UNIT 1  HUMAN RIGHTS: MEANING AND DEVELOPMENT OF INTERNATIONAL CONCERNS

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1.0 OBJECTIVES

This unit discusses the importance of human rights explaining how significant they are for the overall development of human personality: After going through this unit you will know:

- definition and meaning of the concept of rights;
- kinds or categories of human rights;
- the nature and characteristics of human rights;
- the origin of rights in some important States like England, United States, France and Soviet Union; and
- the international efforts to develop human rights norms.

1.1 INTRODUCTION

Human rights have emerged as the most powerful concept of our age. It has become, in the opinion of former Secretary-General of the United Nations,
Boutros Boutros-Ghali, a common language of mankind and the ultimate norm of all politics. Adopting this language allows all peoples to understand others and to be the authors of their own history. Human rights, by definition, are the ultimate norm of all politics. Today everyone talks about them and struggles for their recognition, promotion and protection. A statement of Sir Hersch Lauterpatch, a noted protagonist of human rights and one of the most eminent international lawyers of the 20th century rightly captures the spirit of modern laws and functions of the States. He had observed in 1947: “The protection of human personality and of its fundamental rights is the ultimate purpose of all law, national and international”. Similarly, Adlai Stevenson of the USA once had remarked, “human rights are at the core of everything we do and try to do”. These two statements — made by a jurist and a statesman — candidly reveal that the concept of human rights has acquired a significant place in human life/civilization, as it is true that a large part of our time is devoted, in the ultimate analysis, to the promotion and protection of human rights. Moreover, it needs to be recalled that both the classical as well as contemporary political theories have affirmed and reaffirmed the significant principle that it is the “individual” for whom the State (or for that matter, any social or legal order) exists, and not vice versa.

Since 1948, the United Nations has adopted more than 100 human rights documents covering the entire gamut of human relationships. These, among others, deal with the rights of women, children, refugees, migrant workers, stateless persons, minorities, indigenous peoples and prohibition of racial or religious discrimination, genocide, slavery, torture, stateless persons, minorities, and indigenous peoples. With the introduction of the international protection of human rights there appeared an institutional mechanisms of international human rights laws capable of becoming the basis and the framework for the full development of man’s personality, represent for his standing as a human being and the equality of citizens before the law within the various States. The importance of human rights is such that it can truly be asserted that, with their emergence and the first steps taken to promote and protect them, human society has taken a qualitative leap forward. In any event, human rights represent a new element in the development of mankind, and in the life of human society, because they signify the end of a period and the beginning of a new era in national and international governance.

1.2 MEANING OF HUMAN RIGHTS

In general terms Human Rights are entitlements due to every man, women and child because they are human. In other words certain inherent and inalienable rights are due to human beings simply of being human. The concept of human rights derives from human dignity and the inherent worth of a human being. Therefore, it is suggested that whatever adds to human dignity and the fundamental freedom of humans is a human right. In other words Human Rights are what each human being is entitled to as human being to live a dignified, secure life of his/her choice. All human being are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. This assumption is derived from the natural rights theory according to which the right to liberty and equality is man’s birthright and cannot be alienated; and that because man is a rational and moral being he is
different from other creatures on earth and therefore entitled to certain rights and freedoms which other creatures may not enjoy. Formally Human Rights are proclaimed in the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations Organizations on 10 December 1948 and put into legal form in a number of international acts and treaties. However, there are differences of opinion with regard to meaning, nature, and content of Rights. It is a concept very much contested not only between the East (Representing former socialist States) and the West (representing liberal-democratic States) but also between developed and developing countries. Each group of nations has a different perception of human rights.

The so-called first world countries of the West believed in the supremacy of the individual, while the Communist countries of East focused on the community and the unconditional priorities of class interest. Hence, the individual benefited from these group rights, as his/her rights were better provided for, within the community. The Communists gave priority to economic, social and cultural rights and insisted that they could not be separated from the class character of society in which they existed, while the Liberal-democratic States of the West asserted the primacy of civil and political rights. This debate of priority of one set of rights over another continued to occupy the agendas of national and international governance during major part of the 20th century.

