights of minorities and indigenous peoples, the issue of impunity for human rights violations, and the right to decent housing. The primary technical body of the UN for the creation of significant policy recommendations pertaining to the progress of women is the Commission on the Status of Women. Currently, 45 government professionals have been chosen to the Commission for a four-year term by the Economic and Social Council. The following geographic representation criteria are used to elect members, who are appointed by governments: thirteen states are from Africa, eleven from Asia, four from Eastern Europe, nine from Latin America and the Caribbean, and eight from Western Europe and Other States. The United Nations Security Council was designated as one of the organization's main bodies under the UN Charter. It is made up of ten nonpermanent members chosen every two years by the UN General Assembly and five permanent members (China, France, Russia, the United Kingdom, and the United States). Every member is entitled to one vote, and permanent members have the veto power, which allows them to prevent the passage of any motion.

A majority of nine votes and the consent of each of the five permanent members are needed to make a decision. The Security Council initially adopted a series of resolutions requesting that all parties involved in the conflict adhere to the obligations under international law, more specifically under the Geneva Conventions. This was in response to the situation in the former Yugoslavia, which was marked by widespread violations of international humanitarian and human rights law, including the existence of concentration camps and the continuation of the practice of "ethnic cleansing." The notion that those who order or conduct grave violations of the Geneva Conventions or other international humanitarian law are criminally responsible for their actions was reiterated by the Security Council. The Security Council ultimately decided that an international tribunal would be established for the prosecution of individuals responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to prepare a report on this matter due to a lack of adherence to its early resolutions.

The Security Council received the report from the Secretary-General that included the Statute of the International Tribunal. Acting under Chapter VII of the UN Charter, the Security Council adopted the report in its resolution 827 (1993) of May 25, 1993, creating an international tribunal in The Hague for the former Yugoslavia. The legislation outlines the Tribunal's jurisdiction to try cases pertaining to four categories of offenses: crimes against humanity, genocide, serious violations of the 1949 Geneva Conventions, and laws or customs of war. The Statute grants the Tribunal the authority to bring charges related to crimes against humanity, common Article 3 of the Geneva Conventions, Additional Protocol II, and genocide. The Tribunal has jurisdiction over crimes perpetrated by Rwandan nationals both within Rwanda and on the territory of neighboring states, as well as crimes committed in Rwanda between January 1, 1994, and December 31, 1994, by non-Rwandan nationals. The Tribunal's headquarters are in Tanzania's Arusha. Because the International Court of Justice at The Hague only hears cases involving States and not people, an international criminal court is seen to be the missing piece in the international legal system. Genocide and grave human rights abuses often go unpunished in the absence of an international criminal court for individual culpability as an enforcement tool. Numerous crimes against humanity and war crimes have occurred during the last 50 years, for which no one has been prosecuted.

1998 saw the United Nations approve the "Rome Statute of the International Criminal Court" after protracted and heated talks. The Court will be formed as a permanent institution with the authority to exercise its jurisdiction against individuals for the most severe crimes of international significance when the Statute enters into effect. The Court is intended to be used in conjunction with national criminal courts.

The United Nations Charter created the International Court of Justice as the organization's judicial branch. It is made up of fifteen impartial judges who are chosen by the Security Council based on the General Assembly's suggestion. Only States may be seized before the Court, under the terms of article 36 of the Statute of the Court appended to the Charter. This implies that parties to a lawsuit before the Court may not include persons, entities with legal personality, or foreign or non-governmental organizations.

The Court's decision-making is not expressly provided for in international human rights accords. On the other hand, the Court has sometimes rendered rulings in an advisory or adjudicatory capacity on issues pertaining to the existence or defense of human rights. The Court's discussions on these matters are very important since its rulings have greatly influenced the development of international human rights law. In this regard, the judgments rendered by the Permanent Court of International Justice, the ICJ's predecessor, are consistent with the court's judicial practice. According to the United Nations Charter, a Secretariat was established, consisting of the Secretary-General, who serves as the organization's main administrative official, and any other employees the organization may need.

The Secretariat personnel is made up of more than 25,000 men and women from almost 160 different nations. They swear not to ask for or accept orders from any government or outside authority. As international civil servants, they and the Secretary-General are accountable only to the United Nations for their actions. The Secretariat's principal duty station is at the United Nations headquarters in New York. The Secretary-General is the ultimate boss of many significant organizational divisions that make up the Secretariat. These include the Executive Office of the Secretary-General, the Department of Peacekeeping Operations, the Department of Economic and Social Affairs, the Department of Political Affairs, the Department for Disarmament and Arms Regulation, the Office of Legal Affairs, the Department of Management, and the Office for the Coordination of Humanitarian Affairs, among others.

The activity of the Organization is divided into four main areas as a result of the Secretary-General's reform package, which was published in document A/51/950: peace and security, development cooperation, international economic and social affairs, and humanitarian affairs. All four categories indicate human rights as a cross-cutting problem. An Executive Committee oversees shared, intersecting, and overlapping policy problems for each region. A Senior Management Group, chaired by the Secretary-General and made up of department heads, was formed to coordinate the work of the Executive Committees and handle issues that impact the Organization as a whole.

Through teleconference, members in Geneva, Vienna, Nairobi, and Rome participate in its weekly meetings. In order to allow the Group to address specific issues on its agenda within more expansive and extended time frames of reference, a Strategic Planning Unit has also been formed. The general promotion and defense of human rights is the responsibility of the Office of the High Commissioner for Human Rights, which is a division of the Secretariat. The Secretary-General directs and exercises authority over the High Commissioner, who is tasked by General Assembly resolution 48/141 of December 20, 1993, with leading the United Nations' human rights initiatives. The High Commissioner operates within the overall jurisdiction, authority, and decisions of the General Assembly, the Economic and Social

Council, and the Commission on Human Rights. The General Assembly approves the appointment of the High Commissioner, who serves on all four Executive Committees and is chosen by the Secretary-General.

The variety of issues that the UN addresses is reflected in the work that the Secretariat does. These include international dispute resolution and international stamp issuance. The Secretariat's responsibilities include, but are not limited to: supporting the Secretary-General in carrying out the duties assigned to him or her by the Charter; advancing the Charter's ideals and increasing public awareness of and support for UN goals; advancing economic and social development, development cooperation, human rights, and international law; conducting research, promoting standards, and disseminating information in a variety of fields in response to Member States' top priorities; and planning international conferences and other gatherings.

As part of the general endeavor to improve the condition of international relations, the Secretary-General's job include regular daily talks with global leaders and other persons, participation at sessions of different United Nations organizations, and travel across the globe. Every year, the Secretary-General releases a report in which he evaluates the Organization's activities and offers his opinions on potential future objectives.

CONCLUSION

The examination of United Nations organ protocols provides insight into the intricate systems and procedures that the UN uses to carry out its mission of upholding international cooperation, advancing human rights, and keeping peace. Legal frameworks, organizational structures, and established practices that support accountability, facilitate decision-making, and promote openness serve as guidelines for UN organ operations. Every UN body, including the General Assembly and specialized agencies, has its own set of protocols and duties intended to handle certain facets of the organization's operations. As the primary UN deliberative body, the General Assembly facilitates discussion and resolution of a broad variety of topics for member nations, from development and human rights to peace and security. It works on the principles of majority voting and consensus-building. With the authority to veto decisions and both permanent and non-permanent members, the Security Council is entrusted with upholding global peace and security. In order to solve global issues including poverty, inequality, and sustainable development, the UN system's Economic and Social Council collaborates with governments, civil society, and other stakeholders.

The Council plays a crucial role in organizing this effort. As the main court of the UN, the International Court of Justice resolves cases involving nations and issues legal rulings on issues pertaining to international law. In general, UN organ processes are essential to accomplishing the organization's mission and objectives, encouraging member state collaboration, and tackling difficult global issues. UN bodies may improve their efficacy, credibility, and influence in advancing global peace, human rights, and sustainable development by abiding by established protocols and principles.

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CHAPTER 6

INVESTIGATION AND ANALYSIS OF HUMAN RIGHTS MECHANISMS

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ABSTRACT:

In order to safeguard and advance human rights on a national and worldwide scale, frameworks and procedures for doing so have been devised. This study investigates and analyzes these mechanisms. Human rights mechanisms include a range of establishments, agreements, and protocols designed to oversee, document, and handle human rights transgressions around the globe. This article examines important human rights mechanisms, such as international treaties, regional human rights organizations, national human rights institutions, and UN special processes, by drawing on legal frameworks, case studies, and historical settings. It looks at their contributions to protecting human rights and making governments responsible for their duties, as well as their responsibilities, functions, advantages, and disadvantages. This study attempts to increase awareness of the intricacies of human rights mechanisms and their influence on the protection and promotion of human rights internationally via a thorough examination and analysis.

KEYWORDS:

Analysis, Human Rights, Investigation, Mechanisms, Protection.

INTRODUCTION

Committees of impartial specialists designated to oversee the observance of international human rights treaties by participating States are referred to as "conventional mechanisms." States parties voluntarily submit their national practices, administrative processes, and legal systems to the committees for periodic evaluation when they ratify a treaty. These groups are often referred to as "treaty bodies" or treaty-monitoring bodies. On the other hand, "extra-conventional mechanisms" are those that are set up by directives that come from appropriate United Nations legislative bodies, including the General Assembly or the Commission on Human Rights, rather by treaties. Expert groups like the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities) may also create non-traditional procedures [1], [2]. Usually, they take the shape of a working group or an impartial expert, and they're sometimes called "special procedures."

The main international human rights accords are implemented under observation by conventional means. Though chosen by members of state parties, the various committees are made up of impartial specialists functioning in their own right rather than on behalf of their governments. All of the committees have 18 members each, with the exception of the 10 members each Committee on the Rights of the Child and Committee Against Torture, and the 23 members Committee against the Elimination of All Forms of Discrimination Against Women. Members are chosen in accordance with the fair geographic representation concept, which guarantees a well-rounded viewpoint and familiarity with the main legal systems [3], [4]. Examining reports from States parties and taking complaints of human rights abuses into consideration are the primary responsibilities of the treaty authorities. Treaty bodies are the most reliable source of interpretation for the human rights treaties they oversee because of their

official duties. Their "views" on complaints and the "concluding observations" or "concluding comments" they adopt on State reports provide their interpretations of certain treaty provisions [5], [6]. Furthermore, via the creation and acceptance of "general comments" or "general recommendations," treaty organizations exchange knowledge and expertise about many facets of treaty implementation. Another important resource for treaty interpretation at the moment is the substantial corpus of general remarks and suggestions.

The treaty body reviews the data and then publishes concluding observations or remarks with suggestions for the State party's next course of action to improve the relevant treaty's implementation. The treaty body examines the subsequent report filed and tracks the State party's response to the final remarks and observations. Several times, new technical cooperation initiatives have been launched on the strength of treaty-body proposals included in the closing comments/observations.

In order to gain a deeper understanding of a particular issue, the Committee typically dedicates one day of its regular sessions to a general discussion on a particular right or article of the Covenant. Examples of such rights include the rights to housing, health care, education, and human rights. Usually, early notice is given of the debate, which is attended by representatives of non-governmental groups and international organizations. The Committee's yearly report contains the pertinent decision. Written submissions from all interested parties including non-governmental organizations are welcome. The International Covenant on Civil and Political Rights' article 28 provided the foundation for the Human Rights Committee. It is made up of eighteen members, each serving a four-year term in their individual capacities and chosen by the States parties to the Covenant [6], [7].

Its duties include receiving individual messages from States parties to the Optional Protocol to the Covenant on alleged breaches of the Covenant and monitoring the Covenant by reviewing reports filed by States parties. A quasi-judicial examination of communications results in the development of "views" that resemble the rulings of international courts and tribunals. A Special Rapporteur oversees the Committee's decision-making process and goes on field visits. As per the terms of the Covenant, States parties are required to provide the Committee with preliminary reports as soon as the State in question ratifies the Covenant, and then again at the Committee's request. Every five years, periodic reports are also filed in addition to the original reports. A pre-sessional working group consisting of four Committee members was periodically formed by the Committee to assist in the preparation of matters to be discussed in relation to State reports. Reports are discussed throughout the course of two or three open sessions. Following the report's introduction to the Committee, the State representative is given the chance to address any written or spoken questions posed by Committee members [8], [9].

NGOs are able to submit materials to the Committee. After deliberation, the Committee makes recommendations and recommendations to the State party in a private meeting when it approves its "comments." Under the Optional Protocol to the Covenant, a communication may be submitted by a person alleging that his or her rights as outlined in the Covenant have been violated. Comments are made public at the conclusion of each Committee session and are included in the annual report to the General Assembly.

The Committee evaluates communications in light of the written material that the concerned State party and the person have provided to it, and it then expresses its "views" in accordance with that information. In the event that it seems the accused victim will not be able to turn in the message, the Committee may take into consideration a communication from someone else speaking for the accused victim. Communications from an unaffiliated third party with no discernible connection to the accused victim are not permitted. The purpose of a follow-up

process is to oversee the application of the Committee's "views." Normally held in March at the UN headquarters in New York, and in July and October/November at the UN Office in Geneva, the Committee meets three times a year for three-week sessions [10], [11].

DISCUSSION

A working group session lasting one week precedes each session. The General Assembly receives an annual report from it. A member appointed as the Country Rapporteur reviews each State report. In addition to leading the conversation with the State party representatives, he or she conducts a thorough study of the report for the Committee's consideration. Additionally, the Committee has created a preventive and urgent action method that allows for the examination of particularly concerning circumstances. If a report is more than five years late, the Committee may investigate the circumstances of the nation in the absence of a report in an effort to avoid long-delayed reports. In 1982, the protocol pertaining to correspondence from persons or organizations claiming to be victims of Convention breaches was put into effect. Only if the State in question is a party to the Convention and has declared in accordance with article 14 that it acknowledges CERD's authority to accept such complaints will such communications be taken into consideration. Such messages are discreetly brought to the notice of the State party in question when a state party has acknowledged the Committee's competence; the author's identity is kept a secret.

The Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment created the Committee against Torture. It is made up of ten specialists who are nominated and chosen by the States parties to the Convention to serve four-year terms in their individual capacities. The Committee's main responsibilities are to monitor the Convention's implementation by reviewing reports submitted by States parties, to receive individual communications from States parties that have accepted the optional procedure under article 22 of the Convention regarding violations of the Convention, and to investigate claims of systematic torture practices in States that have accepted the procedure under article 20 of the Convention. Every State Party to the Convention is required by law to report to the Committee on the steps it has taken to carry out its commitments under the Convention.

Within a year following the Convention's implementation for the relevant State, the first report has to be sent in. Reports on further advancements must be filed every four years after that. In order to thoroughly examine the report before the Committee considers it, a country rapporteur is assigned by the Committee. The Committee has the authority to ask for further reports and details. The Committee is authorized to conduct a private investigation if it is provided with trustworthy information that it believes to be supported by solid evidence that "torture is being systematically practiced" in a State.

The Committee may assign one or more of its members to "make a confidential inquiry and to report to the Committee urgently" if it determines that the material acquired "warrants" further investigation. The Committee then extends an invitation to the relevant State party to assist with the investigation. In light of this, the Committee may ask the State party to assign a representative to meet with Committee members in order to provide the required data. With the State's approval, the investigation may also include a visit to the purported location. Following review of the investigation's results, the Committee forwards them to the State party together with its remarks and suggestion, asking it to specify the course of action it plans to follow. A communication may be filed directly by victims of torture by a State that has acknowledged the Committee's jurisdiction, or under certain circumstances, via representatives. The Committee's duties include gathering pertinent data, evaluating the admissibility and merits of complaints, and releasing its "views." A family or agent may submit the message on behalf of

the accused victim if the latter is unable to do so. Twice a year, in November and between April and May, the Committee convenes in Geneva for two or three weeks.

On the other hand, the Committee itself may decide to call extraordinary sessions at the request of a State party to the Convention or of a majority of its members. The General Assembly and the States parties to the Convention receive an annual report from the committee detailing its work. In compliance with the International Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Discrimination against Women was founded. The States parties to the Convention nominate and elect 23 experts, each serving a four-year term, to the Committee in their individual capacities. The primary duty of the Committee is to oversee the Convention's implementation by taking State parties' reports into account.

Two methods are established under the new Optional Protocol: a procedure that will enable the Committee to look into serious or persistent violations of those rights by a State party; and an individual communications procedure that will enable communications to be submitted by or on behalf of individuals or groups of individuals claiming to be victims of a violation of any of the rights set out in the Convention. Furthermore, although any State that accepts the Protocol may "opt-out" of the inquiry process, no reservations are allowed. Once a state party has ratified or acceded to the Convention, it has one year to make its first report. Reports after then must be sent in at least every four years, or sooner if the Committee requires it.

