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Human Rights

SEMESTER VI

POLITICAL SCIENCE

BLOCK : 2

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INTRODUCTION TO BLOCK 2

This is the second block of the third course or paper of Krishna Kanta Handiqui State Open University's B.A. Sixth Semester Programme in Political Science. The third course or paper of the BA Sixth Semester Programme in Political Science is titled "Human Rights". The second block of this course contains eight units - (Units 8-15).

The Eight Unit discusses the rights of women and examines efforts taken at the international and national levels to protect and promote their rights.

The Nineth Unit deals with the rights of children. The problem of child labour is also examined in this unit.

The Tenth Unit focuses on the rights of specially-abled persons and the measures taken at international and national level to protect their rights.

The Eleventh Unit discusses the rights of the refugees and the role of the United Nations High Commissioner for Refugees (UNHCR) in protection and promotion of human rights of refugees.

The Twelfth Unit deals with the rights of the elderly persons.

The Thirteenth Unit discusses the international and Indian measures adopted to protect and promote rights of the Indigenous People.

The Fourteenth Unit discusses the concept of Human Rights Education and efforts taken by the world community and in India to spread awareness regarding human rights education.

The Fifteenth Unit examines the role of NGOs with special reference to the Amnesty International and Human Rights Watch regarding protection and promotion of human rights.

While going through the units of the block, you will find that unit is further divided into certain sections and sub-sections, wherever necessary, for your better understanding. Again, the units carry certain activities after a particular section where needed. These "ACTIVITIES" will provide you the opportunity to practically apply your own thoughts based on the knowledge gained from reading the text in a particular section. Besides, in order to give you additional information on certain relevant topics, you will find a category called "LET US KNOW" after the sections in each unit. Another category that has been included at the end of each section of a particular unit is "CHECK YOUR PROGRESS". The purpose of this category is to help you to asses for yourself as to how thoroughly you have understood a particular section. You may then match your answers with "ANSWERS TO CHECK YOUR PROGRESS" given at the end of each unit. The section "FURTHER READING" in each unit contains the names of a few books which you might want to consult if you are intereted in learning more elaborately about the concepts discussed in a particular unit. Furthermore, the category called "MODEL QUESTIONS" is intended to give you a hint of the type of questions you are likely to get in the examination.

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UNIT 8: RIGHTS OF WOMEN

UNIT STRUCTURE

8.1 Learning Objectives

8.2 Introduction

8.3 Rights of Women

- 8.3.1 Declaration on the Elimination of Discrimination Against Women
- 8.3.2 Convention on the Elimination of All Forms of Discrimination Against Women
- 8.3.3 Declaration on the Elimination of Violence Against Women

8.4 World Conferences on Women

8.5 Women's Rights in India

8.6 Let Us Sum Up

8.7 Further Reading

8.8 Answers to Check Your Progress

8.9 Model Questions

8.1 LEARNING OBJECTIVES

After going through this unit, you will be able to-

- discuss the rights of women
- examine the UN declarations and the conventions which specifically mention the rights of women and the measures to be taken for their protection
- discuss various World Conferences on the rights of women
- describe the rights of women in Indian context.

8.2 INTRODUCTION

Rights constitute a very important element in the life of an individual. Without rights the physical, mental and spiritual development of individuals is not possible. The Universal Declaration of Human Rights discusses

various rights of individuals in general in a comprehensive way. However, certain sections of the society, particularly women, children and the differently-abled persons (which include the mentally retarded and physically disabled persons), need some special rights to take care of their special requirements in life. In this unit, we are going to discuss the rights of women in general and in India particularly.

8.3 RIGHTS OF WOMEN

In most of the societies it is found that women have never been given equal status with their male counterparts. They have always been deprived of their due status and recognition. Rights of women have been violated often. It is only after a long struggle for rights of women that now emphasis has been given on the recognition and protection of women's rights. The United Nations has played a very important role in protecting and promoting the rights of women. In the Charter of the United Nations it is mentioned that one of the goals of the UN is to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women (Agarwal. H.O. (2006): Human Rights, Allahabad; Central Law Publications, Allahbad). In the following section we are going to discuss the important measures taken at the international as well as national levels to protect and promote the rights of women.

8.3.1 Declaration on the Elimination of Discrimination Against Women

Protection and promotion of rights of women has formed an integral part of the agenda of the United Nations in the field of human rights. In 1946 the United Nations established the Commission on the Status of Women to look after women's issues. Though the Charter of the United Nations and the Universal Declaration of Human Rights contain certain human rights provisions relating to women, they were not sufficient enough. To deal with the rights of women in a more comprehensive manner, the General Assembly

adopted the Declaration on the Elimination of Discrimination Against Women on 7th November, 1967. This Declaration consists of one Preamble and 11 Articles. This Declaration emphasises on equality between men and women and considers discrimination against women as an offence against human dignity. Some of the provisions of the Declaration are -

(a) Each and every women have equal political rights , such as right to vote, right to seek and hold public offices.

(b) Each and every human being have equal right to education regardless of their sex.

(c) Each and every women have equal rights in workplace, including right against discrimination in employment, right to equal pay, right to maternity leave.

(d) Women have equal right as men to change their nationality.

(e) All women have equality in matters of enjoyment of all civil rights.

The Declaration had urged the States to take effective measures to implement the provisions of the Declaration. It urged the States to abolish all laws and customs which are against women.

8.3.2 Convention on the Elimination of All Forms of Discrimination Against Women

To implement the principles inserted in the Declaration on the Elimination of Discrimination Against Women, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women on 18 December, 1979 which came into force on 3rd September, 1981. It aims at eliminating all forms of discrimination against women in political and public life. The Convention consists of a Preamble and 30 Articles.

According to Article 1 of the Convention the term "discrimination against women" means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of restricting the

enjoyment or exercise of human rights and fundamental freedoms by women in the political, social, cultural, civil or any other field.

Under the Convention, the state parties which have ratified it, come under the following obligations:

- To condemn discrimination against women in all its forms.
- To take in all fields, more particularly in the political, social, economic and cultural fields, all appropriate measures including legislation, to ensure the full development and advancement of women.
- To take all appropriate measures to modify the social and cultural patterns of conduct of men and women which are based on the idea of the inferiority or the superiority of either of the sexes.
- To take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation or prostitution of women.
- To take appropriate measures to eliminate discrimination against women in the political and public life of the country.
- To grant women equal rights with men to acquire, change or retain their nationality.
- To take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education, employment, health care and in other areas of economic and social life.

The Convention provides for the establishment of a Committee on the Elimination of Discrimination Against Women and it was established in 1981. This Committee is entrusted with the responsibility of considering the progress made in the field of implementing the provisions of the Convention by the state parties. The Committee seeks to ensure implementation of the convention through the reporting procedure. For better implementation of the provisions of the Convention, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women

was adopted by the General Assembly on 7th October 1999. This Protocol provides that the victims of sex discrimination, sexual exploitation and other abuses can make complaints to the Committee by bypassing the State Governments.

8.3.3 Declaration on the Elimination of Violence Against Women

The UN General Assembly adopted the Declaration on the Elimination of Violence Against Women on 20 December, 1993. The Declaration defines violence against women as "any act of gender based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life". This definition of violence includes both public and private violence against women. The Declaration mentions that violence against women constitutes a violation of the rights and fundamental freedoms of women and this put obstacles in the way of enjoyment of those rights and freedoms.

It declares that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. This Declaration has incorporated some very important rights of women, such as- right to life, liberty and security; right to equality and equal protection of law; right to freedom from all forms of discrimination, torture, degrading treatment; right to the highest standard attainable in physical and mental health; right to just and favourable conditions of work.

The Declaration wants that the state parties should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligation with respect to its elimination. It has appealed all the organs and specialised agencies of the UN to contribute to the realisation of the rights set forth in the Declaration.



CHECK YOUR PROGRESS

Q.1: In which year was the Declaration on the Elimination of Discrimination Against Women adopted by the United Nations?

.....

Q.2: Mention the definition of 'discrimination against women' given by the Convention on the Elimination of All Forms of Discrimination Against Women.

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Q.3: State the definition of 'violence against women' provided by the Declaration on the Elimination of Violence Against Women, 1993.

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Q.4: Mention any two rights incorporated in the Declaration on the Elimination of Violence Against Women, 1993.

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Q.5: Write briefly about the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.

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8.4 WORLD CONFERENCES ON WOMEN

Since the adoption of the UN Charter in 1945 which declares equality of men and women, it has been instrumental in organising conferences on women emphasising particularly on the rights of women. In this context, a number of world conferences have been held to discuss various issues related to women. The first World Conference on Women was held in Mexico City in 1975 which highlighted the themes "Equality, Development and Peace". The United Nations observed the decade 1976-1985 as the International Women's Decade. The themes of the Mexico Conference were further developed during the International Women's Decade. The Second World Conference on Women was held in Copenhagan in 1980 which added three sub-themes "Education, Employment and Health". The Third World Conference on Women, held in Nairobi in 1985, incorporated these themes into the Nairobi Resolution entitled Forward-looking Strategies for the Advancement of Women to the year 2000.

The Fourth Conference held at Beijing in 1995 carried forward the themes of "Equality, Development and Peace". The Beijing Conference stated that 'Women's rights are human rights'. The Beijing Conference adopted a platform for action concentrating on key issues identified as obstacles, such as poverty, education, health, violence, armed conflicts, economic disparity, power sharing, institutions for the advancement of women throughout the world. It also determined priority actions to be taken by the international community including the UN, between 1996 and 2001 for the advancement of women.

8.5 WOMEN'S RIGHTS IN INDIA

In addition to the measures taken by the United Nations, India has also taken a number of steps to ensure the rights of women. The measures adopted in India to promote and protect rights of women are discussed below:

- **Constitutional Provisions**

The Constitution of India has been sensitive in granting rights to every individual. The Constitution has provided equal status to both men

and women. For instance, Article 14 of the Constitution states that "the state shall not deny to any person equality before the law or equal protection of the laws". Article 16 provides that every citizen shall have equal opportunity in matters of employment in public offices. These Articles clearly show that in India the Constitution provides equal rights to both men and women. However, in the context of gender discrimination, the Constitution adopts some special measures for women. For example, Article 15(3) mentions that the State may make special provisions for women. Under Article 39(a) the Constitution mentions that the State shall provide adequate means of livelihood to all citizens, based on equality between men and women. Again Article 39(d) provides that State shall provide equal pay for equal work for both men and women. Article 42 mentions that the State shall make provisions for securing just and humane conditions of work and for maternity relief for women. To improve the political status of women Article 243D(3) and Article 243T(3) mention that the State may provide for reservation of one third of the seats for women in Panchayati Raj Institutions and Municipalities.

- **Legislative Provisions**

Along with the constitutional provisions India has also adopted a number of legislative measures to protect and promote rights of women. The Parliament of India has enacted a number of Acts in this regard. They include Prevention of Immoral Trafficking Act (1956), Dowry Prevention Act (1961), Equal Remuneration Act (1976), Indecent Representation of Women (Prohibition) Act (1986), Commission of Sati (Prevention) Act (1987), National Commission for Women Act (1990), Protection of Women from Domestic Violence Act (2005) and Prohibition of Child Marriage Act (2006).

- **National Commission for Women**

To improve the condition of women, the Parliament of India enacted the National Commission for Women Act, 1990 to constitute a National Commission for Women. The National Commission for Women was established on 31st January 1992. The Commission consists of a Chairperson and five other members and a member secretary. All the

members of the Commission are appointed by the Central Government of India. The Chairperson and other members are appointed from amongst the persons who are highly committed to the cause of women. The term of office of the Chairperson and other members of the Commission is three years. Some of the functions of the Commission are-

(a) To investigate and examine all matters relating to safeguards provided for women under the Constitution and other laws.

(b) To present to the central government, annually and at such other times as the commission may deem fit, reports upon the working of these safeguards.

(c) To make recommendations for the effective implementation of these safeguards for improving the conditions of the women by the union or any state.

(d) To review from time to time, the existing provisions of the Constitution and other laws affecting women and to recommend amendments thereto.

(e) To take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities.

(f) To look into complaints and take sue-moto notice of the matters relating to deprivation of women's rights, non-implementation of laws enacted to provide protection to women, non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women and others.



ACTIVITY 8.1

Try to find out the name of the present Chairperson of the National Commission for Women of India.

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CHECK YOUR PROGRESS

Q.6: Mention any two Acts enacted in India to protect and promote the rights of women in India.

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Q.7: Mention any two constitutional provisions which ensure women's rights in India.

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Q.8: The first World Conference on Women was held in …… City in 1975. (Fill in the blank)

.....

Q.9: Write any two functions of the National Commission for Women of India.

.....

.....



8.6 LET US SUM UP

- Every individual is entitled to enjoy the basic human rights. But certain sections of people such as women, children, and differently abled persons often face discrimination in the enjoyment of their rights.
- To protect and promote the rights of women, the United Nations has adopted various measures, such as - establishment of Commission on the Status of Women, Declaration on the Elimination of Discrimination Against Women, Convention on the Elimination of All Forms of Discrimination Against Women, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, Declaration on the Elimination of Violence Against Women.

- The United Nations also conveyed World Conferences on women to ensure promotion of their rights. The first World Conference on Women was held in Mexico City in 1975 which highlighted the themes "Equality, Development and Peace". The Second World Conference on Women was held in Copenhagan in 1980 which added three sub-themes "Education, Employment and Health". The Third World Conference on Women, held in Nairobi in 1985, incorporated these themes into the Nairobi, Forward-looking Strategies for the Advancement of Women to the year 2000. The Fourth Conference held at Beijing in 1995 which declares that women's rights are human rights.
- In India too various constitutional and legal provisions have been adopted to protect the rights of women. The Constitution of India has incorporated a number of Articles for this purpose. Other legislative measures are- establishment of the National Commission for Women, Prevention of Immoral Traffic Act (1956), Dowry Prevention Act (1961), Indecent Representation of Women (Prohibition) Act (1986), Protection of Women from Domestic Violence Act (2005) etc.
- The role of the National Commission for Women in protecting and promoting rights and freedom of women is very significant.



8.7 FURTHER READING

1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
2. Gupta, D.C. (2010). *Indian Government and Politics*. Delhi: Vikas Publishing House Pvt. Ltd.
3. Malhotra, S; Upadhyay, P.; Gupta, M.; Srivastava, R. & Pandey, S. (2005). *Human Rights: Emerging Issues*. New Delhi: Kialso Books Publication.
4. Sanajoaba, N. (1994). *Human Rights: Principles, Practices and Abuses*. New Delhi: Omsons Publication.

5. Syed, M.H. (2003). *Human Rights: The New Era*. New Delhi: Kilaso Books.
6. Yasin, Adil-ul & Upadhayay, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

8.8 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: 7th November, 1967

Ans. to Q. No. 2: "Discrimination against women" means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of restricting the enjoyment or exercise of human rights and fundamental freedoms by women in the political, social, cultural, civil or any other field.

Ans. to Q. No. 3: The Declaration on the Elimination of Violence Against Women, 1993 defines violence against women as "any act of gender based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life".

Ans. to Q. No. 4: Right to life, liberty and security; right to equality and equal protection of law.

Ans. to Q. No. 5: The Convention on the Elimination of All Forms of Discrimination Against Women provides for the establishment of a Committee on the Elimination of Discrimination Against Women and it was established in 1981. This Committee is entrusted with the responsibility of considering the progress made in the field of implementing the provisions of the Convention by the state parties. The committee seeks to ensure implementation of the convention through the reporting procedure. For better implementation of the provisions of the Convention, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the General Assembly on 7th October 1999. This

Protocol provides that the victims of sex discrimination, sexual exploitation and other abuses can make complaints to the Committee by bypassing the State Governments.

