

Human Rights violations in the International Context: An Analysis

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ABSTRACT

The Universal Declaration of Human Rights remains a milestone concept and document, represents doctrine which reveals humanity's most insightful and permanent goal. The Universal Declaration of Human Rights encourages millions of renowned men to insist their rights and challenge the forces of cruelty. Human Rights is the responsibility to make sure the equal rights of men and women to benefit from all economic, social, educational, cultural, civil, political and cultural rights. The paper reveals the random deprivation of life; torture and cruel It facieses the humiliating actions or penalty; slavery and enforced labour; arbitrary arrest or custody. This organization delineates a complete structure of rights that countries are confident to protect the human dignity and freedom.

Key words: deprivation, rights, slavery, article, international, globalization, violation and protection

INTRODUCTION

The UN General Assembly adopted the Universal Declaration of Human Rights on 10th December, 1948, elaborating various civil, economic, political, cultural and social rights of people. Since 10th December is celebrated as the Human Rights Day' all over the world. Though, the Declaration contains 30 Articles, Article 1 and 2 sums up the basic spirit of these rights. Article 1 state that 'all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards each other in a spirit of brotherhood' Elaborating the principle of equality, the Article 2 States, 'everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind such as race, colour, sex, language, religion, political or other opinion.'

Some of the benefits of globalization contribute to the enhancement of human rights. As pointed out at the World Summit for social Development, increased trade often aids developing countries. And thus contributes to the alleviation of poverty: increased communication permits countries to learn from each other. In the sphere of human rights, communication via E-mail and the Internet has permitted human rights advocates to call immediate attention to gross violations of human rights in their locality and to communicate with other human rights advocates throughout the world.

However, there are other less beneficent effects on human rights arising from globalization. The emphasis on competitiveness and economic development has had especially negative effects on such vulnerable groups as migrant workers, women workers and indigenous peoples. Globalization has been cited as a contributing factor in violations of the right to life, the right to protection of health, minority right, freedom of association, the right to safe and healthy working conditions and the right to a standard of living adequate for health and well-being countries.

Human rights are the rights which are possessed by all human being irrespective of their race, caste, nationality, sex, language etc. simply because they are human beings. As pointed out by Fawcett, "Human Rights are some time called fundamental rights or basic rights they are those which must not be taken by any legislature or any act of government and which are often set out in a constitution. As natural rights they are seen as belonging to men and women by their very nature. Another way to describe them would be to call them 'common rights', for they are rights which all men and women in the world should share, just as the common law in England, for example was the body of rules and customs which, unlike local customs governed the whole country" (Kapoor, 56) as pointed out by Lauterpacht since human rights are not created by any legislation, they resembles very much the natural rights. Any civilized country or body like the United

Nations must recognize them. They cannot be subjected to the process of amendment even. The legal duty to protect human rights includes the legal duty to respect them. Member s of the U.N has committed them to promote respect for and observance of human rights and fundamental freedom.

Under the traditional international law, the provision of rights and their enforcement was the responsibility of states and the issue of Human Rights was considered under the domain of domestic jurisdiction of the concerned states. Therefore, the international community did not interfere in the case of violation of human rights of people by their governments. However, during the World War II, the large scale violation of human rights in Germany and Italy made them the issue of international concern. Since the violation of human rights in one state is closely linked with the humanitarian crisis in other states and it may lead to the threat to peace, the human right, after the Second World War, has become a matter of global concern under the prevailing legal notion. That is why; the UN has assured a pivotal role in the protection of human rights, whose violation is considered as a threat to peace. In spite of meticulous legal and institutional arrangements at international level and national level, the violations of human rights are reported from many parts of the world.

The millions of people in various parts of Africa are suffering from Hunger, Poverty, Illiteracy, Ethnic Violence and Repressive Regimes. Though the atrocities committed by Taliban in Afghanistan have come to end, the military rulers in Myanmar, Chinese military in Tibet and Israeli actions against Palestinians are the better known examples of the violation of human rights. Women and Children, ethnic groups and the poor face severe violation of their human rights throughout the world. Even, the U.S which claims to be the champion of the human rights and democracy has been accused of torture and in human treatment of prisoners of war captured from Afghanistan and Iraq. Women continue to suffer inhuman and secondary position in many Muslim countries.

In fact, mere legal and institutional provisions are not adequate for the protection of human rights. The protection of human rights is closely linked with democracy and just development. A culture of respecting the human rights needs to be cultivated. Education system, media and voluntary agencies may play a crucial role in strengthening such culture. Another aspect related to the protection of human rights by international organization such as the UNO is the politics of human rights. Thus, various developed countries imposed trade financial restrictions on developing countries for not adhering to the international norms of human rights. For example, Germany banned the import of Indian carpet (Kaleen) as the factories manufacturing them employed child labour. The US is always prone to intervene in the other countries in the name of restoration of democracy and human rights. The lesson from these instances is that the action to protect the human rights should be taken as a collective measure by the International Community after due consideration of the specific situation. After all, the protection of human rights cannot be at same level in all the countries given the difference in their scale of socio-economic development. Terrorism is the greatest threat to human rights as it takes away the lives of innocent people. However, taking stern action by state for the sake of eliminating terrorism and handling terrorists involves a moral dilemma as it also involves the human rights of terrorists and other affected citizens.

