

# Universal Declaration of Human Rights: Issues and Violations

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## ABSTRACT

Human rights are rules and regulations that seek to defend all people everywhere from severe political, legal, and social abuses. Human rights are a group of rights that have been recognized by a high degree of protection from encroachment. Human rights assists to a wide range of values or capabilities thought to enhance human agency or protect human interests. The Paper attempts to examine the fundamental root of the concept of human rights and significantly looks at its contented and explanation. Human rights reproduce essential human needs. All human rights are universal, inseparable and interdependent and interrelated. The paper focuses the universalized human rights for the first time, holding that all people are allowed to these rights, regardless of country or government.

**Key words:** universal, recognition Protection, violations, declaration, conventions and security

## INTRODUCTION

All human beings are born with certain natural rights. Those rights, basic to humanity, are termed as 'Human Rights'. Broadly speaking, they may include right to life, liberty, shelter and security of an individual. Social scientists from time immemorial have argued in favour of giving these rights to human beings. Human rights organizations are convinced that a democratic and open society is the only answer to continued violation. The argument is that violation of human rights tends to increase under an authoritarian regime or under a despot who has seized power. Similarly, when one party rule becomes an accepted practice, the ruling elite do not respect rights.

However, it was quite recently that a universal recognition of human rights was articulated and adopted. Atrocities by the Nazis and misgovernance by Fascists in the 1940s which resulted in the suppression of people, led to the Universal Declaration of Human Rights in an attempt to prevent such atrocities in the future. "Ancient peoples did not share the modern-day conception of universal human rights" (Freeman, Michael (2002) There was broad-based international support for the declaration when it was adopted. The declaration was drafted by a committee of the UN Commission on Human Rights set up in 1946, and 58 member states of the UN General Assembly adopted the declaration on December 10, 1948. India was also a signatory. "culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948" (Simmons, Beth A. 2009:23) The Universal Declaration of Human Rights has served as a Magna Carta for all humanity.

The declaration recognizes that the "inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world," and is linked to the recognition of fundamental rights which every human being aspires to the right of life, liberty and security of person: the right of an adequate standard of living; the right to seek and enjoy in other countries asylum from persecution; the right to own property; the right to freedom of opinion and expression; the right to education; right to freedom of thought, conscience and religion; and the right to freedom from torture and degrading treatment, among others. "The precise meaning of the term right is controversial and remains the subject of ongoing philosophical debate" (Shaw, Malcolm 2008) These rights are to be enjoyed by all human beings of the global village-men, women and children, as well as by any group of society, disadvantaged or not; they are not gifts to be withdrawn, withheld or granted at someone's whims and fancies.

These rights have been reiterated and adopted in various UN conventions. The Convention on Elimination of Racial Discrimination was adopted in 1965. Similarly, in 1966, the International Convention on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were adopted. Likewise, the Convention on the Elimination of All Forms of Discrimination against Women (1981), Convention against Torture and Other Cruel Inhuman or Degrading Punishment or Force (1984), Convention on the Rights of the Child (1990), etc. have been adopted. Most

countries of the world are members of UN General Assembly which has adopted these conventions and, therefore, these are universally applicable, though in different degrees in various parts of the world.

In addition to these conventions, the UN has been actively monitoring human rights violations in various parts of the world. Terrorism and denial of basic rights to individuals now pose a big challenge to the UN. The problems of ethnic violence, increasing exploitation of women and children and the issues of hunger, illiteracy, disease, poverty and unemployment are also to be seen in the context of human rights. Even in the so-called advanced states of the West, human rights are often violated by the practice of racial discrimination. "The United Nations (UN) is the only multilateral governmental agency with universally accepted international jurisdiction for universal human rights legislation" ( Ball, Olivia; Gready, Paul 2007) India is not immune to these problems. Terrorism has resulted in the denial of several basic rights to the people of Kashmir and the North-East. Castiest violence in states like Bihar, Uttar Pradesh and Andhra Pradesh has also terrorised the people of these states. The minorities and even other individuals often become victims of Hindu/Muslim fundamentalists.