The Committee formed a pre-sessional working group with the responsibility of reviewing periodic reports in order to properly evaluate States parties' reports. Five Committee members make up the pre-sessional working groups, which draft lists of concerns and inquiries to be sent beforehand to the reporting State. This facilitates the preparation of responses by reporting States for delivery during the session, so expediting the review of the second and subsequent reports. In order to improve the Committee's work and implement article 21 of the Convention, which allows the Committee to make recommendations and suggestions on how to implement the Convention, the Committee established two standing working groups. These groups meet during the Committee's regular session.

The Committee considers reports in public, but the acceptance of the closing observations which are meant to direct the State Party in the drafting of its next report takes place thereafter in secret. Following an oral introduction of the report by state representatives, participants are given the chance to ask questions on certain articles of the Convention. In an attempt to comprehend the real scope of the discrimination issue, they center their attention on women's actual positions in society. As a result, the Committee will ask several sources for detailed information on women's status. The Committee first considers the report in public before moving on to develop and approve its "Comments" in a number of secret meetings. After they are adopted, the Comments become public domain. They are included in the yearly report to the General Assembly and forwarded right away to the State party. Additionally, the Commission on the Status of Women receives the report.

States parties to the Convention are obliged to report to the Committee on the steps they have taken to implement its rights and the advancements achieved in the enjoyment of children's rights, starting two years after they ratify the Convention and continuing every five years after that. Every session ends with a private meeting of the pre-sessional working groups, which are made up of all Committee members, discussing reports that are planned for the next session. Its job is to find the parts of the reports that need to be clarified or raise questions, and then compile a list of those points to provide to the States parties. States provide written responses to be taken into consideration with the report. During its regular sessions, the Committee

allocates one or more meetings to a broad discussion of a specific article of the Convention, or of problems like the status of girl children, the exploitation of children for financial gain, or the portrayal of children in the media. International organization and non-governmental organization representatives take part in the Committee discussion, which is often indicated in the report of the session that comes before the discussion. NGOs and other interested parties are welcome to submit written comments. Over time, the Economic and Social Council and the Commission on Human Rights have developed a number of different extra-conventional processes or unique procedures, which are those that were not established by an international treaty or the United Nations Charter. Unconventional methods are being used to keep an eye on how human rights laws are being applied and upheld.

Working groups of specialists functioning in their own capacities or people appointed as Special Rapporteurs, Special Representatives, or independent experts have been tasked with overseeing these systems.

The Commission on Human Rights or the Economic and Social Council will decide what the working groups and the special representatives of the Secretary-General's mandate and term are. Their duties often include the examination, monitoring, and public reporting of human rights breaches globally, also known as theme mechanisms or mandates, or the state of human rights in a particular nation or territory, known as country mandates. Annexures V and VI include a collection of thematic and national mandates.

The mechanisms for special procedures are crucial for keeping an eye on global human rights norms and for addressing many of the gravest human rights abuses that occur worldwide. The augmentation and development of protocols and systems within this domain represent an apparatus for safeguarding human rights. When there is evidence of a potential serious human rights violation (such as an extrajudicial execution or fear that a detained person may be tortured or die from an untreated illness, for example), the Special Rapporteur, Representative, Expert, or Working Group may send a telegraph or telegram to the relevant State authorities to request information about the case and to urge them to take the necessary steps to protect the rights of the alleged victim.

These appeals don't prejudge a final resolution; rather, they are intended to be preventative in nature. Thousands of letters claiming flagrant and systematic abuses of basic freedoms and human rights are sent to the UN each year. As a result, the Economic and Social Council established a protocol for handling these kinds of messages. In accordance with the passage of Resolution 1503 on May 27, 1970, this is referred to as the 1503 process. It deals with events that impact a large number of individuals over an extended period of time rather than individual incidents. A monthly list of complaints (referred to as "communications") and a synopsis of the supporting documentation are sent to the five-member Working Group of the Sub-Commission on the Promotion and Protection of Human Rights (formerly known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities). Every year, just before the Sub-Commission's annual session, the five-member Working Group convenes for two weeks to review all correspondence and responses from governments.

The Sub-Commission is tasked with looking into cases in which the Working Group finds plausible evidence of a pattern of egregious human rights breaches. To recommend a communication to the Sub-Commission, the Working Group's members must vote by a majority of their votes. Sub-Commission then determines whether the circumstances, via the Commission's Working Group on circumstances, should be reported to the Commission on Human Rights. Following then, the Commission becomes accountable for deciding on each specific case that is presented before it. With the exception of the identities of the nations that

have been scrutinized, every aspect of the process's first stages is private. This guarantees that the global community may be made aware of a pattern of abuses in a certain nation, should they not be addressed in the first phases of the process.

The development of a comprehensive corpus of globally recognized human rights legislation, to which all states may subscribe and to which all people can aspire, is one of the major accomplishments of the UN. A wide spectrum of globally recognized rights, including as political, civil, and social rights as well as economic, social, and cultural rights, have been defined by the Organization. Additionally, it has put in place systems to support and defend these rights and help governments fulfill their obligations.

The United Nations Charter and the Universal Declaration of Human Rights (UDHR), which were ratified by the General Assembly in 1945 and 1948, respectively, serve as the cornerstones of this body of legislation. The United Nations Declaration of Human Rights is often regarded as the most significant document produced in the 20th century and has become the global norm for human rights. Drawing lessons from history that preserve life, the UDHR is seen as a necessary cornerstone for creating a future where all people may live in dignity and harmony for generations to come. Human rights law has been gradually expanded by the United Nations since the UDHR was adopted to include specific standards for minorities, women, children, people with disabilities, migrant workers, and other vulnerable groups. These groups now have rights that shield them from discriminatory practices that have long been prevalent in many societies. The first text to use the word "human rights" was the Declaration of UNO, which was signed in Washington in January 1942. The Declaration's signatories promised to uphold human rights both domestically and abroad. Nonetheless, the issue of basic freedoms and human rights received very little consideration during the Dumbarton Oaks Conference, which produced the first working draft of the UN Charter.

There was a type of evasion of the human rights issue even though this Conference placed more emphasis on the relationship between major and small nations and the regulations controlling their representation and voting in the different governing bodies. The main justifications for this avoidance are the perceptions that the Soviet Union would fear intervention in its internal affairs if human rights were included in the Charter, and the British would worry that mentioning fundamental freedoms would negatively impact their colonial relationships. Nonetheless, a brief mention of the United Nations' duty to advance respect for fundamental freedoms and human rights has been inserted into the Charter as a result of growing support from a variety of groups, demonstrating the commitment of major powers to the preservation and advancement of human rights. But many public and religious organizations were quite unhappy that they had not achieved more at Dumbarton Oaks. A few of them desired that the Charter include an International Bill of Rights. But these organizations quickly realized that this was not a realistic goal that could be achieved. They made the decision to focus their efforts on getting a firmer commitment to encourage the observance of human rights as a fundamental charter responsibility. Consequently, the Charter's clause mandating the formation of a commission to advance human rights has come to pass.

CONCLUSION

The examination and evaluation of human rights processes highlight how crucial strong frameworks and protocols are to defending human rights and encouraging responsibility for their infringement. Human rights mechanisms function on many fronts, including the international, regional, and national ones. Each one has a distinct function in keeping an eye out for, disclosing, and dealing with human rights abuses. Treaty organizations supervise the implementation of international treaties via reporting and review procedures. Examples of

these treaties include the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which provide legal frameworks and standards that nations must abide by. Additional channels for people and organizations to seek justice for human rights breaches within their own areas are provided by regional human rights authorities like the Inter-American Commission on Human Rights and the European Court of Human Rights. By offering specialized solutions to regional problems and encouraging regional integration and collaboration, these organizations support the efforts of international structures.

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CHAPTER 7

EXPLORATION OF HUMAN RIGHTS AND HUMANITARIAN OPERATIONS

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ABSTRACT:

Normative basis for guaranteeing the safety, well-being, and dignity of those impacted by crises, catastrophes, and conflicts is provided by human rights principles. This paper explores the potential and constraints of incorporating human rights considerations into humanitarian operations, using legal frameworks, case studies, and practical experiences. It looks at important topics such who is responsible for human rights breaches in humanitarian settings, how to protect people who are at risk, and how to get relief. This study attempts to provide a deeper understanding of the relationship between humanitarianism and human rights and how it affects crisis response and long-term peacebuilding via a thorough investigation.

KEYWORDS:

Exploration, Humanitarian Operations, Human Rights, Implications, Intersection.

INTRODUCTION

The United Nations Human Rights Commission was subsequently established during the General Assembly's first session. The Human Rights Commission worked on drafting the Declaration of Human Rights for more than two years before submitting it to the General Assembly. As a result, the General Assembly established a committee to spend months reviewing and revising this Declaration [1], [2]. There was not a single vote in opposition to the modified Declaration, with just eight members choosing to abstain. In order to do this, they suggested creating a Commission on Human Rights and Fundamental Freedoms, whose primary duty would be to draft a global definition and statement of human rights.

It is noteworthy that not a single nation dared to cast a no vote since the Declaration made such a strong appeal to the people of every nation. There is no treaty in the Declaration. It does not impose any legal obligations on the United Nations' members. Therefore, every individual and every organ of society may work to promote respect for these rights and freedoms through teaching and education, and through progressive national and international measures, to secure their universal and effective recognition and observance among the peoples of member states themselves as well as among the peoples of territories under their jurisdiction [3], [4]. This is what is stated to be a universal Declaration of Rights, proclaimed by the General Assembly to be a common standard of achievement for all peoples and all nations. In light of this, the UN Charter and the Universal Declaration of Human Rights' references to human rights are covered in the parts that follow.

The introduction covered the connection between human rights law and humanitarian law. There is growing agreement that human rights must be included into humanitarian activities in war zones. In times of war or complicated emergencies, humanitarian operations are launched with the goal of providing humanitarian aid, which has historically been the top priority. It is increasingly recognized that in order to satisfy both short-term needs and long-term security, needs-based operations should also include a human rights-based strategy. Humanitarian operations are incorporating human rights concerns in a number of ways. By bringing together pertinent UN ministries, the Executive Committee on Humanitarian Affairs ensures a

coordinated and cohesive response to humanitarian challenges [5], [6]. By participating in the Committee's work, the Office of the High Commissioner for Human Rights guarantees that a human rights perspective is included into the work and policy development in this area. Human rights and humanitarian organizations are working closely together to ensure that field staff members are well-versed in fundamental human rights intervention techniques, standards, and protocols. Human rights is also being considered in the development of major humanitarian operations' strategies, and human rights monitoring is being promoted in humanitarian operations. One of the key responsibilities of the United Nations Organization is the preservation of world peace and security. Human rights are becoming more important in preventing and resolving conflicts in a sustainable manner.

Large-scale abuses of human rights occur often during armed civilian conflicts, and these violations are frequently linked to structural inequality and the ensuing disparities in the distribution of power and resources.

It is clear that human rights concerns must be addressed during peacekeeping operations. Human rights concerns must be included into all peacekeeping operations at the planning and needs assessment stage in order to provide a holistic approach to UN peace and security policies. Human rights mandates have been included into the responsibilities of a number of peacekeeping operations to date, and it is expected that in the years to come, DPA, DPKO, and OHCHR will work together more closely. The majority of cooperation has taken the form of human rights education for peacekeeping forces, which includes members of the armed forces, civilian police, and civilian affairs officials. OHCHR has sometimes been asked to guarantee the continuation of peacekeeping efforts by creating a human rights presence after the peacekeepers' mandate expires [7], [8].

In light of current events, collaboration has expanded to include the establishment of combined DPKO/OHCHR human rights components for peacekeeping missions. OHCHR provides significant human rights advice to the peacekeeping operation, which is overseen by the Representative/Special Representative of the Secretary-General. The General Assembly stated in 1957 that it would support and uphold social progress, human rights and fundamental freedoms, peace and security, and improved living standards through the implementation of a well-balanced and integrated program for economic and social development. The Teheran World Conference on Human Rights elevated this strategy, and the second World Conference on Human Rights, held in Vienna in June 1993, acknowledged it as a critical issue. Real and sustainable development necessitates the protection of Usually, an international delegation to the State in question conducts the evaluation. An assistance program is created based on that evaluation in order to comprehensively and strategically address the needs that have been identified. A post-implementation evaluation often comes after periodic assessments of the nation program throughout its implementation, with the goal of determining the impact of the aid given and creating plans for follow-up.

The main focus of the Technical Cooperation Program is on nations or areas undergoing democratic transition. Additionally, initiatives involving technological cooperation that address the requirements of less developed nations are given priority. Consolidating and enhancing the role that national human rights institutions may play in the promotion and protection of human rights is one of the main goals of the Technical Cooperation Programme. In line with the Paris Principles, entities whose roles are expressly specified in terms of the promotion and defense of human rights are referred to as national human rights institutions in this context. These bodies include national human rights commissions and ombudsman offices. Governments that are thinking about creating or are in the process of creating a national human rights agency are invited to use OHCHR's services [9], [10].

DISCUSSION

The program's efforts pertaining to national human rights institutions are designed to advance the idea of these institutions and support their growth. In order to do this, a practical handbook and informational materials have been created for those engaged in the creation and management of national institutions. Furthermore, many workshops and seminars have been held to provide politicians, NGOs, government officials, and other interested parties knowledge and insight into the composition and operations of these kinds of organizations. Additionally, these gatherings have provided beneficial platforms for the sharing of knowledge and expertise on the creation and management of national human rights organizations.

The Technical Cooperation Programme offers training programs on human rights in the administration of justice to law enforcement officials, judges, attorneys, prosecutors, and prisons. These courses aim to familiarize participants with international human rights standards in the administration of justice; to facilitate the examination of humane and efficient methods for carrying out the judicial and penal functions in a democratic society; and to instruct trainers on how to incorporate this knowledge into their own training programs. A fair trial, juvenile justice, protection of women's rights in the administration of justice, international sources, systems, and standards for human rights in the administration of justice, human rights during criminal investigations, arrests, and pre-trial detention, the independence of judges and lawyers, and human rights in a declared state of emergency are among the topics covered in courses for judges, attorneys, magistrates, and prosecutors.

Comparably, a wide variety of subjects are covered in the training programs for law enforcement personnel, such as the promotion and protection of human rights as well as global sources, frameworks, and standards for human rights in the administration of criminal justice. Development is a right and should not be limited to supplying fundamental human necessities. Effective action for development with a rights-based approach transitions from the voluntary sector of charity into the legally required sector, with clearly defined rights, duties, claimants, and duty-holders. When growth is thought of as a right, it implies that someone has a responsibility or legal obligation in addition to a claim or legal entitlement. Governments have an obligation that can be either positive or negative, depending on the situation.

Positive obligations fall on individual states toward their own citizens, while negative obligations fall on the international community of states. Furthermore, adopting the rights framework makes it possible to make use of the expanding body of knowledge, analysis, and case law on the conditions for sufficient housing, food, health care, early childhood development, the rule of law, and almost all other aspects of sustainable human development that have been developed recently by treaty bodies and other human rights experts. In addition to providing for basic needs, the obligation to uphold each person's inalienable human rights empowers the populace to demand justice as a right and provides the community with a strong moral foundation upon which to demand international assistance and a global economic order that upholds human rights. UN bodies may develop their policies and programs in compliance with globally accepted human rights norms and standards by embracing a rights-based approach.

Within the framework of the Secretary-General's Program of Reform was formed the United Nations Development Assistance Framework (UNDAF). UNDAF serves as a common framework for programs and resources for all United Nations Development Group (UNDG) members and, to the extent feasible, for the whole UN system. The program's goals are to: increase cooperation in response to national development priorities; guarantee coherence and mutual reinforcement among individual assistance programs; and maximize the impact of

participating entities and programs on both individual and collective development. It is the responsibility of the ad hoc Working Group of the UNDG Executive Committee to create a uniform UNDG strategy for advancing the human rights component of development initiatives.

The Administrator of the United Nations Development Programme and OHCHR have signed a memorandum of understanding aiming to increase the efficiency and effectiveness of the activities carried out within their respective mandates through cooperation and coordination. This is to help facilitate the process of integrating human rights into development. In addition to examining with UNDP the possibility of cooperative initiatives aimed at implementing the human right to development, OHCHR will facilitate close cooperation between UNDP and the UN human rights bodies, procedures, and organs. Special emphasis will be placed on defining indicators in the area of economic and social rights and developing other pertinent techniques and tools for their implementation. When a country requests assistance, the UN human rights technical cooperation program helps it develop and improve its national infrastructure and capabilities, which directly affects the promotion and defense of democracy, the rule of law, and human rights as a whole. This is accomplished by providing governments and civil society with technical guidance and support. By incorporating international human rights norms into national laws, policies, and practices, the goal is to support the promotion and protection of all human rights at the national and regional levels. Furthermore, it makes it easier to construct a nation's infrastructure that is both sustainable and conducive to upholding human rights.