The newly emerging States of the Third World, while adopting the Eastern or Western model of human rights paradigms in their constitutions, or a combination of both, focused on solidarity or group rights such as right to self-determination of peoples, including sovereignty over their natural resources, the right to development, the right to a healthy and ecologically balanced environment, the right to peace and the right to ownership of the common heritage of mankind. They also insist on interdependence and indivisibility of civil and political rights to economic and social rights.

Thus, the modern concept of human rights is comprehensive in its nature and content. It includes three types of rights: civil and political, economic, social and cultural and the emerging collective or group rights. In fact, the catalogue of rights is expanding everyday. Moreover, it must be noted that no catalogue elaborating specific human rights will ever be exhaustive or final. Its content goes hand in hand with the state of moral consciousness, or development of civilization at any given time in history.

### 1.2.1 Some Definitions of Rights

Let us discuss some important questions: What is the importance of rights? Why do we need them? How can we define rights? Which is the most appropriate term for rights? Whether terms such as natural rights, civil rights, political rights and fundamental rights are same or have different meanings? Here we explore answer to these questions.

There exist definitional problems of the concept of rights. Many definitions of the concept of rights are found in the literature. Each of the following definitions may help us in understanding different facets of rights. Let us look at them.

1) According to Ernest Barker, “Rights are the external conditions necessary for the greatest possible development of the capacities of the personality.”
2) Harold Laski defines rights as “those conditions of social life without which no man can seek, in general, to be his best”. On their importance he remarked, “the state is known by the rights it maintains”.

3) In the words of Bernard Bosanquet, “we have a right to the means that are necessary to the development of our lives in the direction of the highest good of the community of which we are a part”.

4) Leonard Hobhouse says “Rights are what we may expect from others and others from us, and all genuine rights are conditions of social welfare. Thus, the rights anyone may claim are partly those, which are essential to every man in order to be rational human person, and partly those, which are necessary for the fulfillment of the function that society expects from him. They are conditioned by, and correlative to, his social responsibilities”.

5) Wilde considers that “Rights are reasonable claims to freedom in the exercise of certain activities”. He further says: rights depend upon duties. “It is only in a world of duties that rights have significance”. They are like the two sides of a coin.

6) Prof. Hohfeld calls the four things which the term ‘a right’ covers: “claims”, “privileges or liberties”, “powers” and “immunities”. Examples of “claim rights” are the right of an old-age pensioner to a pension and an unemployed to get his social security benefits. Examples of “Liberty rights” are the right of a man to spend his leisure as he pleases, and to grow a beard if he wants to. A “Power right” entitles the right-holder to require other people to do certain things at his discretion. Examples are the right of a landlord to alter the rent paid by his tenants, and the right of a policeman to question eyewitnesses at the scene of a crime. An “immunity right” entitles the right-holder to be exempt from something—an MP (Member of Parliament) to be exempt from the law of libel for what he says in Parliament, a conscientious objector to be exempt from military service.

In short, rights are nothing but claims against the State or government or individual persons.

Rights are also used in a variety of ways indicating differences in ideological and philosophical perceptions. For some, rights are “normative attributes” that belong to a self-conscious person who perceives himself as an agent of purposive creative action. For others, rights are entitlements to choose from. McCloskey describes rights positively, as entitlements, to do, to have, enjoy or have done. For MacCormick rights “always and necessarily concern human goods”, that is, concern with what it is good, at least, in normal circumstances, for a person to have. Feinberg and White assert that rights can be “possessed, enjoyed, exercised and claimed, demanded and asserted”.

