Human Right’s Documents and Their Scope

8.1 International Position
8.2 Indian Position
8.1 INTERNATIONAL POSITION

International bill on Human Rights was drafted by a Commission which was established by United Nation Organisation. UNO come into existence on 24th October 1945. The main objectives of the UNO are to protect and respect of the Human Rights and basic freedom so adopted the Human Rights on 10th December 1948 which is known as the Universal Declaration of Human Rights.

The Universal Declaration of Human Rights emphasized the equality of all human beings without any discrimination.

According to the Preamble of Declaration of United Nation on Human Rights, “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”

There are 30 Articles in the Universal Declaration of Human Rights some of the important provisions are:-

(1) All Human beings are born free and equal in dignity and rights
(2) Every one has the right to life, liberty and Security of person
(3) No one shall be held in slavery
(4) All are equal before the law, and entitled to equal protection of the law.
(5) No one shall be subjected to arbitrary arrest, detention or exile.
(6) Everyone has the right to freedom of movement and residence within the borders of each State
(7) Every one has the right to nationality
(8) Men and women of full age have the right to marry and find a family
(9) Everyone has the right to own property.
(10) Right to Freedom of thought, conscience and religion.
(11) Freedom of opinion and expression.
(13) Freedom to take part in the Government of his country.
(14) Right to employment
(15) Right to equal pay for equal work.
(16) All children enjoy the social protection.
(17) Motherhood and Childhood are entitled to special care and assistance.

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

The Human Rights Protection of Vulnerable Groups

The aim of human rights instruments is the protection of those vulnerable to violations of their fundamental human rights. There are particular groups who, for various reasons, are weak and vulnerable and consequently require special protection for the equal and effective enjoyment of their human rights. Often human rights instruments set out additional guarantees for persons belonging to these groups; i.e., the Committee on Economic, Social and Cultural Rights has repeatedly stressed that the ICESCR is a vehicle for the protection of vulnerable groups within society, requiring states to extend special protective measures to them and ensure some degree of priority consideration, even where in the face of severe resource constraints.

This part focuses on groups that are especially vulnerable to abuse of human rights; groups that have difficulties defending themselves and are therefore in need of special protection.
The groups are as:

(a) Women and Girls
(b) Children
(c) Refugees
(d) Internally Displaced Persons (IDP's)
(e) Stateless Persons
(f) National Minorities
(g) Indigenous Peoples
(h) Migrant Workers
(i) Disabled Persons
(j) Elderly Persons
(k) HIV Positive Persons and AIDS Victims

DECLARATION AT VIENA AND PROGRAMME OF ACTION

From 14th June to 25th June 1993, the World Conference on Human Rights, held at Vienna, it was considered that it is a matter of priority for the international community for the promotion and protection of human rights, and that to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights was the a unique opportunity that Conference affords, in order to enhance and promote a fuller observance of those rights in a just and balanced manner.

Recalling the Preamble, for reaffirming their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights, in determination to reaffirm faith in fundamental human rights, in human beings dignity and worth, in the equal rights of men and women and of nations large and small, various forms of discrimination and violence, by which women continue to be exposed all over the world are deeply concerned,

Year 1993 welcomed as an International Year of the World's Indigenous People for reaffirmation of the commitment of the international community to respect
the value and diversity of their cultures and identities and to ensure the enjoyment of all human rights and fundamental freedoms. The indivisible parts of universal human rights for women and of the girl-child are an inalienable and integral. The full and equal participation of women and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community in political, civil, economic, social and cultural life, at the national, regional and international levels.

Gender-based violence and all forms of sexual harassment and exploitation must be eliminated this can be achieved by legal measures and through national action and international cooperation, in such fields as economic and social development, education, safe maternity and health care, and social support including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person.

The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts and should form an integral part of the United Nations human rights activities, for the protection and promotion of human rights instruments relating to women and the girl-child.