Child labour and child marriage are very much a part of our society. "From this foundation, modern human rights arguments emerged over the latter half of the 20th century" (Moyn, Samuel 2010) Atrocities on women such as assault, rape, forced prostitution and domestic violence flourish in India. India has a large number of illiterate. India has established a National Human Rights Commission. The people have been guaranteed human rights under various provisions of the Constitution like the Fundamental Rights and Directive Principles. India is also a signatory to the UN Declaration and has been active in the human rights activities of the UN. What is lacking and what is required, therefore, is political will to provide people with basic rights.

The former UN Secretary General Kofi Annan said, "Rights have been asserted where regimes once ruled; justice has been delivered where impunity once reigned; and memory has been honoured where the powerful once enjoyed immunity. If only every fear were to offer such hopes, and prone to all that human rights cannot be denied where human beings live and breathe. But that is our challenge, to make it so. To make every day matter in the fight to broaden the horizon of human rights until that day when no man is tortured, no woman is abused, and no child. is denied his dignity-when all human beings enjoy their human rights." That is the ideal; the reality on the ground, however, is more complicated.

There is a North-South divide in world economy, now there seems to be an East-West divide in the matter of human rights. : As Western countries and their allies in the East-Japan, for instance-are stepping up their campaign against human rights violations, certain Asian countries like Malaysia have asked for a review of the Declaration of Human Rights. In fact, it is believed by many analysts that the recent East Asian economic crisis, which has adversely affected other Asian and some Latin American economies, has led to an increase in human rights violations.

"When millions are thrown out of jobs and people go without food because of the currency depreciation and inflation, there are socio-political problems on hand. If the government and its agencies crackdown on dissent and protests, we have large scale violation of human rights," says a member of Indonesia's National Human Rights Commission. In Indonesia, ethnic conflict has grown with Chinese settlers, and churches and shops owned by minorities have borne the brunt of violence.

Myanmar has always been on the 'blacklist' of countries on the human rights issue. A military regime that assumed power in 1988 cracked down heavily on opponents, students and human rights activists. The human rights violations have become a striking point in Yangon's relations with the West and are hindering the ASEAN (Association of South-East Asian Nations) cooperation programmes with the US and the European Union. Charges of forced labour in rural areas, curtailment of the freedom of speech and movement and intolerance of political dissent have been leveled against the junta. But the generals brush these charges aside and try to constitutionalise their hold on power. In Malaysia, the Anwar campaign for 'Reformasi' gave rise to complaints of crackdown loyalists of the former deputy prime minister. The Anwar trial was the focus of international attention because it was seen as 'political: persecution' of dissident who challenged the prime minister.

In Vietnam, the crisis over the return of the boat people refuses to fade away. A centralized system tends to frown on dissent. China has a special place in any discussion on human rights. Freedom of speech and expression is, of course, under curbs; more than that, the detention of political dissidents has drawn worldwide attention. Every now and then, apparently to satisfy a visiting foreign dignitary, a prominent dissident is released. The Tiananmen Square crackdown will remain a blot on the human rights record of China and the future moves on the human rights front in China seem vague.

In South Asia, there are some "Conflict Zones", with terrorist organizations or secessionist groups fighting for "liberation" and a free or open society. In contrast to South East Asia, where societal and national interests take precedence over

individual rights, many South Asian governments try to put individual fundamental rights first. Here, too, there are problems because of the history of frequent military rule or coups as in Pakistan or Bangladesh; a continuing civil war and ethnic strife in Sri Lanka and the terrorist battles in Kashmir and some North-Eastern states of India. Under these conditions, the protection of human rights ceases to be the government's priority.

Human rights activists draw attention to a few basic articles in the Universal Declaration-discriminations, arbitrary arrests or detentions, seeking political asylum, arbitrary deprivation of property and the right to freedom of peaceful assembly and association. Most of the problems in Asia centre on these provisions. The West is also perceived as practicing double standards. Western countries are quite willing to blink at violation of 'human rights if the offending nation happens to be a lucrative market for them-witness how USA is willing to relate with China, Pakistan and several other countries ruled by dictators.