The OHCHR serves as the hub for the technical cooperation program in the area of human rights, even though these initiatives are implemented throughout the whole UN system. Activities related to technical cooperation may supplement, but they should never take the place of, the monitoring and research that the UN human rights program conducts. human rights during arrest and pretrial detention; the use of force and guns in law enforcement; the crime of torture; the obligations and guiding principles of moral police behavior in democracies; the accused's legal status and rights; and many other topics. There is a handbook accessible on human rights and law enforcement.

Minimum requirements for prisoner and detainee facilities; prison health concerns, such as HIV/AIDS; and specific categories of inmates and detainees, such as women and adolescents, are among the subjects covered in courses for prison administrators. There is a handbook accessible on human rights and pretrial detention. Through its technical assistance efforts in many countries, OHCHR is evaluating this approach to professional training for human rights in the administration of justice on the ground. Based on this experience, the method has undergone a number of adjustments. Assistance in the creation of policies, guidelines, and rules that adhere to international standards is one of the additional ways that the administration of justice is supported.

The United Nations provides governments with assistance in reforming their domestic laws, which directly affects the state of basic freedoms and human rights. This assistance takes the shape of specialist personnel and foreign experts. The aim is to bring these laws into compliance with international norms, as stated in regional and UN human rights agreements. After reviewing drafts submitted by a government seeking this kind of support, suggestions are offered. Assistance with penal codes, criminal procedure codes, prison rules, laws protecting minorities, laws impacting the freedom of speech, association, and assembly, immigration and nationality laws, laws governing the judiciary and legal profession, security legislation, and, generally, any law that might have an effect, either directly or indirectly, on the realization of internationally protected human rights is also included in this program component. OHCHR offers support for the integration of international human rights standards into national constitutions under this program component. In this sense, the Office may serve as a catalyst

for fostering national agreement on the components that should be included in the constitutional process with the help of legal experts. Help from the OHCHR may also include information and documents on human rights and support for public awareness efforts that aim to include all facets of society.

In addition to drafting laws, they are also tasked with creating bills of rights, offering legally enforceable remedies, proposing ways to divide and distribute governmental powers, maintaining the independence of the judiciary, and supervising the police and jail systems. National parliaments may be eligible to receive direct training and other assistance to help them carry out their human rights duties under the Technical Cooperation Programme. Information on national human rights laws, parliamentary human rights committees, ratifications of and accession to international human rights instruments, and, generally, the role of parliament in promoting and protecting human rights are just a few of the important topics covered by this program component. For almost five years, the Technical Cooperation Programme has been providing election support. The OHCHR has specifically undertaken the following actions in this regard: developing draft guidelines for the human rights assessment of requests for electoral assistance; publishing a handbook on human rights and elections; creating guidelines for the analysis of electoral laws and procedures; and conducting various public information campaigns on the subject of elections and human rights. To help government personnel produce reports in accordance with the standards defining the different international human rights treaties to which their State is a party, the OHCHR periodically arranges training courses.

National or regional levels may provide courses on reporting requirements. An alternative is to provide training sessions under the human rights fellowship program, where participants attend seminars led by staff members of the Office and specialists from the different treaty-monitoring bodies. They get a copy of the OHCHR's Manual on Human Rights Reporting and are offered the chance to attend treaty body meetings whenever feasible. Civil society is becoming a more significant component of the global community.

The United Nations has discovered in recent years that a large portion of its work, especially at the national level, necessitates the participation of several nongovernmental organizations and groups, whether in public health, humanitarian affairs, economic and social development, or the advancement of human rights.

Non-governmental human rights groups, both domestic and foreign, play a significant role in the Technical Cooperation Program, providing aid as well as receiving it. The United Nations is increasingly being asked by governments and other parties to support national NGOs within the framework of its country activities in relation to the program's goals of strengthening civil society. This assistance can take the form of asking for their opinions, using their services for seminars and training sessions, and supporting projects that have been developed that are deemed appropriate. Additionally, the Technical Cooperation Programme supports to the development of capacity for the efficient use and management of such material by offering documentation and information on human rights. This field include activities such as direct documentation supply, when required translated into local languages; human rights information training; and support for the computerization of national and regional human rights offices. Support may be given for the development and operation of national or regional human rights documentation centers, as well as assistance to national libraries in their acquisition of human rights literature and documentation.

A number of guides, manuals, and modules are being created to assist with training and other initiatives involving technical collaboration. Target audiences for current or upcoming content include the armed forces, judges, attorneys, jail staff, police, human rights action plans

throughout the country, instructors, and UN field operations human rights monitors. The partner The Technical Cooperation Programme has extended its efforts to include human rights assistance inside the United Nations system, in compliance with the Vienna Declaration and Programme of Action, which were agreed by the World Conference on Human Rights in June 1993. For instance, the program has given important UN operations in Cambodia, Eritrea, Mozambique, Haiti, South Africa, the former Yugoslavia, and Angola different types of support in the field of peacekeeping. Various forms of help have been provided, such as legislation analysis, training, advisory services, and information on human rights. In accordance with General Assembly resolution 926 on December 14, 1955, which formally created the advisory services program, the human rights fellowships program was launched. Fellowships under the program are funded by the normal budget for advisory services and are only granted to individuals nominated by their respective governments.

The Secretary-General extends an invitation to Member States to submit fellowship nominations each year. The nomination of individuals directly involved in tasks that impact human rights, especially in the administration of justice, is asked of governments. The Secretary-General supports the nomination of female candidates and calls attention to the issues raised by the General Assembly about women's rights in many of its resolutions. The fair geographic distribution criterion is considered, and applicants from States that have either not benefited from the fellowship program in the past or have not benefited from it in the last few years are given preference.

Participants get thorough instruction on a range of human rights topics. In addition to being asked to assess the fellowship program, provide individual oral reports, and draft suggestions for their superiors based on the information they have gained from the program, they are also urged to share their experiences. A thorough final report on topics directly connected to their area of action must be submitted by each participant to OHCHR in compliance with the policy and process governing the administration of United Nations fellowships.

CONCLUSION

The examination of human rights and humanitarian operations highlights the complex interrelationship between upholding basic rights and providing critical aid during emergency scenarios. Humanitarian action is based on the principles of human rights, which include the right to life, liberty, and personal security. These values direct the distribution of relief and protection to those impacted by catastrophes, natural disasters, and wars. Respecting human rights makes ensuring that relief efforts are carried out in a way that respects the agency, dignity, and autonomy of the impacted communities. But there are many obstacles to overcome before human rights viewpoints can be effectively incorporated into humanitarian operations. These include making sure that help can reach areas of conflict, safeguarding weaker populations like women, children, and refugees, and holding those who violate human rights responsible. Humanitarian actors are tasked with maintaining their commitment to human rights norms and values while navigating challenging political, legal, and operational settings.

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CHAPTER 8

INVESTIGATION OF HUMAN RIGHTS EDUCATION AND CAMPAIGNS

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ABSTRACT:

This study looks at human rights education and campaigns, examining the tactics, difficulties, and results of programs meant to increase knowledge of, adherence to, and appreciation for the fundamental principles and values of human rights. In order to enable people and communities to defend their rights, fight for justice, and promote constructive social change, human rights education is essential. This research investigates the goals, strategies, and results of human rights advocacy and education campaigns, drawing on theoretical frameworks, case studies, and real-world experiences. It examines how different stakeholders such as governments, civil society groups, and academic institutions advance human rights education and increase public understanding of human rights concerns. This study seeks to expand awareness of the significance of human rights education and campaigns in creating a culture of respect for human rights and promoting social justice and equality via an extensive examination.

KEYWORDS:

Campaigns, Education, Human Rights, Investigation, Promotion.

INTRODUCTION

The primary goal of human rights education is to raise people's consciousness so they can stand up for their own rights as well as the rights of others. Being aware of human rights is a powerful way to empower oneself. Together, students and teachers can convert the language of human rights into knowledge, abilities, and behaviors via human rights education. This calls for learning about the part that each person must play in bringing those rights to pass locally, nationally, and internationally [1], [2]. This is the core of global citizenship and global responsibility. Human rights education is defined under the relevant sections of international treaties as training, informational, and dissemination activities intended to create a universal culture of human rights via the transfer of knowledge and skills and the shaping of attitudes. The full development of the human personality and sense of dignity; the promotion of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, and racial, national, ethnic, religious, and linguistic groups; the ability for all people to engage meaningfully in a free society; and the advancement of UN peacekeeping efforts are all part of this. To raise awareness of certain human rights concerns, the UN has started and supported human rights awareness initiatives. During these campaigns, states, United Nations agencies, other international, regional, and local organizations, as well as civil society, have collaborated on publications, research, and programs [3], [4].

The campaigns aim to draw attention to certain concerns related to human rights. It is often known that respecting human rights and preventing their breaches depend on knowledge and awareness. The first globally coordinated attempt to advance human rights was conducted in 1988. The World Public Information Campaign on Human Rights was initiated by the General Assembly in December 1988, marking the first serious attempt at a coordinated effort to develop awareness of international norms, despite efforts made in the mid-1950s to increase awareness of the drafting work on the international Covenants. It was unveiled on the 40th

anniversary of the UDHR and is open-ended; after that, it joined the UN's human rights agenda. Publication and distribution of human rights literature and reference materials, planning of fellowship and internship programs, briefings, memorial services, exhibitions, and public relations initiatives are all part of the Campaign. Since 1988, the program's scope has greatly increased. Utilizing the OHCHR website is a significant advancement. It serves as a clearinghouse for United Nations human rights data on international treaties, treaty-body databases, programs and activities, reports, resolutions, and human rights-related topics [5], [6].

The material is available in English, French, and Spanish. Human rights education, training, and public awareness are critical for achieving stable and peaceful relations among communities as well as for promoting tolerance, understanding, and peace, according to the 1993 Vienna Declaration and Programme of Action.

The Conference advised States to work toward the eradication of illiteracy and to focus education on fostering respect for basic freedoms and human rights as well as the complete development of the individual. It demanded that human rights, humanitarian law, democracy, and the rule of law be taught in all formal and informal learning environments across all States and institutions.

The UNGA approved the Plan of Action for the Decade as presented in the Secretary-General's report and declared the 10-year period starting on January 1, 1995, to be the United Nations Decade for Human Rights Education in accordance with a request made by the World Conference. The Plan's execution was to be coordinated by the High Commissioner for Human Rights. The Plan incorporates the notion of a collaboration between governments, international organizations, non-governmental organizations, professional associations, diverse sectors of civil society, and people. It focuses on promoting and supporting local and national initiatives.

With the assistance of international organizations, the Plan calls for the creation of national plans of action for human rights education that are broad in terms of outreach, successful in terms of teaching methodologies, and long-lasting in terms of sustainability. These plans should be an essential component of the national development plan (if applicable) and serve as a counterbalance to any pertinent national plans of action that have previously been established (such as plans of action for women, children, minorities, indigenous peoples, or general human rights). The General Assembly has approved specific criteria that OHCHR has established for the creation of national action plans for human rights education [7], [8].

To accomplish these goals, a variety of initiatives are being carried out, such as seminars and programs to guarantee adherence to the laws and policies currently in place to combat racism and xenophobia (including the adoption of updated national legislation and the implementation of international instruments); raising awareness of these issues through appropriate teaching and education, as well as the methodical use of the media to combat racial discrimination; making use of all international bodies and mechanisms to combat racism and xenophobia; and reviewing the political, historical, social, and economic factors that contribute to racism and xenophobia.

The World Conference against racism, racial discrimination, xenophobia, and associated intolerance was resolved by the General Assembly to be held no later than 2001. The conference will be action-oriented, with an emphasis on realistic steps to end racism, such as preventative, educational, and protective measures as well as the supply of efficient solutions. Increasing the efficacy of UN initiatives to end modern forms of racism and racial discrimination will be one of its objectives. The active gathering, verification, and prompt use of data to solve human rights issues is referred to as monitoring. Human rights monitoring

involves documenting occurrences, attending trials, elections, protests, and other events; visiting locations like detention centers and refugee camps; speaking with government representatives to obtain information and seek redress; and performing other urgent follow-up [9], [10].

DISCUSSION

The word encompasses not just on-the-ground fact-finding but also additional field work and UN assessment efforts. Moreover, one disadvantage of monitoring is that it usually involves a long-time frame. In order to combat impunity, the primary goal of United Nations monitoring is to conduct investigations and then denounce human rights crimes. Nevertheless, to compare human rights monitoring to a kind of law enforcement action would be simple and misleading. Monitoring human rights must be considered the most reliable way to evaluate a nation's status, prevent human rights breaches, and perhaps provide the groundwork for institution-building. An continuous needs assessment and analysis mission may be used to characterize a steady human rights presence in a specific nation. But periodic monitoring of human rights may also be carried out, as with the so-called fact-finding missions.

Some governments, especially totalitarian ones, see any effort at collaboration as excessive meddling in their domestic matters and are unwilling to allow foreign human rights monitors to operate in their nation because they lack the long-term vision of effective governance. In some situations, remote monitoring is possible, often via the offices of a special rapporteur. This requires more work in obtaining information and confirming the validity of the sources that are accessible. Realizing human rights requires the active participation of individuals on a personal level as well as via nonprofit organizations and other civil society institutions. According to the Universal Declaration, "every individual and every organ of society" is directly responsible for ensuring that these rights are realized. In fact, the history of the defense of human rights is a reflection of the joint efforts of people and institutions. The progress of human rights depends on the involvement and contribution of every sector of civil society.

The primary goal of human rights education is to raise people's consciousness so they can stand up for their own rights as well as the rights of others. Being aware of human rights is a powerful way to empower oneself. Together, students and teachers can convert the language of human rights into knowledge, abilities, and behaviors via human rights education. This calls for learning about the part that each person must play in bringing those rights to pass locally, nationally, and internationally. This is the core of global citizenship and global responsibility. Human rights education is defined under the relevant sections of international treaties as training, informational, and dissemination activities intended to create a universal culture of human rights via the transfer of knowledge and skills and the shaping of attitudes. The full development of the human personality and sense of dignity; the promotion of understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, and racial, national, ethnic, religious, and linguistic groups; the ability for all people to engage meaningfully in a free society; and the advancement of UN peacekeeping efforts are all part of this. To raise awareness of certain human rights concerns, the UN has started and supported human rights awareness initiatives. During these campaigns, states, United Nations agencies, other international, regional, and local organizations, as well as civil society, have collaborated on publications, research, and programs.

The campaigns aim to draw attention to certain concerns related to human rights. It is often known that respecting human rights and preventing their breaches depend on knowledge and awareness. The first globally coordinated attempt to advance human rights was conducted in 1988. The World Public Information Campaign on Human Rights was initiated by the General

Assembly in December 1988, marking the first serious attempt at a coordinated effort to develop awareness of international norms, despite efforts made in the mid-1950s to increase awareness of the drafting work on the international Covenants. It was unveiled on the 40th anniversary of the UDHR and is open-ended; after that, it joined the UN's human rights agenda.

Publication and distribution of human rights literature and reference materials, planning of fellowship and internship programs, briefings, memorial services, exhibitions, and public relations initiatives are all part of the Campaign. Since 1988, the program's scope has greatly increased. Utilizing the OHCHR website is a significant advancement. It serves as a clearinghouse for United Nations human rights data on international treaties, treaty-body databases, programs and activities, reports, resolutions, and human rights-related topics. The material is available in English, French, and Spanish. Human rights education, training, and public awareness are critical for achieving stable and peaceful relations among communities as well as for promoting tolerance, understanding, and peace, according to the 1993 Vienna Declaration and Programme of Action. The Conference advised States to work toward the eradication of illiteracy and to focus education on fostering respect for basic freedoms and human rights as well as the complete development of the individual. It demanded that human rights, humanitarian law, democracy, and the rule of law be taught in all formal and informal learning environments across all States and institutions.

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These plans should be an essential component of the national development plan (if applicable) and serve as a counterbalance to any pertinent national plans of action that have previously been established (such as plans of action for women, children, minorities, indigenous peoples, or general human rights). The General Assembly has approved specific criteria that OHCHR has established for the creation of national action plans for human rights education. To accomplish these goals, a variety of initiatives are being carried out, such as seminars and programs to guarantee adherence to the laws and policies currently in place to combat racism and xenophobia (including the adoption of updated national legislation and the implementation of international instruments); raising awareness of these issues through appropriate teaching and education, as well as the methodical use of the media to combat racial discrimination; making use of all international bodies and mechanisms to combat racism and xenophobia; and reviewing the political, historical, social, and economic factors that contribute to racism and xenophobia.

