

Human Rights

What are Human Rights?

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Why are Human Rights important and significant ?

Human rights are important in the relationships that exist between individuals and the government that has power over them. The government exercises power over its people. However, human rights mean that this power is limited. States have to look after the basic needs of the people and protect some of their freedoms. Some of the most important features of human rights are the following:

- They are for everyone.
- They are internationally guaranteed.
- They are protected by law.
- They focus on the dignity of the human being.
- They protect individuals and groups.
- They cannot be taken away.

Humans Rights Day is celebrated on 10 December every year in order to address the issue of equality and the fact that every human on earth has the right to live with full dignity and justice.

Characteristics of Human Rights:

The *main characteristic features of human rights* may be analyzed in the following manner:

1. Human rights imply that everyone should have them. People do not enjoy them as the member of a particular nation or of a community, rather as the member of the human society. So human rights are universally applicable to all without any discrimination on the grounds of caste, class, colour, sex, religion etc.
2. Human rights, as a comprehensive whole, include socioeconomic, civil, political, cultural rights which are deemed to be essential for the human beings to lead a life of dignity.
3. Human rights are justiciable. They cover legal rights protected by the law of the state. They also cover fundamental rights as incorporated in the constitution of the land and they enjoy judicial enforcement.
4. Human rights are not absolute. Like all rights, they may also be restricted in the interest of public peace, social decency, political security and the like.
5. Human beings cannot stay without the enjoyment of human rights. All of them possess these rights as the members of the human society. Since some people are ignorant of these rights, they must be taught about these opportunities. They only can lead a life of peace, security and dignity with the growing consciousness of these rights.

Types of Human Rights:

The Universal Declaration of Human Rights has guaranteed a number of rights which can be classified as follows:

(a) Social or Civil Human Rights:

All human beings are entitled to:

- (1) The right to life, liberty and security of persons.
- (2) Right to freedom from arbitrary interference with privacy, family, home or correspondence.
- (3) Right to marry and have family and right to property.

(b) Political Human Rights:

To take part in the political process, all human beings are provided with some rights such as:

- (1) Right to equality before law and equal protection of law.
- (2) Right to freedom of thought, expression, belief, faith, conscience and religion.
- (3) Right to freedom of peaceful assembly and association.

(c) Economic Human Rights:

To ensure the economic interest of the human being, UNO also provides certain economic rights, such as:

- (1) Right to work and the right to equal pay for equal work
- (2) Right to rest and leisure
- (3) Right to food, health and adequate standard of living.

(d) Cultural Human Rights:

For the protection of the various types of cultures, traditions and customs of the human being, the Declaration of Human Rights also provides certain rights, such as:

- (1) Right to participate in the cultural life of the community,
- (2) Right to enjoy the art and to share in the scientific advancement and its benefits
- (3) Right to a social and international order in which the human rights as provided in the Universal Declaration can be fully realized.

Various countries have also established their own Human Rights Commission for the protection of human rights in their respective area. A strong public opinion has been realized in favour of the human rights for which no government can easily suppress them.

Principles of Human Rights

1. Universal and Inalienable

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

2. Interdependent and Indivisible

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

3. Equal and non-discriminatory

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.”

4. Both Rights and Obligations

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

List of Human Rights Issues and Violations

- **Children**

Committee on the Rights of the Child (CRC), OHCHR Thematic reports on children
Special Rapporteur on the sale of children, child prostitution and child pornography
United Nations Study on Violence against Children

- **Death penalty**

Death penalty

- **Discrimination**

A special focus on discrimination

- **Education**

Human rights education and training, Special Rapporteur on the right to education

- **Environment**

Human Rights and the Environment, Rio+20 - United Nations Conference on Sustainable Development, Special Rapporteur on human rights and the environment, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

- **Executions**

Special Rapporteur on extrajudicial, summary or arbitrary executions

- **Freedom of Opinion and Expression**

Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

- **Freedom of Religion and Belief**

Special Rapporteur on freedom of religion or belief

- **HIV/AIDS**

HIV/AIDS and Human Rights

- **Older persons**

Independent Expert on the enjoyment of all human rights by older persons Older persons

- **Terrorism**

Independent expert on Protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteur on the promotion and protection of human rights while countering terrorism

- **Torture**

Committee against Torture (CAT), Special Rapporteur on torture, Subcommittee on Prevention of Torture, United Nations Voluntary Fund for Victims of Torture

- **Women**

Committee for the Elimination of Discrimination against Women (CEDAW), Special Rapporteur on violence against women, its causes and consequences, Women's Rights and Gender main page Working Group on the issue of discrimination against women in law and in practice

United Nations Commission On Human Rights

Introduction

The United Nations Commission on Human Rights was established in 1946 to weave the international legal fabric that protects our fundamental rights and freedoms. Composed of 53 States members, its brief expanded over time to allow it to respond to the whole range of human rights problems and it set standards to govern the conduct of States. It also acted as a forum where countries large and small, non-governmental groups and human rights defenders from around the world voiced their concerns. During its regular annual session in Geneva, for which over 3,000 delegates from member and observer States and from non-governmental organizations participated, the Commission adopted about a hundred resolutions, decisions and Chairperson's statements on matters of relevance to individuals in all regions and circumstances. It was assisted in this work by the Sub-Commission on the Promotion and Protection of Human Rights, a number of working groups and a network of individual experts, representatives and rapporteurs mandated to report to it on specific issues.

