

Protection of Human Rights: An Omnious Need Across the Globe

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ABSTRACT

Human rights are inherent entitlements that pertain to every individual, Without regard to their gender, country of origin, spoken language, racial background, religious beliefs, ethnic heritage, or any other distinguishing characteristics distinguishing characteristic. These entitlements are regarded as universal and inviolable. Rights inherent to all individuals are often codified and safeguarded by legal frameworks, including declarations, agreements, customary international law, fundamental principles, and various other sources of international law that place obligations on governments to take specific actions or refrain from certain behaviors to promote and safeguard the fundamental freedoms and rights of individuals or communities.

“Due to numerous human rights agreements within the jurisdiction of the “United Nations and regional systems in Africa, the America, and Europe” a comprehensive array of mechanisms has been established to ensure compliance with global standards. Additionally, this article seeks to provide an overview of the “National Human Rights Commission and State Human Rights Commissions” while examining the international system addressing human rights violations.

Key Words: *Human Rights, International, Redressal, UN, Violation.*

I. INTRODUCTION

Human rights are a concept that precedes the realm of political philosophy. In accordance to The Oxford Companion to Law, "human rights" are described as demands that are asserted to be universally recognized and protected to guarantee that every individual can pursue the complete advancement of their character and maintain their profound, moral, and other forms of autonomy.¹ Human rights represent core principles of politics and society that are universally recognized, granting every individual the entitlement to them by virtue of their humanity. Recognized human rights encompass a range of fundamental principles, including the right to education, privacy within one's residence and communication, protection from arbitrary detention, torture, unfair legal proceedings, inhumane punishment, and violations of personal privacy. Additionally, individuals have the freedom of expression, press, religion, association, peaceful assembly, travel, and are protected from discrimination based on beliefs, race, nationality, or gender. "Rights represent the external conditions required for the fullest possible development of an individual's capabilities." These conditions are fundamental for upholding human dignity, and they are intrinsic to the universal order of nature; without them, human existence would be unfeasible. International human rights legislation underscores the universality, indivisibility, and interconnectedness of all human rights, notwithstanding their various categorizations. Over time, the three evolutionary phases of human rights have evolved, each focusing on distinct aspects of human rights. The initial generation centers on civil and political rights, while The second generation deals with rights related to economics, society, and culture. The third generation is often associated with collective rights.

¹ “David M. Walker, The Oxford Companion to Law. (Oxford: Clarendon Press 1980)”.

II. HUMAN RIGHTS UNDER UN CHARTER

A significant milestone in human history has been the global recognition of a comprehensive catalog of "human rights" through the United Nations, marking the first time such a list has achieved international consensus. This catalogue encompasses the entitlements that every individual, regardless of their background, religion, race, gender, nationality, or other attributes, can assert as a member of the global community. The term 'human rights' was initially introduced in the UN Charter, which gained approval in San Francisco on June 25, 1945. The United Nations was established as an international body with the explicit aim of averting a repetition of the devastation and suffering experienced during World War II, and, among its core objectives, was the commitment to uphold fundamental human rights.

The UDHR categorizes rights into two groups: economic, social, and cultural rights are one category, while the other encompasses different types of rights” are addressed in Articles 22 to 28, while civil and political rights are covered in Articles 3 through 21. Furthermore, Article 29 of this declaration emphasizes that individuals have responsibilities to their communities, which enable them to fully and freely realize their personal potential.

III. CHARTER BASED BODIES:

Numerous human rights entities have been established to tackle a wide array of issues, stemming from the United Nations' introduction of international human rights legislation. These entities can take the form of treaty-based committees, comprising independent experts designated by international human rights agreements to oversee the compliance of state parties with their treaty commitments, or charter-based organizations with mandates established in accordance with the UN Charter.

Before the “Human Rights Council was restructured in 2006, the Commission on Human Rights” held the primary intergovernmental responsibility for human rights within the United Nations.

a) Human Rights Council:

The foundation of the Board on Walk 15, 2006, through UN General Get together goal 60/251, denoted the substitution of the UN Commission on Common freedoms. This intergovernmental body operates within the United Nations framework, focusing on addressing and providing recommendations concerning instances of human rights violations while striving to enhance the global promotion and protection of human rights.

b) Universal Periodic Review:

The UN Secretary-General states that “the Universal Periodic Review holds significant potential for advancing and safeguarding human rights in even the most challenging global contexts”. This UPR, a distinctive procedure, evaluates the basic liberties history of each and every UN Part State. Working with the underwriting of the Basic liberties Committee, it offers each Express the chance to frame the actions taken to upgrade their primary objective of the State-drove General Occasional Survey (UPR) is to consider countries responsible for their common freedoms commitments and further develop the general common freedoms circumstance in all nations by tending to infringement at whatever point and any place they happen occur.²

c) Office of the High Commissioner for Human Rights (OHCHR):

The global community chose to enhance the human rights mission by strengthening its institutional support in 1993. Consequently, in the same year, the United Nations General Assembly established the High Commissioner office for

² “Universal Periodic Review, UN Office of the High Commissioner for Human Rights, Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>”

Human Rights. This organization is dedicated to protecting and promoting the complete realization and enjoyment of all the rights specified in international human rights agreements and the United Nations Charter for every individual.