Ans. to Q. No. 6: Prevention of Immoral Traffic Act (1956), Protection of Women from Domestic Violence Act (2005).

Ans. to Q. No. 7: (i) Article 42 of the Indian Constitution mentions that the State shall make provisions for securing just and humane conditions of work and for maternity relief for women.

(ii) To improve the political status of women, Article 243D(3) and Article 243T(3) mention that the State may provide for reservation of one third of the seats for women in Panchayati Raj Institutions and Municipalities.

Ans. to Q. No. 8: Mexico

Ans. to Q. No. 9: (i) To investigate and examine all matters relating to safeguards provided for women under the Constitution and other laws.

(ii) To present to the central government, annually and at such other times as the commission may deem fit, report upon the working of these safeguards.



8.9 MODEL QUESTIONS

A) Very Short Questions

Q. 1: In which year was the Convention on the Elimination of All Forms of Discrimination Against Women adopted?

Q. 2: Which decade was observed as International Women's Decade?

Q. 3: What is the term of office of the members of the National Commission for Women of India?

Q. 4: Write briefly about the composition of the National Commission for Women of India.

B) Short Question (Answer each question in about 150 words)

Q. 1: Write about the World Conferences on Women.

Q. 2: Make a note on the Convention on the Elimination of All Forms of Discrimination Against Women.

Q. 3: Briefly write about the rights of women incorporated in the Declaration on the Elimination of Violence Against Women, 1993.

C) Long Questions (Answer each question in about 300-500 words)

Q. 1: Explain the role of the National Commission for Women of India in safeguarding rights of women.

Q. 2: Discuss the role of the United Nations in protecting and promoting the rights of women.

Q. 3: Examine various constitutional and legislative provisions for protecting and promoting rights of women in India.

*** ***** ***

UNIT 9: RIGHTS OF CHILDREN

UNIT STRUCTURE

9.1 Learning Objectives

9.2 Introduction

9.3 Rights of Children

- 9.3.1 Declaration of the Rights of the Child
- 9.3.2 Convention on the Rights of the Child
- 9.3.3 Optional Protocols on the Convention on the Rights of the Child
- 9.3.4 World Summit for the Child, 1990

9.4 Problem of Child Labour

- 9.4.1 Problem of Child Labour in India

9.5 Let Us Sum Up

9.6 Further Reading

9.7 Answers To Check Your Progress

9.8 Model Questions

9.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- describe the rights of children and the UN declarations and the conventions which discuss the rights of children and their protection
- explain the World Summit for the Child, 1990
- examine the problem of child labour
- discuss the problem of child labour in India.

9.2 INTRODUCTION

Since Rights constitute a very important element in the life of an individual and concern for the rights of children has become more visible in the contemporary time. It is well understood that human rights norms must be applied to all sections of the society. But we cannot see the universal application of all rights to all individuals. Rights of some vulnerable sections

of people are constantly being violated. This is particularly true in the case of rights of children. In practice, rights of the children are grossly violated in many cases. To protect and promote the rights of children, measures must be adopted at international, national and local levels. In this unit we shall discuss the role of the UN in protecting and promoting rights of children. Along with this, the issue of child labour will also be examined with special reference to India.

9.3 RIGHTS OF CHILDREN

Rights are very important for the life of a child. Because without enjoying rights the child will not be able to develop mentally, physically and spiritually. If a child is to become a good individual of the society, then he/she must have access to all the basic rights which are regarded as universal human rights. The United Nations has adopted various measures to protect and promote rights of children which can be discussed as follows:

9.3.1 Declaration of the Rights of the Child

The United Nations adopted the Declaration of the Rights of the Child on 20 November, 1959 with ten principles. The Declaration proclaimed that children should have the opportunity to develop, to have a name, a nationality, social security and free elementary education and that they should be protected from negligence, cruelty and exploitation. A child shall not be employed before an appropriate minimum age. All children shall have right to protection so that he or she can develop mental, physical and spiritual aspect in a condition of freedom and dignity. The Declaration says that the child, by reason of his/her physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth. Again it is also mentioned in the Declaration that in all circumstances the children will be the first to receive protection and relief. The Declaration further stated that all children are entitled to all the rights set forth in the Declaration without any kind of discrimination of race, sex, language or religion.

9.3.2 Convention on the Rights of the Child

To implement the principles of the Declaration of the Rights of the Child, the United Nations General Assembly on 20th November, 1989 adopted the Convention on the Rights of the Child which came into force on September 2nd 1990. This Convention has 54 Articles. This Convention defines a child as anyone below the age of eighteen years. The Convention recognises the rights of a child as human rights and include important rights for the well being of the child, such as right to life, right to be registered immediately after birth, right to acquire a nationality, right to family environment, right to privacy, right to freedom of expression, right to freedom of thought, conscience and religion, right to be protected from all forms of physical or mental violence, discrimination, injury or neglect, right to social security, right to highest attainable standard of health, right against exploitation of child labour, right of a mentally or physically disabled child to enjoy a full and decent life, right to education, right to rest and leisure and right to be protected against all forms of exploitation. The Convention also provides that the state shall prohibit illicit transfer of child abroad. The member states to the Convention come under obligation to respect and ensure that rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind. The Committee on the Rights of the Child is entrusted with the responsibility of monitoring the implementation of the provisions of the Convention. The Convention encourages international cooperation among states for effective implementation of the Convention.

9.3.3 Optional Protocols to the Convention on the Rights of the Child

The UN General Assembly on 25th May 2000 adopted two optional protocols to the Convention, namely Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

These two protocols aim at protecting children from armed conflict and sexual exploitation.

The Optional Protocol on the Involvement of Children in Armed Conflict establishes 18 years as the minimum age for compulsory recruitment and requires states to do everything they can do to prevent individuals under the age of 18 from taking direct part in hostilities. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography draws special attention to the criminalisation of these serious violations of children's rights and emphasised public awareness and international co-operation in efforts to eliminate them. These two Optional Protocols must always be interpreted in light of the original treaty as a whole, in this case guided by the principles of non-discrimination, best interest of the child and child participation.

9.3.4 World Summit for Children, 1990

The World Summit for Children, held at UN Headquarters on 29th and 30th September, 1990, witnessed an unprecedented gathering of world leaders to promote the well being of children. The high-point of the occasion, held under the auspices of the UN in New York, was the joint signing of a World Declaration on the Survival, Protection and Development of Children and a Plan of Action comprising a detailed set of child related human development goals for the year 2000. These included targeted reductions in infant and maternal mortality, child malnutrition and illiteracy as well as targeted increase in access to basic services for health and family planning, education, water and sanitation. Out of the 159 governments that attended the Summit, 73 signed the Joint Declaration and Plan of Action on behalf of the world's children.

The goals established at the 1990 World Summit for Children have had an extra ordinary mobilising power, generating a high level of commitment on behalf of children around the world and creating

new partnership between governments, NGOs, donors, the media, civil society and international organisations in pursuit of a common purpose.

After the World Summit, the General Assembly held a Special Session in May 2002 in New York on issues relating to children. This Special Session reviewed the progress made after the World Summit of 1990 and adopted a resolution on "A World Fit For Children" which specifically pointed out the goals and plan of action to provide help to the children across the globe on issues like education, health, sanitation and standard of living.



CHECK YOUR PROGRESS

Q.1: In which year was the Declaration of the Rights of the Child adopted?

.....

Q.2: Mention the names of the two Optional Protocols to the Convention on the Rights of the Child.

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Q.3: The World Summit for Children was held on …….. (Fill in the blank)

Q.4: Mention any four rights incorporated in the Declaration of the Rights of the Child.

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Q.5: Mention any four rights incorporated in the Convention on the Rights of the Child.

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9.4 PROBLEM OF CHILD LABOUR

According to the International Labour Organisation, "Child labour includes children pre-maturely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development". They are often separated from their families and deprived of education and training opportunities that would offer them a better future. According to a UNICEF report, an estimated 246 million children are engaged in child labour. Of these, almost 171 million work in hazardous occupations, such as working in mines, working with chemicals and pesticide in agriculture or with dangerous machineries. At the international level various measures have been adopted to eliminate the problem of child labour. In 1990 the International Labour Organisation launched the International Program on the Elimination of Child Labour. On 17th June, 1999 the Organisation adopted the Worst Forms of Child Labour Convention which appeals to all the countries to prohibit and eliminate child labour as a matter of urgency. The Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities are also given responsibilities to eliminate child labour.

Though various measures have been adopted, the problem of child labour has remained a serious problem for the world community.

9.4.1 Problem of Child Labour in India

Child labour is considered as one of the important socio-economic problems in India. If we study the Census of India reports, then we will find that in 1991, the number of working children in India was 11.28 million. The 2011 Census in India finds the total 10.1 million child labour between 5-14 age groups among 259.64 million child population in that age group.

Poverty, hunger, lack of education, the growth of the informal economy are considered to be the key causes of child labour in India. In a third world country like India, employers basically want to employ the cheap labourer especially in small industrial sectors like glass

industry, carpet industry, brick industry, hotels, stalls etc, because the owner can engage the child labourer at the cost of minimum wages. In India, both boys and girls under 15 years are forced to pick up jobs mostly in unorganized sector wherein they face problems like long hours of work, work in hazardous employment, low wages, work in unhealthy environment etc. As a result of this sort of degradable environment of work, the children undergo serious problems in terms of health insecurity. In most of the urban areas in India, there are increased numbers of children working in small tea stall which increases their vulnerability. In some occasions, the number of child labour increases for the reluctance of the parents to send their children to schools for education as they are the sole bread-earner for their families. In India, child labour is deliberately created by vested interests to get cheap labour. The child labour in India is not only an economic compulsion of poor families but also a consequence of extreme social and economic exploitation. According to International Labour Organization, educational interventions are central to the prevention and elimination of worst forms of child labour.

In India children are working in both in hazardous and non-hazardous industries. Hazardous industries include beedi making, carpet making, cement manufacturing including bagging, cloth painting and dyeing and weaving, manufacturing of matches, explosives and splitting, wall cleaning, building and construction of industries and processes using toxic materials and substances. The non hazardous occupations include agriculture, bakery and biscuit making, cattle grazing, ice cream, dhoop kathi rolling, gardening, carpentry, doll making, news paper hawking, vending and others such as helper at shop and establishment, cycle repairing, tailoring and laundry.

In India a number of constitutional and legislative measures have been adopted to eliminate the problem of child labour. Article 24 of the Indian Constitution states that no child below the age of 14 years shall be employed to work in any factory or mine or be engaged in any other hazardous employment. Article 45 mentions that the

State shall provide free and compulsory education to the children till the age of 14 years. Apart from this, various Acts are also there to prohibit employment of children in different sectors, such as Indian Factories Act (1948), Indian Mines Act (1952), Beedi and Cigar Workers (Conditions of Employment) Act (1966), Child labour (Prohibition and Regulation) Act (1986) etc. Though in India various steps have been taken, the problem of child labour still continues to pose a serious threat in achieving rights and freedom for children.



LET US KNOW

Kailash Satyarthi is an Indian child rights activist and Nobel laureate. He has worked relentlessly in the field of the rights of children across the world thereby protecting the lives of thousands of children in different countries including India. He founded the Bachpan Bachao Andolon (Save the Childhood Movement) in 1980. He is originally from Madhya Pradesh.



CHECK YOUR PROGRESS

Q.6: In which year the International Labour Organisation launched the International Program on the Elimination of Child Labour?

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Q.7: Write briefly about the causes of child labour in India.

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Q.8: In India The Child Labour (Prohibition and Regulation) Act was enacted in the year……..…. (Fill in the blank).

Q.9: Mention any two constitutional provisions adopted in India to prohibit child labour.

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9.5 LET US SUM UP

- Rights of the children are violated very often. To protect and promote the rights of the children various initiatives have been adopted both at the international and national levels.
- To protect and promote the rights of children, the United Nations has adopted various steps. The Un adopted the Declaration of the Rights of the Child in 1959. Some of the important right for children were incorporated in this Declaration, such as - right to development, to have a name, a nationality, social security and free elementary education etc.
- The Convention on the Rights of the Child was adopted by the UN in the year 1989. This Convention defines a child as anyone below the age of eighteen years. Some of the important rights for children mentioned in this Convention are- right to life, right to be registered immediately after birth, right to acquire a nationality, right to family environment, right to privacy, right to freedom of expression, right to freedom of thought, conscience and religion, right to be protected from all forms of physical or mental violence, discrimination, injury or neglect, right to social security, right to highest attainable standard of health, right against exploitation of child labour etc.
- The UN General Assembly on 25th May 2000 adopted two optional protocols to the Convention, namely Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. These two protocols aim at protecting children from armed conflict and sexual exploitation.
- The World Summit for Children, held at UN Headquarters on 29th and 30th September, 1990, was an unprecedented gathering of world leaders to promote the well being of children. At this Summit a World Declaration on the Survival, Protection and Development of Children and a Plan of Action comprising a detailed set of child related human

development goals for the year 2000 was signed. After the World Summit, the General Assembly held a Special Session in May 2002 in New York on issues relating to children. This Special Session reviewed the progress made after the World Summit of 1990 and adopted a resolution on "A World Fit For Children" which specifically pointed out the goals and plan of action to provide help to the children across the globe on issues like education, health, sanitation and standard of living.

- One of the serious challenges to the rights of children is the problem of child labour. To eliminate this problem the International Labour Organisation launched the International Program on the Elimination of Child Labour in 1990 and adopted the Worst Forms of Child Labour Convention on 17th June, 1999.
- In India various constitutional and legislative provisions are adopted to eliminate the problem of child labour. Some of the Acts enacted by the Indian Parliament in this regard are- Indian Factories Act (1948), Indian Mines Act (1952), Beedi and Cigar Workers (Conditions of Employment) Act (1966), Child labour (Prohibition and Regulation) Act (1986) etc.



9.6 FURTHER READING

1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
2. Gupta, D.C. (2010). *Indian Government and Politics*. Delhi: Vikas Publishing House Pvt. Ltd.
3. Malhotra, S; Upadhyay, P.; Gupta, M.; Srivastava, R. & Pandey, S. (2005). *Human Rights: Emerging Issues*. New Delhi: Kialso Books Publication.
4. Syed, M.H. (2003). *Human Rights: The New Era*. New Delhi: Kilaso Books.
5. Yasin, Adil-ul & Upadhayay, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

9.7 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: 20 November, 1959

Ans. to Q. No. 2: Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution, Child Pornography.

Ans. to Q. No. 3: 29 and 30 September, 1990

Ans. to Q. No. 4: Right to opportunity to develop, right to have a name, right to a nationality, right to social security.

Ans. to Q. No. 5: Right to life, right to acquire a nationality, right to family environment, right to freedom of expression.

Ans. to Q. No. 6: 1990

Ans. to Q. No. 7: Poverty, hunger, lack of education, the growth of the informal economy are considered to be the key causes of child labour in India. In a third world country like India, employers basically want to employ the cheap labourer especially in small industrial sectors like glass industry, carpet industry, brick industry, hotels, stalls etc, because the owner can engage the child labourer at the cost of minimum wages. In India, both boys and girls under 15 years are forced to pick up jobs mostly in unorganized sector wherein they face problems like long hours of work, work in hazardous employment, low wages, work in unhealthy environment etc. In some occasions, the numbers of child labour increases for the reluctance of the parents to send their children to schools for education as they are the sole bread-earner for their families. In India, child labour is deliberately created by vested interests to get cheap labour. The child labour in India is not only an economic compulsion of poor families but also a consequence of extreme social and economic exploitation.

Ans. to Q. No. 8: 1986

Ans. to Q. No. 9: (i) Article 24 of the Indian Constitution states that no child below the age of 14 years shall be employed to work in any factory or mine or be engaged in any other hazardous employment.