Background Information:

Procedures and Mechanisms

Commission on Human Rights procedures and mechanisms are mandated to examine, monitor and publicly report either on human rights situations in specific countries or territories (known as country mechanisms or mandates) or on major phenomena of human rights violations worldwide (known as thematic mechanisms or mandates). These procedures and mechanisms are collectively referred to as the Special Procedures of the Commission on Human Rights.

Main Themes

The main themes addressed by the Commission are: the right to self-determination; racism; the right to development; the question of the violation of human rights in the occupied Arab territories, including Palestine; the question of the violation of human rights and fundamental freedoms in any part of the world; economic, social and cultural rights; civil and political rights, including the questions of torture and detention, disappearances and summary executions, freedom of expression, the independence of the judiciary, impunity and religious intolerance; the human rights of women, children, migrant workers, minorities and displaced persons; indigenous issues; the promotion and protection of human rights, including the work of the Sub-Commission, treaty bodies and national institutions; and advisory services and technical cooperation in the field of human rights.

Working Groups

From time to time the Commission identifies areas in which existing standards need to be further developed to confront new and growing concerns. At present, it is working to reinforce safeguards against torture and other forms of cruel or inhuman treatment in custody through preventive visits to places of detention, and to promote the rights of indigenous populations.

Other subjects that are currently under consideration by working groups of the Commission are the right to development, and structural adjustment programmes and human rights.

If complaints from individuals or organizations received by the Sub-Commission's Working Group on Communications reveal a pattern of serious human rights violations in a country, the matter can be brought to the attention of the Commission's Working Group on Situations and of the Commission itself.

Standard-Setting and Implementation

One of the most important tasks entrusted to the Commission has been the elaboration of human rights standards. In 1948 it concluded work on the landmark Universal Declaration of Human Rights. Since then it has developed standards relating, inter alia, to the right to development, civil and political rights, economic, social and cultural rights, the elimination of racial discrimination, torture, the rights of the child and the rights of human rights defenders.

All States that accept these standards are obliged to implement the rights they entail and to report regularly to international bodies set up to monitor their compliance.

Human rights standards have little value if they are not implemented. Consequently, the Commission devotes much of its time to examining issues of implementation. Some of its work is particularly sensitive, generating extensive debate and often disagreement. Its network of mechanisms - experts, representatives and rapporteurs - plays an important role in reporting to the Commission annually. Information received from Governments, non-governmental organizations and individuals is used in the preparation of these reports.

The Commission's success is measured by its ability to make a difference to the lives of individuals.

Advisory Services and Technical Cooperation

Where problems are identified, the Commission can take action to address them. It regularly requests the Office of the High Commissioner for Human Rights to provide assistance to Governments through its programme of advisory services and technical cooperation in the field of human rights. This assistance takes the form of expert advice, human rights seminars, national and regional training courses and workshops, fellowships and scholarships, and other activities aimed at strengthening national capacities for the protection and promotion of human rights.

National Human Rights Commission of India

The **National Human Rights Commission (NHRC)** of **India** is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA). The NHRC is the national human rights institution, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

“Human Rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International covenants and enforceable by courts in India. “Commission” means the National Human Rights Commission constituted under section of All human beings are born free and equal in dignity and rights known as Human rights, as commonly understood, are the rights that every human being is entitled to enjoy freely irrespective of his religion, race, caste, sex and nationality, etc. In Declaration of Independence acknowledged the fundamental human rights. Human right means different thing to different people. Human Rights are not static. New rights are recognized and enforced from time to time. Only persons fully conversant with the latest development about the expanding horizons of Human Rights can promote their awareness better than others.

Functions

Under the Protection of Human Rights Act – TPHRA, mandates the NHRC to perform the following functions:

- proactively or reactively inquire into violations of human rights or negligence in the prevention of such violation by a public servant
- by leave of the court, to intervene in court proceeding relating to human rights
- to visit any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates and make recommendations
- review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
- to study treaties and other international instruments on human rights and make recommendations for their effective implementation
- undertake and promote research in the field of human rights
- engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means
- encourage the efforts of NGOs and institutions working in the field of human rights
- such other function as it may consider it necessary for the protection of human rights.