IV. HUMAN RIGHTS REDRESSAL MECHANISM

The concept of "international enforcement" remains a contentious issue, often met with strong opposition from many governments. While the United Nations (UN) has made significant strides in establishing standards for numerous human rights issues, the development of institutions, procedures, and mechanisms to ensure continuous and efficient enforcement endeavour, largely dependent on the willingness and agreement of governments. Each of the nine primary human rights agreements is ratified by a UN member state, and Treaty Bodies, established under various human rights pacts, serve as oversight bodies to verify nations' compliance with their commitments. These Treaty Bodies empower each human rights treaty with a means of enforcement.

Periodic reports are official documents that each nation must submit to the treaty body established in accordance with the international agreements they have endorsed. It is obligatory for all governments that have ratified these treaties to periodically furnish detailed reports outlining their compliance with the treaty's provisions. These reports encompass a range of information, including domestic legislation, judicial decisions, administrative measures, the delivery of services, financial allocations, and various data and statistics demonstrating their adherence. The requirement for submitting periodic reports is a standard feature of every treaty.

The treaty bodies offer their interpretations of specific sections through the general comments and recommendations. These General Comments/Recommendations aim to provide clarity on any ambiguous language within the treaty that might hinder the effective implementation of its provisions. They play a crucial role by offering authoritative explanations of various treaty terms. For instance, CEDAW recommends the violence based on gender notion falls under the purview of gender discrimination, as it is violence targeted at women because of their gender". This clarification was provided even though the Convention on the Elimination of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) does not make explicit reference to violence against women.

V. NHRC & SHRC

The Protection of Human Rights Act, 1993, paved the way for the establishment of the National Human Rights Commission in India, with the primary objective of safeguarding and promoting human rights.

This arrangement is in line with the distribution of powers and responsibilities outlined in "List-II (State List) and List-III (Concurrent List) of the Seventh Schedule of the Constitution" are the exclusive domains that the SHRC is authorized to investigate and protect within its role as a defender of human rights.

The Seventh Schedule of the Indian Constitution defines the specific issues that the SHRC is mandated to address. Furthermore, state governments possess the authority to establish a Human Rights Commission for their respective regions as needed.

The NHRC's 2022–2023 case statistics, which span the dates of April 1, 2022, to March 31, 2023, are displayed in the table below.

S. No.	Nature of incident	No. of cases registered	No. of cases disposed
1.	CUSTODIAL DEATH (POLICE) (Inc. Code 807)	166	119
2.	CUSTODIAL DEATH (JUDICIAL) (Inc. Code 301)	2,354	2,473

.	DEATH IN POLICE ENCOUNTER (POLICE) (Inc. Code 812)	120	139
4.	BONDED LABOUR (Inc. Code 601)	516	663
5.	CHILDREN (Inc. Code 100-117)	842	830
6.	WOMEN (Inc. Code 1300-1316)	5,759	6,460
7.	SC/ST/OBC (Inc. Code 1900-1909)	1,208	1,259
8.	OTHERS	93,163	95,795
	TOTAL	1,04,128	1,07,738

VI. CONCLUSION AND RECOMMENDATION

Aside from the centre common freedoms deals and the Worldwide Bill of Privileges, there is a huge number of local arrangements and other global statements, standards, rules, standard guidelines, and proposals relating to basic liberties. These reports are by and large thought to be non-restricting legitimate responsibilities, carry a strong moral dimension, and provide nations with valuable guidance for their actions. A growing and increasingly widespread commitment to promoting and safeguarding human rights is now evident in contemporary international affairs, regardless of the stances and behaviours of individual governments.

The weakest link in the international human rights framework remains its enforcement. Currently, few developed nations and international organizations beyond Europe and America possess the capability to effectively enforce global human rights due to their reliance on the unrealistic assumption of voluntary state cooperation. Nevertheless, utilizing local remedies instead of those rooted in international treaty processes has proven more successful in addressing instances of human rights violations. Encouraging nations to approve pertinent Optional Protocols, adopt treaty clauses allowing for Individual Communications procedures, and refrain from issuing reservations in connection with treaties is crucial for enhancing the efficient implementation of human rights through treaty organizations.

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