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involves documenting occurrences, attending trials, elections, protests, and other events; visiting locations like detention centers and refugee camps; speaking with government representatives to obtain information and seek redress; and performing another urgent follow-up. The word encompasses not just on-the-ground fact-finding but also additional field work and UN assessment efforts. Moreover, one disadvantage of monitoring is that it usually involves a long-time frame.

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The progress of human rights depends on the involvement and contribution of every sector of civil society resolution 46/122 of the assembly from December 17, 1991. There are two main goals of this initiative: 1) to provide financial support (travel grants) to representatives of non-governmental organizations from various regions that deal with contemporary forms of slavery so they can attend the Working Group on Contemporary Forms of Slavery of the Sub-Commission on the Promotion and Protection of Human Rights deliberations; and 2) to provide humanitarian, legal, and financial aid (project grants) to individuals whose human rights have been severely violated as a result of contemporary forms of slavery through established channels such as NGOs.

The General Assembly's resolution 46/122 stipulates that representatives of non-governmental organizations that address contemporary forms of slavery are the only ones eligible to receive assistance from the Fund. These representatives must meet certain criteria, including: (a) being deemed eligible by the Board of Trustees; (b) being unable to attend Working Group sessions without the Fund's support; (c) being able to contribute to the Working Group's increased understanding of the issues surrounding contemporary forms of slavery; and (d) being individuals whose human rights have been gravely violated as a result of contemporary forms of slavery.

Due to the acceleration of the private sector's expansion, the changing nature of the government's role, and the globalization of the economy, businesses are receiving more recognition as significant players in the human rights arena. Business actions may have a significant impact on people's rights and sense of dignity in a variety of ways. The corporate community is becoming more interested in adopting codes of conduct, promoting best

practices, and setting standards. Governments continue to be the major authorities on human rights; hence, the issue is not whether business should take on the function of government, but rather whether it should advance human rights within its own purview. Businesses that violate human rights must also answer for their actions.

The business community and the UN have grown closer in a number of significant ways. The Secretary-General has urged the business community to adopt, support, and implement a set of core values regarding labor standards, environmental practices, and human rights. This can be done on an individual basis through firms or collectively through business associations.

The relevant United Nations agencies have been requested by the Secretary-General to be prepared to help the private sector integrate such values and principles into mission statements and business practices. Examining the different approaches to responding to corporate concerns for human rights is an essential duty for any agency. Publications on human rights have a crucial strategic role in the advancement of these rights. Publications are meant to serve as a permanent resource on human rights for readers, promote debate on human rights issues under discussion in the various UN organs and bodies, and raise awareness about human rights and fundamental freedoms as well as the ways and means currently in place at the international level for promoting and protecting these rights.

The OHCHR's accessible human rights publications are listed below. Human Rights Fact Sheets, Basic Information Kits commemorating the 50th anniversary of the Universal Declaration of Human Rights, and certain ad hoc publications are available at no cost and may be obtained at the following URL. It is encouraged to reproduce them in languages other than the official languages of the UN, as long as the contents remain unchanged and OHCHR is notified and acknowledged as the original source of the information by the reproducing organization. The United Nations Bookshops mentioned below, with offices in Geneva and New York, are the place to order products released as United Nations sales publications, such as the Professional Training Series, the Study Series, and select reference and ad hoc publications. Copyright protects works sold by the United Nations.

It's vital to remember that the UN bookstore offers a wide selection of other UN products. See the websites of each United Nations agency under Annex VI for a list of more works on human rights, or get in touch with the UN booksellers. The Human Rights Fact Sheets address certain human rights issues that are either of special interest or are currently being debated. Human Rights Fact Sheets are meant to help the expanding public have a better knowledge of fundamental human rights, the UN's goal for promoting and defending them, and the global framework in place to make those rights a reality.

The Fact Sheets are circulated globally and are provided without charge. It is recommended that these materials be reproduced in languages other than the official UN languages, as long as the substance remains unchanged and OHCHR is notified and acknowledged as the original source of the information by the entity that is replicating it. The Professional Training series comprises handbooks and manuals aimed at a particular target audience chosen for its capacity to impact the national human rights situation.

The manuals' goal is to raise knowledge of international standards. These publications might be useful resources for organizations that teach professional groups about human rights, even if their primary purpose is to assist the training operations of the OHCHR's Technical Cooperation Programme. The Professional Training Series training materials may be customized to meet the unique requirements and backgrounds of a variety of target audience members in terms of education, background, and culture. To help trainers utilize the manuals as successfully as possible, information on good pedagogical strategies is supplied when

relevant. Every manual or handbook is created with the help of subject-matter experts and goes through a thorough evaluation process by an outside party. Before they are finalized, manuals or handbooks are evaluated in training sessions when appropriate.

CONCLUSION

The examination of human rights education and campaigns highlights the vital role that awareness-building, understanding-building, and action-mobilization play in advancing the ideals and principles of human rights. Human rights education is a transformational instrument that promotes equality, respect, and dignity by enabling people and communities to recognize, assert, and defend their rights. Educational institutions may provide students with the information, abilities, and attitudes they need to become knowledgeable and engaged participants in the advancement and defense of human rights by incorporating human rights into both formal and informal education systems.

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CHAPTER 9

EXPLORATION OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

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ABSTRACT:

This paper examines the Universal Declaration of Human Rights (UDHR), a key text in the realm of human rights that outlines each person's basic freedoms and rights. The UDHR, which was ratified by the UN General Assembly in 1948, provides hope and a framework for advancing justice, equality, and dignity throughout the globe. This article explores the UDHR, looking at its main ideas, major clauses, and relevance in modern society by drawing on historical settings, legal interpretations, and philosophical viewpoints. It examines the influence of the UDHR on international law, policy, and advocacy initiatives, as well as the universality, indivisibility, and interdependence of human rights. This study seeks to expand knowledge of the UDHR as a pillar of human rights discourse and its ongoing significance in the modern world via an extensive examination.

KEYWORDS:

Declaration, Exploration, Human Rights, Universal, Significance.

INTRODUCTION

The Declaration's preamble highlights that disregard and contempt for human rights have led to barbaric acts that have outraged the conscience of humanity, even as it insists that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. It also asserts that the protection of human rights under the rule of law and the advancement of amicable relations between countries are necessary for a world in which people may live without fear and with the freedom to express their thoughts and opinions. The UN members also promise to cooperate with the UN in order to bring about such a world and to advance universal respect for and observance of basic freedoms and human rights [1], [2]. The Universal Declaration of Human Rights, also known as the "International Magna Carta," is the first worldwide statement of the rights to which every person is entitled. It turns becomes a universal bar for success shared by all peoples and countries. There are thirty items in the statement, which are broken down into four sections. Without regard to anything, including national or social origin, property, birthplace, sexual orientation, race, color, sex, language, religion, political viewpoint, or any other difference, everyone is entitled to all the freedoms and rights outlined in this Declaration [3], [4].

Moreover, no difference shall be established based on the political, juridical, or international standing of the nation or territory to which an individual belongs, regardless of whether such nation or territory is independent, a trust, non-self-governing, or subject to any other kind of sovereignty restriction. The Universal Declaration was the United Nations' flagship document on human rights, emerging victorious from convoluted and politically risky procedures just before the start of the Cold War and the ensuing slowdown of many positive advancements [5], [6]. The communist and some Middle Eastern nations had not voted against the Declaration at the time, but they had at least not fully recognized it. Even the most hopeful of the Declaration's 1948 authors could not have predicted its current status in the globe, notwithstanding the early

challenges and opposition. First, it has gained acceptance as a powerful declaration of standards often with some reluctance, it must be said even among nations that have misgivings about the whole human rights movement. An essential political and moral standing has been reached when nations like Argentina, China, Burma, and the former Yugoslavia feel compelled to defend themselves when they are accused of violating the UDHR. Furthermore, the UDHR has evolved into something of an expanded version of the UN Charter. It is now customary to refer to the UDHR as outlining the substance of those rights and freedoms, even though the Charter only has a few provisions that address human rights and basic freedoms. As a result, it is now considered an integral element of the UN and is often brought up in debates and resolutions of the UN General Assembly, such as those pertaining to the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples [7], [8].

The representatives of 84 nations unanimously declared at the 1978 Teheran human rights conference, which commemorated the UDHR's 30th anniversary, that the document embodies a shared understanding of every person's inalienable right and that it is a duty for all members of the international community. Third, it's quite likely that the majority, if not all, of the UDHR's provisions have been incorporated into international customary law. International lawyers, who are always a valuable source of international law, are beginning to hold the opinion that international law encompasses not only actions like adhering to maritime navigation regulations but also votes on resolutions at United Nations conferences and other international assemblies. Due to the two human rights covenants' massive and growing number of ratifications as well as the widespread recognition of the UDHR's rights as morally sound and well-founded, it is now almost impossible to refute the claim that the rights outlined in the document are now a part of international customary law. This implies that all nations in the globe are bound, regardless of their specific opinions, in contrast to treaties, which only bind a country when it has accepted the treaty responsibilities. International customary law cannot be renounced by a nation, just as treaty obligations cannot [9]–[11].

Human rights are universal, and everyone on the planet is entitled to equality and respect. These fundamental rights include the freedom of expression, privacy, health, life, liberty, and security, in addition to a living wage that is sufficient. Governments have an obligation to shield citizens from third-party violations of their human rights, but corporations also have an obligation to take action on a legal, moral, and economic basis.

The principles outlined in the United States Charter and the ratification of the Universal Declaration of Human Rights continue to serve as the compass for states and organizations worldwide.

The Universal Declaration of Human Rights continues to serve as the foundation for numerous covenants, treaties, and agreements that have been signed over the past 60 years, serving as the basis for various actions taken by states to advance fundamental human rights for their citizens, even though the UN system has established a number of organizations, commissions, and subcommittees to carry out the provisions outlined in the Charter. One important document in the history of human rights is the Universal Declaration of Human Rights (UDHR). The Declaration, which was drafted by delegates from all over the world with varying legal and cultural backgrounds, was adopted as a common benchmark for success by the General Assembly of the United Nations on December 10, 1948, in Paris, France, by resolution 217 A (III). It lays forth the universal protection of basic human rights for the first time. Since then, December 10 has been observed as Human Rights Day to commemorate the Universal Declaration of Human Rights and the Fundamental Freedoms of all people, which were acknowledged without regard to a person's race, religion, sex, language, or cultural background.

DISCUSSION

The UN requested that the International Law Commission take further action to divide the statement into two distinct legal documents, nevertheless, since it lacks legal force and is not obligatory on the nations in accordance with international law. It would also be difficult for the governments to put the Declaration into practice since it combines economic, social, cultural, and civil rights into a single document. The International Law Commission and its several committees toiled diligently to draft the final versions of both texts at the General Assembly's request.

After roughly 20 years of negotiations, two separate treaties were adopted in 1966, covering nearly all of the rights enshrined in the Universal Declaration of Human Rights: The International Covenant on Civil and Political Rights (ICCPR) for civil and political rights, and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) for economic, social, and cultural rights. 168 states have accepted the first covenant, while 164 states have ratified the second. Subsequently, more processes were added to both covenants.

The term "justifiable rights" refers to the Civil and Political Rights, which are comparable to the Fundamental Rights outlined in the Indian Constitution. Referred to as non-justiciable rights, the economic, social, and cultural rights are merely directives to the states that must be pushed and carried out based on a number of variables (these are similar to the Directive Principles of State Policy as framed by the Indian Constitution which are directives to the State). The International Bill of Human Rights, also known as the "Bill of Rights," was formed by the UDHR, the International Covenant on Civil and Political Rights, and their two Optional Protocols (pertaining to the death penalty and the complaints procedure), as well as the International Covenant on Economic, Social, and Cultural Rights and its Optional Protocol. The following sections will cover each Covenant and any optional protocols that may have been adopted, as well as the two significant UN conferences the Vienna Conference in 1993 and the Tehran Conference in 1968 and their implications for the development of human rights.

It would be ideal for you to comprehend what is meant by a "protocol" since you will be working with them in the next part. Human rights treaties are often followed by "Optional Protocols" that either address a substantive issue pertaining to the treaty or set out processes linked to it. Treaties unto themselves, optional protocols to human rights treaties are available for signing, accession, or ratification by nations that are parties to the primary treaty. Adopted by the General Assembly in 1966, the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol acknowledging "the competence of the Committee to receive and consider communications from individuals" came into effect on March 23, 1976. The Human Rights Committee was established by the Covenant as an expert body with the following powers: reviewing reports from the States parties; adopting General Comments on the interpretation of the Covenant's provisions; dealing with inter-State communications under certain conditions; and receiving individual communications under the Optional Protocol. The Second Optional Protocol to the International Covenant on Civil and Political Rights was approved by the General Assembly in 1989 with the intention of abolishing the death penalty.

Every State party to the International Covenant on Civil and Political Rights agrees to respect and uphold the rights guaranteed by the Covenant to every person residing on its territory and falling under its jurisdiction, without regard to any distinctions made on the basis of race, color, sex, language, religion, political opinion, national or social origin, property, birthplace, or any other status. States have committed to guaranteeing that everyone within their jurisdiction can exercise their human rights, as stressed by the Human Rights Committee in its General Comment No. 3 on the Covenant. This commitment extends, in theory, to all of the rights

outlined in the Covenant. The legal duty to guarantee their enjoyment entails a duty to take proactive measures to ensure that domestic laws are changed as needed to comply with the State's international legal obligations, and that all public organs and officials—courts, prosecutors, police officers, prison officials, schools, the military, hospitals, and the like—effectively implement these laws in practice. Only if the restrictions are mandated by law, essential in a democratic society, and serve one or more of the justifications listed in the relevant sections may they be properly enforced. These restriction clauses represent carefully considered general and individual interests that must also be evaluated against one another when the restrictions are implemented in a particular situation. This implies that the criteria of proportionality must be upheld when it comes to a particular person, in addition to the laws themselves that permit restrictions on the enjoyment of rights having to be commensurate with the declared justifiable objective.

However, the nature of the international system for the protection of human rights implies that the domestic authorities have the first right to determine whether any limits on the enjoyment of human rights are justified as well as if they are necessary and proportionate. Only in relation to the review of the reports or individual communications that the States parties have submitted under the First Optional Protocol is the extra international supervision of the measures implemented applicable. Article 40 of the Covenant states that the States parties "undertake to submit reports on the measures they have adopted which give effect to the rights" recognized therein and "on the progress made in the enjoyment of those rights," initially within a year of the States parties' respective states parties' entry into force of the Covenant and then every five years at the Committee's request.

The reports are required to "describe the factors and difficulties, if any, affecting the implementation of the... Covenant." To help the States parties with their work and to make the reports more effective, the Committee has prepared a set of precise recommendations. States parties to the Covenant may declare at any time under article 41 that they recognize "the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant"; in other words, the possibility of bringing inter-State communications is only valid as between States parties having made this kind of declaration. The Committee adopted consolidated guidelines in July 1999 for the submission of the reports of the States parties. Only one State party may bring the communication to the attention of another during the initial stages of the proceedings, and either State party may bring the matter before the Committee itself only if it is not resolved to the satisfaction of both States parties within six months (art. 41(1)(a) and (b)). The Committee must adhere to a protocol. A State Party recognizes the Committee's competence to receive and consider communications from individuals under its jurisdiction who allege they have been victims of a violation of any of the rights outlined in the Covenant by that State Party, as stated in article 1 of the Optional Protocol. Article 2 of the Optional Protocol stipulates that individuals who believe their rights have been violated must first pursue all domestic remedies available to them.

Additionally, any communication that the Committee deems to be anonymous, to constitute an abuse of the right to submit communications, or to be incompatible with the provisions of the Covenant will be deemed inadmissible. The Committee forwards the message to the State party in question if it presents a significant problem under the Covenant. The State party has six months to respond with written justifications. Because of this, the Committee only considers written procedures, and its deliberations about communications are held in private. Beyond only the national level, the Second Optional Protocol is very important. Internationally, the Protocol will finally prohibit executions and firmly establish the notion that the death penalty

violates human rights, especially the right to life. But in order to do this, there has to be a "critical mass" of States parties to the Protocol in order for support to grow. Put another way, the Second Optional Protocol will be closer to cementing the idea that the death sentence is a last resort if more nations ratify it. v The United Nations General Assembly enacted the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966, and it came into effect on January 3, 1976. The pact has 164 signatories as of right now.