(ii) Article 45 of the Indian Constitution mentions that the State shall provide free and compulsory education to the children till the age of 14 years.



9.8 MODEL QUESTIONS

A) Very Short Questions

Q. 1: In which year were the two optional protocols to the Convention on the Rights of the Child adopted?

Q. 2: State the definition of a child provided by the Convention on the Rights of the Child.

Q. 3: Mention any two constitutional provisions of the Indian Constitution to eliminate child labour in India.

B) Short Question (Answer each question in about 150 words)

Q. 1: Write about the causes of child labour in India.

Q. 2: Briefly explain the role of the International Labour Organisation in eliminating the problem of child labour.

Q. 3: Write a short note on the World Summit for Children, 1990.

C) Long Questions (Answer each question in about 300-500 words)

Q. 1: Discuss the efforts of the United Nations in protecting and promoting the rights of children.

Q. 2: Examine the problem of child labour with special reference to India.

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UNIT 10: RIGHTS OF SPECIALLY-ABLED PERSONS

UNIT STRUCTURE

10.1 Learning Objectives

10.2 Introduction

10.3 Rights of Specially-abled Persons

10.3.1 Declaration on the Rights of Mentally Retarded Persons, 1971

10.3.2 Declaration on the Rights of Disabled Persons, 1975

10.3.3 Convention on the Rights of Persons with Disabilities

10.4 Rights of Specially-abled Persons in India

10.5 Let Us Sum Up

10.6 Further Reading

10.7 Answers to Check Your Progress

10.8 Model Questions

10.1 LEARNING OBJECTIVES

After going through this unit, you will be able to-

- explain the rights of specially-abled persons
- discuss the measures adopted by the UN to protect and promote rights of specially-abled persons
- examine the efforts adopted in India to protect the rights of the specially-abled persons.

10.2 INTRODUCTION

All of us know that human rights constitute a very important element in the life of an individual. Human rights are most essential for all round development of individual. But in our society, certain sections of people are deprived from the enjoyment of some rights. For example, the rights of the specially-abled persons (which include the mentally retarded and physically disabled persons) are often being violated. Therefore, this section of people

need some special rights to take care of their special requirements in life. In this unit, we are going to discuss the rights of the specially-abled persons and the measures taken at the international and national level to protect rights of this section of people.

10.3 RIGHTS OF SPECIALLY-ABLED PERSONS

Among the world's population there are certain categories of specially-abled persons who should be entitled to certain special requirements. The World Health Organisation in 1976 defined disability as lack of ability to perform an activity in a manner or with a range considered normal for human being. These individuals are also called specially-abled persons. This section of people very often is denied their basic rights, such as educational and employment opportunity. The United Nations has recognised the rights of these persons and adopted the following measures for the protection of their rights.

10.3.1 Declaration on the Rights of Mentally Retarded Persons, 1971

The Declaration on the Rights of Mentally Retarded Persons was adopted on 20 December, 1971 by the United Nations' General Assembly. It calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of the rights of the mentally retarded persons. The Declaration accepts that a mentally retarded person has, to the maximum degree of facility, the same rights as other human beings. They have the rights to:

i) Proper medical care and physical therapy which will help them in developing their personality to the maximum level,

ii) Education, training, rehabilitation and guidance,

iii) Economic security and a decent standard of living,

iv) Live with his/her own family or with foster parents and participate in different forms of community life,

v) Protection from exploitation, abuse and degrading treatment.

vi) Right to a qualified guardian.

Besides this Declaration, on 17th December, 1991 the General Assembly provided the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. The General Assembly proclaimed that these principles shall be applied to all without any kind of discrimination. These principles laid down certain basic norms regarding treatment of mentally retarded persons, such as prevention of sterilisation, involuntary psychosurgery and other intrusive and irreversible treatment for mental illness. It also seeks to avoid involuntary hospitalisation and involuntary seclusion of patients.

10.3.2 Declaration on the Rights of Disabled Persons,1975

The UN General Assembly adopted another declaration on disabled persons namely the Declaration on the Rights of Disabled Persons on 9th December, 1975 to protect the rights of specially-abled persons. According to the Declaration, the term "disabled person" means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and social life, as a result of deficiency in his or her physical or mental capabilities. The Declaration proclaims that all the specially-abled persons shall have the entitlement of all the rights provided by the Declaration without any kind of discrimination of race, sex, language, religion, political opinion etc.

This Declaration includes the following rights for the specially-abled persons:

(i) Right to respect for their human dignity.

(ii) Right to same civil and political rights as other human beings.

(iii) Right to medical, psychological and functional treatment.

(iv) Right to economic and social security and a decent standard of living.

(v) Right to have access to measures designed to enable them to become self-reliant as possible.

(vi) Right to have their special needs taken into consideration at all stages of economic and social planning.

(vii) Right to live with their family or with foster parents and to participate in all social, creative or recreational activities.

(viii) Right to be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

(ix) Right to avail legal aid to protect themselves and their property.

The Declaration further mentions that the states should consult with the organisation of specially-abled persons in all matters related to the rights of the specially-abled persons. Again the Declaration also makes it very clear that the specially-abled persons and their family shall be given full and correct information regarding the rights set forth in the Declaration.

The General Assembly observed the year 1981 as the International Year of Disabled Persons and the decade 1983-1992 was observed as the Decade of Disabled Persons with the goal of encouraging the state to protect and promote the rights of specially-abled persons.

10.3.3 Convention on the Rights of Persons with Disabilities

Besides the above two Declarations, the United Nations adopted the Convention on the Rights of Disabilities on 13 December, 2006. The Convention came into force on 3 May 2008. To give more effect to the provisions of the Convention an Optional Protocol to the Convention of the Rights of Persons with Disabilities was adopted and it came into force from May 3rd 2008. The implementation of this Convention by the states is monitored by

the Committee on the Rights of Persons with Disabilities. Article 1of the Convention mentions that the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. The Convention urges the state parties to promote and protect and to ensure full enjoyment of human rights by the persons with disabilities. The Convention also puts emphasis on spreading awareness regarding respect for the rights of specially-abled persons. Some of the rights provided for persons with disabilities in this Convention are- right to respect for inherent dignity, right to family, right to equality before law, right to equality of opportunity, right to work without any kind of discrimination based on their disability, right to freedom from discrimination based on sex, right to education, right to have highest attainable standard of health, right to adequate standard of living, right to social security, right to access to information technology, right to personal mobility, right to participate in social, public, political and cultural life etc.



CHECK YOUR PROGRESS

Q.1: In which year was the Declaration on the Rights of Mentally Retarded Persons adopted?

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Q.2: The year 1981 was observed as the International Year of Disabled Persons. (True/False)

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Q.3: State the definition of "disabled person" provided by the Declaration on the Rights of Disabled Persons, 1975.

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Q.4: Mention any two rights provided by the Declaration on the Rights of Disabled Persons.

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Q.5: Mention any four rights incorporated in the Convention on the Rights of Disabilities, 2006.

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10.4 RIGHTS OF SPECIALLY-ABLED PERSONS IN INDIA

India has adopted both constitutional and legislative measures to ensure the rights and freedoms of specially-abled persons. The Constitution of India provides rights and freedoms to all without any kind of discrimination which implies that specially-abled persons are also entitled to equal rights and freedoms. The Fundamental Rights under Article 14 guarantee equality for all its citizens before law and equal protection of law, and Article 16 provides that no discrimination shall be made in respect of recruitment to public offices.

India has also adopted number of legislative measures to protect and promote rights of specially-abled persons. In India various Acts have been passed to ensure well-being of specially-abled persons. In 1995, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act was passed in order to promote and ensure equality and full participation of persons and disabilities and protecting and promoting their economic and social rights. The National Trust for Welfare of Person's with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 aims to fulfil a common demand of families seeking a reliable arrangement for their severely disabled wards. The Mental Health Act, 1987 is a civil rights legislation that focuses on regulating standards in mental

health institutions. In 2016 the Rights of Persons with Disabilities Act was passed by the Indian Parliament which replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995. Some of the rights provided to the specially-abled persons by this Act are- right to equality, right to reservation in higher education and in government job, right to free education for children with disabilities between the age group of 6 to 18 years, right to equality in matters of access to the government funded educational institution. The Act has provided for the establishment of Central and State Advisory Boards on Disability to serve as policy making body at the centre and state levels for the specially-abled persons. These Advisory Boards monitor the implantation of the Act. The Act also provides that the states shall constitute district level committees to address local concerns of the specially-abled persons. For offering financial support to the specially-abled persons the Act has provided for the creation of National and State Fund.



ACTIVITY 10.1

Try to find out name of some NGOs working in the field of promotion and protection of rights of specially-abled persons in India.

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CHECK YOUR PROGRESS

Q.6: Mention any two constitutional provisions to protect and promote rights of specially-abled persons in India.

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Q.7: Mention the names of any two Acts enacted in India to protect and promote the rights of the specially-abled persons.

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Q.8: Mention any four rights incorporated in the Rights of Persons with Disabilities Act, 2016.

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10.5 LET US SUM UP

- Among the world's population there are certain categories of specially-abled persons who should be entitled to certain special requirements. The World Health Organisation in 1976 defined disability as lack of ability to perform an activity in a manner or with a range considered normal for human being. These individuals are also called specially-abled persons. This section of people very often is denied their basic rights, such as educational and employment opportunity.
- Regarding the rights of the specially-abled persons, the United Nations has adopted measures like- Declaration on the Rights of Mentally Retarded Persons, Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, Declaration on the Rights of Disabled Persons, Convention on the Rights of Disabilities etc.
- The Declaration on the Rights of Mentally Retarded Persons was adopted on 20 December, 1971 by the United Nations' General Assembly. The Declaration accepts that a mentally retarded person has, to the maximum degree of facility, the same rights as other human beings. Some of the important rights incorporated in the Declaration for them are- right to proper medical care and physical therapy, right

to education, training, rehabilitation and guidance, right to economic security and a decent standard of living, right to protection from exploitation, abuse and degrading treatment, right to a qualified guardian.

- The UN General Assembly adopted another declaration on disabled persons namely the Declaration on the Rights of Disabled Persons on 9th December, 1975 to protect the rights of specially-abled persons. This Declaration includes some important rights for the specially-abled persons, such as - right to respect for their human dignity, right to same civil and political rights as other human beings, right to medical, psychological and functional treatment, right to economic and social security, right to be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature, right to avail legal aid to protect themselves and their property.
- The United Nations adopted the Convention on the Rights of Disabilities on 13 December, 2006. The implementation of this Convention by the states is monitored by the Committee on the Rights of Persons with Disabilities. Some of the rights provided for persons with disabilities in this Convention are- right to respect for inherent dignity, right to family, right to equality before law, right to equality of opportunity, right to education, right to have highest attainable standard of health, right to adequate standard of living, right to social security, right to access to information technology, right to personal mobility, right to participate in social, public, political and cultural life etc.
- India has adopted various constitutional measures to ensure the rights and freedoms of specially-abled persons. The Constitution of India provides rights and freedoms to all without any kind of discrimination which implies that specially-abled persons are also entitled to equal rights and freedoms. The Fundamental Rights under Article 14 guarantee equality for all its citizens before law and equal protection of law, and Article 16 provides that no discrimination shall be made in respect of recruitment to public offices.

- India has also enacted various Acts to protect and promote the rights of the specially-abled persons, such as- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, National Trust for Welfare of Person's with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, Mental Health Act etc. In 2016 the Rights of Persons with Disabilities Act was passed by the Indian Parliament which replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995.



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1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
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6. Yasin, Adil-ul & Upadhayay, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

10.7 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: 1971

Ans. to Q. No. 2: True

Ans. to Q. No. 3: According to the Declaration on the Rights of Disabled

Persons, 1975, the term "disabled person" means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and social life, as a result of deficiency in his or her physical or mental capabilities.

Ans. to Q. No. 4: Right to respect for their human dignity and Right to medical, psychological and functional treatment.

Ans. to Q. No. 5: Right to respect for inherent dignity, right to family, right to equality before law, right to education.

Ans. to Q. No. 6: The Constitution of India provides rights and freedoms to all without any kind of discrimination which implies that specially-abled persons are also entitled to equal rights and freedoms. The Fundamental Rights under Article 14 guarantee equality for all its citizens before law and equal protection of law, and Article 16 provides that no discrimination shall be made in respect of recruitment to public offices.

Ans. to Q. No. 7: Mental Retardation and Multiple Disabilities Act (1999) and Mental Health Act (1987)

Ans. to Q. No. 8: Right to equality, right to reservation in higher education and in government job, right to free education for children with disabilities between the age group of 6 to 18 years, right to equality in matters of access to the government funded educational institution.



10.8 MODEL QUESTIONS

A) Very Short Questions

Q. 1: Which Committee monitors the implementation procedure of the Convention on the Rights of Disabilities?

Q. 2: Which year was observed as the International Year of Disabled Persons?

Q. 3: Mention any two constitutional provisions of the Indian Constitution to protect and promote rights of specially-abled persons.

Q. 4: In which year was the Declaration on the Rights of Disabled Persons adopted?

B) Short Question (Answer each question in about 150 words)

Q. 1: Write a short note on the Convention on the Rights of Persons with Disabilities.

Q. 2: Briefly explain the various provisions of the Rights of Persons with Disabilities Act, 2016.

Q. 3: Briefly write about the Declaration on the Rights of Mentally Retarded Persons.

C) Long Questions (Answer each question in about 300-500 words)

Q. 1: Examine various constitutional and legislative measures adopted in India to safeguard the rights of specially-abled persons.

Q. 2: Discuss the role of the United Nations in protecting and promoting the rights of specially-abled persons.

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UNIT 11: RIGHTS OF REFUGEES

UNIT STRUCTURE

11.1 Learning Objectives

11.2 Introduction

11.3 Efforts taken at the International Level to Protect the Rights of the Refugees

11.4 Role of the United Nations High Commissioner for Refugees (UNHCR)

11.5 Let Us Sum Up

11.6 Further Reading

11.7 Answers To Check Your Progress

11.8 Model Questions

11.1 LEARNING OBJECTIVES

After going through this unit, you will be able to-

- explain the rights of the Refugees
- discuss the efforts made at the international level to protect the rights of the Refugees
- examine the role of the United Nations High Commissioner for Refugees (UNHCR) in safeguarding the rights and interest of the Refugees.

11.2 INTRODUCTION

Refugees refer to a group of individuals without getting protection from a national state. As such they are the victims of gross human rights violations. It is very important to consider the rights of refugees on an urgent basis, because while gross violations of human rights can create refugee flows, restoration and respect for human rights make it possible for refugees to return home safely and accordingly their problems to be resolved. In this unit we shall discuss various efforts taken at the international level to protect the rights of refugees and the role of the United Nations High Commissioner for Refugees in this regard.

11.3 EFFORTS TAKEN AT THE INTERNATIONAL LEVEL TO PROTECT THE RIGHTS OF THE REFUGEES

Refugee is a person who has been forced to leave his or her country in order to escape war, persecution or natural disaster. Refugee can be termed as displaced person or asylum seeker who has been forced to cross national boundaries and who cannot return home safely. The Convention relating to the Status of Refugees, 1951 defines refugee as an individual who is outside his or her country of nationality or habitual residence and who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group.

Refugees are the victims of gross human rights violation. The question of asylum and extradition is very much significant with the issue of refugee rights. To solve the problems of refugee, the states that are connecting with the issue need to work together. But ironically such cooperation is not seen in reality. The refugees rarely receive a warm welcome when they seek the protection of another state. Many are turned back at the border without a hearing; detained as illegal immigrants; subjected to further violence or neglected conditions in refugee camps; put through unfair asylum procedures; or sent back to the country they fled. So at the international level serious efforts should be made to provide justice and minimum human rights to refugees.

