HUMAN RIGHTS

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Abstract- Human right as Firstly defined by the Scottish philosopher John Locks(1632-1704)are rights inherent to all human being. The Concept of human right is notnew. Various documents asserting individual rights such as Magna Carta (1215), the petition of Right(1628), the US constitution (1787),etc. are precursors to many of today's human rights document. The many laws, conventions are made to protect the human rights such as universal declaration of human rights 1948, the convention on elimination of all form of racial discrimination1965, the international covenant on civil and political rights and on economic, social and cultural rights. Despite the number of international and regional laws and conventions there is still a blatant violation of human rights in various countries such as,Burma'srecent condition. The judiciary plays active role regarding human rights. Now it is high time to takeeffective steps to curb the violation of human rights and effective implementation of human right laws.

Keywords- Human rights, Convention, Violation, Laws.

What are human rights?-Human Rights are rights Inherent to all human being by virtue of being human and regardless of nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. Human Rights include rights to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and many more. [1]

History- In 539 B.c the armies of Cyrus the great, the first king of ancient Persia, conquered the city of Babylon& freed the slaves &declared that all people had the right to choose their own religion and established racial equality. These and other decrees were recorded on a baked clay cylinder in the Akkadian language with coneiform script. Known today as the Cyrus cylinder, this ancient record has know been recognized as the world's first charter of human Rights.**Documents asserting individual rights, which are precursors to many of today's human rights documents are as following-Magna Carta** -In 1215 after king John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights .It provides right of all free citizens to own and inherit property and established principles of due process and equality. **Petition of Right 1628** -produces in 1628 by the English parliament, initiated by Sir Edward Coke asserted four principles.**1**.No taxes may be levied without consent of parliament.**2.**No subject may be imprisoned without cause shown.**3.**No soldier may be quartered upon the citizenry.**4.**Martial law may not be used in time of peace. **United States Declaration of Independence (1776):-** The Declaration stressed two themes: Individual rights and the right of revolution. **The constitution of united states of America(1787) and Bill of Rights(1791)**The constitution of U.S of America,defines the principle organs of government and their jurisdictions and the basic rights of the citizens. The bill of rights 1791,protects freedom of speech, freedom of religion, the right to keep and bear arms, the freedom of assembly and the freedom to petition& also prohibits unreasonable search and seizure, cruel and unusual punishments and compelled self- incrimination.**Declaration of rights of man and of the citizens 1789** -adopted by the national constitution assembly, proclaims that all citizens are to be guaranteed the rights of liberty, property security and resistance to oppression.**The first Geneva convention 1864-** provided for the obligation to extend care without discrimination to wounded and sick military personnel and respect for and marking of medical personnel transport and equipment with the distinctive sign of the red cross on a white background. [2]

International human rights laws-The United NationsDeclaration of Human Rights 1948, 10 December--This is a milestone document in the history of human rights. It sets out for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages whereas the people of the united Nations have in the charter reaffirmed their faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women have determined to promote social progress and better standards of life in the larger freedom.It translated into more than 500 languages. [3]It represents the universal recognition that basic rights and fundamental freedoms are inherent to all human beings, inalienable and equally applicable to everyone and that every one of us is born free and equal in the dignity and rights.**The International covenant on Economic, social and cultural Rights-** entered into force in 1976 , include - The rights to social protection, to an adequate standard of living to the highest attainable standards of physical and mental well being and the right to education and

enjoyment of benefits of cultural freedom and scientificprogress.**The international covenant on Civil and political rights**- and its first optional protocol entered into force in 1976. The second optional protocol was adopted in 1989. The covenant deals with such rights as freedom of movement; equality before the law: the right to a fair trial and presumption of innocence; freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association and protection of minority rights. [4] **. Various conventions regarding human rights-such as-**The convention on the prevention and punishment of the crime of genocide (CPCG),1948;The convention of prevention Relating to the status of refugees (CSR)1951;The convention of elimination of all forms of racial discrimination(CERD)1965;The Viennadeclaration 1993;Theconvention of elimination of all forms of discrimination against woman(CEDAW)1981;etc**Violation of human rights in various countries** The worst attacks on human rights across the world last years are as following-