Article 16 of the Covenant creates a reporting system on the actions taken by the States parties and the advancements achieved toward the implementation of the rights outlined in the Covenant. Formally, the International Covenant on Economic, Social, and Cultural Rights assigns the United Nations Economic and Social Council the responsibility of ensuring that States parties to the Covenant fulfill their legal obligations. However, since 1987, this responsibility has been assigned to the Committee on Economic, Social, and Cultural Rights, which is not, in and of itself, a treaty body like the Human Rights Committee ch State party to the International Covenant on Economic, Social, and Cultural Rights. In order to gradually achieve the full realization of the rights recognized in the. Covenant by all appropriate means, including particularly the adoption of legislative measures, "undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its reliable resources" (art. 2(1)).

In General Comment No. 3, the Committee underlined that although the Covenant "allows for progressive realization and acknowledges the constraints due to limits of available resources," "it also imposes various obligations which are of immediate effect." Two of these are particularly significant in the Committee's opinion: the first is the commitment in article 2(2) "to guarantee that the rights enunciated in the... Covenant will be exercised without discrimination" on particular grounds; and the second is the commitment in article 2(1) "'to take steps', which in itself, is not qualified or limited by other considerations." Put another way, "steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the States concerned, even though the full realization of the relevant rights may be achieved progressively." Such actions must be planned, specific, and directed as precisely as feasible toward fulfilling the commitments outlined in the Covenant. The State may only subject the enjoyment of the rights guaranteed by the International Covenant on Economic, Social, and Cultural Rights "only to such limitations as are determined by law, only insofar as this may be compatible with the nature of these rights, and solely for the purpose of promoting the general welfare in a democratic society," according to article 4 of the Covenant. Further restrictions on the exercise of particular rights can be found in article 8(1)(a) and (c), which state that the only limitations that apply are "those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others."

These restrictions do not apply to the exercise of the rights to form and join trade unions or to the freedom of trade unions to operate. Article 4 makes it evident that the requirement that restrictions must be consistent with a democratic society that is, "a society based on respect for the rights and freedoms of others" was thought to be crucial. If it weren't, the text might "very well serve the ends of dictatorship," according to the argument made. The International Covenant on Economic, Social, and Cultural Rights does not include any clause allowing deviations from the requirements of the law, in contrast to the International Covenant on Civil and Political Rights. Therefore, it makes sense that none of the rights outlined in this Covenant are inherently non-derogable. However, "the specific requirements that must be met in order to justify the imposition of limitations in accordance with article 4 will be difficult to satisfy in most cases," as stated by a member of the Committee on Economic, Social, and Cultural Rights.

CONCLUSION

Examining the Universal Declaration of Human Rights reveals its ongoing importance as a founding text in the area of human rights, influencing legislative schemes, executive orders, and advocacy campaigns all across the globe. The United Nations General Assembly recognized the inherent dignity and inalienable rights of every member of the human family with the adoption of the Universal Declaration of Human Rights on December 10, 1948, which is considered a historic accomplishment. Its acceptance signaled a worldwide commitment to preserving the ideals of freedom, equality, and justice for everyone, and it was a turning moment in the history of human rights. Reflecting the common goals and ideals of mankind, the UDHR enshrines a comprehensive framework of rights and freedoms, encompassing civil, political, economic, social, and cultural rights. Its tenets of interdependence, universality, and indivisibility highlight how intertwined human rights are and how important they are to people's lives in a variety of settings and civilizations.

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CHAPTER 10

INVESTIGATION OF PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

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ABSTRACT:

This study explores the relationship between public international law and human rights by looking at the legal structures, procedures, and difficulties involved in advancing and defending these rights internationally. The legal basis for governments' duties to uphold, defend, and respect human rights as stated in international treaties, conventions, and customary standards is provided by public international law. This article investigates the changing character of public international law and its interaction with human rights principles and norms, drawing on case studies, legal analyses, and historical settings. It examines important topics such as state sovereignty, the function of international tribunals and courts, and procedures for holding people accountable and providing remedies when they violate someone's human rights. This study endeavors to enhance comprehension of the intricate relationships between public international law and human rights, as well as their consequences for promoting global justice and equality, by means of an extensive examination.

KEYWORDS:

Human Rights, Investigation, Law, Public International, Intersection.

INTRODUCTION

Most people agree that human rights are those that are inalienable to each and every person. The corpus of international legislation aimed at advancing and defending human rights on a global, regional, and national scale is known as international human rights law. In essence, it is a collection of guidelines controlling how States behave toward specific persons and, at its most basic, it calls on States to guarantee that people may exercise their fundamental liberties. World human rights treaties are covenants between States and the world community wherein States promise to protect certain rights inside their respective territory, much as national constitutions are between governments and their inhabitants [1], [2]. States that ratify human rights treaties commit to upholding the enjoyment of such rights by persons and groups living under their authority as well as refraining from infringing particular rights. In addition to facilitating State compliance, regional and international monitoring groups provide chances for accountability and restitution that may not exist or be inefficient at the national level. Nonetheless, consenting to monitoring by a supranational organization or becoming a party to a treaty is often discretionary. States differ in how much they participate in the global human rights framework [3], [4].

Because States have the authority to violate people's freedoms, the fundamental tenet of international human rights law is that respect for such freedoms may be difficult to achieve in the absence of international agreement and supervision. As a consequence, official protection for the rights of people and groups against government acts that impede their ability to enjoy their human rights is provided by treaties and other legal instruments that arise from international agreement. The Ten Commandments, the Code of Hammurabi, and the Rights of Athenian Citizens all include references to the notion and concepts of human rights, which date back to antiquity. While the history of human rights principles will not be covered in this

course, it is crucial to realize that international human rights legislation has a long history. Early religious and secular texts include several instances of what is today recognized as international law. For instance, there are the comprehensive peace agreements and coalitions reached by the Jews, Romans, Syrians, and Spartans [5], [6]. The Romans were aware of a law known as the law of nations, which Gaius defined in the second century as a universal rule that could be applied by Roman courts to foreigners in situations when Roman law was inappropriate or the particular law of their home country was unknown. The Dutch jurist Hugo Grotius (1583-1645) later contended in the seventeenth century that the law of nations also created legal norms that bound the sovereign states of Europe in their interactions with one another, since they were only emerging from medieval civilization at the time.

However, the international community started to defend individual liberties and rights in the nineteenth century, primarily to forbid slavery and to better care for the ill and injured during times of conflict. A number of treaties were signed with allies or recently formed states after the close of World War I in order to provide minority groups further protection. Concurrently, in 1919, the International Labour Organization (ILO) was established with the aim of improving the working conditions of laborers. While the ILO was founded primarily for humanitarian purposes, there were also political motivations, including the fear that if the conditions of the world's growing labor force were not improved, workers would instigate social unrest or even revolution, which would disrupt global peace and harmony [7], [8].

Following the horrors of World War II, the urgent need to preserve world peace and justice led to a quest for methods to fortify international cooperation, which included cooperation geared toward raising living standards and safeguarding individuals from the arbitrary use of state power. Thus, on June 26, 1945, in San Francisco, the United Nations adopted its Charter, laying the groundwork for a new international legal system based on a set of core goals and values. The belief "in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" is reiterated in the Preamble to the Charter. Additionally, it conveys the will "to advance social progress and higher living standards in greater freedom." Furthermore, as stated in Article 1(3) of the Charter, "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" is one of the four goals of the United Nations [9], [10].

Human rights are mentioned in several sections of the Charter, such as Articles 13(1)(b), 55(c), 62(2), 68, and 76(c). It is especially important to note that United Nations Member States are legally required "to take joint and separate action in cooperation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion," as stated in Articles 56 and 55(c) read in conjunction. These significant legal obligations Participation of Member States in the United Nations human rights program. The relatively modest mentions of "human rights and fundamental freedoms" in the Charter gained official meaning on December 10, 1948, when the United Nations General Assembly adopted the Universal Declaration of Human Rights. Since the Universal Declaration was adopted by a resolution of the General Assembly, its principles are now regarded as legally binding on States as either general principles of law, customary international law, or fundamental principles of humanity.

DISCUSSION

As such, even though the Declaration does not have legal force behind it, it does recognize civil, cultural, economic, political, and social rights. It is widely acknowledged today that the

cornerstone of international human rights legislation is The Universal Declaration of Human Rights. Since its ratification, the UDHR has served as the model for several other legally enforceable international human rights accords. It still serves as motivation for fighting injustices, resolving disputes, uplifting oppressed countries, and advancing the goal of ensuring that everyone may enjoy their human rights.

Written agreements between two or more States, whether expressed in a single document or in two or more connected documents, are known as treaties. All enforceable treaties have binding effect on their signatories, and as such, they must be carried out in a way that aligns with their terms. If a treaty has to be ratified by the legislative arm of a state's government, it does not take effect right away. States may also express their acceptance of a treaty or make declarations, agreements, or reservations that restrict how the treaty will be applied. A treaty may be self-executing or non-self-executing based on whether implementing domestic laws is necessary for the treaty to be upheld in court. Treaties that are self-executing take effect right away and don't need further legislation. Non-self-executing treaties also take effect right away as internal law, but they need implementing legislation to be upheld in court by a private party.

There are other titles for treaties, such as agreement, convention, protocol, and covenant. The different designations often indicate a variation in protocol or an increase or decrease in formality. Remember that these texts are all recognized treaties under international law, even if they have different formal designations. Because of their broad application by governments, several international human rights have come to be recognized as customary international law. As a result, all nations are required to abide by them, whether or not they have given their explicit permission. The United States' 1987 Foreign Relations Law Statement (Third) adopts the stance that some fundamental human rights are safeguarded by customary international law.

A State violates international law if, as a matter of state policy, it engages in, supports, or tolerates any of the following: (a) genocides; (b) slavery or the slave trade; (c) the murder of people or the taking of their lives; (d) torture or other cruel, inhuman, or degrading treatment or punishment; (e) prolonged arbitrary detention; (f) systematic racial discrimination; or (g) a consistent pattern of gross violations of internationally recognized human rights. The first move toward the gradual formulation of international human rights was the 1948 ratification of the Universal Declaration of Human Rights (Universal Declaration). The remarkable aspirations included in the Declaration's tenets have proven to be timeless and durable in the 68 years that have passed since then. International human rights standards are made up of the more than 100 human rights documents that have been influenced by these principles.

Some important pieces of international humanitarian law are listed below. Other treaties and instruments that represent the specific human rights issues of the area have been enacted at regional levels, even though the United Nations' establishment offered the perfect platform for the formulation and approval of international human rights instruments. A State undertakes responsibilities and duties under international law to respect and safeguard human rights and to abstain from certain activities when it signs an international human rights treaty. The Preamble and thirty articles that make up the Universal Declaration of Human Rights outline the basic freedoms and human rights to which all men and women, without exception, are entitled. The Universal Declaration affirms that freedom, justice, and international peace are based on the inherent dignity of every member of the human family.

every human being has inherent rights, such as the right to life, liberty, and personal security; the right to a reasonable standard of living; the right to apply for and be granted asylum from persecution abroad; the right to freedom of speech and opinion; the right to an education; the right to be free from torture and other cruel or inhumane treatment; and the right to be free

from discrimination and abuse. All groups in society, as well as every man, woman, and kid in the planet, are entitled to enjoy these inalienable rights. Many people now believe that the Universal Declaration of Human Rights is a component of customary international law. Upholding the rule of law and carrying out the customary duties of the State are covered by the International Covenant on Civil and Political Rights. Numerous clauses of the Covenant deal with the connection that exists between the State and the person. In carrying out these duties, States have an obligation to guarantee the protection of both the accused's and the victim's human rights.

The following are among the civil and political rights outlined in the Covenant: the freedom to self-determination; the rights to life, liberty, and security; the freedom to move about freely, including the right to leave the country and the freedom to choose a place of residence; the freedom of speech, conscience, and religion; the freedom from cruel and degrading punishments and treatment; the freedom from forced labor, slavery, and arbitrary arrest or detention; the right to a speedy and fair trial; and the right to privacy.

Additional protections are in place to safeguard individuals who belong to linguistic, religious, or ethnic minorities. As per the provisions of Article 2, every State Party is obligated to uphold and take the required measures to guarantee the rights acknowledged in the Covenant, irrespective of any distinctions made on the basis of race, color, sex, language, religion, political opinion, national or social origin, property, birth, or any other status. There are two Optional Protocols in the Covenant. The first lays out the process for responding to letters (or complaints) from anyone alleging they have been violated in any way by any of the rights outlined in the Covenant.

The second calls for the death penalty to be abolished. In contrast to the Universal Declaration of Human Rights and the Covenant on Economic, Social, and Cultural Rights, the Covenant on Civil and Political Rights permits a State to restrict, or derogate from, the exercise of certain rights during official public emergencies that pose a threat to national security. These restrictions are only allowed to the amount that is absolutely necessary given the circumstances, and they have to be disclosed to the UN. Nevertheless, other clauses, like the one about the right to life and the prohibition against torture and slavery, may never be suspended. The ICESCR, which had been drafted over a 20-year period, was finally approved by the General Assembly in 1966 and went into effect in January 1976. The assumption that violations of economic, social, and cultural rights were not subject to the same level of legal scrutiny and redress was incorrect because, in many ways, the promotion and protection of civil and political rights have received more attention on a global scale than have social, economic, and cultural rights. This point of view disregarded the fundamental tenets of human rights, which state that such rights are interconnected and indivisible, and that violating one might very probably result in violating another.

The world society, as well as international law, fully acknowledges economic, social, and cultural rights, which are also garnering more and more attention. These rights are founded on the idea that individuals may concurrently enjoy their liberties, rights, and social justice. They are intended to guarantee people's protection. The Covenant includes some of the most important international legal provisions that establish economic, social, and cultural rights. These provisions include, but are not limited to, rights to social protection; a living standard that includes clothing, food, and housing; the best possible standards of physical and mental health; education; and the ability to take advantage of advancements in science and culture.

Article 2 is a crucial section that describes the legal responsibilities that States parties have under the Covenant. In order to ensure the progressive fulfillment of the rights recognized in

the Covenant, states must take proactive measures to implement these rights, to the extent of their resources, especially via the enactment of domestic legislation. The Economic and Social Council assigned the task of overseeing the Covenant's implementation by participating States to the group on Economic, Social, and Cultural Rights, an independent expert group created specifically for this purpose.

International human rights standards are thus derived from the 1948 adoption of the Universal Declaration of Human Rights and its ensuing covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which were both adopted in 1966. These customs establish a One of the first UN treaties to address humanitarian concerns was the Convention on Genocide. Following G.A. Res. 180(II) of December 21, 1947, which acknowledged that "genocide is an international crime, which entails the national and international responsibility of individual persons and states," it was enacted in 1948 in reaction to the horrors perpetrated during World War II.

According to the Convention, genocide is defined as any of the following acts carried out with the intention of eradicating, in whole or in part, a national, ethnic, racial, or religious group: killing group members, seriously injuring group members physically or psychologically, imposing measures designed to prevent group members from having children, or forcibly transferring group members' children to another group. Since then, the vast majority of States have ratified the Convention, which has been universally acknowledged by the worldwide community. The International Court of Justice's jurisprudence regards the prohibition of genocide as a preeminent standard of international law. The International Court acknowledges the fundamental ideas of the Convention even if it declares that genocide may occur during times of peace. It goes on to say that even in the absence of any traditional responsibility, States should adhere to these values, which have been accepted by civilized countries. and actions that seem impartial on the surface but have a discriminatory effect. The parties to the convention undertake to end racial discrimination in the exercise of civil, political, economic, social, and cultural rights and to provide efficient channels for national tribunals and state institutions to address instances of racial discrimination.

States parties agree to refrain from discriminatory acts or practices against individuals, groups of individuals, or institutions, and to guarantee that public authorities and institutions refrain from doing the same. They also agree not to encourage, defend, or support acts of racial discrimination by individuals or organizations, to review national, local, and state policies, and to amend or repeal laws and regulations that create or support racial discrimination; to forbid and end acts of racial discrimination by individuals, groups, or organizations; and to support integration or multiracial organizations, movements, and other strategies for removing racial barriers, as well as to discourage anything that tends to deepen racial divisiveness.

Establishment of the Committee on the Elimination of Racial Discrimination. The General Assembly approved the Convention on the Elimination of All Forms of Discrimination Against Women in 1979, and it became operative in 1981. Even if there are international agreements that uphold women's rights within the context of all human rights, it was decided that a separate treaty was still required to address the blatant discrimination against women that still exists everywhere in the globe. Apart from tackling the primary concerns, the agreement also pinpoints certain particular domains where overt discrimination against women has occurred, particularly concerning involvement in public life, matrimony, kinship, and sexual abuse.