It may be recalled that in the 1980s, many non-aligned countries believed that the declaration was being abused to condemn poorer countries-many of them under dictatorial rules. These countries demanded new rights that would impose obligations on Western States also. In 1986, the declaration on the right to development was adopted, requiring international disarmament and assistance for developing countries among other things. Islamic countries have, of late, called for a reformulation of the declaration which, says the Iranian government, for instance, is product of the Judaeo-Christian tradition and cannot be implemented by Muslims, the Shariat, for these countries come first.

In a bid to turn the tables on the West, the former Malaysian Prime Minister Dr. Mahathir Mohamad, launched a campaign for a review of the Universal Declaration on Human Rights. His argument was that if individual rights come first in the West, the interests of the nation and society take precedence in other parts of the world, at least in East Asia. Dr. Mahathir drew attention to Bosnia, wondering if the US and the EU can turn a blind eye to the violation of the human rights of Bosnian Muslims and gloss over the "ethnic cleansing" in the region.

"European States stress individual rights and values, while Asian countries esteem collective human rights and obligations to the family and society," said Qian Qichen, once the Chinese deputy prime minister. Using these citizens' duties to back the national campaign against hunger, the government wants to legitimize anything to suppress unrest and prevent production bottlenecks. "Charles Beitz proposes a typology of six paradigms of action that agents, such as human rights agencies, international organizations, individual states, and NGOs, could use to enforce human rights: (1) accountability, (2) inducement, (3) assistance, (4) domestic contestation and engagement, (5) compulsion, and (6) external adaptation" (Beitz, Charles 2009:33)

Without defending the Asian government or justifying their violations, many of the rights activists charge that "discrimination" on the basis of religion, colour, race and sex persists in the US and many European countries which see themselves as the "champions" of human rights. It is their contention that instead of "lecturing, sermonizing or imposing" standards on Asia, the West will do well to address the causes of these problems. The sudden slide into poverty of millions of people may spark a spurt in the violations of human rights because of the social tensions. The terrorist or separatist groups tend to prosper in these circumstances, playing on the frustration and anger of the poor. Without harping on human rights issues, the West and organizations such as the UN could help these people by focusing on human issues and empowerment instead of brow-beating their governments into accepting standards that they cannot implement.

Can rights, then, be selectively applied? If we consider the issue dispassionately, the answer is 'No'. Human rights, howsoever one looks at it, belong to all human beings. The simple proposition that a person possesses rights because he or she is human cannot be empirically proved or tested against some concrete evidence. That people are entitled, because they are human, to assert their rights to something are a proposition whose morality is self-evident. When we assert an ethical proposition, we are in effect choosing sides or announcing our stand-this is how human beings should be treated, below this we cannot allow ourselves to fall.

Then, if rights accrue to human beings by virtue of their being human, then every human being is entitled to assert his or her rights. Equality is built into the rights proposition and it is this property that makes rights such an attractive proposition. Human rights set up a critical standard to gauge the legitimacy of particular laws or conventions. This implies that whereas conventional, legal and contractual rights can vary from place to place, human rights are constant and immutable as they supervene upon something we call human nature.

Though it is true that we cannot guarantee that individual rights will not be violated in a given society, what we can do is to institute a norm that rights are of such primary importance that whosoever violates them should have good reasons for

doing so. The onus of proof should be on those who violate rights. Rights bestow status upon each human being irrespective of his or her talents or lack of them. They imply that each human being counts purely by virtue of the fact that he or she IS entitled to be treated in a particular way. In any society that values human beings as worthy of regard and respect, rights will be valued.

## **CONCLUSION**

Rights provide protection against calculations based on some notion of social good or against utilitarian computations of what is beneficial to some sections of society. Correspondingly, rights, as an integral part of political morality, hold that individual entitlements are of such overriding importance that they eclipse all other considerations. Rights are a non instrumental and non-derivative part of morality.

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