At the international level a number of measures have been adopted to protect the rights of the refugees. Action for refugees started in 1920 when Dr. Fridtjof Nansen of Norway provided assistance to the causes of refugees. This was the first initiative in the creation of world public opinion in favour of an international machinery for protection and assistance to refugees. On 27th June,1921 the League of Nations established the office of the High Commissioner for Russian Refugees with Dr. Nansen as the head of the Commission. After the death of Dr. Nansen the Assembly of the League of Nations abolished the High Commissioners post and the task was entrusted to the Nansen International Office for Refugees.

On November 9,1943 the United Nations Relief and Rehabilitation Administration(UNRRA) was established by a 44-nation agreement. The objectives of UNRRA was to provide economic assistance to the European nations after World War II and to deport and assist the refugees who would come under the control of the Allied powers.

The Role of the United Nations in protecting rights of Refugees is worth mentioning. On 20th April, 1946 the International Refugee Organization(IRO) was founded. It became a specialized agency of the UN in 1948. This organization was founded to deal with the refugee problems created after the World War II. The Universal Declaration of Human Rights (UDHR), adopted by the UN in 1948, recognized rights of refugees. The UDHR under Article 14(1) guarantees the right to seek and enjoy asylum in other countries. With this the issue of rights of Refugee become a global phenomenon. Again another important document adopted by the UN in 1966 the International Covenant on Civil and Political Rights provides under Article 12 that freedom of movement is a key right for refugees within their host country.

The most important international instrument related to the problems of refugees is the Convention Relating to the Status of Refugees adopted by the UN in 1951. To give more effect to the provision of the convention, a Protocol to the Convention Relating to the Status of Refugees was adopted in 1967. The Convention relating to the Status of Refugees, 1951 under Article 26 provides that States shall afford refugees the right to choose their place of residence within the territory and to move freely within the State. But however, Article 28 obliges States parties to issue refugees travel documents permitting them to travel outside the State "unless compelling reasons of national security or public order otherwise require". Some of the main provisions of the Convention of 1951 are as follows:

- **Personal Status of Refugees:** The personal status of a refugee shall be governed by the law of the country of his or her domicile or, if he or she has no domicile then personal status will be governed by the law of the country of his or her residence.

- **Civil Rights:** The Convention provides that the Contracting States shall provide minimum rights to refugees, such as right to work, right to education and social security, freedom of religion and access to courts without discrimination on the basis of race, religion or country of origin.
- **Illegal Entry of Refugees:** The Convention argues that the Contracting States shall not impose penalties on those refugees who have illegally entered into their territories without authorization from a territory where their life or freedom was threatened provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
- **Expulsion of Refugees:** The Convention under Article 32 provides that the Contracting States shall not expel a refugee lawfully in their territory except on grounds of national security or public order. Para 2 of the Article 32 lays down that the expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law.
- **Travel documents:** The Convention under Article 28 laid down that the Contracting States shall issue to refugee, lawfully staying in their territory, travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require.
- **General Obligations:** The Convention under Article 2 lays down that every refugee has duties to the country in which he/she finds himself/herself, which require in particular that he/she conforms to its laws and regulations as well as to measures taken for the maintenance of public order.
- **Prohibition of Expulsion or Return:** The Convention under Article 33 states that no Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.

- **Access to Courts:** The Convention under Article 16, Para 1 lays down that a refugee shall have free access to the courts of law on the territory of all contracting states. He/she shall enjoy in the Contracting States in which he/she has habitual residence the same treatment as a national in matters pertaining to access to the Courts including legal assistance.

The Amnesty International also plays a significant role in the protection of rights of the refugees. The 1997 Amnesty International Report argued that human rights have no borders. The report also outlined why people flee and why they need protection. It reflected that problems of refugee cannot be resolved unless the underlying human rights issues are addressed. In its 1997 campaign on the human rights of refugees, Amnesty International focused on treatment of governments towards refugees. The Amnesty International urges governments to adopt the following measures to safeguard the interest of the refugees-

(i) Spread awareness and create public support for the rights of refugees.

(ii) Ratify and implement international treaties regarding rights of refugees.

(iii) Stop forcibly returning refugees to countries where they are at risk of serious human rights violations.

(iv) End practices that prevent or deter asylum-seekers pursuing claims.

(v) Provide refugees with a fair and satisfactory asylum procedure.

(vi) Accept responsibility for examining asylum claims.

(vii) Recognize and meet the special needs of particular groups of asylum-seekers.

(viii) Protect the rights of refugees in situations of mass migration.

(ix) Base deportation programs on human rights standard.

(x) Strengthen international solidarity and responsibility sharing.

(xi) Make the international system more accountable towards refugees.

(xii) Ensure that internally displaced people are protected.

It is to be noted that the Security Council Resolution, adopted on September 12, 2001 after the terrorist attack of September 11, 2001, stated the States shall deny safe heaven to those who finance, plan, support, or commit terrorist act. It signifies that any person who participates in the financing, planning, preparation of terrorist acts or is supporting terrorist acts are not given refugee status.



CHECK YOUR PROGRESS

Q.1: State the definition of refugee provided by the Convention Relating to the Status of Refugees,1951.

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Q.2: Which Article of the Universal Declaration of Human Rights provided for the rights of refugees?

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Q.3: In which year was the United Nations Relief and Rehabilitation Administration (UNRRA) established?

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Q.4: Write briefly about any two provisions of the Convention Relating to the Status of Refugees,1951.

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11.4 ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

To deal with the human rights problem of refugees and stateless persons, the General Assembly on December 3, 1949 decided to establish

the United Nations High Commissioner for Refugees (UNHCR) and on December 14, 1950 adopted the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR). The United Nations High Commissioner for Refugees replaces the International Refugee Organization(IRO). The head office of the UNHCR is located at Geneva, Switzerland. The mandate of UNHCR is "to provide a non-political and humanitarian based international protection to refugees and to seek permanent solutions for them". The organization works as a coordinating organization of international actions to protect the refugees and resolve refugee problem worldwide. The office of the United Nations High Commissioner for Refugees, which started its work from 1 January 1951, functions to protect refugees and to resolve refugee problems all over the world. Starting it work from 1 January 1951 to till date, it has helped an estimated 60 million people to restart their lives.

- **UNHCR's Objectives:**

  Main objectives of the UNHCR are -

  i) To secure safe and dignified asylum for all persons of concern to UNHCR, in accordance with recognized international standards.

  ii) To seek appropriate durable solutions for the majority of the refugees and asylum seekers.

  iii) To ensure that minimum standards are maintained in the provision of providing essential materials to refugees.

The UNHCR Statute has defined refugees as persons who, owing to well-founded fear of persecution for reason of race, religion, nationality or political opinion, are outside their country of origin and cannot or, owing to such fear, do not wish to avail themselves of the protection of that country. The office of the United Nations High Commissioner for Refugees tries to work effectively for the cause of the rights of the refugees. The High Commissioner's programme is administered by a thirty-member executive committee, which generally meets twice a year at Geneva. The work of UNHCR is humanitarian, social and non-political in nature. UNHCR tries to

provide international protection to the refugees within the High Commissioner's mandate and to seek permanent solutions to their problems by facilitating their voluntary repatriation or their assimilation within new national communities. All kinds of helping hands are provided by the UNHCR without any discrimination. Initially, UNHCR focused its efforts more on aiding refugees and displaced persons in Europe after World War II, but in the later period, the office of High Commissioner shifted its interest to the other parts as well and tries to resettle refugees who were the victims of war, political violence and natural calamities in Africa, certain regions of Asia and Latin America. Some of the major involvements of the UNHCR are- in regards of Chinese refugees in Hongkong and Algerian refugees who had fled to Morocco and Tunisia, refugees movement in Africa in 1960, refugees to India from East Pakistan in 1970, Vietnam war refugee, Palestine war refugee etc.

The UNHCR also put pressure on many states of different parts of the world to treat refugees in accordance with human rights norms. As a result of its great contribution, UNHCR was awarded the Nobel Peace Prize twice in 1954 and again in 1981. The agency has been chosen for the prestigious Indira Gandhi Prize for Peace, Disarmament and Development 2015. In this contemporary time, along with the protection of refugees, the UNHCR is also involved in programmes for Internally Displace Persons. It has helped Internally Displaced Persons in Afghanistan, Angola, Azerbaijan, Bosnia and Herzegovina, Croatia, El Slavador, Ethiopia, Georgia and Iraq etc.



CHECK YOUR PROGRESS

Q.5: The head office of the United Nations High Commissioner for Refugees is located at …….. (Fill in the blank)

Q.6: Mention any two objectives of the United Nations High Commissioner for Refugees (UNHCR).

.....

.....



11.5 LET US SUM UP

- Refugees refer to a group of individuals without getting protection from a national state. Refugee can be termed as displaced person or asylum seeker who has been forced to cross national boundaries and who cannot return home safely. As such they are the victims of gross human rights violations.
- At the international level a number of measures have been adopted to protect the rights of the refugees. The first initiative in the creation of world public opinion in favour of an international machinery for protection and assistance to refugees was created by Dr. Fridtjof Nansen of Norway in 1920. On 27th June,1921 the League of Nations established the office of the High Commissioner for Russian Refugees with Dr. Nansen as the head of the Commission. After the death of Dr. Nansen the Assembly of the League of Nations abolished the High Commissioners post and the task was entrusted to the Nansen International Office for Refugees. On November 9,1943 the United Nations Relief and Rehabilitation Administration(UNRRA) was established.
- The Role of the United Nations in protecting rights of Refugees is worth mentioning. On 20th April, 1946 the International Refugee Organization(IRO) was founded. This organization was founded to deal with the refugee problems cropped up after the World War II.
- The Universal Declaration of Human Rights (UDHR), adopted by the UN in 1948, recognized rights of refugees. The UDHR under Article 14(1) guarantees the right to seek and enjoy asylum in other countries. Again another important document adopted by the UN in 1966 the International Covenant on Civil and Political Rights provides under Article 12 that freedom of movement is a key right for refugees within their host country.

- The most important international instrument related to the problems of refugees is the Convention Relating to the Status of Refugees adopted by the UN in 1951. To give more effect to the provision of the convention, a Protocol to the Convention Relating to the Status of Refugees was adopted in 1967. The Convention relating to the Status of Refugees, 1951 defines refugee as an individual who is outside his or her country of nationality or habitual residence and who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group. This Convention contains many important rights for the refugees.
- The Amnesty International also plays a significant role in the protection of rights of the refugees.
- To deal with the human rights problem of refugees and stateless persons, the General Assembly on December 14, 1950 adopted the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR) and it started its functioning from 1 January, 1951. The head office of the UNHCR is located at Geneva, Switzerland. The mandate of UNHCR is "to provide a non-political and humanitarian based international protection to refugees and to seek permanent solutions for them". The organization works as a coordinating organization of international actions to protect the refugees and resolve refugee problem worldwide.



11.6 FURTHER READING

1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
2. Anuradh, K.P. (2010). *Human Rights Issues in India*. New Delhi: Adhyan Publishers and Distributors.
3. Malhotra, S, Upadhya, P, Gupta, M. Srivastava, R., & Pandey, S. (2005). *Human Rights: Emerging Issues* . New Delhi, Kails Books Publications

4. Sanajoba, N. (1994). *Human Rights: Principles, Practices and Abuses*. New Delhi: Omsonms Publication.
5. Yasin, Adil-ul & Upadhyaya, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

11.7 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: The Convention relating to the Status of Refugees, 1951 defines refugee as an individual who is outside his or her country of nationality or habitual residence and who is unable or unwilling to return due to a well-founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group.

Ans. to Q. No. 2: The UDHR under Article 14(1) guarantees the right to seek and enjoy asylum in other countries.

Ans. to Q. No. 3: 1943

Ans. to Q. No. 4: (i) Civil Rights: The Convention provides that the Contracting States shall provide minimum rights to refugees, such as right to work, right to education and social security, freedom of religion and access to courts without discrimination on the basis of race, religion or country of origin.

(ii) Illegal Entry of Refugees: The Convention argues that the Contracting States shall not impose penalties on those refugees who have illegally entered into their territories without authorization from a territory where their life or freedom was threatened provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

Ans. to Q. No. 5: Geneva

Ans. to Q. No. 6: (i) To secure safe and dignified asylum for all persons of concern to UNHCR, in accordance with recognized international standards.

(ii) To seek appropriate durable solutions for the majority of the refugees and asylum seekers.



11.8 MODEL QUESTIONS

A) Very Short Questions

Q. 1: In which years the United Nations High Commissioner for Refugees won Nobel Prize?

Q. 2: Who was the first person to take initiative to protect the rights of the refugees?

Q. 3: Mention two provisions of the Convention Relating to the Status of Refugees,1951.

B) Short Question (Answer each question in about 150 words)

Q. 1: Write briefly about the meaning of refugee.

Q. 2: Write a note on the Convention Relating to the Status of Refugees,1951.

Q. 3: Briefly write about initiatives taken at the international level to protect the rights of the refugees prior to the establishment of the United Nations.

C) Long Questions (Answer each question in about 300-500 words)

Q. 1: Discuss various measures adopted at international level to safeguard the rights of the refugees.

Q. 2: Discuss the role of the United Nations High Commissioner for Refugees in protecting and promoting the rights of refugees.

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UNIT 12: RIGHTS OF ELDERLY PERSONS

UNIT STRUCTURE

12.1 Learning Objectives

12.2 Introduction

12.3 Elderly Persons: Their Problems and Challenges

12.4 Rights of Elderly Persons: Global Perspective

12.5 Rights of Elderly Persons: Indian Perspective

12.6 Let Us Sum Up

12.7 Further Reading

12.8 Answers To Check Your Progress

12.9 Model Questions

12.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- identify various problems and challenges faced by the elderly persons
- explain various efforts adopted at the international level to protect and promote rights of elderly persons
- discuss various measures taken in India for safeguarding rights and interest of elderly persons.

12.2 INTRODUCTION

Population ageing is a natural and a global phenomenon. Ageing refers to a natural process of growing old in the human cycle. This process of growing old or ageing involves a lot of biological, emotional, intellectual changes. In chronological expression, when a person crosses the age of 60 they are known as the aged. This category of aged people are also known as elderly population. Very often it is seen that rights and interest of these aged people or elderly persons are grossly violated. The world community has adopted a number of measures to protect and promote rights of elderly persons. In India too, a number of initiatives have been made in this regard. In this unit we shall discuss various problems and

challenges faced by the elderly persons and the measures adopted at the international level as well as in India to protect and promote rights of the elderly persons.

12.3 ELDERLY PERSONS: THEIR PROBLEMS AND CHALLENGES

The number of elderly population in the world is increasing day by day. According to a report of the World Health Organisation the world's population aged 60 years and older is expected to increase upto 2 billion, up from 900 million in 2015. India is also not an exception in this regard. According to the Population Census Report of 2011 in India there are nearly 104 million elderly persons. According to a report of the United Nations Population Fund and Help Age India, this number of elderly persons will increase upto 173 million by 2026.

Elderly persons have to face a number of problems and challenges which increases their vulnerability. This category of people are facing various social, political, social, economic and health related problems. Some of the problems faced by the elderly people are discussed below:

(a) Social Problems:

The elderly people many a time face certain social problems such as- isolation, social disengagement, negligence etc. If we analyse the causes of such social problems then we can see that the breaking up of joint family, migration of youth to other places are some of the reasons behind these social problems faced by aged population.

(b) Economic Problems:

The aged people also face economic crisis. Economic disengagement after retirement is one of the main reasons of economic crisis or problem faced by the elderly people. Again in many countries there is no provision for social security for elderly people which also leads to crisis situation for these people.

(c) Health Problem

Another problem faced by the elderly persons is health related problem. Many times, due to lack of social security measures, such as pension, social insurance assistance etc. the elderly people could not bear the expenses for health care facilities. This results in number of health problems for these people.

