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Programme: M.A. Gender Studies

Course Title : Human Rights and Legal Systems – Gender Concerns (NME)

Code : EC – VI

Unit I: Introduction - Human Rights

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Definition:

Human Rights are the basic rights and freedoms to which all humans are entitled, such as civil liberties, the right to life, and personal security.



Characteristics of Human Rights:

- Universal: Apply to all people without exception.
- Inalienable: Cannot be taken away except under specific circumstances (e.g., imprisonment for crimes).
- Indivisible & Interdependent: Rights are linked; depriving one right can affect others.
- Equal & Non-discriminatory: All people are equal in rights without discrimination on any basis.

Theories of Human Rights



Natural Rights Theory:

Rights are inherent, pre-existing, and derived from human nature. Key thinkers include John Locke and Thomas Hobbes.

Legal/Positivist Theory:

Rights exist because of laws created by governments and are enforceable only within the legal framework.

Sociological Theory:

Human rights evolve as societies evolve, and are shaped by social relations, culture, and history.



Classification of Human Rights



Civil and Political Rights (First Generation Rights):


Rights that protect individual freedom and ensure participation in civil and political life (e.g., freedom of speech, right to vote).

Economic, Social, and Cultural Rights (Second Generation Rights):

These rights focus on socio-economic equality and include the right to work, education, and an adequate standard of living.

Collective Rights (Third Generation Rights):

Rights held by groups rather than individuals, such as the right to peace, environmental protection, and cultural identity.



U.N. and Human Rights



Universal Declaration of Human Rights (UDHR) - 1948:


A landmark document that outlines fundamental human rights to be universally protected.

International Covenant on Civil and Political Rights (ICCPR) - 1966:

Focuses on civil liberties and political rights, such as freedom of religion, expression, and the right to a fair trial.

International Covenant on Economic, Social, and Cultural Rights (ICESCR) - 1966:

Recognizes the right to education, adequate healthcare, and social security, and addresses poverty and economic inequality.



Human Rights in the Indian Constitution



Preamble:

Establishes India as a sovereign, socialist, secular, and democratic republic, promising justice, liberty, equality, and fraternity to all its citizens.

Fundamental Rights:

Enshrined in Articles 12-35, they include rights like the right to equality (Article 14), freedom of speech (Article 19), and protection of life and personal liberty (Article 21).



Human Rights in the Indian Constitution




Directive Principles of State Policy (DPSP):

Articles 36–51 provide guidelines for the state to ensure social and economic welfare, including the promotion of education, public health, and social justice.

Fundamental Duties:

Added by the 42nd Amendment in 1976 (Article 51A), these duties remind citizens of their responsibilities toward the nation, including respecting national symbols and protecting the environment.



Human Rights & Voluntary Organizations



International Organizations:

Amnesty International: Advocates for prisoners of conscience, fair trials, and opposition to torture.

Asia Watch and America Watch: Regional divisions of Human Rights Watch, focusing on monitoring rights violations in Asia and America.



Human Rights & Voluntary Organizations

National Organizations:

People's Union for Civil Liberties (PUCL): Works to protect civil liberties and uphold constitutional rights in India.

Citizens for Democracy: Promotes democratic values and works to strengthen citizen participation in governance.

People's Watch: Focuses on human rights monitoring, education, and advocacy, particularly on behalf of marginalized communities.

