



# Global implications of human rights

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### ABSTRACT

The story of human civilization is a newer ending struggle towards a better and improved way of life. Discrimination, inequality, injustice and explanation of any kind becomes, a matter of deep concern for any civilised society. Talk of rights related to life, liberty, equality and dignity of the individual is gaining importance day by day. Human rights also have implications in the process of globalization. It is important to understand the term of human rights and to recognise it as an instrument of social justice. This paper has made an attempt to understand the concept of human rights and efforts made for the protection of human rights at international level.

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### Introduction

The talk of human rights is attracting the attention of people all over the world. Human Rights and Fundamental Freedoms are the birthright of all human beings. The ideals of human rights help in consolidating civil society and also insure a decent and dignified life to all. Human rights remove the discrimination against the citizens by treating them equal and also protect them against any violation of the principles of equality of rights and respect for human dignity. The world conference on human rights reaffirmed clearly that the human rights of human beings throughout the life cycle are an inalienable, integral and indivisible part of universal human rights. The United Nations Declaration of human rights have also recognised the rights of every one by ensuring social and economic equality and no discrimination on any ground.

#### Meaning of Human Rights

Widely used term human rights is still hard to define "It is a dynamic concept and endeavours to adopt itself to the needs of the day. For this reason, the definition and understanding of the term depend much on the condition and opinions prevailing in the given society at a given time and it attains new dimension with the march of history. Since the socio-economic environment with which the question of human rights is intrinsically bound up, keep changing so do the form and content of human rights. Hence what constitute human rights can not be spelt out in absolute terms for all times and all situations" (Alam, 2000).

In spite of the difficulties involved in defining human rights attempts have been made to comprehend and define human rights. On December 10, 1948, The General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Human rights are recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, which is the foundation of freedom, Justice and peace in the world (UNDHR).

Human rights means the rights relating to life, liberty, equality and dignity of individual guaranteed by the constitution

or embodied in the international covenants and enforceable by courts in India" (Protection of Human Rights Act 1993, Section 2 (d)). So human rights insure certain rights to an individual whether a citizen or non-citizen, which are inherent, non negotiable and inalienable to him. These rights relate to life, liberty, equality and dignity of the individual which are guaranteed by the state and enforced by the Judiciary.

#### International aspect of Human Rights

Human rights were first time universalised and internationalised with the United Nations Charter on human rights. The early efforts were the serious thoughts given to protect the rights of human beings in the event of Mussolini's invasion of Abyssinia (Ethiopia) in 1935 and the incidents happened in Germany, Italy and Japan during the second world war. Declaration of human rights by the United Nations General Assembly on 10<sup>th</sup> December 1948 was the first guiding principle of human rights, due to this every year on this day the Human Rights Day is observed and celebrated.

On 16<sup>th</sup> December 1966 the United Nations General Assembly adopted two covenants for this protection and enforcement of human rights and came into force on 23<sup>rd</sup> March 1976. These two covenants are international covenants on Civil and Political rights and the International Covenant on Economic, Social and Cultural Rights. The first Covenant was drafted in terms of Individual rights and the second in terms of state's duties. Under the heading of civil and political rights all governments are expected to protect the life, liberty and security of their citizens. These three rights constitute the foundation of all rights that a human being enjoys. Thereafter two optional protocols were added to the covenant on civil and political rights. The first optional protocol provides right to an individual to petition to International Agency for redressal of his grievance concerning his human rights. This protocol was implementing on 23<sup>rd</sup> march 1976. The second optional protocol provided for the abolition of the death penalty and came in force on 11<sup>th</sup> July 1991. (Dash, Styra, Prakash). These two protocols to the covenant on civil and political rights strengthened the original

two covenants and provided greater scope and opportunity for the protection of human rights world wide.

The United Nations General Assembly on 17<sup>th</sup> December 1991 convened a world conference on Human Rights to review and assess the progress made in the field of human rights since 1948. The world conference on human rights was also held at Vienna, Austria in June 1993. It covered a wide range of matters concerning human rights and development. Human rights were reaffirmed as including both civil and political rights and the broader range of economic, social and cultural rights, as well as the right to development.