(d) Mistreatment and Abuse

Mistreatment and abuse of the elderly is a major social problem. As expected, with the biology of aging, the elderly sometimes become physically frail. This frailty renders them dependent on others for care-sometimes for small needs like household tasks, and sometimes for assistance with basic functions like eating and toileting. Unlike a child, who also is dependent on another for care, an elder is an adult with a lifetime of experience, knowledge, and opinions-a more fully developed person. This makes the care-providing situation more complex. Elder abuse occurs when a caretaker intentionally deprives an older person of care or harms the person in his or her charge. Caregivers may be family members, relatives, friends, health professionals, or employees of senior housing or nursing care. The elderly may be subject to many different types of abuse. In a 2009 study on the topic led by Dr. Ron Acierno, the team of researchers identified five major categories of elder abuse: 1) physical abuse, such as hitting or shaking, 2) sexual abuse, including rape and coerced nudity, 3) psychological or emotional abuse, such as verbal harassment or humiliation, 4) neglect or failure to provide adequate care, and 5) financial abuse or exploitation (Acierno 2010). (Source: https://courses.lumenlearning.com/sociology/chapter/challenges-facing-the-elderly/)

12.4 RIGHTS OF ELDERLY PERSONS: GLOBAL PERSPECTIVE

The fundamental idea of human rights is that these rights are inalienable and inherent to each and every human being irrespective of their age, sex, language, religion, class or any other consideration. It implies that elderly people are also entitled to all basic human rights irrespective of their age. But very often it is seen that rights of elderly are grossly violated for which they have to suffer from various kinds of insecurity. At the international level a number of measures have been adopted to protect and promote rights of elderly persons. The United Nations has been playing a key role in this regards. Every year 1 October is observed as the International Day of Older Persons to recognise the contribution of the older persons. The UN in its Charter has proclaimed "….We the people of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small….". This implies that it will always stand for protection and promotion of human rights of all individuals without any kind of discriminations whether of race, sex, age or any other forms. The Universal Declaration of Human Rights (UDHR) adopted by the UN General Assembly in 1948 is regarded as the yardstick in the field of human rights and freedom. The UDHR has also stated about rights of elderly persons. Article 22 of the Declaration stated that all shall have the right to social security. Again Article 25 of the Declaration mentioned that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her 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/her control.

Apart from this, the United Nations has adopted several plans and declaration specifically to protect and promote rights of elderly people. With the purpose of creating and achieving awareness regarding the care of the

elderly persons, the UN has initiated an worldwide action through a World Assembly in Vienna which led to the adoption of "An International Plan of Action on Ageing" in 1982. This Plan of Action for Elderly is supposed to create awareness in the countries about the problem of the ageing. This Plan of Action has guided the course of formulation of policy for elderly persons. In 1991 the United Nations formulated the United Nations Principles for Older Persons. This has guided the governments of the countries all over the world in formulating principles for elderly persons. It has provided five principles which the government should take into consideration while preparing any policy regarding elderly persons, these five principles are- independence, participation, care, self-fulfilment and dignity. These can be described as follows:

1. Independence

I. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

II. Older persons should have the opportunity to work or to have access to other income generating opportunities.

III. Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.

IV. Older persons should have access to appropriate educational and training programmes.

V. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.

VI. Older persons should be able to reside at home for as long as possible.

2. Participation

I. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.

II. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities.

III. Older persons should be able to form movements or associations of older persons.

3. Care

I. Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.

II. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.

III. Older persons should have access to social and legal services to enhance their autonomy, protection and care.

IV. Older persons should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.

V. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

4. Self-fulfilment

I. Older persons should be able to pursue opportunities for the full development of their potential.

II. Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

5. Dignity

I. Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.

II. Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

(Source: https://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx)

The United Nations have conducted a number of survey to examine various human rights challenges faced by the elderly people. In 2011, the UN General Secretary published a Report which identified several areas related to the rights of the elderly persons where works have to be done. Some of these areas are- strengthening the international protection regime for the human rights of the elderly persons, violence against elderly persons and women in particular, financial exploitation of the elderly persons, health and long term care of elderly persons, participation of elderly persons in policy making and political life.

Apart from all these efforts of the UN, several other initiatives have also been adopted to safeguard the interest of the elderly people. In April 2002 the Madrid International Plan of Action on Ageing was adopted at the Second World Assembly on Ageing. There were mainly three areas where this Plan of Action gave emphasis, these were - Older Persons and Development; Advancing Health and Well-Being into Old Age; and ensuring Enabling and Supportive Environments.



CHECK YOUR PROGRESS

Q.1: Write briefly about any two problems faced by the elderly persons.

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Q.2: Which day of the year is observed as the International Day of Older Persons?

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Q.3: Write briefly about any two principles of the United Nations Principles for Older Persons, 1991.

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Q.4: In which year was the Madrid International Plan of Action on Ageing adopted?

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12.5 RIGHTS OF ELDERLY PERSONS: INDIAN PERSPECTIVE

In India, a number of constitutional and legislative provisions have been adopted to protect and promote rights and interests of elderly persons. The Fundamental Rights incorporated in Part III of the Indian Constitution ensure rights and freedoms to each and every citizens of India without any discrimination of race, sex, language, religion or age. Again the Directive Principles of State Policy incorporated in Part IV of the Constitution ensure some welfare measures for vulnerable groups including the elderly persons. Article 41 of the Directive Principles states that State shall take effective provisions to secure right to work, right to education, right to public assistance in case of old age, sickness etc.

Apart from these constitutional provisions the Government has adopted a number of measures to protect interest of elderly persons. Some of the measures adopted by the Government for elderly persons are- National Policy for Older Persons, National Council for Older Persons, Integrated Programme for Older Persons, Maintenance and Welfare of Parents and Senior Citizens Act (2007) etc. The National Policy for Older Persons was adopted by the Government of India on January 3, 1999. The main aim of this Policy is to empower the elderly persons by way of accelerating welfare measures regarding health, safety, social security of elderly persons. This Policy aims at creating awareness regarding elderly persons to help them in leading productive and independent life.

A National Council for Older Persons (NCOP) was constituted in 1999 under the chairmanship of the Ministry of Social Justice and Empowerment to operationalize the National Policy for Older Persons. The NCOP is the highest body to advise the government in the formulation and implementation of Policy and Programmes for the elderly persons. Some of the objectives of this Council are- to advice the government on policies and programmes for elderly persons, to suggest measures to the government to make old age productive and interesting. This Council works as a nodal point at the national level for redressing the grievances of elderly people and represent the collective opinion of the elderly persons to the government.

The Government has implemented an Integrated Programme for Older Persons since 1992 with the objective of providing food, shelter, medical care assistance to the elderly persons. Under this Integrated Programme, the Government provides financial assistance of upto 90% to the Non-governmental Organisations for running and maintaining old age homes, day care centres, mobile medical centres for elderly persons.

To protect the interest and rights of the elderly persons the Government of India has passed the Maintenance and Welfare of Parents and Senior Citizens Act in 2007. This Act makes it a legal obligation on the part of the children to provide maintenance to their elderly parents. This Act was amended in 2018 which broaden the responsibility beyond biological children and stringent punishment for negligent children.



CHECK YOUR PROGRESS

Q.5: Mention any two measures adopted by the Government of India to protect and promote the interest of the elderly persons.

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Q.6: Write briefly about the National Council for Older Persons.

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12.6 LET US SUM UP

- Population ageing is a natural and a global phenomenon. Aging refers to a natural process of growing old in the human cycle. This process of growing old or ageing involves a lots of biological, emotional, intellectual changes. This category of aged people are also known as elderly population. Very often it is seen that rights and interests of these aged people or elderly persons are grossly violated.
- Elderly persons have to face a number of problems and challenges which increase their vulnerability. This category of people are facing various social, political, social, economic and health related problems.
- The fundamental idea of human rights is that these rights are inalienable and inherent to each and every human being irrespective of their age, sex, language, religion, class or any other consideration. It implies that elderly people are also entitled to all basic human rights irrespective of their age. But very often it is seen that rights of elderly are grossly violated for which they have to suffer from various kinds of insecurity.
- The United Nations has been playing a key role in protecting and promoting rights of elderly persons. Every year 1 October is observed as the International Day of Older Persons to recognise the contribution of the older persons. The Universal Declaration of Human Rights (UDHR) adopted by the UN General Assembly in 1948 is regarded as the yardstick in the field of human rights and freedom. The UDHR has also stated about rights of elderly persons. Apart from this the United Nations has adopted several plans and declaration specifically to protect and promote rights of elderly people. With the purpose of creating and achieving awareness regarding the care of the elderly persons, the UN has initiated a worldwide action through a World Assembly in Vienna which led to the adoption of "An International Plan of Action on Ageing" in 1982. In 1991 the United Nations

formulated the United Nations Principles for Older Persons. In April 2002, the Madrid International Plan of Action on Ageing was adopted at the Second World Assembly on Ageing.

- In India a number of constitutional and legislative provisions have been adopted to protect and promote rights and interests of elderly persons. The Fundamental Rights incorporated in Part III of the Indian Constitution ensures rights and freedoms to each and every citizens of India without any discrimination of race, sex, language, religion or age. Again the Directive Principles of State Policy incorporated in Part IV of the Constitution ensure some welfare measures for vulnerable groups including the elderly persons.
- In India, the Government has adopted a number of measures to protect interest of elderly persons. Some of the measures adopted by the Government for elderly person are- National Policy for Older Persons, National Council for Older Persons, Integrated Programme for Older Persons, Maintenance and Welfare of Parents and Senior Citizens Act (2007) etc.



12.7 FURTHER READING

1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
2. Malhotra, S; Upadhyay, P.; Gupta, M.; Srivastava, R. & Pandey, S. (2005). *Human Rights: Emerging Issues*. New Delhi: Kialso Books Publication.
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4. Syed, M.H. (2003). *Human Rights: The New Era*. New Delhi: Kilaso Books.
5. Yasin, Adil-ul. & Upadhayay, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

12.8 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: (a) Social Problems: The elderly people many a time face certain social problems, such as- isolation, social disengagement, negligence etc. If we analyse the causes of such social problems then we can see that the breaking up of joint family, migration of youth to other places are some of the reasons behind these social problems faced by aged population.

(b) Economic Problems: The aged people also face economic crisis. Economic disengagement after retirement is one of the main reasons of economic crisis or problem faced by the elderly people. Again in many countries there is no provision for social security for elderly people which also leads to crisis situation for these people.

Ans. to Q. No. 2: 1st October

Ans. to Q. No. 3: (a) Independence :

(i) Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

(ii) Older persons should have the opportunity to work or to have access to other income generating opportunities.

(iii) Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.

(iv) Older persons should have access to appropriate educational and training programmes.

(v) Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.

(vi) Older persons should be able to reside at home for as long as possible.

(b) Participation :

(i) Older persons should remain integrated in society, participate

actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.

(ii) Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities.

(iii) Older persons should be able to form movements or associations of older persons.

Ans. to Q. No. 4: 2002

Ans. to Q. No. 5: National Policy for Older Persons, National Council for Older Persons.

Ans. to Q. No. 6: A National Council for Older Persons (NCOP) was constituted in 1999 under the chairmanship of the Ministry of Social Justice and Empowerment to operationalize the National Policy for Older Persons. The NCOP is the highest body to advise the government in the formulation and implementation of Policy and Programmes for the elderly persons. Some of the objectives of this Council are- to advice the government on policies and programmes for elderly persons, to suggest measures to the government to make old age productive and interesting. This Council works as a nodal point at the national level for redressing the grievances of elderly people and represent the collective opinion of the elderly persons to the government.



12.9 MODEL QUESTIONS

A) Very Short Questions

Q. 1: Which day of the year is observed as the International Day of Older Persons?

Q. 2: Mention any one provision incorporated in the Indian Constitution to protect the interest of the elderly persons.

Q. 3: What are the three main thrust areas of the Madrid International Plan of Action on Ageing, 2002?

B) Short Questions (answer each question in about 150 words)

Q. 1: Write briefly about the provisions incorporated in the Indian Constitution to protect and promote the rights of elderly persons.

Q. 2: Explain the principles of the United Nations Principles for Older Persons.

C) Long Questions (answer each question in about 300-500 words)

Q. 1: Explain various problems faced by the elderly persons.

Q. 2: Make a note on the efforts taken at the international level to protect the rights of the elderly persons.

Q. 3: Discuss various measures adopted in India to protect the rights of the elderly persons.

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UNIT 13: RIGHTS OF INDIGENOUS PEOPLE

UNIT STRUCTURE

13.1 Learning Objectives

13.2 Introduction

13.3 Concept and Definition of Indigenous People

13.4 Significance of the Rights of the Indigenous People

13.5 International Efforts to Protect the Rights of the Indigenous People

13.5.1 Provisions of the Declaration on the Rights of the Indigenous People

13.6 Rights of Indigenous People in India

13.7 Let Us Sum Up

13.8 Further Reading

13.9 Answers To Check Your Progress

13.10 Model Questions

13.1 LEARNING OBJECTIVES

After going through this unit, you will be able to-

- explain the concept and definition of Indigenous People
- examine the significance of rights of Indigenous People
- analyze the efforts taken at the international level to protect the rights of the Indigenous People
- discuss the rights of the Indigenous People in India.

13.2 INTRODUCTION

Indigenous people are those categories of people who had a long historical reality and has been experiencing with lots of contestation with the outsiders as a result of invasion. Indigenous people are also called as aboriginal people because these were the people who lived on their lands before settlers came from different places. These sections of people have been experiencing with lots of problems in different parts of the

world due to lack of awareness and increasing dependency syndrome. In a democratic country, the government should always try to facilitate all those facilities equally to each and every category of people. Though many Governments take policy decision in this regard, but it always remains unsolved due to the lack of policy implementation. The problem of ethnic clashes also increases as a result of disparities against these indigenous people. All these have led to the violation of human rights of the indigenous people. In this unit we shall discuss rights of the indigenous people and the measures taken at the international level and in India to protect their rights.

13.3 CONCEPT AND DEFINITION OF INDIGENOUS PEOPLE

According to the Oxford Dictionary "indigenous" means native, belonging naturally, that of the people regarded as the original inhabitants of an area. Thus indigenous people are generally so called because they were living on their lands before settlers came from elsewhere; they are the descendants of those who inhabited a country or a geographic region at the time when people of different cultures or ethnic origins arrived, the new arrivals later becoming dominant through conquest, occupation, settlement or other means. Though it is very difficult to find out an uniform definition of the word 'Indigenous', but in the international context three types of definitions are used. The first definition is found in an international law instrument, the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169 of 1989) of International Labour Organisation. The second definition of Indigenous people is a Working definition and third definition is found in the World Bank's Operational Directive.

The general conference of the International Labour Organisation adopted a Convention concerning protection and integration of indigenous and other tribal and semi-tribal population in independent countries in 1957

which tries to define and conceptualize the idea of 'Indigenous People'. The Article 1(1) of the Convention No 107 defines Indigenous as:

"members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the national to which they belong".

Later on ILO in its Article 1 (1) (b) of the revised Convention No 169 defines 'Indigenous' again and makes it more clear that, " People in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions".

In order to conceptualize the very idea of 'Indigenous People' United Nations also developed a working definition of the same. The UN Study Special Rapporteur observed "indigenous populations are composed of the existing descendants of the people who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form part, under a State structure which incorporates mainly the national, social and cultural characteristics of other segments of the population which are predominant".