Almost every day somewhere in the world there are chilling scenes of violence, murder, mass slaughter, ethnic cleaning, torture, rape, child abuse, and several other blood-curdling, instances of man's inhumanity to man. All this proves that the most dangerous animal in the world is man. And the worst enemy of man is man himself. And this crime continues unhindered despite the Universal of Human rights, the special covenants provided for the rights of children, women and the disabled. We in India, have set up the National Human Rights Commission, the State Human Rights Commission, the Women Commission at Centre and in the state; our Constitution and the various laws framed from time to time also seek to safeguard human rights in one way or the other but human rights violations are the order of the day . They take place every day and everywhere. And most of the victims get no justice.

The very existence of poverty denies basic human rights to millions of poor in our country. Poverty breeds bonded labour, the phenomenon of men and women being forced to undertake jobs in the most exploitative conditions child labour, poor access to education, and problems of health care and good housing, poverty. Lakhs of child labours and street children are denied the rights to be loved and security, education, health care and a secure future.

The genesis of the Human Rights suggests that their protection and promotion and works as a great bulwark against the authoritarian regimes, which are the greatest threat to international peace and security. Therefore the protection of human rights of all should be ensured to strengthen democracy, to empower people particularly weaker sections, to avoid dangers of peace and security and to ensure the peace, progress and development of all. Even the protection of human rights has emerged as a touchstone to measure the success of a democratic state. Harold Laski, the prominent British political thinker of 20th century stated that every state is known by the rights it maintains. The International legal regime of human Rights may find it difficult to enforce like a national law, but it has gained moral and political justification throughout the world.

Now, Human Rights Movement under the banner of the United Nations has become an important global concern. Its impact can be understood under the following points-

The Declaration of Human Rights serves a common standard to judge the democratic progress of nations. The universal nature of Human rights brings all members of international community at the same level dignity and freedoms. The declaration applies to all territories and countries. The violation of Human Rights is no more a matter of domestic jurisdiction. Now under the present International law their violation is a matter of international concern. Eminent Jurist J Sorabjee remarks, "Gross and persistent violations of human rights constitute threat to international peace and are, therefore, a matter of international concern." (Kapoor, 82)

The declaration of Human Rights has influenced the constitution of countries of the world. All the democratic countries of the world have incorporated major human rights in their fundamental law. It is due to the impact of the international human rights regime that majority of the member-state of the UN have established appropriate institutional mechanism for the protection and promotion of human rights.

Human Rights watch is the largest human rights organization based in the United States. Human Rights watch started in 1876 as Helsinki watch, to monitor the compliance of Soviet bloc countries with human rights provisions of the landmark Helsinki Accords. In the 1980s, Americas watch was set up to counter the notion that human rights abuses by one side in the war in Central America were somehow more tolerable than abuses by the other side. The organization grew to cover other regions of the world until all the watch committees were united in 1988 to form Human Rights Watch.

Human Rights watch researchers conducted fact-finding investigation into Human Rights abuses in all regions of the world. Human Rights watch then publishes those findings in a dozens of books and reports every year, generating extensive coverage in local and international media. This publicity helps to embarrass abusive government in the eyes of their citizen and the world. Human Rights watch then meets with government officials to urge changes in policy and practice at the United Nations, the European Union, in Washington and capitals around the world. In the extreme circumstances, Human Rights watch presses for the withdrawal of military and economic support from government that egregiously violate the rights of their people. In moments of crisis, Human Rights watch provides up-to-the-minute information about conflicts while they are underway. Refugee accounts which were collected, synthesized and cross-corroborated by our researchers, helped shape the responses of the international community to recent wars like Kosovo and Chechnya, America and Iraq. More than 340 dedicated professionals work for Human Rights watch around the world. They are lawyers, journalists, academics, and country experts of many nationalities and diverse background. They join forces with Human Rights groups from other countries to further common goals. A growing cadre of volunteer also supports it.