There are two other terms—legal rights and moral rights. The former refers to rights laid down in law and the latter refers to rights based on general principles of fairness and justice. Moral rights may or may not be enforced and supported by the law of the land. For example, a teacher may claim that he/she has a moral right to discipline their pupil, offer them advice about their academic and moral development or about their choice of career. Sometimes people claim certain rights because of what they earn through their work (by writing a book an author may gain both a moral and legal right to a percentage of the proceeds from sales).
In other words, human rights are those conditions of life that allow us to develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. We cannot develop our personality in their absence. They are fundamental to our nature; without them we cannot live as human beings. James Nickel rightly states that human rights aim to secure for individuals the necessary conditions for leading a minimally good life. According to Scot David, the concept of human rights is closely connected with the protection of individuals from the exercise of State, government or authority in certain areas of their lives; it is also directed towards the creation of social conditions by the State in which individuals are to develop their fullest potential. Plano and Olton have stated that human rights are those which are considered to be absolutely essential for the survival, existence and personality development of a human being. To deny human beings their rights is to set the stage for political and social unrest, wars, hostility between nations and between groups within a nation-and that denial leads to urgent demands for a better life in larger freedom. Human rights, far from being an abstract subject for philosophers, political scientists and lawyers, affect the daily lives of everyone — man, woman, and the child.

The term “human rights” is all comprehensive — it includes civil-political (negative rights) and economic, social and cultural (positive rights) and collective or group rights.

It should also be acknowledged that rights and duties are two sides of the same coin. One’s rights impose duties on others. Allegiance to the State, where a citizen resides, obeying the State laws, payment of taxes, exercising right to vote, rendering compulsory military service, parental duty towards their children when they are young and the duty of adult persons to take care of the needs of their old parents, etc. are some of the duties which have been recognized in different countries.

Check Your Progress 1

1) Discuss the significance of human rights.

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2) What does the Universal Declaration of Human Rights say on the importance of human rights?

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3) Examine the Hohfeldian analysis of the concept of rights.

1.3 KINDS AND NATURE OF HUMAN RIGHTS

Rights can be of many kinds, such as legal rights, moral rights, civil rights, political rights, social rights, economic rights, cultural rights and so on. Those rights which are provided in law and protected by it are called legal rights. Enforcement of rights is important. But it is quite possible to have a right to something without the right being enforced. For example, if my car is stolen and the thief is not caught or arrested, I still have a right to car.

Three kinds of human rights have emerged at the international level. They are: civil and political rights, economic, social and cultural rights and group/solidarity rights. The UDHR and ICCPR recognize many civil and political rights, such as right to life, liberty and security of persons, prohibition of slavery, torture, arbitrary arrest, detention or exile, right to fair trial, freedom of movement, religion, freedom of expression, right to privacy, right to seek asylum, right to nationality etc. These rights are sometimes known as first generation rights, as they found their first formulation in the Western socio-political thought and governance in 17th and 18th centuries.

In the 1970s another set of rights have evolved at the international level. They are known by different names — third generation rights, group rights and collective rights. Such rights are the following:

The right to development, which, however, is also seen as a right of individuals.

- The right to peace;
- The right to clean natural environment;
- The right to one’s own natural resources;
- The right to one’s own cultural heritage.

It should be noted that the term “generation” of rights is a misnomer. It suggests a succession of phenomena, whereby a new generation takes the place of the previous one. That is, however, not the case with the three generations of human rights. On the contrary, the idea is rather that the three “generations” exist and be respected simultaneously. Moreover, there is the curious phenomenon that one particular right — that of self-determination — belongs both to the first and the second generations. It needs to be noted that, according to the Vienna Declaration and Programme of Action, 1993, all rights are indivisible, interdependent and essential. In fact, the term generation of rights is not coined by the United Nations. It is suggested that the word “generation” should be replaced by “categories”.

In fact, the term generation of rights is not coined by the United Nations. It is suggested that the word “generation” should be replaced by “categories”.
1.3.1 Nature of Human Rights

Following salient features mark the concept of human rights.

1) Human rights are universal moral rights; they belong to everybody because they are human. By definition, rights are not earned, bought or inherited. They are inherent in human dignity. They are inalienable.

2) One of the guiding principles is that rights are available to all persons in the State irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, property or other status (Article 2 of the UDHR). They are universally applicable to all persons. In other words, non-discrimination is an important principle of contemporary human rights.