Apart from the above mentioned categories of indigenous people, certain other groups of individuals can also be included under the notion of

'indigenous populations' on the basis of three reasons - (1) they are descendants of groups which were in the territory of the country at the time when other groups of different cultures or ethnic origins arrived there; (2) precisely because of their isolation from other segments of the country's population they have preserved almost intact the customs and traditions of their ancestors which are similar to those characterized as indigenous; (3) they are, even if only formally, placed under a State structure which incorporate national social and cultural characteristics alien to theirs.

13.4 SIGNIFICANCE OF THE RIGHTS OF THE INDIGENOUS PEOPLE

The International Labour Organization's Convention No. 107 of 1951 has defined Indigenous People as "those which having a historical continuity with pre-invasion and pre-colonial societies- consider themselves distinct from other sectors of societies now prevailing in those territories". The Vienna Declaration recognizes the importance of the promotion and protection of the rights of indigenous people and opines that States should, in accordance with international law, take positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people on the basis of equality and non-discrimination, and recognise the value and diversity of their distinct identities, cultures and social organization. There are more than 300 million of Indigenous People across the globe and almost half of these people are concentrated in India and China. These categories of people have been continuously underestimated and neglected over the past few decades and in the long run they get overburdened with the problems like loss or degradation of native lands due to the decolonization or development and threat of involuntary assimilation into the dominant cultures and so on. As such, they are required to be provided their cultural protection on land and human rights by their respective States.



CHECK YOUR PROGRESS

Q.1: In which year was the Convention Concerning Indigenous and Tribal Peoples in Independent Countries adopted?

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Q.2: Write briefly about the significance of the rights of the indigenous people.

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13.5 INTERNATIONAL EFFORTS TO PROTECT THE RIGHTS OF THE INDIGENOUS PEOPLE

At the international level a number of measures have been adopted to protect the rights of the indigenous people. It was the International Labour Organization (ILO) who for the first time took initiatives for the betterment of the indigenous people. In 1953, ILO completed a study that led to the adoption of a Convention on the Rights of the Indigenous and Tribal Populations in 1957. Again in 1989, another Convention came into existence in the form of Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries.

The United Nations through its different Declarations, series of discussion and forum has been trying to promote and protect the rights of indigenous people since long decades. There are three different bodies to deal with different issues of indigenous people under the parameter of United Nations Organization, e.g the Working Group on Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues. The Working Group deals with the issue of human rights violation of indigenous people and the improvement of their situation. The

Special Rapporteur investigates the cases related to their abuses and atrocities. Since the Permanent Forum on Indigenous Issues needs to act under the Economic and Social Council, so it basically deals with the socio-economic status of the indigenous people. This forum also covers certain aspects falling outside the human rights category.

Apart from these three specific bodies to deals with different indigenous issues, the Committee on the Elimination of Racial Discrimination has also dealt with the situation of indigenous people. The United Nations Working Group on Indigenous Populations which was created in 1982, is considered to be one of the important centre for indigenous rights activities within the United Nations Organization. This Working Group also functions as a forum attended annually by more than 500 indigenous representatives who are able to exchange views in a free and democratic manner with governments, non-governmental organization and United Nations agencies. In order to rectify serious human rights violation cases of indigenous people, the United Nations General Assembly has proclaimed the decade from 1995 to 2004 as the Decade of the World's Indigenous People. The goal of the Decade of the World's Indigenous People is to strengthen international cooperation for the solution of the problems faced by indigenous people. The UN General Assembly recommended that 9th August of every year is to be observed as the International Day of Indigenous People.

13.5.1 Provisions of the Declaration on the Rights of the Indigenous People

The Working Group on Indigenous Populations which was established in 1982 prepared the draft Declaration on the Rights of Indigenous People and it was adopted by the UN General Assembly in 1994. Some of the important rights incorporated in this Declaration are -

- Indigenous people have the right to the full and effective enjoyment of all human rights and fundamental freedoms

recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and International Human rights Law.

- Indigenous people are free and equal to all other individuals and people in dignity and rights, and have the right to be free from any kind of adverse discrimination, that in particular based on their indigenous origin or identity.
- Indigenous people have the right of self-determination. By virtue of that right they can freely determine their political status and freely pursue their economic, social and cultural development.
- Indigenous people have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems.
- Every indigenous individual has the right to a nationality.
- Indigenous people have the collective right to live in freedom, peace and security.
- Indigenous individuals have the rights to life, physical and mental integrity and liberty and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- Indigenous people have the collective and individual rights to maintain and develop their distinct identities and characteristics.
- Indigenous people shall not be forcibly removed from their lands and territories.
- Indigenous people have the right to special protection and security during armed conflict.
- Indigenous people have the right to revitalize, use, develop and transfer to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

- Indigenous people have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- Indigenous people have the right to dignity and diversity of their cultures,traditions, histories and aspirations.
- Indigenous people have the right to enjoy fully all rights established under international labour law and international labour legislation.
- Indigenous people have the right to development.
- Indigenous people have the right to the conservation, restoration and protection of the total environment and the productive capacity of their lands, territories and resources.
- Indigenous people have the collective right to determine the responsibilities of individuals to their communities.
- Indigenous people have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of their rights.

The Declaration provides that all the rights mentioned in the Declaration shall be available to all indigenous people without any kind of discrimination based on sex. The Declaration further mentions that all the states shall adopt appropriate measures for implementing the provisions of the Declaration.

For the effective implementation of the Declaration of Indigenous People, different organs of United Nations have contributed a lot. According to Article 40 of the Declaration, the organs of the United Nations and the specialized agencies and other inter-governmental organizations shall contribute to the full realization of the rights provided in the Declaration through the mobilization of financial cooperation and technical assistance. Likewise Article 41 states that the United Nations shall take necessary steps to ensure the implementation of rights stated in the Declaration including the creation of a body at the

highest level with special competence in this field and with the direct participation of indigenous people. Along with different organs, the state parties also play a very significant role in terms of restoring peace and guaranteeing rights of the indigenous people.

13.6 RIGHTS OF INDIGENOUS PEOPLE IN INDIA

India has witnessed a long struggle of the indigenous people's struggle for their own existence as a culturally diverse identity against the colonizers and later against the mainstream people. At present, India has 60 million Adivasi communities. The indigenous and tribal people of India has been experiencing lots of troubles regarding the issues of land, forest, water, culture, transportation and communication, health and hygiene, nutrition, education and identity. Quest for rights and politics of identity have become the reality of different indigenous groups in India specially from the post-independence period. Land has always remained as a crucial issue for the survival of different indigenous groups. But the development project initiated by the Government has led to the displacement of the indigenous people from their own land. The development-induced displacement, land alienation, loss of forest area have created serious challenges for the indigenous and tribal people for their survival. Many a time these issues have led to various movement led by these indigenous people. Some of such movements are- Narmada Bachao Andolan, Anti Land Alienation and Forest Protection Agitation in Telangana, Gujarat, Maharashtra etc. As a democratic country India must accommodate a rightful place to all the demands of the indigenous people regarding their rights.



CHECK YOUR PROGRESS

Q.3: Which day is observed as the International Day of Indigenous People?

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Q.4: What are the three bodies within the UN system to deal with the issues of indigenous people?

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Q.5: Mention any two rights of the indigenous people incorporated in the Declaration on the Rights of Indigenous People.

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Q.6: Write briefly about various challenges faced by the indigenous people in India.

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13.7 LET US SUM UP

- Indigenous people are those categories of people who had a long historical reality and has been experiencing with lots of contestation with the outsiders as a result of invasion. Indigenous people are also called as aboriginal people because these were the people who live on their lands before settlers came from different places.
- Rights of the indigenous people are being violated all over the world. they are required to be provided their cultural protection on land and human rights by their respective States.
- The Vienna Declaration recognized the importance of the promotion and protection of the rights of indigenous peoples and stated that States should, in accordance with international law, take positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization.

- At the international level various efforts have been made to protect the rights of the indigenous people. In this regard the role of the International Labour Organisation and the United Nations is remarkable.
- In 1953, ILO completed a study that led to the adoption of a Convention on the Rights of the Indigenous and Tribal Populations in 1957. Again in 1989 another Convention came into existence in the form of Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries.
- In the United Nations system there are three different bodies to deal with different issues of indigenous people, such as- the Working Group on Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues. The Committee on the Elimination of Racial Discrimination has also dealt with the situation of indigenous people.
- In order to rectify serious human rights violations cases of indigenous people, the United Nations General Assembly has proclaimed the decade from 1995 to 2004 as the Decade of the World's Indigenous People. The UN General Assembly recommended that 9th August of every year is to be observed as the International Day of Indigenous People.
- The Working Group on Indigenous Population which was established in 1982 prepared the draft Declaration on the Rights of Indigenous People and it was adopted by the UN General Assembly in 1994. This declaration contains many important rights for the indigenous people and it urges the state parties to take appropriate measures to protect the rights of the indigenous people.
- The indigenous and tribal people of India has been experiencing lots of troubles regarding the issues of land, forest, water, culture, transportation and communication, health and hygiene, nutrition, education and identity. Quest for rights and politics of identity become

the reality of different indigenous groups in India specially from the time of post-independence period.

- As a democratic country India must accommodate a rightful place to all the demands of the indigenous people regarding their rights.



13.8 FURTHER READING

1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
2. Anuradh, K.P. (2010). *Human Rights Issues in India*. New Delhi: Adhyan Publishers and Distributors.
3. Yasin, Adil-ul. & Upadhyaya, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

13.9 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: 1989

Ans. to Q. No. 2: The Vienna Declaration recognized the importance of the promotion and protection of the rights of indigenous people and opined that States should, in accordance with international law, take positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization. These categories of people have been continuously underestimated and neglected over the past few decades and in the long run they get overburdened with the problems like loss or degradation of native lands due to the decolonization or development and threat of involuntary assimilation into the dominant cultures and so on. As such, they are required to be provided their cultural protection on land and human rights by their respective States.

Ans. to Q. No. 3: 9th August

Ans. to Q. No. 4: The Working Group on Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Permanent Forum on Indigenous Issues.

Ans. to Q. No. 5: (i) Indigenous people have the right of self-determination. By virtue of that right they can freely determine their political status and freely pursue their economic, social and cultural development.

(ii) Indigenous people have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems.

Ans. to Q. No. 6: The indigenous and tribal people of India has been experiencing lots of troubles regarding the issues of land, forest, water, culture, transportation and communication, health and hygiene, nutrition, education and identity. Quest for rights and politics of identity become the reality of different indigenous groups in India specially from post-independence period. Land has always remained as a crucial issue for the survival of different indigenous groups. But the development project initiated by the Government has led to the displacement of the indigenous people from their own land. The development-induced displacement, land alienation, loss of forest area have created serious challenges for the indigenous and tribal people for their survival.



13.10 MODEL QUESTIONS

A) Very Short Questions

Q. 1: Which Decade was observed as the Decade of the World's Indigenous People?

Q. 2: In which year was the United Nations Working Group on Indigenous Populations created?

Q. 3: In which year was the Convention on the Rights of the Indigenous and Tribal Populations adopted by the International Labour Organization?

B) Short Questions (answer each question in about 150 words)

Q. 1: Define indigenous people.

Q. 2: Write a short note on the significance of the rights of the indigenous people.

Q. 3: Write briefly about the role of the International Labour Organisation in protecting and promoting rights of the indigenous people.

C) Long Questions (answer each question in about 300-500 words)

Q. 1: Examine various challenges faced by the indigenous people in India.

Q. 2: Discuss the role of the United Nations in protecting and promoting rights of the indigenous people.

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UNIT 14: HUMAN RIGHTS EDUCATION

UNIT STRUCTURE

14.1 Learning Objectives

14.2 Introduction

14.3 Concept of Human Rights Education

14.4 Relevance of Human Rights Education

14.5 World Campaign for Human Rights Education

14.6 Promotion of Human Rights Education in India

14.7 Role of the National Human Rights Commission in Promotion of Human Rights Education in India

14.8 Let Us Sum Up

14.9 Further Reading

14.10 Answers To Check Your Progress

14.11 Model Questions

14.1 LEARNING OBJECTIVES

After going through this unit, you will be able to-

- explain the meaning of Human Rights Education
- examine the relevance of Human Rights Education
- discuss different international efforts for Human Rights Education
- analyze the status of Human Rights Education in India
- discuss the role of the National Human Rights Commission in promotion of Human Rights Education.

14.2 INTRODUCTION

Human Rights Education is itself a human right. Human Rights Education teaches individual to respect, protect and promote the right of all people and thus promotes the democratic values, justice and human dignity. To create and spread awareness and understanding among the human being, Human Rights Education is a necessary urge. It also helps in realization and exploration of forces that constrain human security. UN

has given emphasis on Human Rights Education, training and public information for the achievement of global and harmonious relation among communities and for developing mutual understanding. Human Rights Education should include peace, democracy, development, social justice, humanitarian law as subjects of study. Human Rights Education indicates that educational institutions should become open, ideal places for the exercise of tolerance, respect for human rights, practice of democracy and learning about the diversity and worth of cultural identities. In this unit we shall discuss the importance of Human Rights Education with special reference to India.

14.3 CONCEPT OF HUMAN RIGHTS EDUCATION

The United Nations Decade for Human Rights Education (1995-2004) has defined Human Rights Education as "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes which are directed to:

(a) The strengthening of respect for human rights and fundamental freedoms;

(b) The full development of the human personality and the sense of its dignity;

(c) The promotion of understanding, respect, gender equality, and friendship among all nations, indigenous people and racial, national, ethnic, religious and linguistic groups;

(d) Enable all persons to participate effectively in a free society;

(e) The furtherance of the activities of the United Nations for the Maintenance of Peace." (Adapted from the Plan of Action of the United Nations Decade for Human Rights Education (1995-2004), paragraph 2)

The Council of Europe's Human Rights Education Youth Programme defines human rights education as educational programmes and activities

that focus on promoting equality in human dignity, in conjunction with programmes such as those promoting intercultural learning, participation and empowerment of minorities.

The very concept of Human Rights Education is based on strengthening respect for human rights and fundamental freedoms. It always strives for human dignity and develops individual self-respect for others. Gender equality, equal opportunities for both men and women, understanding the diversity of the society on national, ethnic, religious, linguistic line, promotion of democracy, social justice, communal harmony etc. are the primordial aspects of the whole discourse of Human Rights Education. Apart from these, it also tries to accelerate the activities of international institutions by aiming at the creation of a culture of peace, based upon universal values of human rights, international understanding, tolerance and non-violence.

14.4 RELEVANCE OF HUMAN RIGHTS EDUCATION

Human Rights are considered as a prerequisite for maintaining peace and development in any democratic country. For the sake of democracy, Human Rights Education is essential. Human Rights Education imparts the skills for promoting, protecting and applying human rights in our lives. Education is a tool for creating and maintaining the idea of human rights. It also helps people to know its importance in their daily life. The realization of the right to development of every human being and nation is impossible without the recognition of the right to education. So there is utmost importance of imparting Human Rights awareness through education. Human Rights Education is directed to -

- Strengthen the respect for human rights and fundamental freedom of individuals.
- Development of human personality and sense of human dignity.
- Promotion of understanding, tolerance, equality, friendship amongst different ethnic, religious and linguistic group.
- Enable all persons to participate effectively in the social life.

The purpose of education is to give people enhanced awareness, greater openness, the courage to question, and perseverance in searching for solutions. The goal of initial education is to equip one with basic minimum levels of knowledge, attitudes, values and skills to start one's life journey. Historically, education is an instrument of development and a factor for social change. Hence, the Human Rights Education must be offered to all human beings without any discrimination.

Human rights violations are most frequent during periods of political unrest. Along with repressing individuals and groups, governments may try to exercise control over ideas and information. Violations of human rights ultimately worsens the post-conflict situation. Emergence of Human Rights Education as an academic discourse plays a significant role in realizing the norms of human rights as well as the paradigms of human security. Peace is considered to be a situated concept. To ensure Perpetual Peace as stated by Immanual Kant on long term peace, process of development of human rights education through human security framework need to be accelerated.



