

Role of civil servants in the protection of human rights

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Rights-based approach

- We hear of rights-based approaches to conflict resolution, development, poverty reduction, health etc. What is a rights-based approach?
- Why do we need it?

Significance of rights based approach

- Respects inherent dignity of everyone regardless of any distinctions
- Matter of right, claim, entitlement rather than charity, welfare.
- Individual is bearer or holder of rights

Elements of a rights-based approach to development

- Express linkage to rights
- Accountability
- Empowerment
- Participation
- Non-discrimination and attention to vulnerable groups

SIGNIFICANCE OF RIGHTS BASED APPROACH

Provides a compelling normative framework comprising universally recognized moral values and reinforced by legal obligations. Adds value to the efforts and empowers.

Significance of a rights-based approach

- Duties on the **State to respect, protect and fulfil**. *The duty to respect* requires the duty-bearer not to breach directly or indirectly the enjoyment of any human right. *The duty to protect* requires the duty-bearer to take measures that prevent third parties from abusing the right. *The duty to fulfil* requires the duty-bearer to adopt appropriate legislative, administrative and other measures towards the full realization of human rights.

Significance of HR framework

- “Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction strategies.”

Means are as important as ends

- While it is entirely sensible that a highly populous but resource-poor country would want to adopt measures for population control as part of a strategy for poverty reduction, it would not be permissible to adopt draconian measures such as forced sterilization that violate people's personal integrity and privacy.

Amartya Sen's seminal work "DEVELOPMENT AS FREEDOM"

- In 1998, it was recognised by the Nobel committee for its contribution to economic development theory establishing a fundamental new paradigm that defined new goals for international policy.
- **"Freedom is the primary end as well as the means to Development"**

- “Despite the concepts of progressive realization and resource availability, according to international human rights law, States have some obligations that are of immediate effect ...[and] a core obligation to ensure at least the minimum essential levels of various rights, including the rights to adequate food and housing, health protection and education.”

UNFREEDOMS – constraints to freedoms

- Poverty, malnutrition, poor sanitation, tyranny, poor economic opportunities, social deprivations, poor public facilities, intolerance, communalisation, ethnic centrality, repressive state apparatuses, lack of education, absence of health care, lack of security, and corruption can all be termed un-freedoms.