The World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, urges universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures and the allocation to the maximum extent of the available resources, it welcomed the early ratification of the Convention on the Rights of the Child by a large number of States and noting the recognition of the human rights of children. It also stresses that the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection.
Indigenous people

At its eleventh session The World Conference on Human Rights calls on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and it also recommends that the Commission on Human Rights consider the renewal and updating of the mandate of the Working Group on Indigenous Populations upon completion of the drafting of a declaration on the rights of indigenous people.

3. The equal status and human rights of women

The World Conference on Human Rights urges the full and equal enjoyment by women of all human rights and that a priority for Governments and for the United Nations. It also underlines the importance of the integration and full participation of women as both agents and beneficiaries in the development process, and reiterates the objectives established on global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development and chapter 24 of Agenda 21, adopted by the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 3-14 June 1992).

In the mainstream of United Nations system-wide activity the equal status and the human rights of women should be integrated and these issues should be regularly and systematically addressed throughout relevant United Nations bodies and mechanisms. Steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Program and other United Nations agencies. In this context, cooperation and coordination should be strengthened between the Centre for Human Rights and the Division for the Advancement of Women.
In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.

By the year 2000 The United Nations should encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women. The World Conference on Human Rights urges the eradication of all forms of discrimination against women, both hidden and overt. Ways and means of addressing the particularly large number of reservations to the Convention should be encouraged like Inter alia, the Committee on the Elimination of Discrimination against Women. States are urged to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law.

The World Conference on Human Rights recognizes that women to enjoy the highest standard of physical and mental health throughout their life span. In the context of the World Conference on Women and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Proclamation of Tehran of 1968, it reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health
care and the widest range of family planning services, as well as equal access to education at all levels.

It encourages to appoint and promote women staff members and to guarantee the participation of women under conditions of equality within the United Nations Secretariat in accordance with the Charter of the United Nations and other principal and subsidiary organs of the United Nations.

The World Conference on Human Rights welcomes the World Conference on Women to be held in Beijing in 1995 and urges that human rights of women should play an important role in its deliberations, in accordance with the priority themes on equality, development and peace.

**The rights of the child**

The World Conference on Human Rights underlines the importance of major national and international efforts for promoting respect for the rights of the child to survival, protection, development and participation, especially United Nations Children Fund.

To achieve universal ratification the signing of the World Declaration on the survival protection and Development of children, as well as their implementation and Plan of Action adopted by the World Summit for Children in Convention on the Rights of the Child by 1995. To withdrew reservation to the Contrary to the objects and purpose of the Convention to international treaty law.

The World Conference on Human Rights urges all nations to achieve the goals to undertake measures to extent their available resources with international cooperation in World Summit Plan of Action. By means of these plans and by international efforts, placing priority on reducing infant, maternal mortality, reducing malnutrition and illiteracy rates and provide safe drinking water and basic education. The plans of Action devised to combat at the time of emergencies, natural disasters and armed conflicts create problem to children in extreme poverty.
The World Conference of Human Rights urges to address the acute problems of children under difficult circumstances some major steps are to be taken against female infanticide, child exploitation and abuse, child labour, sale of children and organs, child prostitution, child pornography and as well as other sexual abuses should be combated by finding their root cause.

The World conference on Human Rights supports all measures by the United Nation and its specialized agencies for effective protection and promotion of human rights of girl child and states to abolish existing laws and regulations to remove customs and practices against discrimination and harm to girl child.

The World Conference on Human Rights strongly supports the proposal that the secretary general initiate to improve the safeguard of children in armed conflicts. Measures taken to protect and assist to children at war zones which should includes humanitarian norms and protection of child to use of weapons of war. The need for rehabilitation and aftercare of children traumatized by war and study the question of rising the minimum age of recruitment of armed forces.

The World Conference on Human Rights recommends matters relating to situation of children be regularly reviewed and monitored by specialized agencies in accordance with their mandates.

The World Conference on Human Rights recognizes the important role played by non-governmental organization in the effective implementation of all instruments on rights of children.

The World Conference on Human Rights recommends rights of Child be enabled effectively to meet its mandate, especially in view of the unprecedented extent of ratification and subsequent submission of country reports.
Groundwork Is Laid in Vienna

The holding of meeting by several experts group sponsored by United Nations over last decade to draw attention to the question on the violence against women and to extent and severity of problem.