CHECK YOUR PROGRESS

Q.1: State any two objectives of human rights education as mentioned in the Plan of Action of the United Nations Decade for Human Rights Education.

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Q.2: Human rights education is itself a human right. (True / False)

.....

14.5 WORLD CAMPAIGN FOR HUMAN RIGHTS EDUCATION

The efforts of the UN for spreading human rights education is very important. Since the time of adoption of the Universal Declaration of Human

Rights on 10 December, 1948, several world programme on Human Rights Education got started. The Preamble of Universal Declaration of Human Rights states that 'the General Assembly proclaims 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 people of Member States themselves and among the people of territories under their jurisdiction". So the Preamble of the Declaration itself emphasizes the promotion of Human Rights Education.

On 10 December, 1988, a United Nations World Public Information Campaign for Human Rights was launched by a General Assembly Resolution. The aim of this UN Campaign was to develop programmes of teaching, education and information in the field of human rights at a global level. The UN acknowledged the need of accessible information regarding human rights at local, regional, national and international levels.

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) has been playing an important role in promoting Human Rights Education. The UNESCO came into existence on 4th November, 1946. The UNESCO Convention against Discrimination in Education came into existence in 1962 which urges the state parties to adopt national policy to promote equality of opportunity and treatment in matters of education. The UNESCO also offers funding to promote interdisciplinary research which seeks to explore various social, economic and cultural factors which effect the concept of rights and their implementation. In 1993, an International Congress on Education for Human Rights and Democracy was organised in Montreal, Canada by the UNESCO and the United Nations Centre for Human Rights in collaboration with the Canadian Commission for UNESCO. At this Congress the World Plan of Action on Education for Human Rights and Democracy was adopted. This Plan recognises education as an

important aspect of democracy and human rights. The Vienna Declaration and Programme of Action was adopted in 1993 which also emphasised on eradication of illiteracy and urges the States to include human rights, humanitarian law in formal and non-formal educational curricula. It also urged the States to adopt measures for wide spread dissemination of importance of human rights education. In 1994 the Advisory Committee on Education for Peace, Human Rights and Democracy was established. The main objective of this Committee is to encourage activities at national, regional and international level for promoting education for human rights, democracy and peace.

As per the Resolution 49/184 adopted by the UN General Assembly in 1994, the Decade 1995-2004 was observed as the United Nations Decade for Human Rights Education. On 10 December, 2004 the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education to advance the implementation of Human Rights Education programmes in all sectors. Human Rights Education can contribute to the long term prevention of abuses and violent conflict by promoting respect for human dignity, equality and participation in democratic decision making process. In the post-world war phenomena specially in the post-cold war era concern for Human Rights Education become a reality for all the democratic and peace loving countries. Keeping in mind the necessity of each and every individual for a dignified life and to make it a reality, the World Programme on Human Rights Education seeks to promote a common understanding of the basic principles and methodologies of Human Rights Education and to provide a concrete framework for action, and to strengthen partnerships and cooperation at different level- from international to regional. The World Programme on Human Rights Education is open-ended and structured around an ongoing series of phases, the first of which covered the period 2005-2009 and focused on the primary and secondary school systems. From 2010 onwards the target audiences got changed and Second Plan of Action for World Programme on Human Rights Education basically targeted the higher education level. The Plan of Action for the second phase

(2010-2014) of the World Programme proposes certain strategy for implementing Human Rights Education in diverse areas at the national level. For the effective implementation of policies at the higher education level the Second Plan of Action highlighted five specific elements, such as-

- **Policies and related implementation measures:** Higher education policies are to be developed in a participatory manner so that proper legislation and implementation could be done.
- **Teaching and learning processes and tools:** For improving the process of Human Rights Education, there must be a holistic approach in the teaching-learning methods so that values can be inculcated.
- **Research:** Research can be an important tool for furthering the significance of human rights education by developing new knowledge and critical debates in terms of the issues of rights of human being.
- **The learning environment:** The learning environment can be improved by fostering mutual understanding, respect and responsibility among the people thereby educating them in terms of human rights. In a healthy academic environment only, both students and teachers can discuss the issues of social importance and increases opportunities for interacting with the wider community.
- **Education and professional development of higher education teaching personnel:** At the higher education level, the teaching personnel must serve as a patron of human rights values. They must be committed and motivated for the cause of human rights with an optimistic bent of mind.

14.6 PROMOTION OF HUMAN RIGHTS EDUCATION IN INDIA

Education is a much needed requirement for each and every category of people. It can also be considered as a tool for creating the

real idea of human rights and aware people in their daily life. In India efforts have been made to spread awareness regarding Human Rights Education and for this purpose various constitutional and legislative measures have been adopted. Article 51A (1) of the Indian Constitution states that one of the Fundamental Duties of the Indian citizens is to develop scientific temper, humanism and the spirit of inquiry and reform. The effective discharge of this duty will require Human Rights Education to give people enhanced awareness and greater openness. In 1975, the National Council of Educational Research and Training (NCRT) formulated the first National Curriculum Framework which states, "The awakening of social consciousness, the development of democratic values and of a feeling of social justice and national integration are extremely important.... All subjects should be taught in such a manner so as to foster the spirit of scientific humanism." The University Grants Commission appointed Sikri Committee in 1980 to consider and recommend different ways and means for promoting Human Rights Education in India. Different universities and colleges take various initiatives for opening courses on Human Rights Education. There is a Centre for the promotion of Human Rights Education and Research at the Jawaharlal Nehru University which is devoted exclusively to human rights studies. The UGC also offers helping hand by assisting colleges and universities financially for the development of specific courses in human rights.

14.7 ROLE OF THE NATIONAL HUMAN RIGHTS COMMISSION IN PROMOTION OF HUMAN RIGHTS EDUCATION IN INDIA

The National Human Rights Commission has facilitated a process of developing syllabus and curriculum guidelines of Human Rights Education for the teachers of schools up to secondary level. Ever since the inception of the Commission in 1993, it has been working seriously for the cause of Human Rights Education. Human Rights Education at school level has been a field of the same scale of concern. As such, the Commission has

made an effort to ascertain as to how Human Rights Education is being imparted at the school level and also wanted to know about its impact in terms of inculcation of human rights values amongst the school going children who are the future of the Nation. The Commission on Human Rights firmly believes that an appropriate model of human rights leading to address each issue of concern and, such model need to be imbibed in teachers training programme, besides its inclusion in other professional degree programme leading to B.Ed. M.Ed. and others. The Commission undertakes and promotes research in the field of human rights. The Commission on Human Rights tries to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication of the media, seminar and other available means. The Commission recommends that the right to education must be enforced if the nation is to prove its seriousness in the efforts to end the child labour. The Commission also recommends that that in a further step aimed at increasing awareness of human rights in the country, the inclusion of questions relating to such rights in the general knowledge paper of the Civil Service Examination for entry into the highest civil services in the country. The Commission points out that this would lead to a greater sensitization on human rights issues and give impetus to the nation's attempts at fostering a culture of human rights among aspiring civil servants of the country. Thus with its various tasks and suggestions, the Commission has been playing an important role in spreading awareness regarding Human Rights Education.



CHECK YOUR PROGRESS

Q.3: In which year was the United Nations World Public Information Campaign for Human Rights launched?

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Q.4: What is the full form of UNESCO?

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Q.5: Write any two specific elements of the Second Plan of Action for World Programme on Human Rights Education.

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Q.6: What is the main objective of the Advisory Committee on Education for Peace, Human Rights and Democracy?

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14.8 LET US SUM UP

- Human Rights Education is itself a human right. Human Rights Education teaches individual to respect, protect and promote the right of all people and thus promotes the democratic values, justice and human dignity. To create and spread awareness and understanding among the human being Human Rights Education is a necessary urge.
- The very concept of Human Rights Education is based on strengthening respect for human rights and fundamental freedoms. It always strives for human dignity and develops individual self-respect for others. Gender equality, equal opportunities for both men and women, understanding the diversity of the society on national, ethnic, religious, linguistic line, promotion of democracy, social justice, communal harmony etc. are the primordial aspects of the whole discourse of Human Rights Education.
- Human Rights are considered as a prerequisite for maintaining peace and development in any democratic country. For the sake of democracy, Human Rights Education is essential. Human Rights Education imparts the skills for promoting, protecting and applying human rights in our lives.

- Human Rights Education is directed to - strengthen the respect for human rights and fundamental freedom of individuals, development of human personality and sense of human dignity, promotion of understanding, tolerance, equality, friendship amongst different ethnic, religious and linguistic group, enable all persons to participate effectively in the social life.
- The efforts of the UN for spreading Human Rights Education is very important. Since the time of adoption of the Universal Declaration of Human Rights on 10 December, 1948, several world programme on Human Rights Education got started. On 10 December, 1988, a United Nations World Public Information Campaign for Human Rights was launched by a General Assembly Resolution. The aim of this UN Campaign was to develop programmes of teaching, education and information in the field of human rights at a global level.
- The United Nations Educational, Scientific and Cultural Organisation (UNESCO) has been playing an important role in promoting Human Rights Education. The UNESCO Convention against Discrimination in Education came into existence in 1962 which urges the state parties to adopt national policy to promote equality of opportunity and treatment in matters of education. The UNESCO also offers funding to promote interdisciplinary research which seeks to explore various social, economic and cultural factors which effect the concept of rights and their implementation.
- In 1993 an International Congress on Education for Human Rights and Democracy was organised in Montreal, Canada by the UNESCO and the United Nations Centre for Human Rights in collaboration with the Canadian Commission for UNESCO. At this Congress the World Plan of Action on Education for Human Rights and Democracy was adopted.
- In 1994 the Advisory Committee on Education for Peace, Human Rights and Democracy was established. The main objective of this Committee is to encourage activities at national, regional and

international level for promoting education for human rights, democracy and peace.

- On 10 December, 2004 the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education to advance the implementation of human rights education programmes in all sectors.
- In India efforts have been made to spread awareness regarding Human Rights Education and for this purpose various constitutional and legislative measures have been adopted. The University Grants Commission appointed Sikri Committee in 1980 to consider and recommend different ways and means for promoting Human Rights Education in India. Different universities and colleges take various initiatives for opening courses on Human Rights Education. There is a Centre for the promotion of Human Rights Education and Research at the Jawaharlal Nehru University which is devoted exclusively to human rights studies.
- The role of the National Human Rights Commission in promoting awareness regarding Human Rights Education in India is remarkable.



14.9 FURTHER READING

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3. Mahaparta, N. (2012). *Role of Education in Promotion and Protection of Human Rights*. Odisha Review, pp. 26-30.
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5. Human Rights Education in India: Importance, Present Status, Asia Pacific Journal of Research, Vol I, Issue XXXVI, February 2016
6. General Assembly Resolution 59/113 A
7. www.ohchr.org and www.unesco.org

14.10 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: (i) Strengthen the respect for human rights and fundamental freedom of individuals.

(ii) Development of human personality and sense of human dignity.

Ans. to Q. No. 2: True

Ans. to Q. No. 3: 1988

Ans. to Q. No. 4: United Nations Educational, Scientific and Cultural Organisation

Ans. to Q. No. 5: (i) Policies and related implementation measures: Higher education policies are to be developed in a participatory manner so that proper legislation and implementation could be done.

(ii) Teaching and learning processes and tools: For improving the process of Human Rights Education, there must be a holistic approach in the teaching-learning methods so that values can be inculcated.

Ans. to Q. No. 6: The main objective of the Committee is to encourage activities at national, regional and international level for promoting education for human rights, democracy and peace.

14.11 MODEL QUESTIONS

A) Very Short Questions

Q. 1: Which decade was observed as the United Nations Decade for Human Rights Education?

Q. 2: What was the aim of the United Nations World Public Information Campaign for Human Rights launched by the UN in 1988?

Q. 3: Write briefly about the World Plan of Action on Education for Human Rights and Democracy.

B) Short Questions (answer each question in about 150 words)

Q. 1: Write briefly about the meaning of Human Rights Education.

Q. 2: Explain the role of the UNESCO in the context of Human Rights Education.

Q. 3: Write a short note on the role of the National Human Rights Commission of India in spreading awareness regarding Human Rights Education.

C) Long Questions (answer each question in about 300-500 words)

Q. 1: Examine the measures adopted in India for Human Rights Education.

Q. 2: Discuss the role of the United Nations in promoting Human Rights Education.

*** ***** ***

UNIT 15: ROLE OF NGOs IN THE PROTECTION OF HUMAN RIGHTS

UNIT STRUCTURE

15.1 Learning Objectives

15.2 Introduction

15.3 Role of NGOs in the Protection and Promotion of Human Rights in General

15.4 Role of the Amnesty International in the Protection and Promotion of Human Rights

15.5 Role of the Human Rights Watch in the Protection and Promotion of Human Rights

15.6 Let Us Sum Up

15.7 Further Reading

15.8 Answers To Check Your Progress

15.9 Model Questions

15.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- explain the role of NGOs in protecting Human Rights
- discuss the role of the Amnesty International in the protection and promotion of Human Rights
- examine the role of the Human Rights Watch in the protection and promotion of Human Rights.

15.2 INTRODUCTION

NGO and Human Rights are the two themes in the field of social set up. Non-governmental organizations are the non-profit organizations that operate independently of any government, typically to address social or political issue. It is a citizen based association usually to deliver resources or serve some social or political purposes. Moreover, NGOs are task-oriented and driven by people with a common interest. NGOs perform a

variety of service and humanitarian functions, bring citizen's concerns to government, advocate and monitor policies and encourage political participation through provision of information. In this unit, we shall discuss the role of the NGOs in protecting and promoting human rights with special reference to the role of the Amnesty International and Human Rights Watch.

15.3 ROLE OF NGOs IN THE PROTECTION AND PROMOTION OF HUMAN RIGHTS IN GENERAL

NGOs are formed according to the aspirations of the organizers. They work for the people. Two most important NGOs for Human Rights are Amnesty International and Human Rights Watch. Asian Watch (1985), African Watch are the other agencies for human rights protection. It is globalization that has given opportunities to the non-governmental organizations (NGOs) to emerge on the world stage as one of the key players in the process of promotion and protection of human rights around the world. Kofi Annan, former UN Secretary General said regarding the role of NGOs in the human society that "the 21st century will be an era of NGOs". Moreover the World Conference on Human Rights held in Vienna in Austria in 1993 accepted the significant responsibility of NGOs in the encouragement of the entire human rights.

Various associations and NGOs around the globe have been working for protecting and preserving human rights or devote their labour in defending human rights to reach its end that rights of people are well protected. By organizing seminars, conferences and meetings on different aspects of human rights, NGOs can play an important role in order to mobilize public opinion through which it can create and spread awareness regarding human rights. Different NGOs can take initiative for inviting personalities of different discipline, for instance- administrative officers, jailors, police officers, judges, advocates, journalist etc. who can deliver speech regarding the significance of human rights and freedoms. NGOs must create an environment of discussion so that the issues continue to be re-emphasized in terms of protection of human rights. NGOs may play a

significant role by providing information to the society regarding all sorts of human rights violation cases, for instance- conditions of jails, treatment meted to prisoners etc. NGO's can play the role of a civil society by highlighting certain areas where human being can easily avail certain facilities with the help of which human dignity can be maintained.

15.4 ROLE OF THE AMNESTY INTERNATIONAL IN THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

Amnesty International (AI), a London based non-governmental organization focuses and pursues the matters relating to human rights. The Amnesty International was formed in July 1961, in Britain by Peter Benenson for protecting and preserving human rights. Now, the AI is an international organization formed with objective "to conduct research and generate action to prevent and end abuses of human rights, and to demand justice for those whose rights have been violated". Amnesty considers capital punishment to be "the ultimate irreversible denial of human rights". For its tremendous activities in the field of human rights protection and campaigning against torture, AI was awarded the Nobel Peace Prize in 1977 and the United Nations prize in the field of human rights in 1978. AI works for protecting human dignity and protecting and promoting rights of women, children, minorities throughout the world.

