

Module 2 – Broad Classification of Human Rights and Relevant Constitutional Provisions

Right to Life and Personal Liberty

Article 21 guarantees all persons right to life. According to this, no person shall be deprived of his life or personal liberty except according to procedure established by law. Right to life has been expended by the Supreme Court declaring that right to life means a dignified life. The Government of India has also agreed with it and through an amendment of the Constitution, it added Article 21 A guaranteeing the right to education to all children between the age of six and fourteen years. Issues of pollution have also been taken up as affecting the right to life.

Right to Equality

Article 14 provides that the state shall not deny to any person equality before law or the equal protection of the law within the territory of India. Article 15 prohibits the state to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Prohibition of discrimination is placed also on society as no citizen on any of the above mentioned grounds can be denied access to shops, restaurants, hotels, places of public entertainment, and use of wells, tanks, bathing ghats, roads and places of use of the general public.

The State, however, can make special provisions for women and children. For example men can be denied access to places of bath for women, or adults from entry to parks for children. Article 15 also allows state to make special provisions for the advancement of backward classes of citizens and for Scheduled castes and tribes.

Article 16 provides equality of opportunity for all citizens in respect of public employment. They cannot be deprived of this on grounds only of religion, race, caste, sex, descent, place of birth, residence etc. The State can, however, make special provisions for reservations of jobs for the Scheduled Castes and Tribes as also promotions in jobs. It means denial of opportunity to others in jobs reserved for Scheduled Castes and Tribes. This is known as affirmative action for the welfare of deprived sections.

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Article 17 abolishes practice of untouchability in any form. It declares practice of untouchability as a crime punishable in accordance with law. Thus equality of dignity is assured. To provide equality of status Article 18 provides that the state shall not confer any title other than military or academic. No citizen of India shall accept any title from any foreign state. No person other than a citizen, while holding an office of profit, under the state shall, without the consent of the president, accept title from a foreign state.

Right against Exploitation

Articles 23 and 24 provide Right against Exploitation. This right assures guarantee against 'traffic in human beings', forced labour, begging etc. Article 24 protects children below the age of 14 from employment in factories, mines, and other hazardous jobs

Cultural and Educational Rights

Articles 29 and 30 protect the interest of minorities in terms of their traditions and languages. Any section of the citizens, residing in the territory of India having a distinct language, script or culture, has the right to conserve the same. No citizen can be denied admission to a State owned or State-aided educational institution on grounds of religion, race, caste or language. Article 30 gives minorities the right to establish and administer educational institutions. This Article also provides that the State cannot discriminate against any educational institution on the ground that it is under the management of a minority

Socio-Economic Rights

Article 38 provides that "The state shall strive to promote the welfare of the people by protecting, as effectively as it may, a social order in which justice, social-economic and political shall inform all the institutions of the national life. It also directs the state to eliminate inequalities in income, status, and opportunity not only among individuals but also

among groups of people".

Article 39 provides that the state shall, in particular, direct its policies for securing the citizens both men and women:



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- Equal right to an adequate means of livelihood;
- Equal pay for equal work;
- Fair distribution and control of resources so as to serve the common good;
- To check that operation of the economic system is in a way that it does not result in the concentration of wealth and means of production to the common detriment.
- Prevention of health and strength of workers, men and women, and the tender age of children against abuse; and
- Opportunities and facilities for children and youth to develop in healthy manner and not to be exploited.

Article 39A provides that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, so that justice is not denied to any citizen by reason of economic or other disabilities.

Article 41 states that within the limits of its resources the state will make provision for the right to work, to education, and to public assistance to the unemployed, sick, old and disabled; secure just and humane conditions of work and maternity relief; and decent living, wage; raise level of education, standard of living and public health, early childhood care and education of children below the age of six.

Article 43 directs the State to ensure to all workers agricultural, industrial or otherwise, Right to work, right to a living wage and right to such conditions of work as would ensure a decent standard of life and full enjoyment of social and cultural opportunities. A new Article 43A introduced in 1976, directs the state to ensure the participation of workers in the management of industry and other undertakings

Module 3 - United Nations and Human Rights

United Nations Declaration of Human Rights And its significance

- The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights



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- Drafted by representatives with different legal and cultural backgrounds from all regions of the world
- Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948
- for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages

ARTICLE 1

- 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

ARTICLE 2

- 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

- ARTICLE 3

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

ARTICLE 4

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

- ARTICLE 5

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

- ARTICLE 6

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

ARTICLE 7

- All are equal before the law and are entitled without any discrimination to equal protection of the law

ARTICLE 8

- 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.

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ARTICLE 9

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

ARTICLE 10

- 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

ARTICLE 11

- Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

ARTICLE 12

- 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

ARTICLE 13

- 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.