A special Working group established by the United Nations Commission on the Status of women and gave it a mandate to draw up a draft declaration on violence against women in September 1992.

In following year, the resolution 1993/46 of 3 March, the United Nations Commission for Human Rights, commended all forms of violence and violations of human rights directed specifically against women.

The World Conference on Human Rights, held in Vienna in June 1993, laid extensive groundwork to eliminate violence against women in public and private life, of all forms of sexual harassment, exploitation and trafficking in women; of gender bias in the administration of justice; and of any conflicts arising between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

The document also declared that "violations of the human rights of women in situations of armed conflicts are violations of the fundamental principles of international human rights and humanitarian law", and all violations including murder, systematic rape, sexual slavery and forced pregnancy -- "require a particularly effective response".

Legal steps to criminalize violence against women

1) The significant steps have been taken by some countries in recent years towards improving laws related to violence against women. For example:

2) In July 1991, Revision was made in Mexico’s rape law allowed a man if he agrees to marry a minor to avoid prosecution after committed a
rape with her was eliminated within five working days, the judges are required to hand down a decision regarding access to an abortion.

3) On 9 June 1994, to Prevent, Punish and Eradicate Violence against Women the Organization of American States adopted the Inter-American Convention, a new international instrument that recognizes all gender-based violence as an abuse of human rights. It also provides an individual right of petition and a right for non-governmental organizations to lodge complaints with the Inter-American Commission of Human Rights.

4) A National Committee on Violence against Women was established in Australia to coordinate the development of policy, legislation and law enforcement at the national level as well as community education on violence against women.

5) In 1991, the Government of Canada announced a new four-year Family Violence Initiative intended to mobilize community action, strengthen legal framework, develop resources to help victims and stop offenders, and provide housing for abused women and children.

6) In Turkey, a Ministry of State for Women was established whose main goals are, among others, to promote women's rights and strengthen their role in economic, social, political and cultural life. Legal measures are being adopted towards the elimination of violence against women. The establishment of special courts to deal with violence is envisaged. Psychological treatment for abused women is also planned, along with the establishment of women's shelters around the country. Specially trained female police officers could provide assistance to victims of violence.

7) In Burkina Faso, strong advertising campaigns were launched by the Government as well as television and radio program to educate and
raise public awareness on the unhealthy practice of genital mutilation and about the dangerous consequences of such an "operation". In 1990 by the present head of State, a National Anti-Excision Committee was established. Today, the practice of genital mutilation has been eliminated in some villages of Burkina Faso. In others, there has been an incredible drop in the number of girls excised: only 10 per cent of the girls are excised compared to 100 per cent 10 years ago.

8) Some countries have introduced police units specially trained for dealing with spousal assault. In Brazil, specific police stations have been designated to deal with women's issues, including domestic violence. These police stations are staffed entirely by women.

Ensuring That Laws Are Obeyed

These examples illustrate some steps taken at the national level towards the combating and eradicating of violence against women, this scourge require enhanced and concerted efforts to protect women at the local, national and international levels.

States have tended to adopt a passive attitude when confronted by cases of violations of women's rights by private actors. Most laws fail to protect victims or to punish perpetrators. Passing laws to criminalize violence against women is an important way to redefine the limits of acceptable behaviour.

States should ensure that national legislation, once adopted, does not go unenforced. State responsibility is clearly underlined in article 4 of the Declaration on the Elimination of Violence against Women, which stipulates that "States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons".
Any approach designed to combat violence must be twofold, addressing the root causes of the problem and treating its manifestations. Society including judges and police officers must be educated to change the social attitudes and beliefs that encourage male violence.

**Challenging Traditional Attitudes**

The balance of power between women and men and the meaning of gender and sexuality and at all levels must be reviewed in the society. It requires challenges to combat violence against women in the way that gender roles and power relations are articulated in society. In many countries women have a low status. They are considered as inferior and there is a strong belief that men are superior to them and even own them.