3) They are universal in the sense that they transcend the national boundaries or ideologies. They are designed to be culturally and ideologically neutral; they are not specifically liberal or socialist, Eastern or Western, Northern, developed or developing, Christen, Buddhist, Islamic or Hindu.

4) The concept of human rights is comprehensive in its nature and content. It includes all categories of rights, such as civil and political, economic, social and cultural and even the newly emerging group or collective rights like, rights of minorities, indigenous peoples, right to development, right to peace and right to clean environment etc. In fact, the catalogue of rights is very detailed and comprehensive. The list of rights is expanding everyday. Moreover, no catalogue elaborating specific human rights will ever be exhaustive or final. The content of human rights goes hand in hand with the state of moral consciousness, or civilizational development at any given time in history.

5) Also, all rights and freedoms are indivisible and interdependent. The United Nations does not rank them in any hierarchy or any order of priority. Though we may classify rights in different categories, they are all complementary to each other. They are also inter-related. No set of rights has priority over the other.

6) Rights are not absolute or unlimited. Some of them can be suspended during war or public emergency. Justifiable and reasonable limitations can be imposed on their exercise, which are necessary to protect national security, public order, public health or morals or the rights and freedoms of others.

Check Your Progress 2

1) Explain the meaning of first generation or category of human rights.
2) Elucidate the concept of solidarity rights.

3) List three important features of human rights.

1.4 EVOLUTION OF RIGHTS — DEVELOPMENT AT DOMESTIC LEVEL

The idea of “rights” and “duties” of citizens is as old as the concept of the State, in fact as old as human species. As man is a social being and cannot live outside society (since he/she is not self-sufficient for one’s needs), the problem of rights arose involving man’s relations with other individuals in a society, and his relations with State/government. Through these relationships men evolved certain norms of social behaviour, which got crystallized, over centuries’ struggles, into what we call today as human rights. One may find their origin in ancient Greek and Roman political systems in Europe, Confucian system in China, the Islamic political system in the Muslim world and the “Panchayat” system in India. But the concept of rights in those systems was not fully developed and understood in the sense we know it today.

Many important events and revolutions contributed towards the development of human rights. First, the earliest charters of human rights are to be found among the three British constitutional documents, namely, the Magna Carta (1215), the Petition of Rights (1628) and the Bill of Rights (1689) adopted after the Glorious Revolution of 1688. These three documents were the forerunners of the modern bills of rights. They imposed restrictions on the powers of the King and his arbitrary rules. It may be recalled that in the 17th century England there were conflicts and tensions between the Parliament and the King over the latter’s arbitrary rule. These struggles led to the “Glorious Revolution” of 1688. This revolution is also known as Bloodless Revolution. James II, the King was forced to abdicate the throne. Fearing for his life the King fled the country paving the way for the accession to the throne of William (of Orange) III and Mary II (the King’s daughter who sided with the Parliament in this struggle). Following the revolution the Parliament passed the Bill of Rights in 1689. This Bill declared illegal the claimed suspending and dispensing powers of the Crown. It prohibited the levying of taxes or the maintenance of standing army in peacetime by the
Crown without Parliamentary consent. The Bill also provided that “excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted”. It further provided that “jurors ought to be duly impaneled and returned” and that “all grants and promises of fines and forfeitures of particular persons before convictions are illegal and void”. Moreover, it may be noted that the Glorious Revolution provided a precedent that rulers could be removed by popular will if they failed to observe the requirements of constitutional legitimacy.

1.4.1 Important Declarations of Rights

It was in the late 17th and the 18th centuries that the necessity for a set of written guarantees of human freedoms was felt as a new philosophy of governance. The dignity and rights of man was the dominant theme of political philosophy of the 18th century. This theme flowered into practical significance with such historic documents as the Virginia Declaration of Rights, 1776, the American Declaration of Independence, 1776, the French Declaration of the Rights of Man and Citizen, 1789 and of more lasting importance, the series of Amendments to the U.S. Constitution, adopted in 1791 as the American Bill of Rights. Let us elaborate the rights proclaimed in these documents.