The World Bank had also formulated its own definition of human rights. It considers good governance and sound and effective development as human rights which the state is supposed to deliver. The bank defines governance to mean 'The manner in which power is exercised in the management of a country's economic and social resources for development. In this way, it connects governance to development. It identifies the rights relevant to governance and thus to development as an objective and efficient judiciary' freedom of association and organization, political and bureaucratic accountability and freedom of information, including transparency of decision making process. In the view of the World Bank, good governance, democracy, participation, an independent judiciary, rule of law and civil peace create conditions necessary for social development and economic progress and these all are related to the maintenance of human rights.

#### **Globalisation and Human Rights**

Globalisation is a political, social and cultural process. It is primarily economic and more often than not, seen in terms of developing markets, deregulating business activities, privatising state enterprises, lowering national barriers and expanding world trade and investment. The effects of globalisation on human rights are complex and paradoxical, "The regime of rights provides the nearest thing to a coherent challenge to economic globalisation. It emphasizes the importance of human dignity, the right to work in just conditions and in return for fair wages, the right to welfare, the care of children, the equality of women, the respect for the cultural and economic rights of indigenous people, the protection of environment, the exercise of popular sovereignty through democratic constitutional orders and the accountability of holders of power, while aiming to distribute on a more equitable principle'. (Ghai: 1999)

At present human rights regime is state centric and governments alone are accountable for violations within their geographical limits. As the supremacy of many states declines and that of the corporations rises, the capacity of the latter to violate the rights of the people, or to create conditions in which rights become harder to exercise or protect, has increased tremendously. With the concept of globalisation, Multi National Companies (MNCs) have been established almost in all countries of the world. Their main aim is to earn maximum profit with the use of cheap labour and less welfare activities. The MNCs make every effort to compete in the market and violate rules and deny the rights of labour. It has generally been seen that MNCs in their home countries depend on democratic systems of governance, the rule of law and open societies to protect their interests and enables them to thrive. At the same time they make enormous gains in countries where authoritarian and non-democratic regimes deliver on the promise of disciplined labour, low wages and less controls on environmental protection and human rights. Thus they seek to

protect the gains of their exploitation in developing countries under the umbrella of their home country's democratic institutions ( Sethi 2000). Many MNCs ignore safety measures in other countries as their only aim is to earn maximum profit and cause undue panic for the people of that country. Bhopal tragedy in 1984 in India is an example of violation of rules where Union Carbide Company of USA ignored safety measures and harmful gases leaked from carbide's pesticide factory killing over 8000 people. In its aftermath, it caused multi-system injuries to thousands who continue to suffer the consequences of permanent damage to their health. So MNCs have been implicated in human rights violations. They violate labour rights, employ child labour, degrade the environment and even use their economic influence to prop up or bring down the governments of their business countries. In this context, it is crucial to examine how MNCs can be prevented from violating rights and also be held accountable for their actions.

#### **Development and Human Rights:**

Human rights are not confined to civil and political liberties of the individual but it is a broad framework, these also include, the development of the economy, essentialities of human being and maximum conditions of growth and development. Better socio-economic circumstances are the basis of democratic system, equality and a harmonious social life. In developing countries human rights are influenced by poverty, starvation, unhealthy environment etc. The developing countries being unable to meet the financial burden of debts and the pressure of transfer of foreign-exchange, are compelled to drastically reduce funds on social measures like medicare, education, sanitation and infrastructural development. In some of the Asian countries, lack of facility of drinking water supply and proper sanitary conditions has led to diarrhoeal diseases and unhygienic living conditions.

In many countries of the world billions of people are still trying to survive on less than five dollars a day, with no drinking water, health care or access to education. Human development gets seriously affected in these circumstances. Poverty, hunger, disease, shelterlessness are taking a heavy toll of life and human dignity. The new models of development like liberalisation, privatization, subsidy cut and entry of foreign capital are having an adverse effect on human rights which is linked to food subsidies, tariff increase on public services like water, electricity, transport, closure of industries and factories due to stiff competition from MNCs.