To change people's attitude and mentality towards women will take a long time, at least a generation or perhaps longer. Nevertheless, raising awareness of the issue of violence against women, and educating boys and men to view women as valuable partners in life, in the development of a society and in the attainment of peace are just as important as taking legal steps to protect women's human rights.

It is also important in order to prevent violence that non-violent means be used to resolve conflict between all members of society. Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors, including educators, health-care authorities, legislators, the judiciary and the mass media.

**A Declaration of Women's Rights in Islamic Societies**

We, the undersigned, believe that the oppression of women is a grave offense against all of humanity and that such offense is an impediment to social and moral progress throughout the world.

47 Vienna declaration and programme of action
We cannot deny history, which shows that these religions were devised and enforced by men who claimed divine justification for the subordination of women to men. We therefore cannot ignore the oppression of women by orthodox and fundamentalist religions. We cannot forget that the three Abrahamic religions of Judaism, Christianity, and Islam, with the Old Testament, New Testament, and the Koran as their respective holy texts, consider women inferior in every way to men: physically, morally, and intellectually.

According to the website secularhumanism.org; We also note that, whereas women in the Christian West and Israel have ameliorated their lot considerably through their own heroic efforts, their sisters in the Islamic world, and even within Islamic communities in the West, have been thwarted in their valiant attempts to rise above the inferior position imposed upon them by centuries of Islamic custom and law.

A serious violation of the human rights of women have watched as official Islamization programs in Saudi Arabia, Pakistan, Iran, the Sudan, and Afghanistan. The countries that have refused to recognize women as full, equal human beings and to deserve the same rights and freedoms as men are all countries with Muslim conservatives, and even in nominally secular India.

In many Islamic societies women are expected to marry, obey their husbands, bring up children, stay at home, avoid participation in public life. At every stage, they are denied free choice and the fundamental right of autonomy. They are forbidden to acquire an education, prevented from getting a job, and to explore their full potential as members of the human community.
We therefore declare that...

- The subordinate place of women in Islamic societies should give way to equality. A woman should have freedom of action, should be able to travel alone, should be permitted to uncover her face, and should be allowed the same inheritance rights as a man.

- She should not be subject to gruesome ritual mutilations of her person.

- On reaching the legal age, she should be free to marry a man of her own choice without permission from a putative guardian or parents. She should be free to marry a non-Muslim. She should be free to divorce and be entitled to maintenance in the case of divorce.

- She should have equal access to education, equal opportunities for higher education, and be free to choose her subject of study. She should be free to choose her own job and should be allowed to fully participate in public life - from politics and sports to the arts and sciences.

- In Islamic societies, she should enjoy the same human rights as those guaranteed under International Human Rights legislation.

Islam may not be the sole factor in the repression of women, but Islam and the application of the sharia, Islamic law, remains a major obstacle to the evolution of the position of women. The prevalence of pre-Islamic Customs must also be taken into consideration for local, social, economic, political, and educational forces.

To achieve these basic human rights for women, we advocate that the question of women's status be removed from the religious sphere altogether, that governments institute a separation of religion and state, and that authorities enact a uniform civil Code under which all are equal.

In the name of justice, for the sake of human progress, and for the benefit of all the wives, daughters, sisters, and mothers of the world, we call for all societies to respect the human rights of women. 48

48 http://www.secularhumanism.org/fi/index.htm

243
Agreed to at the World Summit for Children on 30 September 1990:

World Summit for Children to undertake a joint commitment and to make an urgent universal appeal to give every child a better future.

The children of the world are innocent, vulnerable and dependent, curious, active and full of hope. They should be of joy and peace, of playing, learning and growing. Their future should be shaped in harmony and co-operation. Their lives should be mature to broaden their perspectives and gain new experiences. But the reality of childhood is altogether different for many children.

The Challenge

A) Countless children around the world are exposed every day to dangers that hamper their growth and development. They suffer as casualties of war and violence; as victims of racial discrimination, apartheid, aggression, foreign occupation and annexation; as refugees and displaced children, forced to abandon their homes and their roots; as disabled; or as victims of neglect, cruelty and exploitation.