The Convention uses a two-pronged strategy to achieve its goal of improving women's position. It mandates that States parties provide women the same freedoms and rights as men, removing the conventional constraints placed on women's responsibilities. It requests that States parties

eliminate social and cultural norms that reinforce gender stereotypes in households, workplaces, and educational institutions. Education is the main means of achieving this goal. It is predicated on the idea that in order to guarantee the full enjoyment of human rights, States must actively support the progress of women. It exhorts States parties to use affirmative action strategies, such as preferential treatment, to improve women's standing and enable them to engage in decision-making across all domains of national life. States parties to the Convention undertake, among other things, to incorporate the principle of gender equality into national legislation, to enact laws and other measures, including penalties, when necessary, to outlaw discrimination against women, to guarantee the effective protection of women against discrimination through national tribunals and other public institutions, and to abstain from discriminatory acts and practices directed towards women in the private sphere. The Committee on the Elimination of Discrimination Against Women is established under Article 17 of the Convention to supervise the application of its provisions.

CONCLUSION

The examination of human rights and public international law highlights the vital role that legal structures and procedures play in advancing and defending human rights on a global scale. The legal foundation for governments' duties to protect human rights is provided by public international law. This includes ratifying and putting into effect international treaties, conventions, and customary standards. These legal documents bind governments to uphold and carry out their duties under international law by establishing criteria for the protection of civil, political, economic, social, and cultural rights. There are benefits and drawbacks to the relationship between human rights and public international law. The effective application and enforcement of human rights norms may be hampered by issues including state sovereignty, political interests, and enforcement gaps, even while international law offers avenues for responsibility and restitution in situations of human rights breaches. International tribunals and courts, such as the International Court of Justice and regional human rights courts, are essential for resolving conflicts between people and nations, interpreting the law, and holding governments responsible for abuses of human rights. These legal systems support the advancement of justice and accountability in situations involving violations of human rights as well as the growth of global jurisprudence.

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CHAPTER 11

INVESTIGATION OF CONVENTION ON THE RIGHTS OF THE CHILD

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ABSTRACT:

The Convention on the Rights of the Child (CRC), a historic international agreement enacted by the UN General Assembly in 1989 with the goal of advancing and defending children's rights everywhere, is the subject of this paper's examination. This study examines the history, contents, application, and effects of the CRC using legal analysis, case studies, and real-world examples. It looks at the fundamental ideas and liberties protected by the Convention, such as the rights to participation, growth, survival, and protection. It also examines how the CRC has been implemented, the difficulties and achievements encountered in doing so, the contributions made by state parties, civil society, and international organizations to the advancement of children's rights, and the CRC's relevance in influencing international standards and laws pertaining to children's rights. This study seeks to further knowledge of the CRC as a pillar of international children's rights legislation and its implications for advancing the welfare and dignity of children everywhere via a thorough analysis.

KEYWORDS:

Child, Convention, Investigation, Rights, United Nations.

INTRODUCTION

A number of human rights and humanitarian treaties have special provisions pertaining to children, and both the League of Nations and the United Nations have previously approved statements on the rights of the child. Numerous people around the world have called on the UN to codify children's rights in a comprehensive and legally binding treaty in response to reports of the serious afflictions that children face, including infant mortality, inadequate health care, and limited opportunities for basic education [1], [2]. There have also been alarming accounts of child labor, prostitution, exploitation, and victims of armed conflict. The Convention was unanimously approved by the General Assembly and came into effect on September 2, 1990, a year later. The Convention incorporates four overarching principles to direct the implementation of children's rights: children should be allowed to freely express their opinions, and those opinions should be given appropriate weight that takes into account the child's age and maturity; non-discrimination ensures equality of opportunity; when authorities of a State take decisions which affect children, they must give priority to the best interests of the child; and the right to life, survival, and development, which includes physical, mental, emotional, cognitive, social, and cultural development [3], [4].

States parties to the Convention agree that among other things, children's rights encompass the following: free and compulsory primary education; protection against sexual abuse, exploitation for financial gain, and physical and mental harm; the right to special education and treatment for disabled children; protection of children impacted by armed conflict; child prostitution; and child pornography. encompassing poverty, persecution, and armed warfare. Millions of individuals are living in the United States as migrant laborers, strangers, regardless of why they are there. Due to their incapacity to assimilate into society, they often find themselves among the most disadvantaged groups in the host State. Regrettably, as foreigners,

they may be the object of suspicion or hate. Many migrant laborers lack the knowledge and skills necessary to adjust to life and employment in a foreign nation. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted out of concern for the rights and welfare of migrant workers. On December 18, 1990, the General Assembly approved the Convention, and on July 1, 2003, it came into effect [5], [6].

According to the Convention, those who fall within the definition of migratory workers have the right to exercise their human rights at all stages of the migration process, including planning for departure, traveling, staying, and returning to their country of origin or habitual residence. In terms of working circumstances, migrant laborers are entitled to the same benefits as citizens of the host country, such as the ability to form unions, receive social security, and get emergency medical treatment. State parties have an obligation to set immigration regulations, communicate with businesses, and support migrant workers and their families.

In a similar vein, the Convention mandates that migratory laborers and their families must abide by host State law. A distinction between legal and illegal migrant labor is made by the Convention. It seeks to prohibit unauthorized or covert travels and the employment of migrant workers in irregular circumstances rather than requiring that equal treatment be given to unlawful workers. Various systems have been implemented to oversee adherence to every human rights pact.

The major international human rights treaties have formed special committees that have been expressly tasked with overseeing how nations adhere to their treaty commitments, as it has been stated in each treaty [7], [8].

All UN human rights treaties impose the duty of periodic reporting onto states parties. A state is legally obligated to implement the rights outlined in a treaty as well as to undertake specific legal requirements upon becoming a party to it. This usually implies that a state has to submit an initial report to the convention upon becoming a party (usually a year after entering the treaty). A state is required to submit periodic reports after this first report; the frequency of these reports varies based on the treaty. According to Article 40 of the ICCPR, nations must provide details in periodic reports about "the measures they have adopted which give effect to the rights recognized herein and, on the progress, made in the enjoyment of those rights." Therefore, each state party is required to demonstrate: a) what it has done to carry out the rights envisioned by the treaty; this can be done by introducing new laws, amending already-existing laws, establishing administrative and social policies, launching awareness campaigns, and so on; and b) the progress made in ensuring that the rights guaranteed by the treaty are fully enjoyed.

The reporting mechanism acknowledges the possibility of gradual achievement of rights. In light of this, the state's prior report provides a useful baseline for assessing the progress made since then. This enables the treaty body to have an ongoing conversation with a state in order to assist it in fulfilling all of its commitments under the treaty. The so-called "alternative" or "shadow" reports are among the most significant components of the reporting system. Information from other organizations, including academic institutions, local and international non-governmental organizations (NGOs), and other UN agencies, may be sent to the treaty bodies. Reports, or alternative reports to those filed by the states in accordance with their reporting requirements, may be used to display this information. These reports have the benefit of potentially include material not included in the state's report, giving the treaty body a more balanced picture of the state's activities and enabling it to ascertain if the state's report contains any omissions [9], [10].

DISCUSSION

The state may next be asked a series of questions and concerns by the treaty body in light of the filed report. Shadow reports are crucial at this point because they might provide the treaty body information that differs from what is in the official report. In addition, it is customary for groups that have filed shadow reports to be informed of questions posed to the state, giving them an extra channel of communication with the treaty body. The 'constructive discussion' procedure, which entails a comprehensive assessment system, is initiated by the treaty body upon receipt of the state's reply.

The European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (ECHR), which was signed by the member states of the Council of Europe in Rome on November 4, 1950, and came into effect in 1953, was the first regional agreement pertaining to the protection of human rights. In that it put legally enforceable requirements on the parties to provide adequate domestic remedies with respect to many rights and expanded the description of those rights, the ECHR went much beyond the UDHR. Additionally, it created the European Commission on Human Rights, whose job it is to look into and document human rights violations at the request of State Parties, or upon the express prior consent of individual states, in response to a petition from any individual, non-governmental organization, or group of individuals falling under the jurisdiction of that state.

A mandatory European Court of Human Rights is also established under the Convention. This was established in 1959 after the acceptance of its mandatory jurisdiction by eight states. cultural rights, such as the ability to work, the right to fair compensation, the ability to engage in collective bargaining, and the ability to receive social security. The Social Charter imposes obligations on States as opposed to limitations, and its enforcement mechanisms diverge significantly from those established by the ECHR. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987 was ratified by the Council of Europe's member states more recently, and it came into effect in 1989. The treaty creates a European Committee for the Prevention of Torture, whose duties include keeping an eye on how people who are detained are treated and planning an inspection system for prisons and other sites of confinement. Rather of offering official enforcement tools, the agreement seeks to promote respect of its terms. Article 3 of the European Convention on Human Rights already forbids torture and other cruel, inhuman, or degrading treatment.

The Protocol to the Organization of American States 1967 established the InterAmerican Commission on Human Rights as a principal organ of the OAS with the mission of promoting respect for human rights. This followed the American Declaration of the Rights and Duties of Man of 1948, which was heavily modeled after the UDHR. The Organization of African Unity approved the 1981 African Charter on Human and Peoples' Rights two years after the Inter-American Convention. Rather than being strictly obligated to uphold the rights outlined in the charter, state parties are required to take measures to give effect to those rights. This charter's substantive provisions are different from those of previous universal human rights accords in that they put a significantly higher priority on the rights of individuals. The African Commission on Human and Peoples' Rights is established under the charter and tasked with promoting these rights. Adopted in 1969, Human Rights 1969 outlines the rights to be upheld and establishes the Inter-American Court of Human Rights.

Talks have also been held to form additional regional accords, such as those between the members of the Arab League and the south Asian area. A few clauses from the Helsinki Declaration of 1975, which was approved by the Conference on Security and Cooperation in Europe, are especially noteworthy in this context. As mentioned before, Part VII of the

statement promised to uphold basic freedoms and human rights, even though it was explicitly declared not to have legal force. Additionally, certain human rights are addressed in other more. In summary, international human rights legislation effectively establishes duties that nations are required to uphold. States have responsibilities and duties under international law to uphold, defend, and fulfill human rights when they ratify international treaties. States have a commitment to protect human rights, which implies they cannot restrict or interfere with their enjoyment.

States have a duty to safeguard people and groups against violations of human rights. States have a commitment to fulfill, which requires them to take proactive measures to enable the enjoyment of fundamental human rights. Governments commit to enacting domestic laws and policies that are consistent with their responsibilities and obligations under international human rights treaties when they ratify them. Therefore, the primary legal protection of human rights promised by international law is provided by the local legal system. Mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are actually respected, implemented, and enforced at the local level when domestic legal proceedings fail to address human rights abuses.

Neutrality in international affairs and state foreign policy. Human rights' mission has grown in terms of claims, themes, and processes, but it started out as a legal defense of political dissidents' lives and bodily integrity against the abuses of dictatorships. In particular Human rights claims and subjects have been expanded to include previously marginalized groups like children and indigenous peoples since the 1990s. By the 21st century, international mechanisms for enforcing human rights had greatly strengthened—but only in the crucial area of widespread and systematic violations of life and liberty by governments of pariah states.

Looking at the majority of the Human Rights Law today and the growing mechanisms for compliance with it, some scholars even note that over the past 67 years, state sovereignty has gradually decreased. They link this to the growing awareness of human rights and the need to shield citizens from state abuse. The issue of whether the focus of international law has changed from dealing with "order," which is State-centric, to dealing with "justice," which is cosmopolitan, is therefore raised. In the end, it implies that, having previously focused only on the interaction between nations and their will, it is now seeking to establish a global governance framework. We shall have a quick discussion on such a system in the section that follows. The primary focus of the International Human Rights system is the State, and it has been steadily growing and changing in order to standardize, acknowledge, and defend fundamental human rights. The core goals and tenets of the United Nations Charter provide the solid cornerstones of this new international legal order. Furthermore, the 1948 Universal Declaration of Human Rights and the several international HR Conventions were among the institutional and legal tools that helped human rights acquire prominence during the Cold War. As a result, a set of legal guidelines and procedures as well as political tools—such as international war crimes tribunals, humanitarian intervention, and human rights diplomacy—were developed to control how governments treat their constituents. States pledge not to violate certain rights and to ensure that people and organizations inside their borders may exercise such rights when they sign human rights accords. Even though they are extremely flimsy, these treaties and instruments provide a basis for people, other states, international organizations, and non-governmental organizations to scrutinize how domestic governments conduct themselves. It is crucial to give this monitoring and scrutiny some thought.

Nowadays, every major treaty establishes a member-state reporting structure, such as the Human Rights Committee of the International Covenant on Civil and Political Rights, in

addition to the Human Rights Council which reviews national conditions. Issue-specific U.N. rapporteurs visit locations and publish findings on violations, such as forced disappearances, which may have an impact on bilateral or international sanctions or even result in the release of detainees named in the reports. Human Rights Commissions are also housed by the European Union, Organization of American States, and African Union at the regional level. These commissions differ in terms of their level of activity, accessibility to individual versus state complaints, and required influence on the domestic policies of their member states.

Transnational legal procedures also include bilateral, regional, and worldwide exercises of universal jurisdiction. The only permanent international tribunal that has jurisdiction over crimes against humanity, war crimes, and genocide is the International Criminal Court (ICC), which was established in the wake of the United Nations' post-war tribunals on Rwanda and the Former Yugoslavia. More than one-hundred-member nations have agreed to participate, but the United Nations is not one of them. Its unique mix of an independent prosecutor and Security Council referral, together with the normal precaution that it may act only after domestic remedies are tried, has made this possible. Since it was established in 2002, the ICC has mostly dealt with war crimes committed in Africa. Human rights courts with disputed jurisdiction and the authority to impose penalties on member states are also available in the EU and OAS. A number of states have also obtained criminal or civil judgments against overthrown dictators and war criminals at the national level, thanks to treaties like the Convention against Torture and domestic laws like the US Torture Victims' Protection Act that give willing states the authority to prosecute foreign nationals for crimes against humanity committed abroad in their own domestic courts.

Global Economic Sanctions were imposed on some nations due to flagrant violations of human rights, and the subject of human rights also informs and guides foreign aid and assistance programs. The Nordic nations, the Netherlands, and Canada all have significant and successful international human rights assistance, training, and civil society development programs. Sometimes investigations, accountability, and even a decrease in breaches by client nations were obtained by suspending such funding. Since the U.N. Security Council has the ability to approve action in response to significant crimes against humanity, the ultimate enforcement of human rights is military intervention against the offending authority.

The emergence of international processes and enforcement mechanisms has resulted in the assessment of the State's role in the context of human rights in today's globalized world, not only from a domestic perspective but also from the perspective of international actors and public opinion. Stated differently, the subject of human rights has been shifting from the domestic to the international arena over the course of the last several decades, and this process of internationalization of rights has emerged. Human rights and all of its related concerns thus found their way into the field of international relations.

Regarding this, the most crucial query still stands: Should human rights be positioned inside the framework of the main IR theories? The response differs significantly according on who is seen as the main players in the global system. In fact, the primacy of states and international institutions has always been the primary focus of reading about human rights in international relations. Individuals and other state players really play a little part in traditional theories of international relations such as liberalism, neo-realism, and idealism.

The paradoxical nature of international human rights law, however, challenges the moral omnipotence of the state by treating human rights as individual legal entitlements and liberties that include restrictions on the kinds of actions that governments and states may take against their citizens. This factor so defines much of the argument regarding human rights and

international relations: the States are either considered as the key player in the game as the principal guardian of Human Rights, or as the main offenders of Human Rights violations. The "Thirty Years War" was put an end to in 1648 by the Treaty of Westphalia, which established the present international order. But throughout the first three centuries of contemporary international relations, the central concern was not human rights. That was an obvious outcome of a global order founded on territorial state sovereignty. The legal idea that nations have exclusive authority over their territory, its inhabitants and resources, and the events that occur there, is hence the foundation of contemporary international relations. State sovereignty is the foundation for the majority of fundamental international conventions, laws, and practices that exist today. Other states have a right to be concerned about a state's activities only if those acts violate their sovereignty, as non-intervention is seen as the obligation that goes hand in hand with sovereignty.