1.India- Suspected members of the Jaish-e-Mohammed are believed to have attacked an air force base in the beginning of January 2016, killing eight people, including a civilian.More than56,000 crimes were committed against scheduled castes and scheduled tribes. In 2016, Dalit student Rohit Vemula committed suicide, complaining of discrimination and abuse, leading to nationwide protests.Crimes against children rose by 5% in 2015 as compared to the previous year. A new draft education policy released by the central government omitted any mention of human rights education. Those from African countries faced racism and discrimination in India. While one Tanzanian woman was stripped and beaten by a mob in Bangalore, another man from the Democratic Republic of Congo was beaten to death. Meanwhile, in Uttar Pradesh, 47 police officers were convicted of extrajudicial executions of10 men. Similar killings also took place in Chhattisgarh; Odessa.Several people were arrested under sedition laws for expressing their dissent with government policy. [5]

2.China- A massive nationwide crackdown against human rights lawyers; new laws with a national security focus that present grave dangers to human rights; authorities stepped up their controls over the internet, mass media and academia; Televised "confessions" of critics detained for investigation multiplied; Freedom of religion continued to be systematically stifled; The government maintained extensive controls over Tibetan Buddhist monasteries.

3.EGYPT-Executions were carried out following grossly unfair trials; Detainees faced torture and other; Women and members of religious minorities were subject to discrimination and inadequately protected against violence; the authorities arbitrarily restricted the rights to freedom of expression, association and peaceful assembly, enacted a draconian new antiterrorism law, and arrested and imprisoned government critics.

4.HUNGARY-"Constructed fences along its southern borders, criminalized irregular entry to its territory and expedited the return of asylum-seekers and refugees to Serbia, effectively transforming Hungary into a refugee protection-free zone. Roma continued to be at risk of forced eviction and inadequately protected against hate crimes."

5.ISRAEL-"Unlawful killings of Palestinian civilians, including children, and thousands of Palestinians detained who protested against or otherwise opposed Israel's continuing military occupation, holding hundreds in administrative detention; Torture and other ill-treatment remained rife and were committed with impunity; More than 327,000 crimes were committed against women in 2015. [6]

6.Australia-Australian Human Right Commission report into conditions in Australian mainland immigration detention centres and facilities on Christmas Island in February found that mandatory and prolonged detention had profoundly negative impacts on the mental and emotional health and development of children. More than 300 children committed a threatened self harm in a 15 month period in Australian immigration detention and 30 reported sexual assault. Women and girls with disabilities in Australia fall higher rates of violence in the community and in institutional settings than other women and girls. Some face coerced sterilization and forced psychiatric and interventions. In September a school principal was fired for building a metal cage in a classroom and using it to restrain a 10 year old boy with autism.

7.Pakistan-In December 2014, the Islamist armed group Pakistani Taliban, Tehreek-e-Taliban attacked a school in Peshawar, leaving 148 dead almost all of them children. Abuses by Security forces led thousands of Afghans living Pakistan to return to Afghanistan or flee elsewhere. Religious minorities faced violent attacks, insecurity and persecution, largely from Sunni extremist groups- which the government failed to address. IN Feb., in a welcome move, Punjabis provincial judiciary drew up a shortlist of 50 cases of alleged blasphemy in which the accused was found to be victimized by inadequate evidence or lack of legal counsel. A Syed Wahidur Rahman, a journalism professor was gunned down in Karachi. Also in April Sabeen Mahmud, a prominent Pakistani social and human rights activist was shot dead shortly after hosting an event in Balochistan's disappeared people in Karachi.

8. Syria - The government persisted in conducting in discrimination air attacks including dropping large number of improvised barrel bombs on civilians. Syrian security forces continue to detain people arbitrarily, regularly subjecting them to ill- treatment

and torture and often disappearing them using an extension network of detention facilities throughout Syria.

9.Burma- Burmese military continues to recruit and use child soldier, as do many paramilitary and militia forces under Burmese army command and child soldier have reportedly been recruited and deployed by many non state armed groups as well. Now in 2017,there is inhuman treatment, rape & killings of Rohingyas. Human rights are violated in great number of ways. Genocide, war crimes, crimes against humanity, aggression, sexual assault including rape, acid attacks, human trafficking and torture are some of t he most promised ways individuals human rights are violated. [7]As said by 'Hayley Williams' "human beings are human beings, just treat them like that".