B) Millions of children every day suffer from the scourges of poverty and economic crisis - from hunger and homelessness, from epidemics and illiteracy, from degradation of the environment, from the grave effects of the problems of external indebtedness and also from the lack of sustained and sustainable growth in many developing countries, particularly the least developed ones.

C) From the lack of clean water, inadequate sanitation and from the effects of the drug problem, every day 40,000 children died from malnutrition and disease, including acquired immunodeficiency syndrome (AIDS).

D) These are challenges that we, as political leaders, must meet.

49 http://rehydrate.org/facts/world_summit.htm
International Labour Organization (ILO)

Child labour

The term "child labour" is often defined as work that deprives children of their childhood, their potential and dignity, and that is harmful to physical and mental development.

It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by:
  - depriving them of the opportunity to attend school;
  - obliging them to leave school prematurely; or
  - Requiring them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. Whether or not particular forms of "work" can be called "child labour" depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries, it varies from country to country, as well as among sectors within countries.

Not all work done by children should be classified as child labour that is to be targeted for elimination. Children’s or adolescents’ participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during
school holidays. These kinds of activities contribute to children’s development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life.

**ILO’s Response to Child Labour**

The ILO’s **International Program on the Elimination of Child Labour** (IPEC) was created in 1992 with the overall goal of the progressive elimination of child labour, which was to be achieved through strengthening the capacity of countries to deal with the problem and promoting a worldwide movement to combat child labour. IPEC currently has operations in 88 countries, with an annual expenditure on technical cooperation projects that reached over US$74 million in 2006. It is the largest program of its kind globally and the biggest single operational program of the ILO.

The number and range of IPEC’s partners have expanded over the years and now include employers’ and workers’ organizations, other international and government agencies, private businesses, community-based organizations, NGOs, the media, parliamentarians, the judiciary, universities, religious groups and, of course, children and their families.

IPEC’s work to eliminate child labour is an important facet of the ILO’s Decent Work Agenda. Child labour not only prevents children from acquiring the skills and education they need for a better future, it also perpetuates poverty and affects national economies through losses in competitiveness, productivity and potential income. Withdrawing children from child labour, providing them with education and assisting their families with training and employment opportunities contribute directly to creating decent work for adults.\(^50\)

\(^{50}\) International Programme on the Elimination of Child Labour
8.2 INDIAN POSITION

“Indian system of Human Rights Protection is unique where Human Rights are Constitutionally guaranteed and judicially protected.”

Justice Gulab Gupta

Most of the Human Rights which are declared by the United Nation Organisation are also fundamental rights of our Constitution. Universal Human Rights are the combination of all Fundamental Rights, some Directive Principle of State Policy such as equal pay for equal work and Preamble which concepts to provide Liberty, Equality and Justice to all, of Indian Constitution.

Part III of our Constitution deals about the Fundamental Rights. They are as follows:-

(1) Right to Equality (Articles 14 to 18)

(2) Right to Freedom (Article 19 a to g)

19(a) To freedom of speech and expression;

19(b) To assemble peaceably and without arms;

19(c) To form associations or unions;

19(d) To move freely throughout the territory of India;

19(e) To reside and settle in any part of the territory of India; and

19 (g) To practise any profession, or to carry on any occupation, trade or business.

(3) Right against exploitation (Article 23 & 24)

(4) Right to Freedom of Religion (Articles 25 to 28)
(5) Cultural and Educational Rights (Article 29 & 30)
(6) Right to Property (Article 31)
(7) Right to Constitutional Remedies (Article 32)

The Human Rights Commissions includes National and State Human Rights Commission was established in India to protect the above Rights and Freedom.

National Human Rights Commission was founded on 12th Oct. 1993 by the Government of India at Delhi. It consists of retired Supreme Court Judge as Chairman and four other experts who are appointed for a term of five years. Govt. of India at Delhi established National Human Rights Commission on 12th Oct 1993 and State Human Right Commission was set up in 1996 in every state as per the guidelines of the Central Government to prevent to the violation of Human Rights State and Central Governments are taken insparable steps, such as Protection of Civil Rights Act, 1955 and play effective role in implementation of Scheduled Castes and Scheduled Tribes (1989)