Apart from international law, governments have established other mechanisms to govern their relations, including diplomatic protocols and the acknowledgement of areas of influence. An international social order is established by this collection of official and informal limitations on the original sovereignty of nations. Despite the absence of an international government, a significant corpus of international human rights legislation governs a social order. States have also grown more outspoken in their expression of their concerns about international human rights, perhaps going so far as to take action. Human rights now provide a moral benchmark that is included into the guidelines of the worldwide community of nations. International human rights policies would appear to encompass unjustified state treatment of its own individuals inside its borders, because human rights primarily control. The argument that people are also the subjects of international law and that a state is nothing more than a representation of its people is made, even if such interventions are strongly backed by the universality of human rights. Each person has moral interests or values that need to be honored. Everyone has the right to be free from rape, murder, and incarceration without charge or trial. Everybody has certain moral rights, which are universal. As a result, it is necessary to both respect and defend these moral rights. The counterargument that asserts that as every state is the culmination of its constituents, it is inescapably comparable to an individual, counters such arguments with equal force. Furthermore, a state's independence must to be maintained, much as that of an individual. Like people, nations are obligated to one another, thus each country must respect the rights of the other. The most fundamental human right is freedom, which leads to sovereignty. One country's rights put an obligation on another to respect those rights and not infringe upon them.

CONCLUSION

The examination of the Convention on the Rights of the Child demonstrates both the potential and difficulties in putting the convention's provisions into practice, as well as its critical role in advancing and defending children's rights across the globe. Adopted by the UN General Assembly in 1989, the Convention on the Rights of the Child establishes a comprehensive framework for guaranteeing children's survival, development, protection, and participation. It is a significant step toward the acknowledgment of children as rights holders. With its acceptance, a major step toward improving children's welfare and dignity throughout the world was taken. State parties use the fundamental CRC principles—such as the right to participate, nondiscrimination, and the child's best interests—as a guide for creating laws, policies, and programs that uphold children's rights. The holistic approach of the Convention acknowledges the interdependence of children's rights and the significance of providing for their needs in a thorough and well-coordinated way. Notwithstanding advancements in the CRC's implementation, issues with poverty, prejudice, violence, and access to healthcare and

education still exist. Together, state parties, civil society groups, and international organizations need to address these issues, fortify institutional and legal frameworks, and guarantee that those who violate children's rights face consequences.

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CHAPTER 12

ANALYSIS AND DETERMINATION OF STATISM AND THE STATIST MODEL

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ABSTRACT:

This essay examines the political and economic philosophies that support state-centric governance systems in order to analyze and determine what statism and the statist model are. Statism promotes the state having a strong, interventionist role in policing and overseeing many facets of the economy and society. This examination examines the tenets, traits, and ramifications of statism and the statist model by referencing theoretical frameworks, historical instances, and modern case studies. It looks at the benefits and drawbacks of statism in terms of social welfare, economic growth, and political stability. It also looks at possible obstacles to statism in terms of individual liberties, creativity, and market efficiency. This study seeks to expand knowledge of statism as a political and economic ideology and its applicability in modern governance systems via a thorough analysis.

KEYWORDS:

Analysis, Determination, Model, Statism, Statist.

INTRODUCTION

One of the more conservative theories is statism, which has its roots in Niccol Machiavelli's state model, which views the state as the primary player in international affairs. Despite having been around since the 1850s, the word "statism" saw a major increase in use in American political discourse throughout the 1930s and 1940s. In a number of publications published in 1962, Ayn Rand often referred to it. The fundamental tenet of this model is state sovereignty, which gives the state the authority to determine the degree to which people living on its territory are entitled to individual rights [1], [2]. In this totally state-centric tradition, violations of the sovereignty principle only occur as a means of power politics rather than as a means of humanitarian concern. States are the only entities that uphold the rights and obligations of the global society that they collectively comprise, and they are also capable of moral responsibility [3], [4].

The only way for non-state individuals and organizations to enter this society is via their state; they are objects, not subjects, of international law. The main tenet of international law, non-intervention, is to keep people and organizations out of the way of state-to-state interactions. Stated differently, the desire of a state to increase its power and influence leads to any violation of state sovereignty. As a result, it is believed that the authority to meddle in another state's internal affairs stems from their very capacity to do so; in other words, lesser nations are inherently vulnerable to the will of the stronger. This Statist Model places emphasis on the idea that as every state is the product of all its constituents, it is inescapably comparable to an individual. Furthermore, a state's independence must to be maintained, much as that of an individual. Like people, nations are obligated to one another, thus each country must respect the rights of the other. Freedom, which materializes as sovereignty, is the most significant right for every individual. A country's right forces another nation to respect that nation's right and not infringe upon it [5], [6].

As a result, the statist paradigm views human rights primarily as a domestic issue. The main players having the authority to address the issue are the states. This concept denies the existence of an international community with independent subjectivity. Specifically, there isn't any global organization authorized to advocate for human rights. This paradigm, which has its roots in the realist/neorealist school, views the international system as anarchic, with the goal of maximizing power and advancing national interests to ensure existence. It believes that allowing humanitarian interventions will make it possible for other interventions to enter via the back door, upending international order. Furthermore, this will be justified under the guise of humanitarian action for trivial and insignificant reasons. Under humanitarian intervention, it is likely that personal grudges will be addressed and self-serving interests will be satisfied. This is because the idea of humanitarian intervention is so broad, inclusive, and capable of accommodating a wide range of arguments [7], [8].

Proponents of this paradigm also doubt the effectiveness of humanitarian assistance since outside organizations don't know enough about another country or its people to make wise judgments. They contend that the UN's action in Cambodia and Somalia illustrates the situations in which there was inadequate information during human intervention. Additionally, they contend that governments seldom behave charitably and that their interventions are often made to advance national interests rather than the rights of individuals overseas. The opposition of the citizens of the nation being intervened in makes intervention fail, even in cases when outside organizations are well-informed and driven by compassion. UN operations in Somalia, for instance, once ran into opposition from the Somali people when Admiral Jonathan Howe started looking for General Aidid.

On the other hand, proponents of cosmopolitanism often criticize the Statist Model's promotion. The idea that "states like individuals are equally free" is not one they accept. They see it as an empirical matter that can only be resolved by world observation, therefore instead of assuming anything about the morality of a state, one should look into it. "States not to be loved seldom to be trusted" is what they often support. They argue that accountability and accessibility are crucial aspects of state sovereignty even as they endorse humanitarian assistance. States are only valuable when they uphold the moral interests of their citizens. Regardless of the welfare of the citizens, they have no right to govern. They lose their moral justification for sovereignty the minute they fail to fulfill their obligations, and they will be held responsible [9], [10].

Furthermore, as Vincent J. noted eloquently in his book, "the existence of this network invalidates any claim on behalf of the society of states that it marks the boundaries of social cooperation," the modern, globalized world with its ever-more-complex web of economic interactions and interdependency invalidates claims of State Sovereignty. "There is no good reason to begin (and end) with the morality or the supremacy of states, which is founded on a doctrine of state autonomy that is no longer in touch with the facts of international life," he continues, "so if we are to work out principles of social justice for the world as a whole. The philosophy known as cosmopolitanism holds that all people are members of a single community that is united by a common moral code. A cosmopolitan, or cosmopolite, is a person who embraces cosmopolitanism in any of its manifestations. Although there are numerous variations of cosmopolitanism, Carol Gould made a helpful distinction between political and moral cosmopolitanism. Accounts that uphold the commitment to treating every human being equally within a global framework are referred to as moral cosmopolitanism. The notion of universal human rights, which support human freedom (as defined by many definitions) and are unaffected by one's legal or political standing, is the most persuasive way to communicate this. The concept of cosmopolitanism in contemporary political theory was primarily

introduced by Kant. He developed cosmopolitanism in to encourage respect for one another among people and harmony among countries as a result of their shared humanity. Cosmopolitanism upholds the idea that all people are morally equal, independent, and able to think. As a result, everyone has the right to be treated equally and not as a tool, and everyone also has a responsibility to treat others fairly.

DISCUSSION

Moral cosmopolitanism serves as the foundation for political cosmopolitanism, whose proponents see the state as a barrier to political reasoning and the conceptual study of human rights. This approach places more emphasis on the value of the "individual" than the "state." Cosmopolitans concentrate on threats to the state and its authority that come from both below, in the form of people and non-governmental groups, and above, in the form of a really global community, not only international organizations and other state coalitions. It depicts the state as being under attack and encircled by strong people and nongovernmental groups from below and by the international community from above. After being crushed in this manner, the state becomes weaker and less resolute when faced with outside challenges on human rights-related matters. As a result, this model takes into account the role of people as significant players who, together with NGOs, pose a threat to states—who yet continue to be the dominant actors in international politics.

It is crucial to understand that cosmopolitanism views human rights as global rather than national. They have an interest in people as fellow members of the human race, not just as state residents. They find it difficult to see why the basic notion of human rights should depend on a spatial definition of standards pertaining to human rights. However, restricting nations' duty to uphold the human rights of individuals under their control goes against the universal concept of respecting everyone's human rights, to which all UN Charter signatories are obligated.

They contend that the social compact tying the subjects to the sovereign ends when the state falters or collapses. The right to sovereignty is rendered meaningless under such situations, and because there is none, foreign intervention does not violate state sovereignty. Instead, humanitarian intervention seems to be unavoidable. Cosmopolitans frequently contend that international law and organizations serve as the main platforms for cosmopolitan governance, citing the international Criminal Court and international Human Rights Law as crucial components in the development of more accountable global governance, even as they acknowledge the need to strengthen democratic practice and establish democratic legitimacy on a global scale. Furthermore, instances of a move from state-centered law to law above states include the development of environmental law, human rights legislation, and laws of warfare. While cosmopolitan law is predicated on the understanding that there is a moral order and rights and obligations that transcend state borders, international law is predicated on the idea of an independent state system. Jack Donnelly views the Internationalist Model as a model of consensus because it emphasizes the developing agreement on international human rights standards among states and non-state actors equally, while the Statist and Cosmopolitan models represent two extremes. Internationalists emphasize the international society of states, which places few constraints on nations, while acknowledging the continuous importance of states.

According to an internationalist conception, the "international community" is basically the society of nations plus people and non-governmental organizations. Only the degree permitted by the official or unofficial norms of the international society of states makes international human rights engagement acceptable. In summary, the current lesson examined the Statist and Cosmopolitan theories of human rights, which are in opposition to one another. It is possible to see each of the models covered in the lesson as depending either on prescriptive claims about

the role that human rights ought to have in modern international relations, or on descriptive claims about the place that they do have. One may argue as a statist that human rights are essentially incidental to international politics. But the central concern of the cosmopolitan concept is human rights. Even if the statist model was correct up to World War II, it is now just a rough and possibly deceptive first approximation. The most precise explanation of how human rights fit into modern international relations may be found in the internationalist paradigm.

Aside from these models, it's critical that we comprehend that the state's priorities in the area power and security rather than human rights. And in this kind of situation, the concerned governments take advantage of the human rights or "Cultural Relativism" controversy. Multiple non-Western governments or groups of states, such as ASEAN, African, and Latin American nations, have accepted multiple human rights agreements based on their unique local situations and traditional value systems, all based on the theory of cultural relativism. However, the West disputes this doctrine of cultural relativism, calling it "the last refuge of repression" and citing its usage by nations to evade real international inspection.

In terms of rights, these countries also reject the "hegemonic model" of the West, which imposes conditions on them in order to protect the interests of Western Capital Forces. The GATT agreement included "social clauses" that placed limits on the free flow of commerce to nations whose labor standards did not meet international standards or whose goods and processes did not respect the environment. This is seen in light of the intensifying competitiveness in the global market, where the West seeks to maintain its hegemonic status by imposing restrictions on its non-Western rivals under the pretext of human rights. Under these circumstances, academics such as Rajni Kothari note that the new corporate globalization concept has found considerable legitimacy in the human rights movement, which the Western powers have also used to intimidate and meddle in these countries.

The Second World War was a turning point in how people's standing changed under international law. War criminals were punished at Nuremberg and Tokyo as a consequence of the crimes committed by the Nazis. The formulation of new standards for the preservation of human rights was prompted by the associated wish to stop such crimes against humanity from happening again. The natural law idea of rights, to which all people have been entitled from the beginning of time and will remain so for as long as mankind exists, is upheld by the UN Charter. These are unalienable, enduring, and universal inherent rights. They fall within the equality objective of the UN Charter.

When nations ratified the Universal Declaration of Human Rights (UDHR), which declares that all people are born free and that no one should be forced into slavery, the international political arena began to acknowledge human rights in 1948. Regardless of whether the abuse or injustice was committed by a foreign sovereign or the individual's own state of nationality, states have concluded a number of international agreements since the UN Charter was signed in 1945 that offer comprehensive protections for individuals against various forms of injustice.

There is undoubtedly much to be thankful for since the adoption of the Declaration of Human Rights. A number of legislative guidelines and aspirational proclamations have been issued throughout the last 67 years. The treaties aimed at promoting and protecting human rights have given rise to a complex institutional practice. The global human rights movement raised the bar for evaluating governments and liberated countless individuals from dangers to their lives. It made the appalling conditions in jails throughout the globe public. Human rights are now considered a matter of government. Governments have investigative divisions, ombudsmen, special rapporteurs, and human rights agencies. Human rights networks, courts, international

organizations, private foundations, and other civil society entities are what we are seeing. The third generation of rights, which are often solidarity rights in nature, are now protected by international human rights legislation.

Even with the enormous advancements in the creation of human rights laws and mechanisms for their protection, fundamental discussions and disagreements persist, particularly regarding the following: Does the UN Charter's human rights clause impose legally binding obligations on member states to uphold the rights of all people within their borders, regardless of nationality? Regarding the nature of the human rights commitments outlined in the Charter, states have come to varying views. Some people consider the duty to be binding. Some have determined that they are not legally enforceable. Is the law pertaining to human rights really universal? Why are economic, social, and cultural rights subordinated to civil and political rights? In what sense are humanitarian interventions legitimate? Is it possible to put human rights ahead of state security? Human rights politics are emerging at the national and international levels as a result of these kinds of concerns and the absence of universal consensus on the fundamental definition of significant issues.

Human rights are undermined by the type of disregard shown by certain States, who also turn them into instruments in the hands of the strong. In the part that follows, we examine how the politicalization of the human rights cause. The emergence of international politics around human rights is sometimes attributed to the political climate during World War I and the fundamental ideological divisions between the First and Second Worlds. Even in the creation of the Human Rights Declaration itself, western philosophy had a significant effect on human rights. The debate that follows on legalization, ignoring social differences, and having a strong preference for Western values explains how major states' power politics have politicized human rights on a global scale. The UDHR's guiding principles have always served as an inspiration for the national laws and constitutions of several recently independent governments, which often aim to embodied the spirit of democracy that the Declaration espouses. One indication that the declaration has now become a part of customary law is the integration of the UDHR's principles into local laws. That being said, this significant turning point has one feature that was, strangely, necessary for its acceptance: it is not legally enforceable by definition. Human rights expert Simmon makes the point that even in the years after World War II, the world's first commitment to international human rights took the form of a nonbinding proclamation rather than a legally binding treaty. The US and France disagreed with a large portion of the declaration's wording, and the document was largely written to be non-binding in order to reassure the US. The absence of the USSR at the time the Declaration was adopted may have been due to its non-binding character. Simmons notes that, despite its many merits, the US Secretary of State John Foster Dulles subsequently clarified to the very skeptical and antagonistic American Bar Association that the Declaration of Human Rights was not a binding legal agreement.

Rather, in the "great ideological struggle between the United States and the Soviet Union," it was more akin to America's "Sermon on the Mount." The UDHR has been criticized of excluding the voice and values of nations, cultures, and peoples, despite lofty assertions to the contrary. The Declaration was endorsed by a large number of countries when it was adopted. "The Western political philosophy upon which the Charter and the Declaration are based provides only one particular interpretation of human rights," according to a number of academics. Therefore, it is relevant to ask if the UDHR overlooks the social distinctions between the 58 countries that existed at the time the UDHR was established and the 191 member states that make up the UN today.

Given the breadth of the Declaration and the later Conventions, which you have studied in-depth in your previous classes, it is clear why complaints about the Declaration are still being made today. Given that Africa gave birth to nearly 30 sovereign governments between 1958 and 1968, it is clear that the continents were severely underrepresented in the 58 states that made up the draft.

The fact that many Asian and African countries were colonized at the time of writing by countries like France and Britain, who were participating in the process, aggravated and ultimately led to this under-representation. Eight persons from Australia, Chile, China, France, Lebanon, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America made up the drafting committee. Therefore, the perspectives that were reflected were those of the colonizers rather than those of the colonized. Furthermore, despite strong pressure from the Soviet Union, Britain engaged in extensive maneuvering throughout the UDHR's writing to prevent it from being applied to its colonies. As a result, the UDHR did not apply directly to the colonial regions.