Composition:

The NHRC (National Human Rights Commission) consists of:

- A Chairperson , retired Chief Justice of India
 - One Member who is, or has been, a Judge of the Supreme Court of India
 - One Member who is, or has been, the Chief Justice of a High Court
 - Two Members to be appointed from among persons having knowledge of, or practical experience in, matters relating to human rights
 - In addition, the Chairpersons of four National Commissions of (1.Minorities 2.SC 3.ST 4.Women) serve as ex officio members.
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Appointment:

Sections 3 and 4 of TPHRA lay down the rules for appointment to the NHRC. The Chairperson and members of the NHRC are appointed by the President of India, on the recommendation of a committee consisting of:

- The Prime Minister (chairperson)
- The Home Minister
- The Leader of the Opposition in the Lok Sabha (House of the People)
- The Leader of the Opposition in the Rajya Sabha (Council of States)
- The Speaker of the Lok Sabha (House of the People)
- The Deputy Chairman of the Rajya Sabha (Council of States)

Goa State Commission for Human Rights

The Goa Human Rights Commission was constituted in the month of March 2011 to perform the functions assigned to the State Commission under Chapter V of the Protection of Human Rights Act 1993.^[1] Justice Shri. P.K. Mishra, former Chief Justice of Patna High Court,^[2] was appointed as the Chairperson of the Commission and Shri. A. D. Salkar, former district Judge and Shri J. A. Keni, former Member of the Goa Public Service Commission were appointed as Members.^[3] The office of the commission office is located in Panaji, Goa. The website of the Goa Human Rights Commission was made in January 2015.

Appointment of Chairperson and other Members of State Commission

The Chairperson and other Members shall be appointed by the Governor by warrant under his hand and seal provided that every appointment shall be made after obtaining the recommendation of a Committee consisting of -

- The Chief Minister - Chairperson
- Speaker of the Legislative Assembly - Member
- Ministers in-charge of the Department of Home in that State - Member
- Leader of the Opposition in the legislative Assembly – Member

Powers of the Commission

The Powers of the Commission are as follows:

- To inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint of- (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation, by a public servant.
- To intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court
- To visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon
- To review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- To review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures

- To undertake and promote research in the field of human rights
- To spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- To encourage the efforts of non-governmental organisations and institutions working in the field of human rights;
- Such other functions as it may consider necessary for the promotion of human rights
- The Goa Human Rights Commission Office is located at E.D.C House, C Wing, 2nd Floor, Dr. Vidhya Road, Panaji, Goa. Pin Code: 403 001. Telephone No: 0091-0832-2226687.

Conclusion

That the individual is absolute, that his or her reality must be recognized unconditionally and necessarily lies at the basis of human rights. However, some clarification is needed. What is required for each individual consists in the possibilities he or she has or must unfold and develop. Violence consists in individuals not being able to actualize their possibilities or to open ulterior possible horizons. Human rights are addressed not only or exclusively against open, generalized and declared forms of violence. More properly, they are addressed in principle against any form of *everyday* and hence systematic violence. Therefore, it is not necessary that there be situations of torture, of the "disappeared" or of violations of International Human Law, for there to be generalized violation of human rights. Indeed that false idea led to the erroneous belief, spread broadly among social circles in the countries of the First World, that human rights typically is a problem of under development belonging exclusively to the so-called Third World.

The big difficulty implied by the commitment to respect human rights consists in the capacity to feel for the other, for situations of human rights call not just for understanding, but for sensibility. This is so, even though the road to the foundations of human rights goes from understanding to sensibilization, not the other way round. In fact, the greater our capacity for understanding, the greater our sensibility. The opposite road from greater sensibility to greater understanding is neither necessary nor wholly guaranteed because when left on its own sensibility can readily be manipulated. The recent history of propoganda and publicity provides sufficient evidence. There is a necessary implication in both the theoretical and the practical orders between human rights and solidarity.

Indeed, it is characteristic of ethics -- in contrast to philosophy in general -- that it points one beyond oneself. Thus, first, to understand the world's problems exclusively in terms of values, ideas, ends and ethical attitudes; and secondly, to pretend that therefore the solutions to the most urgent problems of the contemporary world are to be solved exclusively or primarily on the basis of ethical tasks, behaviours and formulations is as groundless as it is dangerous.

The great problem consists then in the transition, or bridging, between the ethical problems and solutions, on the one hand, and, on the other hand, the economic, political, military, administrative, and technical problems and solutions. In common language an expression whose value is denotative, but whose signification is far from being transparent is that solutions to the problems of the life-world depend, finally, on "political will".

There is here no quick solution, but the beginning of a series of problems, and thus of a dialogue. With this all are concerned regardless of differences in occupation, participation in national or international decisions making or level of education, but also regardless of belonging, with or without a certain level of responsibility, to a political, religious or civic organization of civil society.

Finally, human rights, solidarity and subsidiary -- the three themes considered in this text -- in their specificities and reciprocal relations deal with the spaces and guarantees that enable our decisions to make sense and therefore to construct our life and our world. Multiple seams and lines of analyses could still be raised, or remain in need of further development. The analyses here require additional investigation of which these essays are but the beginning.

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