Role of Judiciary -In the case of **vinter and others v united kingdom III ECHR 317 (9 July 2013)** the European court held that it is a violation of human dignity to deny life prisoners any prospect of release and review of their sentence.**Abdulla Ahmad Has scoundrel et-al Vs The minister of citizenship immigration (2017) FC (10 May 2017)**The Canadian federal court revealed that the current procedure for revoking citizenship is unconstitutional as it deprives people of a fair hearing- a right protected by the Canadian Bill of Rights. **Matasouukatidou V Yarra Ranges Counus(2017) Vs 61 (28 February 2017)** -The supreme court of Victoria have declared an important decision on the obligation of courts to ensure fair hearing and equality rights under the charter of human rights and responsibilities Act 2006 in the contest of unrepresented litigants and in particular where a litigant has a cognitive disability.**State of Washington and State of Minnesota V Trump No 2:17-CV-001141(W.D Wash.2017) (9February 2017)** In a unanimus 3.0 decision, the united state court of appeal maintained the freeze on Us president Donald Trump's controversial immigration order suspending entry of people from 7 countries for 90 days, indefinitely suspending the entry of Syrian refugees and suspending the United states refugees admissions program for 120 days. [8] In **Budhadev Karmaskar state of west Bengal-** a sex worker was brutally murdered by appellant Buddhadev. The appellant Buddhadev kicked her with fists and legs and she fell down on the floor. He banged her head against the floor and the wall several times, which left the victim bleeding from her ear, nose and head. The court held that prostitute are equally women and equally human and gave the directions to central and state government toprepare schemes for giving technical vocational training to sex workers and sexually abused women in all cities in India and to prepare schemes for rehabilitation of such women. The court held that prostitutes also have right to live with dignity under Article 21 of the constitution of India. **In Lillu @ Rajesh and Anr Vs state of Haryana**-The S.C held that in view international covenant on economic, social and cultural rights 1966;U.N Declaration of basic principles of justice for victims of crime and abuse power 1985, rape survivors are entitled to legal recourse that does not retraumatize them or violate their physical or mental integrity and dignity. The court held that two finger test to give character certification is a violation of victim's right to privacy anddignity. [9]

Suggestions to prevent violation of humanrights-

1.Join or start local group: Organizing or joining a campaigning group in your local community is great way to meet a like minded people and take action on the issues you care about.

2.Organize a stunt- An eye- catching street action or stunt will make sure the authorities and the media hear your call for change. It is a great way to help your supporters and volunteers understand the issues. First of all think of the single and simple message you want to get across. Then divide creative ways of engaging with the public-Think of props, costumes and slogans for banners. [10]

3.BE a good human being-Human rights itself mean do not violate and don't be violated, if you violate other right is likely that your rights will also be violated with no one coming to your aid. So always respect and don't violate others human rights.

4.Educate everyone around you-It is important that we educate everyone among us about the human rights. Just as we know let them also know so we can complement each other. AS soonas we all know our rights, know where and how to seek redress when violated know who and where to report violation, certainly we can live a life devoid of extreme human right violations.

5.Never let go when your rights are violated-If your rights are violated ones, they are likely to be violated over and over again, but accepting such violation is like accepting failure, never accept failure, continue to challenge it until you defeat it . [11]

6.Work for the unity of world community-It is important for every human being to work for the unity of the world community and to act upon the idea of non class, non- violence and non-discrimination vis-a-vis brotherhood, love and equality, for protection and promotion of human rights for continues peace and development worldwide.

7.Target to earn acquire and posses the ideals of brotherhood: Instead of making enmity or making target of guns and bringing within the range of high-tech missiles or sophisticated nuclear weapons, every human being needs to make target to earn acquire and posses the ideals of brotherhood , love, equality. And thereby get prepared to be embraced as an ambassador of world peace, which is automatically the protection and promotion of human rights. [12]

8.The constitution must be clear, strong and formable- Protecting human rights is one of the

central purposes of a constitution. All government, no matter how good democratictely may be, occasionally try to violate their citizens rights, the constitution should provide mechanism for people to resist such violations & clearly state the rights to be protected, in language that is understandable by ordinary people and Second the constitution must restrain the government ability to limit or restrict right of people.

To conclude we can say that no doubt there is a human right laws and implementation mechanism but it is a high time that international community and governments should take further steps to curb violation of human rights.As said by U.N secretary general 'Kofi Anan'"we will not enjoy security without development, we will not enjoy development without security &we will not enjoy either without respect for human rights"

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