Throughout the two-year writing process, UN member nations explicitly brought up the problem of Western dominance of the process. During the debate over article 16, which deals with marriage, the Saudi Arabian delegation said, for instance, that the UDHR reflected the norms accepted by Western culture and had disregarded older civilizations. Interestingly, 'non-Western' delegates such as those from Belarussian SSR, Czechoslovakia, Poland, Saudi Arabia, Ukraine SSR, Union of South Africa, USSR, and Yugoslavia refrained from voting in favor of the UDHR. It should be highlighted, however, that these abstentions were not always motivated by opposition to Western domination, which highlights how difficult it was to implement the proclamation. Similarly, it's thought that South Africa refrained from voting because it knew the statement would be used to denounce its racist policies. The problems about the universal application of human rights are often raised by the UDHR's philosophical roots in Western thought. Some people believe that rights are culturally conditioned rather than universal.

CONCLUSION

The intricacies and subtleties of state-centric governance systems were illuminated by the examination and determination of statism and the statist model, revealing both their possible advantages and disadvantages. In order to advance social justice, economic growth, and political stability, statism pushes for a robust and active role for the government in economic planning, regulation, and redistribution. In order to solve market failures, guarantee social welfare, and rectify inequalities in the distribution of wealth and income, proponents contend that government involvement is required. But the statist approach is also criticized for its shortcomings such as bureaucracy, inefficiency, and restrictions on personal freedom and enterprise. Overzealous government involvement has the potential to undermine economic progress and prosperity by impeding market competition, stifling innovation, and creating inefficiencies in the distribution of resources.

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CHAPTER 13

POLITICS AROUND THE PRIMACY OF CIVIL AND POLITICAL RIGHTS

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ABSTRACT:

The politics of civil and political rights primacy, exploring the arguments, conflicts, and effects of placing these rights first within the larger context of human rights discourse. Fundamental liberties including the freedom of expression, assembly, and religion are included in the category of civil and political rights, along with rights to equality before the law, due process, and political involvement. This research examines the conflicts and trade-offs between civil and political rights and other kinds of rights, such as economic, social, and cultural rights, by drawing on theoretical frameworks, historical settings, and modern case studies. It looks at the political factors, such as power, ideology, and cultural factors, that influence which rights are prioritized above others. This article seeks to further a complete and inclusive approach to rights-based governance by providing a deeper knowledge of the intricacies of human rights politics via a thorough investigation.

KEYWORDS:

Civil Rights, Politics, Primacy, Political Rights, Rights Discourse.

INTRODUCTION

Addressing economic, social, and cultural rights in addition to political and civil rights. The Declaration was not legally binding, which allowed for this unanimity. However, concerns raised by so-called developed governments about the relevance or appropriateness of social, economic, and cultural rights already stated in the Declaration as human rights hindered the preparation of the covenant on economic and social rights. These regimes held that aspirational social, economic, and cultural objectives were contingent upon financial means as well as economic theory and ideology in order to be achieved [1], [2]. Western governments concluded as a result that economic rights should not be framed as legally enforceable responsibilities. However, nations in the Second and Third worlds at the time believed that economic rights were the most important [3], [4].

Due to divergent opinions, two international documents were written and concurrently presented to the General Assembly for consideration: the ICESR and the ICCPR. Along with social, economic, and cultural rights, one document was supposed to include civil and political rights. The fundamental differences between the opposing factions finally led to the prioritization of civil and political rights above economic, social, and cultural rights, as you have covered under the covenants section. Thus, the terms "justifiable rights" which are comparable to the "fundamental rights" of the Indian Constitution—are used to refer to the civil and political rights. The rights to economic, social, and cultural advancement are known as non-justiciable rights; they are essentially directives to the states that must be pushed and carried out in accordance with certain conditions [5], [6].

These rights are analogous to the state-mandated Directive Principles of State Policy outlined in the Constitution. In a sense, the emphasis placed on Civil and Political Rights above Economic and Social Rights gave rise to the politics surrounding Human Rights Violations and Interventions under the pretext of Humanitarian Grounds throughout Human Rights History.

Because of this, academics like Robert Meister who study mainstream human rights are forced to critically examine a politics of human rights that puts political rights protection—which reduces the likelihood of physical violence against individuals above economic, social, and redistributive rights which are based on a radical understanding of social justice and economic equity [6], [7].

Scholars such as Meister fervently contend that post-World War II human rights discourse ultimately rationalizes the hegemony of a global capitalism system that actively works to undermine the attainment of human rights broadly defined, and that contemporary human rights discourse inappropriately downplays the importance of economic rights and social justice. Therefore, the foundation of contemporary human rights rhetoric is the idea that physical violence committed against innocent people for political reasons is never acceptable. Global norms, however, suggest that prohibitions against the use of physically motivated political violence are superseded when such violence is committed by "the international community" in the name of global human rights.

These norms call for humanitarian intervention and a "responsibility to protect" on the part of an ill-defined international community. The so-called change agents, such as governments, non-governmental organizations, and international human rights organizations, frequently remain silent on issues of poverty and economic exploitation while stepping in to protect victims of political violence, regardless of the underlying cause of the violence. They prioritize civil liberty and political rights. However, this interpretation of human rights contradicts the historical understanding, which saw human rights as entailing drastic breaks with unfair political, social, and economic structures [8], [9].

The United Nations (UN) is becoming more and more involved in upholding human security and justice norms. However, addressing the problems surrounding humanitarian assistance has proven difficult for the UN. The idea that grave human rights breaches serve as justification for humanitarian intervention is supported by a number of passages found in the UN charter. The principal duty of the nations for addressing the complex situations inside their borders was mentioned in the main declarations made by the UN General Assembly on humanitarian aid. However, the UN, a transnational institution, stands for a common good that is greater than the sum of the interests of the many states. UN specialized agencies, non-governmental organizations, bureaucracies, and the Secretary General's office reflect the transnational face. The UN's functions and missions have grown significantly over the last several decades to encompass humanitarian aid and human rights protection.

Fundamentally, it is assumed that humanitarian intervention by the so-called "international community" transcends political boundaries and presumes the use of force. Naturally, military operations conducted by local players are just as political as humanitarian intervention by the international community, a "community" whose interests and actions are essentially dictated by the preferences and policies of major powers. Furthermore, selective interventions have been carried out under the guise of humanitarianism on several occasions, even amid difficulties of a modest nature, by using the provision. In this sense, it was discovered that some of the interventions aided the imperialist goals of certain of the participating nations. long-lasting results. A feeble and weak administration and a populace that has been granted freedom from despotism might be the results of intervention [10], [11].

These actions also raise concerns that the local military and foreign politicians may misjudge the situation or underestimate the forces needed to turn it around. That's precisely why academics like Meister challenge human rights advocates to think about why military operations carried out on a worldwide scale by a "international community" dominated by

superpowers should be morally acceptable even in cases where "collateral damage" results, while militant movements in particular areas are always regarded as violating human rights when innocent civilians are killed, even if these movements are driven by a deeper concern for justice and human rights. Furthermore, Meister's theory begs the issue of how far victims of injustice should be absolved of guilt, even in cases when they do not directly commit acts of violence. In this manner, the self-serving intentions of certain nations undermine the goal of human rights and raise serious concerns about the legality of using violence to defend such rights. The topic of the validity of humanitarian operations brings up the issue of the global guardians of human rights and their growing significance, particularly after the end of the Cold War.

DISCUSSION

The United States of America is one such guardian. Because terrorism is inherently anti-human rights, it is seen as the gravest human rights violation due to its intentional assault on civilian targets. The term 'terrorist' is deliberately used to denote those who are fighting for human rights. The US identity, on the other hand, is shaped by freedom, democracy, human rights, and peace. This exercise in language and dichotomous thinking has the effect of characterizing the United governments as a bulwark of liberty against "terrorists," "evil doers," and "rogue states," which together form a "axis of evil, armed to threaten the peace of the world." This made it possible for decision-makers in charge of foreign policy to justify and explain their choices by citing the image that upholds US identity in terms of freedom and human rights. Therefore, Washington believed that the War on Terror could not succeed until the terrorists were dehumanized. An analysis of pertinent speeches and declarations reveals that it was thought to be crucial to position the US, and the West in particular, as the world's guardians of human rights. The United Kingdom jumped on the bandwagon during the invasion of Iraq and supported the Afghan Intervention.

Therefore, protecting human rights globally is portrayed as a duty or purpose for the US, and this served as justification for the War on Terror. Thus, it was claimed that the Western countries had an unpleasant duty to combat terrorism in order to protect people from violations of human rights and the globe from terrorists who despise freedom. A human rights, liberty, and freedom-based ethical framework was provided for the wars in Afghanistan and Iraq in particular. The conversation on international human rights defenders need to focus more on these defenders' growing importance, their connection to humanitarian non-governmental organizations, and their impact at the national level. The way non-governmental organizations (NGOs) respond to humanitarian crises has changed significantly since the conclusion of the Cold War. The boundaries of international humanitarianism were set by powerful authoritarian regimes that imposed stringent regulations over NGOs during the Cold War. NGOs now have an unprecedented amount of freedom to operate inside these nation-states as a result of the fall and weakening of many national governments, especially those in the South and countries that were formerly a part of the Soviet Bloc. One specific effect of the Third World's nation-states becoming weaker is that donor countries are purposefully avoiding local governments and directing any funds intended for emergency aid via their own non-governmental organizations. That's a significant shift. International NGOs used to fill in the blanks in the official relief efforts that were overseen by the impacted nation's national government.

NGOs, on the other hand, are supposed to be the main response mechanism for any catastrophe since the 1980s. The media will promptly report the presence of organizations such as Oxfam and Medecins sans Frontieres (MSF) after any significant calamity. In 1998, during Hurricane Mitch, the media condemned foreign Thinking Again About Human Rights, The slow response time from humanitarian NGOs and National Level Effects NGOs in the field. Not even the

possibility of the relief effort being managed by the governments of Honduras and Nicaragua was taken into consideration. These elements have all played a part in the enormous rise in the influence of global humanitarian organizations. Relief and humanitarian spending increased six times faster than before the mid-1980s. Organizations with billion-dollar worldwide operations, such as the International Committee of the Red Cross (ICRC), UNICEF, and UNHCR, have much more authority and resources than the developing nations where they work. Numerous humanitarian organizations recognize that in many of these countries, NGOs are stepping into the political void. In the post-Cold War era, the expansion of humanitarian NGOs is therefore a component of larger socio-political processes.

Academics believe that the increased capacity of agencies to address needs is a result of a more extensive and intricate process of globalization and the decline of political options. A number of factors on the political scene have also increased the relative strength of international relief organizations. The readiness of Western countries to disregard national sovereignty as a barrier to humanitarian operations is welcomed by human rights organizations and relief organizations. Formerly reserved for radical activists and humanitarian organizations, the language of poverty and human rights is now easily understood by the heads of the world's most powerful countries. The idea that national sovereignty serves as a barrier to foreign intrusion has been called into question by this new human rights culture.

At the national and international levels of division, forcible intervention into a state's territory in the name of humanitarian causes is now common and acceptable, despite the fact that, at least thus far, the effects of this shift have only been felt in the Third World or in marginalized East European countries. The announcement that "a new era of intervention has begun and the age of strict national sovereignty is over" has been hailed by Bernard Kouchner, the founder of MSF and a former French government minister. When MSF received the Nobel Peace Prize in November 1999, a number of observers said that the organization was ahead of its time in opposing state sovereignty and denouncing violations of human rights. "MSF's assertion of the right to enter sovereign states – in order to alleviate human suffering – was a bold precursor of an argument which is now embraced, however spasmodically, by governments," the editorialist said, praising the organization for providing a lead to the Western countries.

At the national level, relief workers are often seen as important players in politically delicate places where nation-states and civil society have all but dissolved. They are no longer only assistance providers; instead, they have become powerful entities with enormous financial and political clout. They also have a significant impact in internationalizing wars and catastrophes because they are the first responders on the scene. Press officers for relief organizations work to alert the media to humanitarian emergencies in far-flung regions of the globe and use that attention to spur action on the part of the global community. The perspective of humanitarian organizations is likely to be heard by international political leaders, not that of the local government or fighting side. The idea of local solutions as a whole has been weakened by the internationalization of disaster assistance, which has also highlighted the vulnerabilities of Third World governments.

The International Covenant on Civil and Political Rights (ICCPR) imposes a responsibility on all States to safeguard citizens inside their borders against terrorists, based on the right to life. States must implement counterterrorism measures if they are to preserve national security and guarantee everyone's safety, but these actions cannot violate human rights or flout international law. The absence of a widely agreed definition of terrorism made it more likely that human rights would be violated and made it more difficult for the international community to combat terrorism. Human rights issues have emerged as a result of counterterrorism efforts that some states argue violate international law, particularly after the United States declared war on

terrorism following the September 11 attacks. When taken as a whole, this post 9/11 legislation amount to a vast extension of the government's authority to look into, arrest, and punish people, often at the price of court supervision, public openness, and due process.

Human rights defenders contend that these laws need careful examination since they may and have been used to target certain religious, ethnic, or socioeconomic groups, crush peaceful political protest, and limit or violate the rights of suspects. The potential of these rules to include a broad range of behavior much beyond what is commonly considered to be terrorist activity is especially concerning. Most of the time, the definition of terrorism under the legislation is vague and open-ended. Although governments have openly used the fear of terrorism to justify the extraordinary powers granted to police and other state agencies under these laws, some of the activity they cover may not be directly related to such prospective attacks.

It was also discovered that some anti-terrorism legislation had procedural modifications that compromised the guarantees of a fair trial and fundamental human rights. These regulations are intended to make sure the legal system delivers due process. A few modifications improve law enforcement officers' capacity to take action without a judge's or any other outside authority's approval. Others provide prosecutors and other executive branch employees who could have a special interest in the conclusion of police investigations the authority to authorize. These procedural modifications not only make it more likely that someone would violate someone's rights—such as by torturing or mistreating them—but they also make it less likely that the perpetrators will be found and brought to justice. how the anti-terrorism laws have two sides. Human rights advocates frequently contend that laws of this nature violate not only international human rights law but also the human rights of all those whom the state considers to be terrorists. The States claim to use these mechanisms to protect their national security and the safety of their innocent citizens. They note that these tactics, while purporting to combat terrorism, also enable the state to violate the human rights of terrorist suspects by torturing, mistreating, and forcing them to vanish, all without seeking legal justification. The right to life through targeted killings, the ban on torture, the right to liberty through arbitrary detention, racial and ethnic profiling, the right to due process, the freedom of speech and association, the right to privacy, and numerous other social, economic, and cultural rights are all at risk when it comes to state counterterrorism measures.

Domestic policies have shrewdly turned against the poor and working class as neoliberalism and globalization have emerged as guiding principles for economic development and nations are vying for global money and investment. The state has significantly changed the circumstances around human rights in the guise of fostering a positive corporate climate, in addition to withdrawing from welfare operations.

The common people are severely impacted by policies such as the compulsory purchase of property and common resources, strict labor laws, service privatization, elimination of all subsidies, etc. It is clear that this is causing protest movements, as well as sometimes violent retaliation. This is causing factions to turn to violence, which is sparking insurgencies and civil conflicts in several nations. States are more inclined to label these groups as anti-state and enact strict legislation to quell them. The treatment of protest movements as anti-state, stifling dissenting voices, using state brutality, and other tactics are weakening citizens' rights in many countries, particularly developing nations.

Human rights advocates are pushing nations to prioritize protecting the rights of common people above those of corporations. They are pleading with the states to enact legislation protecting the common people from exploitation. States may use due diligence for human rights

in particular and utilize considerably more legal measures to guarantee that businesses respect human rights generally. Some of the primary political concerns pertaining to human rights generally are covered above. Thus, from the time the Universal Declaration of Human Rights was being drafted, national and international politics around human rights have been prominent. These politics are basically the product of ideological conflicts over the definition of human rights amongst the major states. The political activity that led to new forms of interference and the loss of national sovereignty was made possible by the humanitarian help. In a same vein, some laws enacted to combat terrorism and revival also negatively affect human rights.

CONCLUSION

The contentious character of the human rights discourse and the difficulties of giving priority to certain rights over others are highlighted by the politics surrounding the primacy of civil and political rights. Individual autonomy and democratic government are often seen as predicated on civil and political rights, which include the freedoms of communication, association, and political involvement. Supporters contend that by guaranteeing accountability, openness, and the rule of law, these rights act as a safeguard against oppression by the state. Political, intellectual, and cultural conflicts abound in discussions over the priority of civil and political rights. Critics argue that giving priority to these rights might mean ignoring the structural injustices and socioeconomic disparities that prevent people from fully exercising their rights. Systemic inequality must be addressed in order to advance social justice. These rights include the rights to decent employment, healthcare, and education. They also include economic, social, and cultural rights. The politics surrounding the supremacy of civil and political rights are a reflection of larger power structures and global agendas. There are conflicting narratives and tactics in human rights advocacy and policymaking because governments, political parties, and members of civil society often support the rights that fit with their goals and objectives.

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