

Course- LL.B (sem-2)
International law (unit-4)
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Human Rights



DEFINITION

HUMAN RIGHTS are the rights that all people have by virtue of being human beings.

HUMAN RIGHTS are derived from the inherent *dignity* of the human person and are defined internationally, nationally and locally by various law making bodies.

DEFINITION

HUMAN RIGHTS is defined as the supreme, inherent, and inalienable rights to life, to dignity, and to self-development. It is concerned with issues in both areas of civil and political rights and economic, social and cultural rights founded on internationally accepted human rights obligations



HUMAN RIGHTS

RIGHTS – moral power

-to hold (rights to life, nationality, own property, rest and leisure),

-to do (rights to marry, peaceful assembly, run for public office, education),

-to omit (freedom from torture and cruel, inhuman or degrading punishment, freedom from arbitrary arrest, detention or exile)

- to exact something (equal protection of the law, equal access to public service, equal pay for equal work)



Rights are things
that protect us
from harm.



Think of a baby that
hasn't asked to come
into the world..

What are the basic
rights you think any
child should expect?

To be allowed
to live
(the right to life)

To be protected
from disease

To be protected
from harm

To have food
and drink



Basic minimum things such as these that we should all expect to have, wherever we live, have become known as **Human Rights**.

The United Nations Universal Declaration Of Human Rights 1948

Almost every country in the world has now signed the above agreement saying they agree with five basic human rights.

1. Equality in rights.

All people should have the same rights.

3. Freedom from Slavery.

No person should be forced to work without fair pay and conditions.

4. The right to a fair trial.

People should be able to defend themselves if they are accused of something wrong.

2. The right to life.

All people should be allowed to live.

5. Freedom of expression.

People should be able to say what they want as long as it does not go against the law or another human right.



Characteristics of Human Rights

- Universal
- Internationally guaranteed
- Legally protected
- Protects individuals and groups
- Cannot be taken away
- Equal and indivisible
- Obliges States and State actors

The Universal Declaration of Human Rights (1948)

- By 1948, the United Nations' new Human Rights Commission had captured the world's attention. Under the dynamic chairmanship of Eleanor Roosevelt—President Franklin Roosevelt's widow, a human rights champion in her own right and the United States delegate to the UN—the Commission set out to draft the document that became the Universal Declaration of Human Rights.

The Universal Declaration of Human Rights (1948)

- Roosevelt, credited with its inspiration, referred to the Declaration as the international Magna Carta for all mankind. It was adopted by the United Nations on December 10, 1948.

The Universal Declaration of Human Rights (1948)

- ❖ The Member States of the United Nations pledged to work together to promote the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. In consequence, many of these rights, in various forms, are today part of the constitutional laws of democratic nations.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1. Right to Equality

- ⊕ All human beings 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.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

- **Article 2.** Freedom from Discrimination
- 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, national or social origin, property, birth or other status.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 3. Right to Life, Liberty, Personal Security

- ☉ Everyone has the right to life, liberty and security of person.

Article 4. Freedom from Slavery

- ☉ No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 5. Freedom from Torture and Degrading Treatment

- ➊ No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Right to Recognition as a Person before the Law

- ➋ Everyone has the right to recognition everywhere as a person before the law.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 7. Right to Equality before the Law

- ❖ All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 8. Right to Remedy by Competent Tribunal

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. Freedom from Arbitrary Arrest and Exile

- No one shall be subjected to arbitrary arrest, detention or exile.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 10. Right to Fair Public Hearing

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 12. Freedom from Interference with Privacy, Family, Home and Correspondence

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 13. Right to Free Movement in and out of the Country

- Everyone has the right to freedom of movement and residence within the borders of each State.
- Everyone has the right to leave any country, including his own, and to return to his country.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 17. Right to Own Property

- Everyone has the right to own property alone as well as in association with others.
- No one shall be arbitrarily deprived of his property.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 20. Right of Peaceful Assembly and Association

- Everyone has the right to freedom of peaceful assembly and association.
- No one may be compelled to belong to an association.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 21. Right to Participate in Government and in Free Elections

- Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- Everyone has the right to equal access to public service in his country.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

- ❖ **Article 25.** Right to Adequate Living Standard
- ❖ Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 26. Right to Education

- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 26. Right to Education

- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Five categories of Human Rights