The American Declaration of Independence contains ideas of human rights, such as:

That all men are created equal, that they are endowed by their creator with certain unalienable rights that among these are life, liberty and pursuit of happiness... that to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.

The Virginia Declaration of Rights included specific liberties that were to be protected from State interference. These included freedom of press, the free exercise of religion and the obligation that no person should be deprived of their liberty except by the law of land or the judgment of their peers. The Virginia Declaration had a great influence on the drafters of the U.S. constitution (1787), as these minimum rights were included in it subsequently.

The French Declaration of Rights of Man and Citizen, 1789, recognized many rights, such as, all men are born equal; the State shall preserve the natural rights of man, which are liberty, property, security and resistance to oppression; no one may be indicted, arrested or detained except in cases determined by law; all men should be presumed innocent until judged guilty; freedom of thought, opinion and press; freedom of religion; no taxes without consent of all citizens; no one shall be denied right to property except for an obvious requirement of public necessity, certified by law, and on condition of just compensation in advance. The Declaration proclaimed that liberty consists in the ability to do whatever does not harm others; hence the exercise of rights of each man has no limits except those which assure to other members of society for the enjoyment of the same rights. Law can only determine these limits. Therefore, it is generally said that my right to swing my hand ends where someone’s nose begins.
The Bolshevik Revolution of 1917 of Soviet Russia was another milestone in the development of the modern concept of rights. It introduced socio-economic dimensions to the concept of rights, which were neglected in the events and documents of English, American and French revolutions. While the three revolutions emphasized the first generation of civil and political rights (which are also called negative rights), the October revolution of Russia popularized socio-economic rights which are positive rights. These rights are called positive because their implementation requires resources and positive action by the State.

Thus it should be acknowledged that each of these declarations, events and revolutions discussed above have made important contributions in advancing and shaping the concept of human rights. However, being product of their times and specific circumstances, they lacked totality of the concept and were narrow in their scope and applications. For instance, Magna Carta yielded concessions (not rights) only to the feudal lords, though it set limitations on arbitrary rule and laid the foundation for the rule of law. The American Declaration and Bill of Rights were applicable only to those who constituted what was abbreviated as WASP (White, Anglo-Saxon and Protestant). Slaves did not have rights in USA until slavery was abolished in 1864, and the rights of women were not part of the conception of rights at the time of American Revolution. Similarly, although French Revolution was more egalitarian than the American, the question of the rights of women was raised, only to be quickly suppressed, and slavery was abolished, only to be restored by Napoleon. Moreover, Western States like United Kingdom and France did not extend the notion of rights to the “subject” people in their colonies. In sum, human rights had not become universal during then.

1.5 INTERNATIONAL EFFORTS TO DEVELOP HUMAN RIGHTS NORMS

During the last 350 years many international efforts were undertaken in conferences and international organizations which contributed towards the evolution of human rights norms and standards. Following are some of the major landmark developments at the international level, which have brought the protection of human rights on the agenda of international politics and law. With these revolutionary developments the process of internationalization of the concept of human rights began. Let us discuss them in detail.

1.5.1 Humanitarian Intervention (HI)

The doctrine of HI has been expounded by many international lawyers, including Hugo Grotius, the father of International Law, in the 17th century. This doctrine recognizes as lawful the use of force by one or more States to stop the maltreatment by a State of its own nationals when that conduct was so brutal and large scale as “to shock the conscience of the community of nations”. It is true that the principle of HI was frequently misused in the past and often served as a pretext for occupation or invasion of weaker countries. But it was the first to give expression to the proposition that there were some limits to the freedom States enjoyed under international law in dealing with their own nationals. Many great Powers have invoked the principle during the 19th century to prevent the Ottoman Empire from persecuting minorities in the Middle East and the Balkans.
1.5.2 International Humanitarian Law (IHL)

International Humanitarian Law (IHL) was developed through many treaties concerning laws of war. Treaties of 1864, 1906, and 1929 regulated the rights of the wounded in armies in the field, the wounded at sea in times of armed conflict. The 1864 treaty also protected medical personnel and hospitals. And also the protection to civilian population was provided by 1907 Hague Convention and prisoners of war were dealt with by treaty in 1929. From time to time the laws contained in these treaties have been revised and modernized. Much of that law is codified in four Geneva Conventions of 1949 and the two 1977 additional Protocols to these Conventions. It must be noted that the creation of the International Committee of the Red Cross (ICRC) in 1864 by Henry Dunant contributed greatly to the development of the laws of war.