#### **Human Rights and India:**

The constitution of India has provided for almost all the human rights to the citizens. Article 21 of the constitution of India protects the life and personal liberty of all persons as per the procedures established by law. The constitution of India under Article 29 states the right to conserve the distinct language, script or culture of minorities. The Government also provides social rights to its citizens as the constitution prohibits discrimination on grounds of religion, race, caste, sex or place of birth (Article 15), abolishes untouchability and makes it a punishable offence (article 17), prohibits traffic in human beings and forced labour (article 23), prohibits employment of children under the age of fourteen in factories, mines or in any other hazardous employment (article 24). Regarding the United Nation's optional protocol to the covenant on civil and political rights, the Indian constitution in article 350 provides for a provision within the jurisdiction of India. It states 'Every person shall be entitled to submit a representation for the redress of any

grievance to any officer or authority of the union or a state in any of the languages used in the union or in the state, as the case may be. "Hence every person is given an opportunity to place his grievance before the executive for its mitigation. If he fails in solving his problem or feel that proper justice has not been done, he is free to approach the judiciary, for the redressal of his grievance. Article 32 and article 226 of the constitution empowers a persons to petition supreme count and High Court respectively for the deliverance of justice.

Another major step in the protection of human rights in India was the implementation of "The Protection of Human Rights Act 1993". This Act given a legal entity to the protection of human rights and also reflected India's strong commitment towards human rights issue. Under this act at national level National Human Rights Commission (NHRC), State Human Rights Commission in the states and Human Rights Courts in district have been constituted for better protection of human rights.

Inspite of all these exhaustive legal provisions, political accountability, functioning of civil society, independent judiciary and free press violation of human rights occur in some places. Attacks on Sikh, Muslim and Christian minorities, Haryana massacre of innocent dalits and police excesses do sometimes take place which shake our adherence to human rights.

Rule of law is the foundation of human rights. In any democratic state, the state of human rights is judged by the conduct of police. Police in India has a poor record. The largest chunk of the complaints received by the National Human Rights Commission concern police with most of these complaints relating to custodial violence, complaints of illegal detention, cruel and in human methods of torture and death in police custody are common in news in India. So misuse of police power to avert, harass under the influence of political or money power is a serious source of violation of human rights in India. The constitution of India provide equal status and opportunities to physically challenged persons. About six percent of India's population is estimated to be disabled and less than two percent of them have access to education. Most public places and transport systems are inaccessible to them.

The persons with disabilities Act 1995 which was passed with much fanfare, however remains in the statute book without much implementation on the ground. Discrimination on the basis of caste system is prevailing in India. The Indian constitution declares equality in the eyes of law, entitles to equal treatment, infact the prevailing social system gives no solace to a believer in human rights. The masses who comprise the lowest caste have had their dignity trampled upon through the blows and kicks dealt to them by the higher castes. Untouchability is still prevailing in many parts of India. Violation of rights of children and women is also visible in India. Children are kidnapped, murdered, exploited and even sold also like animals. They are engaged as labourers in a variety of industries like matches, fireworks, carpet making, glass bangle making, brasswares, plastics and rope weaving etc. Cases of gender discrimination is also one of the deprivation of human rights. The menace of communalism is on the rise in India. Communalism itself is an anti-human activity. It disrupts common struggle against poverty, exploitation, and injustice. In India it has caused untold suffering, repeated riots, millions of refugees, persistent threats

of violence and squeezing of employment and economic opportunities purely because one person happened to be a member of a particular community. Legal procedures are in a way fully exploited by the vested interests to create delays which indirectly result in the defeat of the very purpose of the proceedings as 'Justice delayed is justice denied. Besides these poverty, illiteracy, lack of awareness also prevent people from exercising their rights. These are some of the factors which help in the violations of human rights in India.

#### **Conclusion:**

Protection of human rights is a basic condition for the survival of democracy. When protected by the rule of law, it ensures peace in society by preventing man from turning violent and rising in rebellion against tyranny and oppression. Human rights are necessary to an individual for his dignity, respect and freedom. Human rights in this way are very much required for a dignified human existence or to say 'human survival' and to maintain the quality of life. Human right are universal to mankind and merely being a human individual gives them to right to possess. It is thus very correct to state 'All human rights to all'. It can be concluded that many efforts have been made to protect the human rights all over the world and much more is needed to be done to promote respect for these rights and freedoms. In this context the initiatives undertaken by the United Nations Commission for Human Rights needs to be strengthened and supplemented by National Human Rights Commissions. To promote the human rights the culture of human rights, non-violence and tolerance is required. A believer in human rights has to have a anger and compassion anger at injustice, compassion for the downtrodden. There must be firm action against the violations of human rights.

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