Enforcement of Human Rights in India

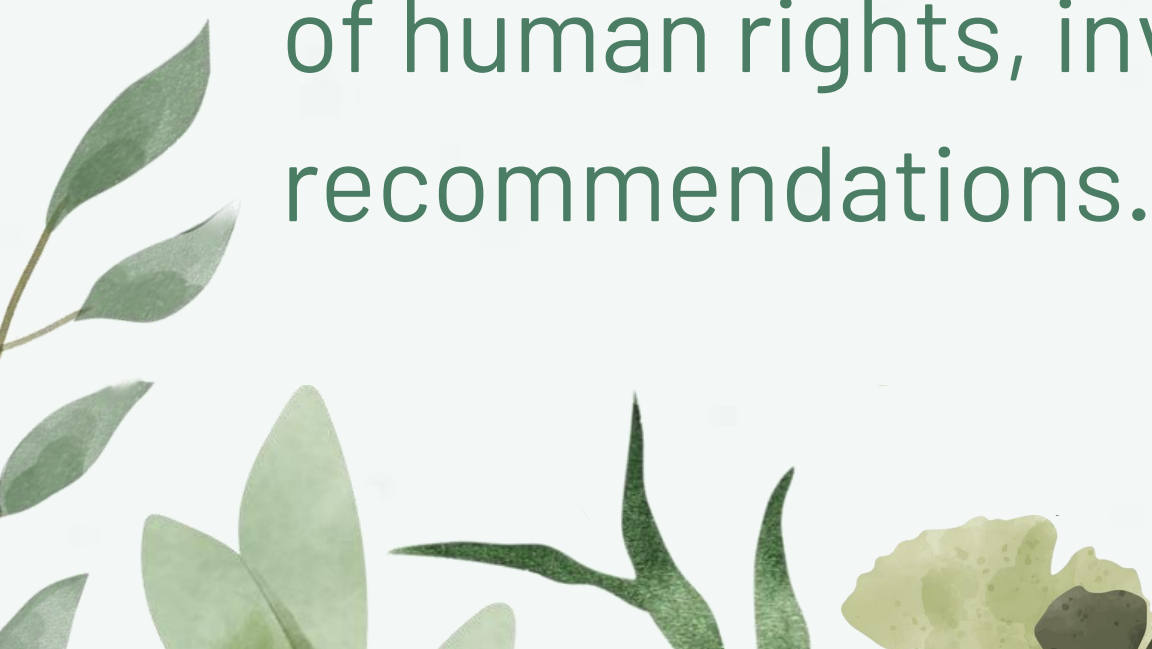


Protection of Human Rights Act, 1993:

Provides for the establishment of the National Human Rights Commission (NHRC), State Human Rights Commissions (SHRC), and Human Rights Courts.

National Human Rights Commission (NHRC):

An autonomous public body tasked with the protection and promotion of human rights, investigating violations, and making recommendations.



Human Rights & Voluntary Organizations

State Human Rights Commissions:

Address human rights issues at the state level and coordinate with NHRC on various concerns.

Human Rights Courts:

Special courts designated to deal exclusively with human rights violations.




National Commission for Women:

Established to protect and promote the rights of women, ensure gender equality, and address discrimination against women.

POCSO Act (2012):

The Protection of Children from Sexual Offences Act provides legal protection to children from sexual abuse and exploitation.



Self Study: Key Historical Documents



Magna Carta (1215):


Limited the power of the monarchy and laid the foundation for modern democracy and rule of law.

Petition of Rights (1628):

Asserted the rights of individuals, particularly in response to arbitrary imprisonment and taxation.

Bill of Rights (1689):

Established parliamentary supremacy and outlined basic civil liberties, including free speech in Parliament.





UN Charter (1945):

Established the United Nations and reaffirmed faith in fundamental human rights.

Helsinki Declaration (1975):

Focused on improving relations between the Communist bloc and the West, emphasizing human rights as a core principle.



UN Declaration on the Right to Development (1986):

Recognized development as a fundamental human right, linking economic growth to individual well-being.



Contemporary Issues in Human Rights

Rights of Children:

Focus on protection from exploitation, access to education, and the right to a safe and nurturing environment.

Rights of Refugees:

Ensuring protection under international law for those fleeing persecution, as outlined in the 1951 Refugee Convention.

Public Interest Litigation (PIL):

A judicial mechanism in India allowing citizens to file cases in the public interest, often used to address human rights violations.



Contemporary Issues in Human Rights

Right to Education (RTE):

Ensures free and compulsory education for children aged 6 to 14, a vital aspect of socio-economic rights.

Protection of Human Rights (Amendment) Bill, 2018:

Aims to strengthen the NHRC and SHRC, increasing their efficiency in addressing human rights issues.

Conclusion

Human rights are essential for justice and equality. Global and national efforts are key, but individual responsibility plays a vital role in protecting these rights for all.

Thank
You