- **Aims and Objectives of the Amnesty International**

Amnesty International is an organization for protection and promotion of Human Rights. Some of its specific aims are -

i) To abolish death penalty.

ii) To prevent extra judicial executions and disappearances.

iii) To ensure secured and safe prison so that prisoners should get international standard of human rights.

iv) To ensure fair trial for all political prisoners.

v) To ensure free education to all children world wide.

vi) Decriminalisation of abortion.

Amnesty International symbolizes the progressive protection of human rights. It is a global movement of more than million people who fight for securing justice. It works for a world where human rights are available for all. Amnesty International is totally free from any political ideology, economic interest or religion.

- **Principles of the Amnesty International**

The founding principles of Amnesty International are-

1. Non intention on political questions.
2. Promoting human rights.
3. Promoting rights of prisoners also.
4. A strong commitment to gather facts about the various cases etc.

- **Main Goals of the Amnesty International**

Amnesty International is an organization of focusing on prisoners of conscience of global community of human rights defenders based on the principles of international solidarity , effective action for the individual victim, global coverage, the universality and indivisibility of human rights, impartiality and independence and democracy and mutual respect.

Primary goals of the Amnesty International are-

(1) Freeing all prisoners of conscience.
(2) Ensuring prompt and fair trials for all political prisoners.
(3) Abolition of death penalty, torture and other degrading punishment.
(4) Ending extra judicial executions and disappearances.
(5) Working to ensure justice to human rights in accordance with international standards.

On principle, Amnesty International does not accept government funding of any kind. It remains independent of governmental, economic or political interest. Moreover, it has no religious affiliations and covers all sections of people irrespective of religious faiths. It is a self governing, democratic body that is led by a nine-members International Executive Committee (EIC).

The organization developed its first global campaing against torture in 1973, and in 1984 the United Nations (UN) passed the Convention against Torture, which called for governments to punish those who committed torture within their jurisdiction and which took effect in June 1987. Later on, in February, 2001, 123 members nations have ratified the Convention.

- **Jurisdiction of the Amnesty International**

Main objective of the Amnesty International is to protect and preserve the rights of the victims according to the Universal Declaration of Human Rights. There are six key areas of the Amnesty International. These are -

(i) Children, women, minorities and indigenous people's rights

(ii) Ending torture

(iii) Abolition of death penalty

(iv) Rights of Refugees

(v) Rights of prisoners of conscience

(vi) Protection of human dignity.

- **Present Status of the Amnesty International**

Presently the Amnesty International has more than 7 million members and supporter. This independent organization has its own ideology and campaign for preservation of human rights. The purpose of the Amnesty International is to protect individuals wherever justice, fairness, freedom and truth are denied.

The countries in which the Amnesty International has strong presence, members are organized as "sections". The sections co-ordinates basic AI activities normally with a significant number of members, some of whom are formed into "groups" and a professional staff under a board of directors. There are more than 52 sections worldwide. AI has organizational models like international members, international networks to promote specific themes or have a specific identity and "affiliated groups" for working as section groups.

The International Secretariat (IS) of Amnesty International is responsible for the conduct and daily affairs of the Amnesty International under the direction of the International Board. Headed by a Secretary General, the International Board is run by approximately 500 professional staff members. The secretary operates several work programmes; international law and organizations , research; campaigns; mobilization and communications. In 1984 AI received the Four Freedom Award. In 1977 Amnesty International was awarded the Nobel Peace Prize for contributing towards securing the ground for freedom, for justice, and thereby also peace in the world.



CHECK YOUR PROGRESS

Q.1: The Amnesty International was founded in the year …… . (Fill in the blank)

Q.2: In which year was the Amnesty International awarded the Nobel Peace Prize?

.....

Q.3: Mention any two key areas of the Amnesty International.

.....

.....

Q.4: Write briefly about the role of NGOs in promotion and protection of human rights.

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15.5 ROLE OF THE HUMAN RIGHTS WATCH IN THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

Human Rights Watch (HRW) is an international organization that conducts research and advocacy on human rights. It was established at

New York, of USA in 1978 which was formerly known as Helsinki Watch. It was founded by Aryeh Neier, Robert L. Bernstein, Jeri Laber. Head quarters of the Human Rights Watch is located at New York of the United States of America. Human Rights Watch is an international non-governmental organization that was established to defend and protect human rights. It is an independent international organization that works as a part of vibrant organized movement and advance the course of human rights for all. The working of the Human Rights Watch is guided by international human rights and humanitarian law and respect for the dignity of human being. The core value of Human Rights Watch is "we are committed to our Mission of defending Human Rights world Wide".

Human Rights Watch has branch offices in many cities around the world. Human Rights Watch is known for its accurate fact finding, impartial reporting, effective use of media and targeted advocacy, often in partnership with local human rights groups. It publishes more than 100 reports on briefing human rights conditions in some 90 countries covering local and international media. Sometimes it meets with government, the UNO, regional groups like the African Union, the European Union etc. The ground researchers completely monitor human rights conditions in some 80 countries around the world. They carry out their duty by talking with people who were either abused or who have witnessed abuse and they interact with human rights activists, lawyers, journalists, experts and government officials.

Human Rights Watch defends the rights of people worldwide. More particularly, it investigates abuses, expose the facts widely and put pressure on those in power to respect rights and secure justice. It is an organisation for focusing international attention where human rights are violated. Human Rights Watch raises voice for the oppressed and hold oppressors accountable for their crimes. It has been working since its inception in the field of human rights protection and has fought to bring greater justice and security to people around the world.

- **Main Issues of the Human Rights Watch Campaign**

Human Rights Watch determines its goals and issues in connection with preservation and protection of human rights. The main issues of the

Human Rights Watch are -

(i) Abolition of excessive punishment

(ii) Abolition of child labour

(iii) Prevention of entry of children into military force

(iv) Prevention of death in the police custody and judicial custody

(v) Protection of civilians in the wartime

(vi) End of police atrocity

(vii) Rights of women and children

(viii) End of trafficking of girls and women

(ix) Prevention of mental torture

(x) Problems of homeless and orphans etc.

- **Mission Statement of the Human Rights Watch**

Human Rights Watch, a non profit and non governmental organization, defends the rights of the people worldwide. Human Rights Watch is an independent, international organization that works as part of vibrant movement to uphold human dignity and human rights for all. The core value of Human Rights Watch is that it is committed to defend human rights and humanitarian law and uphold the respect for the dignity of human beings worldwide. It fights against any kind of violation of human rights.

Human Rights Watch publishes research reports on violations of human rights as set out by the Universal Declaration of Human Rights. Human Rights Watch has documented and reported various violations of the laws of war and international humanitarian laws. Moreover, each year Human Rights Watch presents the Human Rights Defenders Award to activists around the world in the field of human rights protection. The present executive director of Human Rights Watch is Kenneth Roth. It consists of different watches for each region of America, Africa, Asia, Europe and the Middle East and these Watches have local researchers that generate reports.



LET US KNOW

American Watch, Asian Watch, African Watch, Middle East Watch are known as "The Watch Comities". In 1988 all these comities were united under one umbrella to form Human Rights Watch.



CHECK YOUR PROGRESS

Q.5: Head quarters of the Human Rights Watch is located at …….. (fill in the blank)

Q.6: Mention any four issues of the Human Rights Watch in connection to preservation and protection of human rights.

…….

…….

Q.7: Write briefly about the role of the Human Rights Watch in promotion of human rights.

…….

…….

…….



15.6 LET US SUM UP

- Non-governmental organizations are the non-profit organization that operates independently of any government, typically to address social or political issue. It is a citizen based association usually to deliver resources or serve some social or political purposes.
- Various associations and NGOs around the globe have been working for protecting and preserving human rights or devote their labour in defending human rights to reach its end that rights of people are well protected.
- By organizing seminars, conferences and meetings on different aspects of human rights, NGOs can play an important role in order to

mobilize public opinion through which it can create and spread awareness regarding human rights. NGOs must create an environment of discussion so that the issues continue to be re-emphasized in terms of protection of human rights.

- NGOs may play a significant role by providing information to the society regarding all sorts of human rights violation cases, for instance-conditions of jails, treatment meted to prisoners etc. NGO's can play the role of a civil society by highlighting certain areas where human being can easily avail certain facilities with the help of which human dignity can be maintained.
- Amnesty International (AI), a London based non-governmental organization focuses and pursues the matters relating to human rights. The Amnesty International was formed in July 1961, in Britain by Peter Benenson for protecting and preserving human rights. AI works for protecting human dignity and protecting and promoting rights of women, children, minorities throughout the world.
- Amnesty International considers capital punishment to be "the ultimate irreversible denial of human rights". For its tremendous activities in the field of human rights protection and campaigning against fortune, AI was awarded the Nobel Peace prize 1977 and the United Nations prize in the field of human rights in 1978.
- Human Rights Watch (HRW) is an international organization that conducts research and advocacy on human rights. It was established at New York of USA in 1978 which was formerly known as Helsinki Watch. It was founded by Aryeh Neier, Robert L. Bernstein, Jeri Laber. Head quarters of the Human Rights Watch is located at New York of United States of America.
- Human Rights Watch is an international non-governmental organization that was established to defend and protect human rights. It is an independent international organization that works as a part of vibrant organized movement and advance the course of human rights for all. The working of Human Rights Watch is guided by international human rights and humanitarian law and respect for the dignity of human being.

- Human Rights Watch has branch offices in many cities around the world. Human Rights Watch is known for its accurate fact finding, impartial reporting, effective use of media and targeted advocacy, often in partnership with local human rights groups.
- Human Rights Watch defends the rights of people worldwide. More particularly, it investigates abuses, expose the facts widely and put pressure on those in power to respect rights and secure justice. It is an organisation for focusing international attention where the human rights are violated. Human Rights Watch raises voice for the oppressed and hold oppressors accountable for their crimes.



15.7 FURTHER READING

1. Agarwal, H.O. (2006). *Human Rights*. Allahabad: Central Law Publications.
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3. Malhotra, S, Upadhya, P, Gupta, M. Srivastava, R., & Pandey, S. (2005). *Human Rights: Emerging Issues* . New Delhi : Kails Books Publications.
4. Basu, D.D. (2012). *Introduction to the Constitution of India*.
5. Sanajoba, N. (1994). *Human Rights: Principles, Practices and Abuses*. New Delhi: Omsons Publication.
6. Yasin, Adil-ul. & Upadhyaya, Archana. (2004). *Human Rights*. New Delhi: Akansha Publishing House.

15.8 ANSWERS TO CHECK YOUR PROGRESS

Ans. to Q. No. 1: 1961

Ans. to Q. No. 2: 1977

Ans. to Q. No. 3: (i) Abolition of death penalty

(ii) Ending torture

Ans. to Q. No. 4: Various associations and NGOs around the globe have been working for protecting and preserving human rights or devote their labour in defending human rights to reach its end that rights of people are well protected. By organizing seminars, conferences and meetings on different aspects of human rights, NGOs can play an important role in order to mobilize public opinion through which it can create and spread awareness regarding human rights. Different NGOs can take initiative for inviting personalities of different discipline, for instance- administrative officers, jailors, police officers, judges, advocates, journalist etc who can deliver speech regarding the significance of human rights and freedoms. NGOs must create an environment of discussion so that the issues continue to be re-emphasized in terms of protection of human rights. NGOs may play a significant role by providing information to the society regarding all sorts of human rights violation cases, for instance- conditions of jails, treatment meted to prisoners etc. NGO's can play the role of a civil society by highlighting certain areas where human being can easily avail certain facilities with the help of which human dignity can be maintained.

Ans. to Q. No. 5: New York city of the United States of America

Ans. to Q. No. 6: (i) Abolition of excessive punishment

(ii) Abolition of child labour

(iii) Prevention of death in the police custody and judicial custody

(iv) Protection of civilians in the wartime.

Ans. to Q. No. 7: Human Rights Watch, a non profit and non governmental organization, defends the rights of the people worldwide. Human Rights Watch is an independent, international organization that works as part of vibrant movement to uphold human dignity and human rights for all. The core value of Human Rights Watch is that it is committed to defend human rights and humanitarian law and uphold the respect for the dignity of human beings worldwide. It fights against any kind of violation of human

rights. Human Rights Watch publishes research reports on violations of international human rights as set out by the Universal Declaration of Human Rights. Human Rights Watch has documented and reported various violations of the laws of war and international humanitarian laws. Moreover, each year Human Rights Watch presents the Human Rights Defenders Award to activists around the world in the field of human rights protection. The present executive director of Human Rights Watch is Kenneth Roth. It consists of different watches for each region of America, Africa, Asia, Europe and the Middle East and these Watches have local researchers that generate reports.



15.9 MODEL QUESTIONS

A) Very Short Questions

Q. 1: Who were the founders of the Human Rights Watch?

Q. 2: Who was the founder of the Amnesty International?

Q. 3: Write briefly about the jurisdiction of the Amnesty International.

B) Short Questions (answer each question in about 150 words)

Q. 1: Write briefly about the role of the NGOs in promotion and protection of human rights.

Q. 2: Write a short note on the main issues of the Human Rights Watch Campaign for human rights.

Q. 3: Write briefly about the aims and objectives of the Amnesty International.

C) Long Questions (answer each question in about 300-500 words)

Q. 1: Examine the role of the Amnesty International in the promotion and protection of human rights worldwide.

Q. 2: Discuss the role of the Human Rights Watch in the promotion and protection of human rights.

*** ***** ***



REFERENCE

- **Book**

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- **Website:**

1. https://www.ohchr.org
2. https://courses.lumenlearning.com

- **Reports :**

1. UN The Human Right Fact Sheet No 9, Centre for Human Rights, Geneva (1990).
2. Martinez Cobo, Preliminary Report of the Study of the problem of discrimination against Indigenous Population, UN.
3. Preliminary Report of the study of the Problem of Discrimination against Indigenous Populations, UN.

Name of the Paper: .....
Course Code: .....

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Learner's Feedback on Course

Dear Learner,

Regarding the course as mentioned above, we would like to know your opinions and comments so as to improve the quality of self learning materials in future. Please respond to the following statements by ticking the number you feel most reflect your opinion. After completion of the additional comments, please detach the page and send/mail the same to us at the address given below.

The Director, Centre for Internal Quality Assurance, KKHandiqui State Open University
Housefed Complex, Dispur, Guwahati-781006
(E-mail id: ciqa@kkhsou.in)

1) Approximately how many hours did you spend for studying the units in the course? ☐☐☐

2) Please give your opinions (by ✓ mark) to the following items based on your reading of the block:

Sl. No.	Statements	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I)	The SLMs of the course fulfil the learning objectives set out in the beginning of each unit					
II)	The units of the SLM could satisfy my academic needs and expectations					
III)	The Unit writers have excellent knowledge about the course contents					
IV)	Language and contents of the units were presented at a level which I could readily understand					
V)	Ample opportunity for participation in the activities provided in the units					
VI)	Used enough Illustrations (Diagrams, tables etc.) for conceptual clarity					
VII)	Quality of content is engaging, relevant, and up-to-date					
VIII)	The self check questions are very helpful					
IX)	The Possible/model questions and the answers to check my progress have benefited me a lot					

Additional Comments: *(Please feel free to provide your open comments)*

1) Which aspects of the SLM, according to you, worked well?

.....

.....

2) What sort of changes/improvements do you feel KKHSOU could implement to improve the overall quality of the SLM?

.....

.....

Thank you for taking the time to complete this form.