ARTICLE 14

- Everyone has the right to seek and to enjoy in other countries asylum from persecution

ARTICLE 15

- Everyone has the right to a nationality
- No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality

ARTICLE 16

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution

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ARTICLE 18

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief.

ARTICLE 19

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

ARTICLE 20

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

ARTICLE 21

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

ARTICLE 22

- Everyone, as a member of society, has the right to social security

ARTICLE 23

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.

ARTICLE 24

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25

- 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,

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sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

ARTICLE 26

- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms

ARTICLE 27

- Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits

ARTICLE 28

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29

- Everyone has duties to the community in which alone the free and full development of his personality is possible.

ARTICLE 30

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

United Nations and its Principal Organs

- Founded at the end of the Second World War – 1945
- United Nations is an international organization made up of 193 Member States committed to maintaining international peace and security
- Giving life-saving support to populations hit by humanitarian crises
- Helping build and keep the peace in conflict-ridden areas, supporting governments and their citizens to advance development and fight poverty, and promoting human rights

General Assembly



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- The General Assembly is the primary deliberative and policymaking arm of the UN, at which all 193 member states are represented
- It meets annually in September to debate pressing issues and to make decisions and recommendations on important questions of peace and security, economic and social development, the protection of human rights, the codification of international law, and the admission of new member states, among other matters

The Security Council

- The Security Council has primary responsibility for maintaining international peace and security
- It is comprised of 15 members, five of which are permanent (China, the Russian Federation, France, the U.K., and the U.S.)
- The other ten members are elected by the General Assembly to two-year terms
- Whenever possible, it attempts to settle disputes through peaceful means, but it also has the authority to impose sanctions and authorize the use of force. Nine votes, including the votes of all five permanent members, are required for the Council to issue a decision.

Economic and Social Council

- The Economic and Social Council, usually referred to by the acronym ECOSOC
- Provides a central forum for discussing the world's economic, social, and environmental challenges and for formulating policy recommendations to address them
- ECOSOC is comprised of 54 UN member states, which are elected by the General Assembly to serve overlapping three-year terms

UN – Human Rights Council

- The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe
- Since the Council's inception in 2006, Human Rights Watch has been involved in strengthening its capacity to promote and protect human rights worldwide and be more responsive to the needs of victims of rights violations



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Specialized Agencies

UNICEF

- UNICEF, also known as the United Nations Children’s Fund, is a United Nations agency responsible for providing humanitarian and developmental aid to children worldwide.
- UNICEF's activities include providing immunizations and disease prevention, administering treatment for children and mothers with HIV,
- Enhancing childhood and maternal nutrition, improving sanitation, promoting education, and providing emergency relief in response to disasters
- UNICEF is the successor of the United Nations International Children's Emergency Fund also known as the UNICEF, created on December 11, 1946, in New York, by the U.N. Relief Rehabilitation Administration to provide immediate relief to children and mothers affected by World War II
- The same year, the U.N. General Assembly established UNICEF to further institutionalize post-war relief work.
- In 1950, its mandate was extended to address the long-term needs of children and women, particularly in developing countries

UNESCO

- UNESCO was founded in 1945
- The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the United Nations (UN) aimed at promoting world peace and security through international cooperation in education, the sciences, and culture

Headquarters : World Heritage Centre Paris, France

ILO

- The International Labour Organization (ILO) is a United Nations agency whose mandate is to advance social and economic justice through setting international labour standards
- It is headquartered in Geneva, Switzerland



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- Founded in October 1919 under the League of Nations, it is the first and oldest specialised agency of the UN

WHO

- The World Health Organization (WHO) is a specialized agency of the United Nations responsible for international public health
- Main objective : the attainment by all peoples of the highest possible level of health
- Headquarter : Geneva, Switzerland
- The WHO's broad mandate includes advocating for universal healthcare, monitoring public health risks, coordinating responses to health emergencies, and promoting human health and well-being

The International Covenant on Economic, Social and Cultural Rights

- The ICESCR was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 3 January 1976.
- The ICESCR aims to ensure the protection of economic, social and cultural rights including: the right to self-determination of all peoples (article 1)
- The right to non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2)
- The equal right of men and women to enjoy the rights in the ICESCR (article 3)
- The right to work (articles 6–7)
- The right to form and join trade unions (article 8)
- The right to social security (article 9)
- Protection and assistance to the family (article 10)
- The right to an adequate standard of living (article 11)
- The right to health (article 12)
- the right to education (articles 13–14)
- The right to cultural freedoms (article 15)

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The International Covenant on Civil and Political Rights

- This Covenant was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. By May of 2012, the Covenant had been ratified by 167 states.
- Under Article 1 of the Covenant, the states commit themselves to promote the right to self-determination and to respect that right. It also recognises the rights of peoples to freely own, trade and dispose of their natural wealth and resources.

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