Human Rights watch is based on in New York, with offices Brussels, London, Moscow, Paris, Hong Kong, Los Angeles, San Francisco, Tashkent, Toronto, and Washington. We often set up temporary offices in regions where we are conducting intensive investigations, and our researchers regularly travel to the countries they cover, unless security concerns prevent it. Human Rights watch tracks development in more than 80 countries around the world. It also follows issues in women's rights, children's rights, and the flows of arms to abusive forces. Other special projects include academic freedom, the human rights responsibilities of corporation, international justice, prisons, drugs, and refugees. Any and all parties to conflict may find themselves the target of Human Rights watch. It has exposed abuse by governments and rebels; by Hutu and Tutsi; by Serb, Croat, Bosnian Muslim, and Kosovo, Albania; by Israelis and Palestinians; by Christians and Muslims in the Islands of Indonesia and the sands of the Sudan. It frequently call on the United states to support human rights in its foreign policy- but also report on human rights abuse inside the United states, such as prison conditions, police abuse, the detention of immigrants, and the death penalty.

Human Rights Watch believes that international standards of human rights apply to all people equally, and that sharp vigilance and timely protest can prevent tragedies of the twentieth century from recurring. Human rights watch remain convinced that progress can be made when people of good will organize themselves to make it happen. The hallmark and pride of Human rights Watch is the even-handedness and accuracy of our reporting. To maintain independence, it does not accept financial support from any government or government-funded agency. It depends entirely on contributions from private foundations and from individuals.

The international community has become concerned over violations of rights of indigenous peoples in recent years, after many years of neglect. The United Nations Working Group on Indigenous peoples has drafted a declaration on the rights of Indigenous peoples, which is now being examined by a working group of the UN Commission on Human rights and will eventually come before the General Assembly for adaptation. The decade 1994-2003 has been declared the UN Decade for

Indigenous Peoples. In 1989, the International Labour Organization adopted Convention No.169, which revised an earlier convention with an assimilations focus. The convention becomes binding international law for states which ratify it.

While violation of the rights of the indigenous has been taking place for centuries, the recent emphasis on economic development and international competitiveness has resulted in new onslaughts on their rights. The link between globalization and the rights of indigenous peoples, in their own eyes, was demonstrated by the choice of 1 January 1994, the date of the coming into the effect of the North America free Trade Agreement, of the uprising by Indians in Chiapas, Mexico, drawing attention to the violation of their economic and social rights.

Oil, Uranium, minerals and timber are found throughout the world on indigenous lands and prospectors and entrepreneurs have been permitted to encroach on them in the name of economic development. Indigenous lands in many parts of the world have been trespassed upon in pursuit of traditional medicines which are then brought on to the international pharmaceutical markets.

Economic development has resulted in serious violations of the right to health, the right to a healthy environment, the right to life and the cultural rights of indigenous peoples. International attention has been drawn to violations of the rights of the Yanomami Indians of Brazil [but without noticeable success in remedying them]. The Inter- American Commission on human rights examined a complaint against Brazil in 1985 relating to the activities of independent prospectors and companies engaged in exploiting the mineral and timber resources of the Amazon regions inhabited by the Yanomami. The commission found that the incursion, which included the construction of a highway through Yanomami lands, caused disruption of social life of the Yanomami and introduced the number of the diseases which decimated the population. The commission also found that, in licensing and permitting these activities in Brazil violated provisions of the American declaration of the rights and duties of man relating, inter alia, to the right to life and the right to protection of health.

Notwithstanding the adoption of Bills of rights in the national constitutions and ratification of international treaties on human rights by a large number of states, human rights of the individual are violated in almost all countries. Absolute power allows governments to destroy different communities, it also enables them to infringe on the rights of citizen. Just as government can help to institutionalize the concept of human rights and protect them for everyone irrespective of one's caste, colour, sex, or religion, they can also use their powers to violate human rights in the most systematic manner. The 20th century has witnessed enormous progress in the extension of civil, political, economic, social and cultural rights in all societies in the world. however, at the same time core human rights, such as right to life, freedom from torture, slavery etc. have probably never before been violated on such a gross scale. Millions of people have lost their lives in political persecution by dictatorial regimes. Millions were also killed in Nazi extermination camps and during Stalin's rule in the former Soviet Union. Gross violation of human rights were seen in China, Cambodia, Chile, Iraq, Argentina, Guatemala and Haiti, Bosnia – Herzegovina and the apartheid regime of South Africa, although on a smaller scale. These extreme abuses of governmental power illustrates a dilemma that troubled the founding fathers of the Americans revolution, the problem of creating a government strong enough to govern effectively but not so strong enough that it could destroy the right of those whom it was so designed to serve.

CONCLUSION

some serious violation of human rights shows that the international system is capable of establishment machinery to hold individuals to account for breaches of human rights. The function of human rights law in this field is to impose break on the introduction of laws, policies and practice which interfere with individuals Rights and which justified as being necessary in fight against Capitalists, Aristocrat people and Terrorism. Human rights violations occur when any state or non-state actor breaches any of the terms of the UDHR or other international human rights or humanitarian law. In regard to human rights violations of United Nations laws. Article 39 of the United Nations Charter designates the UN Security Council (or an appointed authority) as the only tribunal that may determine UN human rights violations.

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