The four Geneva Conventions aim to protect the sick and wounded members of the armed forces, prisoners of war (POW) and civilian population. For instance, the Geneva Convention on POW requires that prisoners be treated "humanely" and that they not be subjected to physical or mental torture to secure from them information of any kind. It prohibits "measures of reprisal against POW" and provides that all POW be treated alike by the detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinion. The fourth Geneva Convention, which seeks to protect civilian populations, establishes a massive code of conduct for the Occupying Power. It prohibits "not only murder, torture, corporal punishment, mutilation...of a protected person, but also...any other measures of brutality whether applied by civilian or military agents." It outlaws the taking of hostages, collective punishment and reprisals as well as "individual or mass forcible transfers" of protected persons or their deportations to the territory of the Occupying Power.

1.5.3 Abolition of Slavery

The first international treaties concerning human rights were linked with the acceptance of freedom of religion (e.g., the Treaties of Westphalia of 1648) and the abolition of slavery. Slavery had already been condemned by the Congress of Vienna in 1815 and a number of international treaties on the abolition of slavery appeared in the second half of the 19th century (e.g. the Treaty of Washington of 1862, documents of the Conferences in Brussels in 1867 and 1890 and in Berlin in 1885). The practice of slavery was first condemned in the Paris Peace Treaty (1814) between Britain and France. Under the League of Nations the Convention to Suppress the Slave Trade and Slavery was adopted in 1926. This Convention still remains the basic document prohibiting the practice of slavery, although it was amended by a Protocol in 1953 and supplemented in 1956 to deal with problems of defining the acts which constitute slavery in the modern world.

1.5.4 International Labour Standards

International Labour Organization (ILO), which has been in existence since 1919 and became a Specialized Agency of the United Nations in 1946, seeks to achieve social justice through its activities in the social and labour fields. The basis of ILO action for human rights is the establishment of international labour standards and the supervision of the implementation of these standards by ILO member States. ILO has adopted more than 150 Conventions and Recommendations on labour standards. These Conventions, when ratified by States, are binding upon
them. The Conventions relate to the basic human rights concern of ILO, such as freedom of association, abolition of forced and child labour, freedom from discrimination in employment and occupations. They also lay down standards in such fields as conditions of work, occupational safety and health, the provision of paid holidays and social security, industrial relations, employment policy and vocational guidance, and provide for the protection of special groups, such as women, migrants and indigenous and tribal peoples.

1.5.5 Protection of Minorities under the League of Nations

The League of Nations was given a mandate to supervise the enforcement of the minorities’ treaties emerging from the 1919 peace agreements with East European and Balkan States. These treaties included provisions relating to the protection of the minorities. The minorities’ regime of the League consisted of five special treaties binding Poland, the Servo-Croat-Slovene State, Romania, Greece and Czechoslovakia; special minorities’ clauses in the treaties of peace with Austria, Bulgaria, Hungary and Turkey; five general declarations made on admission to the League by Albania, Lithuania, Estonia and Iraq; a special declaration by Finland regarding the Aaland Islands and treaties relating to Danzing, Upper Silesia and Memel.