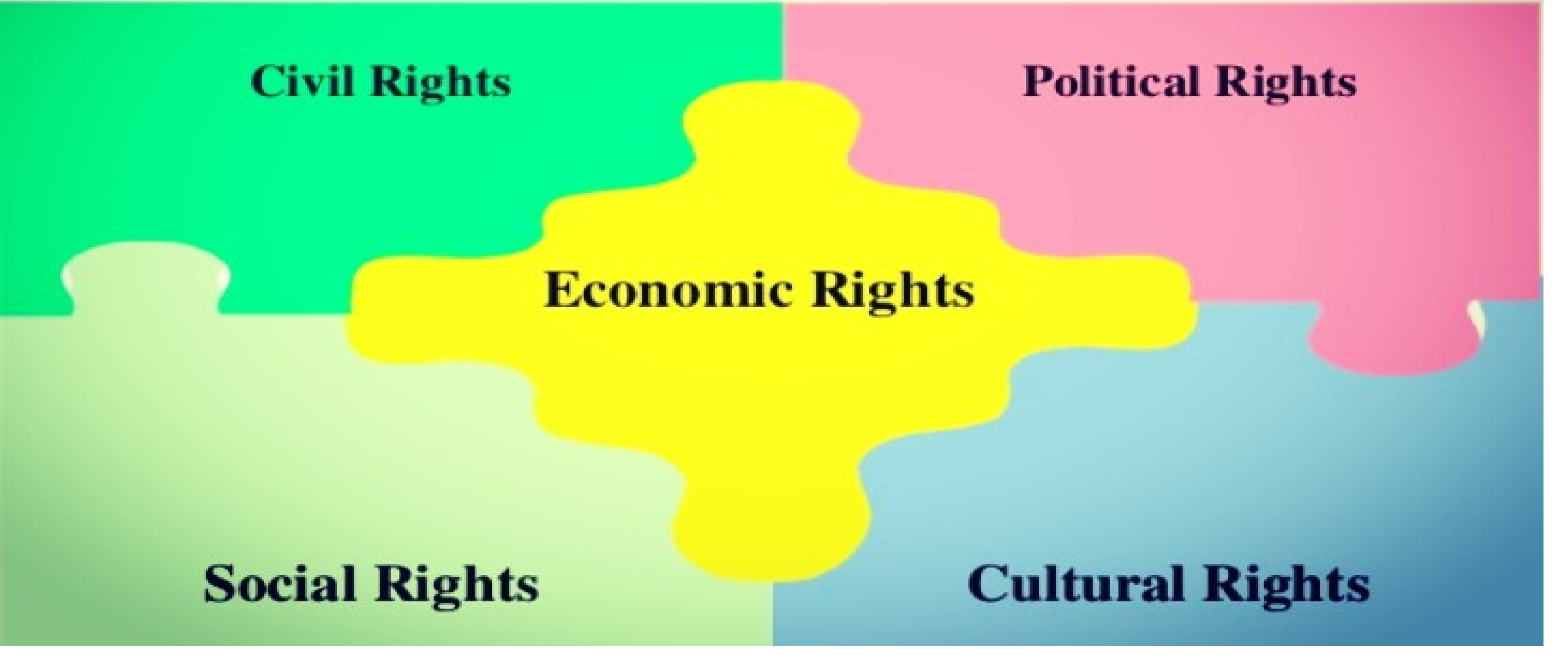
Civil Rights

Political Rights

Economic Rights

Social Rights

Cultural Rights



Five categories of Human Rights

- ❖ Civil – the right to be treated as an equal to anyone else in society
- ❖ Political – the right to vote, to freedom of speech and to obtain information
- ❖ Economic – the right to participate in an economy that benefits all; and to desirable work
- ❖ Social – the right to education, health care, food, clothing, shelter and social security
- ❖ Cultural – the right to freedom of religion, and to speak the language, and to practice the culture of one's choice

SOME CIVIL RIGHTS

- Life
- Belief in own religion
- Opinion
- Free speech
- Non-discrimination according to sex
- Marry
- Race
- Cultural background

SOME POLITICAL RIGHTS

- Vote in elections
- Freely form or join political parties
- Live in an independent country
- Stand for public office
- Freely disagree with views and policies of political leaders

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SOME ECONOMIC RIGHTS

- Jobs
- Work without exploitation
- Fair wage
- Safe working conditions
- Form trade unions
- Have adequate food
- Protection against labor malpractices

SOME SOCIAL RIGHTS

- Housing
- Education
- Health services
- Recreation facilities
- Clean environment
- Social security

SOME CULTURAL RIGHTS

- Use own language
- Develop cultural activities
- Ancestral domains
- Develop own kind of schooling

Importance of Human Rights

- Human rights are important because, The States affirmed the universal respect for inalienable rights and fundamental freedoms of each and every person, including the principles of the prohibition against arbitrary detention, the right to due process and other civil and political rights as well as social, cultural and economic rights.

Importance of Human Rights

- ❖ These fundamental human rights should be “a common standard of achievement for all peoples and nations”,
- ❖ They are the basic rights that all human beings should enjoy, respect and protect.

Importance of Human Rights

- ❖ International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights.

Importance of Human Rights

- The obligation to **respect** means that States must refrain from interfering with or curtailing the enjoyment of human rights.
- The obligation to **protect** requires States to protect individuals and groups against human rights abuses.
- The obligation to **fulfill** means that States must take positive action to facilitate the enjoyment of basic human rights.

Thank you !!!

