

# Basics of Human Rights

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# Overview of presentation

- Human Rights – what are they? What is their significance?
- How did they evolve?
- What is a rights-based approach?
- How are Human Rights relevant to the work of civil servants?
- What legislative and institutional framework is available nationally and internationally for the protection of these rights?

# Some questions

- Do human rights issues relate to good governance?
- Are human rights a western construct and alien values?
- Are human rights a tool of the first world to beat third world countries?

# Introduction

- Human Rights are rights that one has simply because one is human.
- They are regarded as universal, equal and inalienable and are held by all human beings.
- All religions and societies possess notions of justice, fairness, dignity and respect.

# Significance of Human Rights

- Louis Henkin : Idea of our time
- Ronald Dworkin : Rights as Trumps
- Jack Donnelly : New standard of civilization
- What has been the impact of progress of human rights on the state sovereignty?
- Human rights today are an integral part of many countries foreign policies.

# UN Report “In larger freedom”

- You cannot have peace and security without development; you cannot have development without peace and security.
- You cannot have both of them without human rights. Thus, Human Rights was recognized as a third important pillar in the efforts of the UN
- Budget for Human Rights efforts doubled; staff increased by UN in 2005.

Significance of Human Rights

Just imagine what the  
world would be like  
without human rights?

# Basic question

Why should a country protect and promote human rights?



# Why should a country protect HR?

- Moral values
- Ethical principles
- Constitutional values and goals
- Solemn commitments undertaken by virtue of signing and ratifying international Human Rights Conventions

Whose rights are we  
talking about?

- We are taking of rights of everyone, including you and me.
- Often rights are compartmentalized. People talk of rights of this section or that section without appreciating that rights belong to everyone.

# Some vulnerable groups

- Women
- Children
- Persons with disabilities
- Religious, linguistic, ethnic and other Minorities
- Older persons
- Can you identify more such groups?

- Widows, women prisoners, prostitutes
- Migrants, refugees, stateless persons
- Persons affected or infected with HIV/AIDS
- LGBT
- Poor persons, SCs, STs, OBCs
- Destitutes
- Shelterless persons

# Historical development of human rights

- Magna Carta 1215 [Tyrannical rule of King John]
- there is a body of law in the State and the rights belonging to the subjects or to the community which the king is bound to regard.
- Dutch Declaration of Independence
- American Declaration of Independence, 1776 “We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain unalienable [inalienable] Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their just powers from the consent of the governed....”
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# Historical development of Human Rights – some milestones

- French Declaration on the Rights of Man and of the Citizen, 1789
- “Men are born and remain free and equal in rights [art 1], which were specified as the rights to “...liberty, property, safety and resistance to oppression.” [art 2]
- UN Charter, 1945
- International Bill of Rights

# INTERNATIONAL BILL OF RIGHTS

- UDHR, 1948
- ICESCR, 1966
- ICCPR, 1966
- OPTIONAL PROTOCOL I TO ICCPR, 1966
- OPTIONAL PROTOCOL II TO ICCPR



# Key civil and political rights or 1<sup>st</sup> Generation rights

- Right to life
- Right to be free from torture
- Rights of those who are deprived of their liberty
- Right to fair trial
- Right to freedom of speech, expression
- Right to freedom of conscience and Religion
- .....

# KEY ESCR RIGHTS – 2<sup>nd</sup> Generation of Rights

- The right to work
- The right to just and favourable conditions of work
- The right to form and join trade unions,
- The right to social security and social insurance
- Protection and assistance to the family
- The right to an adequate standard of living including food, clothing and shelter
- The right to the highest attainable standard of physical and mental health

# KEY ESCR RIGHTS

- The right to education
- The right to take part in cultural life
- And the right to enjoy the benefits of scientific progress and its applications.

# CORE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

- There are nine core international human rights treaties.
- Each of these treaties has established a committee of experts to monitor implementation of the treaty provisions by its States parties. Some of the treaties are supplemented by optional protocols dealing with specific concerns.

# 9 core treaties and their monitoring bodies

- ICERD 1965 CERD
- ICCPR 1966 Human Rights Committee
- ICESCR 1966 CESCR
- CEDAW 1979 CEDAW
- CAT 1984 CAT
- CRC 1989 CRC
- ICRMW 1990 CMW
- ICPAPED 2006
- CRPD 2006 CRPD

# Mechanism to oversee implementation of Intl. HR Conventions – Treaty bodies

- expert body to monitor treaty implementation
- State party reports
- Issue of General Recommendations
- Individual complaints
- Inter-state complaints

# Optional Protocols to HR Conventions

- ICESCR – OP      2008      CDESCR
- ICCPR-OP1      1966      HRC
- ICCPR-OP2      1989      HRC
- OP-CEDAW      1999      CEDAW
- OP-CRC-AC      2000      CRC
- OP-CRC-SC      2000      CRC
- OP-CAT      2002      CAT
- OP-CRPD      2006      CRPD

- Five core human rights alone have individual complaints mechanisms.