The League agreed to serve as the guarantor of the undertakings that the Parties assumed in these treaties. It exercised those functions by developing a system for dealing with petitions by minorities charging violations of their rights. It is pertinent to note that during 1930-32 the League received 305 petitions from the minorities out of which only 153 were admitted. These petitions, among others, pertained to matters such as suppression of private schools, use of biased historical texts, restrictions on minorities’ languages, agrarian reforms to the detriment of minority landlords, discriminatory policies in a job placement, denial of pension rights, denial of citizenship and acts of violence, repression and terror on the part of the authorities. The League system for dealing with these petitions was relatively effective and quite advanced for its time. Although the League was quite effective in redressing the grievances of minorities on smaller issues and everyday friction, it failed to solve the wider problems of peaceful living and amicable cooperation. Nonetheless, its decision to ask the Permanent Court of International Justice (PCIJ) for Advisory Opinions on contentious issues of minorities rights were a welcome development in international law/relations. The decision of PCIJ on the Minority Schools in Albania Case (1935) is worth recalling here. The Court ruled that persons belonging to racial, religious or linguistic minorities were to be given the same treatment and the same civil and political rights and security as other nationals in the State in question.

1.5.6 United Nations and Human Rights

The charter of the United Nations (1945) perhaps, is the most important landmark in the development of modern principles of human rights. The charter makes repeated references to human rights. It considers that the international peace and security depends, among other things, on the recognition of observance of human rights. Its preamble states:

“the peoples of the United Nations express their determination to reaffirm faith in fundamental human rights of men and women and of nations large or small.”
One of the four purposes of the United Nations is the promotion and encouragement of human rights and freedoms for all without distinction as to race, sex, language or religion. In Article 55 and 56 of the charter, the U.N. members pledged to make joint and separate action in cooperation with the United Nations for the achievement of their goals.

Since human rights were not defined in the charter for lack of time and agreement among nations, the task of elaborating them was left to the General Assembly. The Assembly completed its task by adopting the Universal Declaration of Human Rights (UDHR) on 10th December 1948 which included both Civil and Political and Economic, Social and Cultural rights. Subsequently the General Assembly has adopted many conventions, covenants and declarations and the process continues. In the next unit you will read in detail the UDHR and in other units about some more declarations and conventions on Human Rights.

Check Your Progress 3

1) Define the concept of “humanitarian intervention.”

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2) Write down the rights proclaimed in the French Declaration of the Rights of Man and Citizen.

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3) What contribution the ILO has made to develop human rights standards?

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4) Write short notes on:
   i) Glorious Revolution
   ii) League of Nations system of Minority Protection
   iii) The Bolshevik Revolution

1.6 LET US SUM UP

In this unit you have learnt about the importance of human rights for the development of human personality. Various meanings or understandings of the concept of human rights have been discussed. Important definitions of the concept of rights have been analyzed. The unit discusses the nature and features of human rights. We learn that human rights are universal, inalienable, indivisible, and interdependent. They are not absolute or unlimited. Reasonable restrictions or limitations can be imposed on their exercised.

The most important part of our discussion is concerned with the origin of human rights — from Magna Carta in the 13th century to the League of Nations in the 20th century. In this journey of evolution of human rights, we discussed how the English, American, and French revolutions and Bills of Rights have contributed towards evolving a comprehensive concept of human rights. The contributions of League of Nations, ILO, ICRC, and the Bolshevik Revolution of 1917 have been essayed. All major national and international developments concerning the evolution of rights have been examined.

1.7 KEY WORDS

Declaration : A written affirmation, which is morally but not legally binding on the States who have approved it.

Covenant : A treaty or agreement which is binding on ratifying States

Bolshevik : A Russian word, which means “majority”. The majority in the Communist party of Russia brought socialist revolution through Armed struggle to overthrow capitalist rulers disregarding the opinion of Mensheviks (minority) of the party.
1.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1
1) See section 1.2
2) See section 1.2
3) See section 1.2, point 6.

Check Your Progress 2
1) See section 1.3
2) See section 1.3
3) See section 1.4

Check Your Progress 3
1) See section 1.6
2) See section 1.5
3) See section 1.6
4) i) See section 1.5
    ii) See section 1.6
    iii) See section 1.5

1.9 SOME USEFUL BOOKS


Ishay, Micheline R, The History of Human Rights, New Delhi, Orient Longman, 2004


South Asia Human Rights Documentation Centre Introducing Human Rights, Delhi, Oxford University Press, 2006

Vijapur, Abdulrahim P. Human Rights in International Relations (New Delhi: Manak Publications, 2008).